

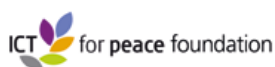


Institut suisse de droit comparé  
Schweizerisches Institut für Rechtsvergleichung  
Istituto svizzero di diritto comparato  
Swiss Institute of Comparative Law

December 8, 2017

Dorigny, Lausanne

# The Legal Framework for Countering Terrorist and Violent Extremist Content Online



Registration: [news@isdch.ch](mailto:news@isdch.ch)

# The Legal Framework for Countering Terrorist and Violent Extremist Content Online

## Introduction

Recent terrorist attacks have shed light on how the information and communications technologies (ICTs) are crucial to terrorists' activities. The Internet in particular appears as a key element to disseminate propaganda, recruit and train, radicalize, engage in the illicit trade of weapons, generate funds, plan and coordinate terrorist activities and glorify terrorists' atrocities.

Conscious of this significant and growing threat, the Security Council of the United Nations, in its resolutions 1373 (2001), 1624 (2005), 2178 (2014), 2322 (2016) and 2354 (2017) recognizes the potential abuse of the ICTs for terrorist purposes and calls upon Member States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law, in particular, human rights and fundamental freedoms. Resolution 2354 (2017) welcomes the Counter-Terrorism-Committee document entitled "Comprehensive International Framework to Counter Terrorist Narratives" number S/2017/375 with recommended guidelines and good practices to effectively counter the ways that ISIL (Da'esh), Al Qaida and associated individuals, groups, undertakings and entities use their narratives to encourage, motivate, and recruit others to commit terrorist acts. The International Framework consists of three components:

- 1) Legal and law enforcement measures in accordance with obligations under international law and consistent with United Nations resolutions;

- 2) Public-private partnerships;

and

- 3) Counter-narratives. Legal and law enforcement measures taken consistent with United Nations resolutions and Member States' obligations under international law to prohibit and prevent incitement to commit acts of terrorism are a core part of the comprehensive international framework to counter terrorist narratives. It should be recalled that, in all actions taken to counter and prevent incitement to commit terrorist acts, it is important to distinguish between communications that may be criminal in nature and others that, while morally repugnant, do not rise to that level.

Among the measures considered necessary and appropriate to counter abuses of the internet, many states have developed the technical and legal means to monitor, block, and take down online content deemed terrorist or violent extremist. A challenge in this regard concerns the compatibility of the different measures with human rights and fundamental freedoms, in particular freedom of expression, a concern repeatedly expressed by the Council of Europe. In this regards, the Swiss Institute of Comparative Law drafted a study, which shows a wide diversity of approaches among the Member States of the Council of Europe. These range from mere practices left in the hands of the private sector to a specific legal framework setting up special administrative or judicial powers to order blocking or taking down of specific online contents. On the regional level, the European Union has adopted Directive 2017/541, according to which criminal provisions and blocking provisions relating to terrorism will be harmonized.

## Event

The Swiss Institute of Comparative Law will organize, on 8 December 2017, an international conference in collaboration with the UN Counter-Terrorism Committee Executive Directorate (UN CTED), the Swiss foundation ICT4Peace and the Ethics and Communication Law Centre of the *Università della Svizzera Italiana* on the legal framework according to which terrorist and violent extremist content online is blocked or taken down. The primary aim of the event will be to offer a better understanding of the emerging international normative framework and the diversity of legal approaches followed by States as well as the private sector regarding measures of monitoring, blocking and taking down of terrorist and violent extremist content online. In order to understand not only the different national approaches, but also the different dynamics, the conference will follow a multi-stakeholder approach. It will also take into account the technical and economic aspects around measures of blocking and taking down of Internet content and will aim at identifying good practices. With its focus on legal aspects, the conference addresses in the first place academics, government officials, lawyers and legal professionals working for the different stakeholders. It is also open to lawyers generally interested in legal issues online.

**December 8, 2017**

8:45 Registration/coffee

9:00 **Welcome**

**Session I: Factual and Legal Background on ICT and Terrorism / Violent Extremism**

9:10 **Introductory Remarks**

Stephan Husy, *Ambassador-at-Large for International Counter-Terrorism, Swiss Federal Department of Foreign Affairs*

9:20 **The Use of ICT for Purposes of Terrorism and Violent Extremism**

Maura Conway, *Dublin City University, VOX-Pol*

9:40 **Comparative Overview on the Development of Criminal Law Relating to Terrorism**

Johanna Fournier, *Swiss Institute of Comparative Law*

10:00 *Coffee Break*

**Session II: International and Regional Legal Frameworks Regarding Monitoring, Blocking and Taking Down of Terrorist and Violent Extremist Content Online**

10:30 **Action of the UN Security Council in the Fight against Misuse of the Internet for Terrorist Purposes**

Marc Porret, *UN Counter-Terrorism Executive Directorate*

10:45 **A Recent Example for a Regional Initiative: The European Union Directive 2017/541**

Jeroen Blomsma, *European Commission*

11:05 **Practical Perspectives: The Role of EUROPOL**

Maryam El Hajbi, *EUROPOL*

11:25 **Practical Experiences: Working with Private Actors**

Adam Hadley, *TechAgainstTerrorism, ICT4Peace*

11:40 **Discussion**

12:00 *Lunch*

## **Session III: Practices and National Legal Frameworks Regarding Monitoring, Blocking and Taking Down of Terrorist and Violent Extremist Content Online**

13:30

### **An Overview on European Approaches**

Lukas Heckendorn Urscheler, *Swiss Institute of Comparative Law*

13:45

### **Germany's New Legislation**

Nikolas Guggenberger, *University of Münster*

13:55

### **The Role of the Police in Switzerland**

Tobias Bolliger, *Federal Office of Police*

14:05

### **Prosecutors and Judges in Belgium**

Olivier Leroux, *Juge d'instruction, Maître de conférences, University of Namur*

14:15

### **The New Tunisian Approach (Practical View) to Counter the Use of Internet for Terrorist Purposes**

Jamel Zenkri, *Agence technique des télécommunications*

14:25

### **The US Approach**

Sharri R. Clark, *Office of Countering Violent Extremism, Department of State*

14:35

### **The New South Korean Legislation**

Kyungho Choi, *Korean Legislation Research Institute*

14:45

### **Discussion**

15:00

*Coffee Break*

## **Session IV: Best Practices**

### **15:30 – 17:00 Round Table Discussion**

**Chair:** Bertil Cottier, *Università della Svizzera Italiana*

#### **Panelists:**

- Kristian Bartholin, *Council of Europe*
- Maryam El Hajbi, *EUROPOL*
- Solange Ghernaouti, *University of Lausanne*
- Adam Hadley, *TechAgainstTerrorism, ICT4Peace*
- Richard Hill, *Internet Society*
- Christina Schori Liang, *Geneva Centre for Security Policy*

# How to find us

## By air

The closest airport is the Cointrin airport located in Geneva (approx. 60km from the Institute). From the Geneva-Cointrin airport, there is direct access to Lausanne's main railway station by train.

## By train

Exit Lausanne's main railway station (CFF), cross the Place de la Gare and locate the metro station (Lausanne CFF). Take the metro m2 in the direction of Croisette, one stop to the station Lausanne-Flon. At the Lausanne-Flon metro station, transfer to the Metro m1. Take the Metro m1 to the station UNIL-Chamberonne (6 th stop) and follow the signs marked Institut suisse de droit comparé.

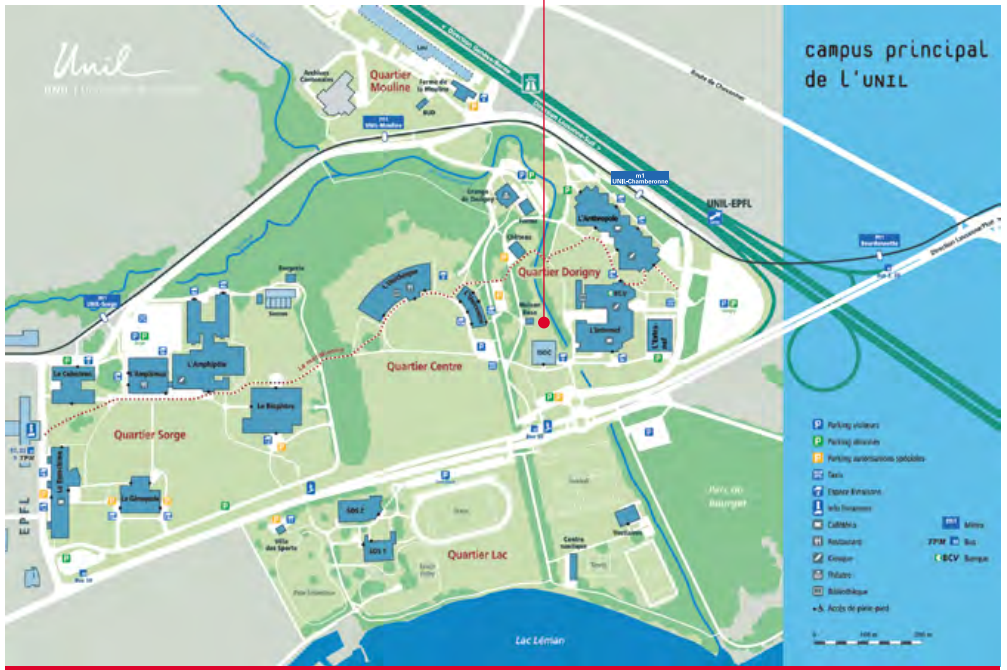
## By car

From the A1 or A12/A9 motorways, follow signs for Lausanne-Sud, then take the exit Université-EPFL. Take the first exit at the roundabout (route de la Chamberonne). The car park (pay & display) of the Swiss Institute of Comparative law is to the left. Follow the signs for "Institut suisse de droit comparé".

[www.isdc.ch](http://www.isdc.ch)

Institut suisse de droit comparé  
Dorigny  
CH-1015 Lausanne

GPS Coordinates : 46.52117, 6.583



# Registration form

Mr.  Ms.

Family Name

First name

Company/Organisation

Position

Address

Postal Code

City

Country

E-mail

## Payment

Upon reception of your registration form, you will receive our confirmation and invoice (with payment instructions). Any bank charges must be paid by the participant.

## Cancellation

In the event of cancellation, written notification should be sent to the Swiss Institute of Comparative Law. No refund possible as of December 8.

## Participants

CHF 250.-

**Permanent staff of universities  
and research institutes,  
Employees of the Swiss Confederation,  
AiSDC members**

CHF 100.-

## Assistants and students

CHF 50.-

*I agree to the above mentioned conditions as well as the conditions stated in the Invitation Programme.*

*I have read and accept the cancellation terms.*

Date

Signed by

**To be sent to:** SWISS INSTITUTE OF COMPARATIVE LAW, Dorigny, CH-1015 LAUSANNE

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Website: [www.isdc.ch](http://www.isdc.ch) – Contact person: Marie Papeil - [news.isdc@unil.ch](mailto:news.isdc@unil.ch) – e-mail: [news@isdc.ch](mailto:news@isdc.ch)