EFFORTS OF EUROPEAN MEMBER STATES TO PREVENT TERRORISTS FROM ABUSING ASYLUM SYSTEMS WHILE ENSURING COMPLIANCE WITH INTERNATIONAL REFUGEE AND HUMAN RIGHTS LAW: CHALLENGES, RECOMMENDATIONS AND GOOD PRACTICES
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BACKGROUND

The present Regional Analytical Brief was prepared by the Counter-Terrorism Committee Executive Directorate (CTED) in accordance with Security Council resolution 2395 (2017), which directs CTED to conduct analytical work on emerging issues, trends and developments and to make its analytical products available throughout the United Nations system.

CTED Analytical Briefs aim to provide the Security Council Counter-Terrorism Committee, United Nations Member States, United Nations agencies, and policymakers with a concise analysis of specific issues, trends or developments, as identified through CTED’s engagement with Member States on their implementation of the relevant Security Council resolutions. The Analytical Briefs also include relevant data gathered by CTED, including through engagement with its United Nations partners; international, regional and subregional organizations; civil society organizations; and members of the CTED Global Research Network (GRN).

1. INTRODUCTION

The Security Council has addressed the possibility that terrorists may seek to abuse asylum systems in a number of resolutions. In its resolution 1373 (2001), the Council calls upon States to take appropriate measures, in accordance with the relevant provisions of national and international law, including international standards of human rights, “before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts”, as well as to ensure that refugee status “is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists”.1 In its resolution 1624 (2005), the Council reaffirms that the “acts, methods, and practices of terrorism are contrary to the purposes and principles of the United Nations” and that the protections afforded by the 1951 Convention Relating to the Status of Refugees and its Protocol shall not extend to any persons guilty of such acts.2 This pattern continues with resolution 2178 (2014), where the Council calls on States to ensure that refugee status is not abused by foreign terrorist fighters (FTFs).3

The Council consistently stressed that all measures taken by Member States pursuant to the above resolutions must comply with their obligations under international law, including international human rights law and international refugee law.4 In particular, the Council has emphasized the

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1 S/RES/1373 (2001), para. 3 (f)-(g).
2 S/RES/1624 (2005), preamble.
3 S/RES/2178 (2014), preamble. See also S/RES/2322 (29106), paras. 9(d), 10.
4 S/RES/1624 (2005), para. 4; S/RES/2178 (2014), para. 5.
non-refoulement obligation of States parties to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol.⁵

CTED incorporates these issues in its country assessment visits, conducted on behalf of the Counter-Terrorism Committee,⁶ and in its analysis and stocktaking of Member States’ implementation of the above Security Council resolutions. In April 2017, the Committee held an open briefing on “Preventing Terrorists from Abusing the Asylum System, in conformity with international law”, at which briefings were provided by the United Nations High Commissioner for Refugees (UNHCR), the International Criminal Police Organization (INTERPOL), and representatives of academia, including on practical measures to address Member States’ concerns in this area while complying with international refugee and human rights law.⁷

Based on CTED’s assessments, analysis and dialogue with Member States and partner organizations, the present Regional Analytical Brief addresses Member States’ major concerns in this area, the relevant international and regional legal frameworks, and certain practical challenges identified by CTED.

2. MEMBER STATES’ CONCERNS

In 2015, the outbreak of conflict in several regions, including in areas where FTFs were active, led to a large-scale movement of migrants, including persons seeking asylum, to and through European member States. As the Secretary-General observed, this large-scale migration may have compounded the challenges which the return and relocation of FTFs posed to Member States’ law enforcement and border control agencies.⁸ The Secretary-General has noted concerns that the Islamic State in Iraq and the levant (ISIL), also known as Daesh, might seek to abuse asylum procedures, and regional organizations have reported that ISIL has sought to target some refugee communities for radicalization.⁹

In its dialogue with Member States, within the framework of the Committee’s stocktaking exercise, and in the context of the above-mentioned Council resolutions, CTED has consistently enquired into measures taken by States in response to these developments, including challenges encountered and good practices identified.

⁵ S/RES/1624 (2005), preamble; 1951 Convention Relating to the Status of Refugees, art. 33 (1). Non-refoulement obligations also exist pursuant to certain human rights instruments, including the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, art. 3(1), and the 1950 European Convention on Human Rights, art. 3.
⁹ Fourth report of the Secretary-General on the threat posed by ISIL (Da’esh) to international peace and security and the range of United Nations efforts in support of Member States in countering the threat (S/2017/97), para. 42; Europol, Changes in Modus Operandi of Islamic State (IS) Revisited, November 2016.
Isolated cases of involvement in terrorism

Member States’ concerns in this area may have been influenced by reports of individual cases in which refugees or asylum-seekers have been implicated in terrorist attacks or attempted attacks in Europe. These include: a series of attacks carried out in Germany, in 2016; in Stockholm, in April 2017; in Turku, Finland, in August 2017, and in southern France, in April 2020, respectively.\(^{10}\) The European Union Agency for Law Enforcement Cooperation (Europol) has noted that “there is no concrete evidence that terrorist travellers systematically use those flows of refugees to enter Europe unnoticed, but it is indisputable that some terrorists have entered the European Union posing as refugees, as was seen in the Paris attacks of 13 November 2015”.\(^{11}\) Separately, there have been cases of persons seeking asylum who were found to have previously engaged in crimes committed by ISIL in their countries of origin.\(^{12}\)

These cases are diverse: some cases involved persons already affiliated with a terrorist organization who filed fraudulent asylum claims in order to access territory for the purpose of carrying out an attack; some involved persons who had already committed terrorist acts prior to reaching the country of asylum and sought refugee status as a way of evading justice; and others involved persons who appear to have become radicalized after arrival in the country of asylum.\(^{13}\)

Although Member States cannot ignore these isolated cases, perspective is essential in this context. According to UNHCR, there are currently 26 million refugees and 4.2 million asylum-seekers worldwide.\(^{14}\) The individuals involved in the cases cited above clearly constitute a tiny fraction of the global population of refugees and asylum-seekers. As the Secretary-General has emphasized, the overwhelming majority of refugees and asylum-seekers have no connection to terrorism and have fled their countries of origin to evade persecution: indeed, refugees may themselves be


\(^{11}\) Europol, European Union Terrorism Situation and Trends Report 2019, p. 77; also Europol, European Union Terrorism Situation and Trend Report 2018, p. 62; Europol, European Union Terrorism Situation and Trend Report 2017, pp. 6, 61. See also August 2020 report of the Secretary-General on the threat posed by ISIL, which noted that “Member States continued to highlight the risk of abuse of migration flows by terrorist groups and returnees, along with related screening challenges” (S/2020/774), para. 23. There have also been reports of persons granted asylum being implicated in efforts at radicalizing and recruiting FTFs (Financial Action Task Force, Anti-money laundering and counter-terrorist financing measures: Portugal Mutual Evaluation Report, December 2017, p. 74).

\(^{12}\) See, e.g., 2017 conviction by the Higher Regional Court of Berlin of a Syrian refugee for membership in a terrorist organization relating to activities of ISIL (Europol, European Union Terrorism Situation and Trend Report 2018, p. 18); and criminal proceedings in Europe brought against individuals accused of involvement in the Camp Speicher massacre carried out in Iraq in 2014 (Eurojust, Cumulative Prosecution of Foreign Terrorist Fighters for Core International Crimes and Terrorism-Related Offences, May 2020, p. 21). See also Eurojust, Terrorism Convictions Monitor – Issue 28, May 2017, p. 5.

\(^{13}\) See also Europol, European Union Terrorism Situation and Trends Report 2018, p. 18; Europol, European Union Terrorism Situation and Trends Report 2019, p. 32; S/2017/97, para. 41.

\(^{14}\) https://www.unhcr.org/en-us/figures-at-a-glance.html (figures as of October 2020). The figure for refugees includes both persons falling under UNHCR’s mandate, as well as around 5.6 million Palestinians falling under the mandate of UNRWA.

\(^{15}\) S/2017/97, para. 41.
victims of terrorist organizations, either in the country of origin prior to their flight or in the countries of asylum where refugees have been among the groups targeted by extreme right-wing terrorist organizations. It should also be noted that, in some of the above cases, other refugees and asylum seekers assisted law enforcement and criminal justice authorities in the host State by identifying those linked to ISIL or providing additional information, thereby playing a crucial role in bringing about accountability for terrorism-related offences and/or preventing further attacks. The European Union Agency for Criminal Justice Cooperation (Europol) has observed that “victims and witnesses arriving as asylum seekers to Europe can offer valuable testimonies” and has called for improved cooperation and exchange of information between immigration services, counter-terrorism units and international crimes units.”

**Measures to prevent radicalization**

Although the numbers of cases of involvement in terrorism has been very low, prevention remains essential. In some circumstances, refugees and asylum-seekers may be vulnerable to exploitation by violent extremist actors and at heightened risk of radicalization and/or mobilization to support terrorist groups. Refugees and asylum-seekers may live in isolated communities/camps, with no legal avenue to employment or avenues for political expression, with limited access to education (creating a vacuum which violent extremist ideologies could fill), and are often subject to discrimination and marginalization, leading to disillusionment with governing authorities. Moreover, by definition, refugees are likely to be in the country of asylum precisely because they have suffered persecution at the hands of the State in the country of origin (which may create a strong sense of grievance) and may have experienced great trauma, be suffering from post-

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20 EU Radicalisation Awareness Network, Policy Brief: Preventing the risk of radicalisation of asylum seekers and refugees, and far-right mobilisation against asylum seekers, refugees and immigrants, January 2020, pp. 3-5.


22 On links between access to education and radicalization, see e.g., Plan of Action to Prevent Violent Extremism: Report of the Secretary-General, 24 December 2015 (A/70/574), paras. 34, 50(i); S/RES/1624 (2005), para. 3.

23 On the effect which grievance can have on radicalization, see UNDP, Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment, 2017, p. 5.
traumatic stress disorder (PTSD), and/or have become desensitized to violence. The experiences of men, women, boys and girls in this regard may differ and require tailored responses.

At the above-mentioned 2017 open briefing of the Counter-Terrorism Committee, UNHCR emphasized that initiatives to ensure access to education, as well as youth engagement, are critical to ensuring that refugee youth have a sense of possibility for their futures and do not resort to negative coping mechanisms or fall prey to violent extremist groups. UNHCR further underlined that economic opportunities both for host and refugee communities are also essential to decrease competition for resources and foster social cohesion.24

In view of these considerations, CTED regularly enquires as to whether Member States are taking steps to facilitate the voluntary engagement of migrant communities, including refugees and asylum seekers, in relevant initiatives to counter violent extremism (CVE). This would be one component of the recommended whole-of-society approach to CVE which, as the Security Council has highlighted, should involve youth, families, women, religious, cultural and education leaders, and all other concerned groups of civil society.25

The Committee has commended Member States that have developed programmes to build the resilience of refugees, in particular refugee children, against radicalization, and has requested those States to keep it informed of their experiences in implementing such programmes (including the criteria used, good practices identified and any persistent challenges) so that the lessons learned can be shared with other Member States. The Committee has also encouraged the engagement of migrant and refugee communities, including women, in the development and implementation of CVE programmes and has highlighted the significant role that women in migrant and refugee communities can play in challenging terrorist narratives.

It should be recalled that CVE programmes should not target any one race, religion, nationality, ethnic or social origin or gender, and should avoid stigmatization and discrimination, be tailored by age, and be gender-responsive. The Committee has reiterated the need for all counter-terrorism measures to comply with international law, including international human rights and refugee law, and has recommended that Member States take active steps to avoid stigmatization of certain communities and cautioned against over-stating the risks of terrorism from refugees and asylum-seekers.

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3. LEGAL FRAMEWORKS

**International legal framework: the 1951 Refugee Convention**

At the international level, the 1951 Convention Relating to the Status of Refugees (“Refugee Convention”) allows for States’ legitimate security concerns to be taken into account in their treatment of refugees, both prior and subsequent to the granting of refugee status.

First, pursuant to article 1F of the Convention, refugee status may not be accorded to any person if there are “serious reasons for considering” that s/he has engaged in certain types of conduct. The standard of proof is important here. It is lower than the criminal standard, but higher than the standard usually employed with respect to the “inclusion” assessment provided for in article 1(A)2 of the Convention (i.e., the initial determination of whether an applicant falls within the definition of “refugee”, by being outside his/her country of origin owing to a well-founded fear of persecution on a particular ground). This higher standard of proof reflects the consequences of wrongly excluding an individual who might thereby be returned to a situation where s/he has a well-founded fear of persecution.

Even though terrorism is not expressly mentioned, all three “exclusion clauses” set forth in article 1F of the 1951 Convention can be interpreted to apply to terrorism-related offences. Article 1F(a) excludes those responsible for, inter alia, a war crime as defined in the relevant international instruments. It is now established that individual criminal liability exists also for violations of the laws of war applicable in non-international armed conflicts (NIACs). This could include contemporary NIACs to which terrorist organizations may be parties. Acts criminalized under international counter-terrorism law may also be defined as war crimes where they are committed in NIACs (notably, where such acts violate international humanitarian law (IHL) principles of distinction and proportionality).

Article 1F(b) of the 1951 Convention excludes from refugee status those responsible for a “serious non-political crime”. Although that phrase is not defined in the Convention, UNHCR has highlighted that the methods and proportionality of a crime to its objectives are important factors.

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26 UNHCR has noted that the inclusion assessment should generally be conducted prior to any exclusion assessment (UNHCR, *Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2004, para. 31).
27 See UNHCR, *Addressing Security Concerns without Undermining Refugee Protection - UNHCR’s Perspective*, Rev. 2, December 2015, paras. 18-21. See also European Court of Justice, Case C-573/14, Judgement of 13 January 2017 (Grand Chamber).
28 *Prosecutor v Duško Tadić*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, ICTY Appeals Chamber, 2 October 1995, paras. 128–137.
in determining its “political” nature. Here, it may be relevant that many multilateral treaties characterize certain terrorism-related offences as non-political offences for the purpose of extradition.

Article 1F(c) excludes those guilty of “acts contrary to the purposes and principles of the United Nations”. In accordance with international treaty law, this clause may be interpreted in an evolving manner that reflects developments in international law, as well as in the work of the United Nations since 1951, including Security Council resolutions on terrorism.

In addition to these “exclusion clauses”, international refugee law also allows for States’ legitimate security concerns to condition their treatment of refugees after status is conferred. An individual recognized as a refugee is obliged to comply with the laws of the country of asylum refugees are not immune from prosecution for any crimes committed on the territory of the host country and their status does not preclude appropriate measures where an individual is found to pose a security risk. The 1951 Convention provides for an exception to the fundamental principle of non-refoulement where there are reasonable grounds to regard a refugee as a danger to the security of the country of asylum.

Regional legal framework: the Common European Asylum System

At the regional level, European Union member States have adopted a series of instruments regulating asylum. The Common European Asylum System (CEAS) comprises rules relating to: criteria on which refugee status shall be granted; the procedures for refugee status determination (RSD); reception conditions for asylum seekers (access to housing, healthcare and other services); and allocation of responsibility for refugees and asylum seekers across European Union member States. The security concerns of Member States have been reflected in the development of this framework (notably with regard to the rules on qualification for refugee status) and, more recently, in the context of discussions about plans to more equitably share responsibility for hosting refugees among European Union member States.

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32 Vienna Convention on the Law of Treaties, art. 31(3)(c).
33 See e.g., EU Qualification Directive, recital 22.
34 1951 Refugee Convention, art. 2.
36 1951 Refugee Convention, art. 33(2).
38 See e.g., Commission v Poland (Mécanisme temporaire de relocalisation de demandeurs de protection internationale), Case C715-17, Judgement, 2 April 2020, para. 135.
Through its assessment visits on behalf of the Counter-Terrorism Committee and its ongoing dialogue with Member States, CTED has observed that European Union States and some States that are located in neighbouring regions and/or are European Union candidate countries have enacted asylum laws which broaden the scope of exclusion from refugee status and/or lower the standard of proof applicable in exclusion assessments. Such clauses typically permit States to refuse to grant refugee status to an individual where (a) there are reasonable grounds for regarding him or her as a danger to the security of the Member State in which s/he is present; or (b) s/he, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that Member State. 39 UNHCR has raised concerns regarding these provisions, 40 and CTED has highlighted that such provisions have the effect of significantly broadening the scope of exclusion provisions beyond those expressly stated in the 1951 Refugee Convention and conflating exclusion with distinct provisions of the Convention which serve a different purpose and employ a different standard of proof. 41

As noted above, the Security Council has frequently reaffirmed that counter-terrorism measures must be implemented in a manner consistent with international law, including international refugee law. On this basis, in its dialogue with Member States, CTED has frequently underlined that article 1F of the 1951 Refugee Convention stipulates, in an exhaustive manner, the lawful bases for exclusion, as well as the applicable standard of proof (“serious reasons for considering”); has recommended that Member States ensure that their domestic laws on asylum are applied in a manner consistent with this Convention; and has encouraged Member States to continue their cooperation with UNHCR in this respect. The CTED Technical guide to the implementation of Security Council resolution 1373 (2001) and other resolutions (S/2019/998) also includes elements for reference and application by Member States in their implementation efforts.

4. PRACTICAL CHALLENGES

In the context of the assessment visits conducted on the Committee’s behalf and its ongoing dialogue with Member States, CTED has also discussed practical challenges arising from the abovementioned large-scale influx of migrants. For its part, the Committee has commended some Member States for their efforts to develop their asylum systems and to host and provide services to refugees in particularly challenging circumstances. However, some practical challenges have also been identified (including by UNHCR, INTERPOL and other stakeholders). CTED takes these into account in its dialogue with Member States, in accordance with its established practice to bear in mind all relevant international best practices, codes and standards. 42

39 See e.g., EU Qualification Directive, article 14(5).
41 Specifically, articles 32 and 33(2) of the 1951 Refugee Convention, which stipulate, respectively, the lawful bases for expulsion of a refugee (after recognition as such) and exceptions to the principle of non-refoulement.
Delays in assessing asylum claims

The first common challenge relates to delays in assessing asylum claims. Member States often encounter difficulties in identifying, in a timely manner, persons who fall within the scope of “exclusion clauses”, particularly in situations where asylum seekers constitute part of a large influx of migrants such that the receiving State simply does not have the resources required to conduct detailed individual assessments. Indeed, in cases of mass influx, practical realities may make it necessary for refugee status to be accorded prima facie to all those established to be from a particular country of origin (i.e. without any detailed refugee status determination - and, therefore, without any exclusion screening - being possible).

Moreover, even outside situations of mass influx (as was noted at the above-mentioned 2017 open briefing of the Committee) the security screening of such persons upon arrival is often conducted in an ad hoc manner, with minimal, if any, reference to databases maintained by INTERPol or relevant regional bodies. Detailed assessment of an individual’s asylum claim often takes place many months after his or her arrival in the country of asylum.

A number of the cases referred to in section 2, above, reportedly involved acts of terrorism perpetrated by persons whose asylum claims were pending. Thus, the period between arrival in the Member State and the determination of status can be of considerable practical significance. Although persons who engage in such conduct during this period would be ineligibile for refugee status, Member States would need to address the practical reality that the act of filing an asylum claim has enabled such persons to access a territory in which they have subsequently committed a terrorist attack.

As emphasized by participants in the Committee’s 2017 open briefing, the solution is to strengthen States’ capacities to identify, at the earliest possible stage, any links between a person seeking asylum and terrorism. Where such links are identified, this does not remove the individual’s entitlement to seek asylum or the State’s obligation to conduct RSD in a manner consistent with international standards. However, it does alert law enforcement authorities to potential reasons...
to monitor the individual concerned — through measures that comply with international human rights law — during the RSD procedure.

Another common recommendation in this area is that Member States should consider establishing a specialized “exclusion unit” within the entity responsible for RSD. Such a unit can be beneficial, particularly if it facilitates clear communication with intelligence and law enforcement services. It is important to ensure that all relevant information is available to the RSD decision-maker because exclusion from refugee status could have significant consequences for the individual(s) involved. The procedural rights of asylum seekers must be fully respected, including with regard to the information on which exclusion decisions are based.  

Practice after an applicant is excluded from refugee status

The second practical challenge identified relates to that which occurs after an applicant is excluded from refugee status because of suspected involvement in terrorism-related acts. Where the alleged conduct falls within the scope of one of the international counter-terrorism instruments, and in accordance with the obligations arising from those instruments (notably the aut dedere aut judicare rule and associated obligations), such cases should — in the absence of a valid extradition request — be referred to the relevant authorities in the country of asylum for the purposes of prosecution.  

There is limited information on practice in this area. The Secretary-General has noted that this lack of information may impede analysis of the effectiveness of measures taken in these situations. CTED’s dialogue with Member States, and available research, indicates that such referrals are rare. Prosecuting such cases is extremely resource-intensive, given the nature of the alleged crimes and the difficulty of obtaining evidence of conduct in other countries, particularly where armed conflict may be ongoing. The relevant standards of proof are important in this context. An individual may

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49 On the need for administrative measures employed in respect of persons suspected of involvement with terrorism to comply with international human rights law, see Global Counterterrorism Forum, Glion Recommendations on the Use of Rule of Law-Based Administrative Measures in a Counterterrorism Context, 2019.
53 A 2016 report noted that, since 1994, just over 50 article 1F-excluded individuals had been successfully prosecuted by courts in Europe and North America and that the vast majority of those prosecutions had been brought for war crimes, genocide crimes against humanity etc., rather than for terrorism-related offences (Refugee Law Initiative & Centre for International Criminal Justice, Undesirable and Unreturnable? Policy challenges around excluded asylum seekers and other migrants suspected of serious criminality who cannot be removed, 2016, p. 8).
54 Efforts are underway to address these challenges. See, e.g., CTED, UNODC, UNOCT, Guidelines to facilitate the use and admissibility of evidence in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences, 2019; Global Counterterrorism Forum, Abuja Recommendations on the Collection, Use and Sharing of Evidence for Purposes of Criminal Prosecution of Terrorist Suspects, September 2018. For regional examples, see http://www.eurojust.europa.eu/press/Documents/2020-09-14-Eurojust-Memorandum-on-Battlefield-Evidence.pdf).
properly be excluded from refugee status owing to “serious reasons for considering” that s/he has been engaged in terrorism-related excludable acts, without there being sufficient evidence to satisfy a prosecutor that a conviction can be secured in respect of those acts.

In practice, States often simply reject the asylum claim and either return the applicant to his or her country of origin or, where human rights concerns or practical obstacles (lack of identity documents or lack of cooperation from the country of origin) prevent this, leave the individual in a state of legal limbo in the destination country. Both approaches may be problematic.

In cases where the individual is returned to the country of origin, a key question is whether the returning State will share with the State of origin its suspicions regarding the individual’s involvement in terrorism and, if so, how this can be carried out in a manner consistent with international law. Relevant rules of human rights law would include the right to privacy and potentially (where there are concerns that the destination State would respond to such suspicions in a disproportionate manner); the right to be free of arbitrary detention, torture and inhumane treatment; and due process rights with respect to any future prosecution in the country of origin.

It should be noted that the COVID-19 pandemic has had a significant impact, in terms of complexity and resources, on Member States’ orientation and prioritization efforts towards handling the issue of screening in refugees and asylum seekers and screening out terrorists and other criminal fugitives.

In view of these challenges, two practical measures are recommended. First (recalling that the experiences of men, women, boys and girls may differ and require tailored responses), it is recommended that Member States gather gender- and age-disaggregated data on persons excluded from refugee status because of suspected links to terrorism and on measures taken subsequent to their exclusion, in accordance with resolution 1373 (2001). Second, Member States should develop standard operating procedures for such cases, including on information-sharing with third States, in full compliance with international law, and on possible referral to domestic prosecution authorities.

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57 S/2017/467, para. 64.
58 Drawing on practice in Europe, UNHCR has provided recommendations for Member States on how to maintain international refugee law standards in these challenging circumstances (UNHCR, Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic, April 2020).
CONCLUSION

As the Security Council has frequently stated, Member States’ counter-terrorism measures must be implemented in a manner consistent with international refugee law. On this basis, the Committee frequently recommends that Member States ensure that their domestic asylum laws are consistent with relevant provisions of the 1951 Refugee Convention, particularly in the area of exclusion.\(^6^0\) CTED continues to engage and enhance its partnership with other entities, in particular INTERPOL, UNHCR, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Organization for Migration (IOM), the United Nations Office of Counter-Terrorism (UNOCT), including within the framework of the United Nations Global Counter-Terrorism Coordination Compact, to fulfil its mandate to assist the Counter-Terrorism Committee to monitor, promote and facilitate Member States’ implementation of the relevant Security Council resolutions.

In addition, Member States are encouraged to strengthen certain operational measures to give effect to obligations under counter-terrorism law in a manner consistent with refugee law. These could include: developing and implementing proper procedures for the reception of asylum-seekers and their referral to appropriate processes; systematically checking relevant international or regional databases (including INTERPOL databases) when reviewing asylum applications; developing standard operating procedures for cases where persons have been excluded from refugee status owing to links to terrorism, including with respect to potential referrals to law enforcement and/or the sharing of relevant information with third States, as appropriate and in full compliance with international law; and facilitating the socio-economic integration of refugees and asylum seekers in host communities with a view to enhancing the security of host countries and the protection of refugees.

\(^6^0\) See also CTED Technical Guide (S/2019/998), paras. 368-373.