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COMMITTEE OF EXPERTS ON TERRORISM (CODEXTER)

OPINION ON THE DRAFT GUIDELINES FOR PRISON AND PROBATION SERVICES REGARDING RADICALISATION AND VIOLENT EXTREMISM

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Opinion of the Committee of Experts on Terrorism (CODEXTER) on the Draft Guidelines for prison and probation services regarding radicalisation and violent extremism

1. Following the decision by the Committee of Ministers (CM) of the Council of Europe (CoE) to include the issue of radicalisation in prison in the Action Plan “The fight against violent extremism and radicalisation leading to terrorism” as one of its objectives (see document CM(2015)74), the European Committee on Crime Problems (CDPC) approved, at its 67th Plenary Session (Strasbourg, 1-4 December 2014), the proposal made by the Council for Penological Co-operation (PC-CP) to address this issue in the context of both prison and probation services in its work programme in 2015.
2. The PC-CP started its work in February 2015 and agreed to draft a set of Guidelines for prisons and probation services facing radicalisation and violent extremism (hereinafter the draft Guidelines) in time for the 20th Conference of Directors of Prison and Probation Services (CDPPS) in June 2015 (Bucharest, Romania). The theme of the CDPPS was on “radicalisation and other challenges” and a special session was dedicated to the draft Guidelines. Comments and observations were made and duly taken into account. The draft Guidelines were revised accordingly at the meeting of the PC-CP in September 2015.
3. The members of the CDPC Bureau met in Prague on 1-2 October 2015 and examined the new draft of the Guidelines. The Bureau was informed of the decision of the PC-CP to present a report at its next plenary meeting (17-19 November 2015) on current developments on the topic, background information on the scope, terminology and definitions used in the draft Guidelines instead of having an Explanatory Memorandum.
4. The Bureau further confirmed the decision of its plenary at its 68th meeting (Strasbourg, 2-5 June 2015), to involve the CODEXTER in this topic and to request the Committee to prepare an opinion on the draft Guidelines. The final draft of this opinion was adopted by the CODEXTER at its 29th plenary meeting (Strasbourg, 17-18 November 2015). The draft Guidelines were approved by the plenary of the PC-CP (17-18 November 2015) and will be adopted at the next plenary meeting of the CDPC (1-4 December 2015) prior to the expected adoption by the CM in December 2015.
5. The CODEXTER welcomes the initiative of the PC-CP under the aegis of the CDPC to promote the prevention of terrorism as it is as one of the main priority goals and key areas of expertise of the CoE. This is indeed reflected in its Convention on the Prevention of Terrorism and its multidimensional nature. In accordance with the above-mentioned Action Plan, actions need to be reinforced on the ground to prevent both terrorist acts but also of individuals from becoming terrorists in the first place. The increased exposure to violent extremisms, via the Internet and in sensitive social environments, such as prisons, requires combined efforts to raise awareness and to train all stakeholders, in particular professionals, on the processes of radicalisation and means to tackle it.
6. The CODEXTER fully supports the scope of the draft Guidelines which target prison and probation services’ staff who have a direct and instrumental role to play in preventing the diffusion of violent extremist views and ideologies among prisoners and probationers as some of them may include perpetrators of terrorist acts. The draft Guidelines rightly acknowledge the central role of prison and probation staff in detecting, managing and resettling radicalised individuals and invites CoE member states to empower them to do so. Identifying existing activism to instigate radicalisation in prison and probation

services demands an understanding of this phenomenon with multidisciplinary skills to prevent and react. Existing opportunities offered by prison and probation services to build the resilience of individuals to joining violent movements and ideologies need to be used also to prevent all forms of incitement to terrorist acts. The draft Guidelines captures these important action lines that need to be planned and implemented in a cooperative manner with all relevant actors such as religious leaders, family members, educators and other representatives of the community as reflected in the draft Guidelines.

7. In this respect, the CODEXTER recognises the draft Guidelines as an important document to encourage the empowerment of front line staff in their role to prevent radicalisation in prison and probation services in particular by promoting the use of “dynamic security” as an efficient working method for an overall good prison management. This approach takes into account the complexities of the process of radicalisation and therefore contributes to reinforced preventive mechanisms, which is the primary goal of the CoE in this area. It offers a broader and comprehensive notion of security which should start with regular communication and interaction with prisoners to provide better understanding of their situation and assess potential risks.

8. Furthermore, the CODEXTER wishes to highlight the spirit of tolerance and respect of different cultures and religions as key in the preventive measures to counter radicalisation, notably, which are put forward in the draft Guidelines. In this regard, rules to include the intervention of religious representatives where relevant in prison services is extremely valuable.

9. The CODEXTER, however, points out the need to supplement the draft Guidelines with more practical measures for prison and probation staff members to detect, prevent and deal with radicalisation and violent extremism. As they stand, the draft Guidelines do identify ‘what’ is needed but do not appear to provide sufficiently concrete advice on ‘how’ to achieve set goals. In this regard, further work may be needed to collect existing and relevant preventive practices in CoE member states, and through the identification of “best practices” in this field provide additional practical guidance to the draft Guidelines, possibly in a separate but complementary manual.

10. For this purpose, the CODEXTER wishes to suggest a few points of actions which would follow the adoption of the Guidelines by the Committee of Ministers and encourages the CDPC to instruct the PC-CP to:

10.1. follow the work of other organisations working in this area including:

- the European Commission and its Radicalisation Awareness Network (RAN) and in particular of its Working Group on Prison and Probation (P&P). RAN P&P is working towards a paper in which the knowledge, insights, lessons learned and recommendations up until now will be presented concerning the identification of extremism, risk assessment, training, risk management, de-radicalisation and disengagement interventions, prerequisites for a healthy prison and probation environment, and reintegration into society. It is also important to take due account of the outcomes of the high-level Ministerial Conference on "Criminal justice response to radicalisation" (Brussels, 19 October 2015);
- the relevant standards developed by the United Nations (UN), including the revised UN Standards Minimum Rules for the Treatment of Prisoners (the ‘Nelson Mandela Rules’);

- the Global Counterterrorism Forum (GCTF) and in particular of the outcome of the work of its Working Group on “Detention and Reintegration” (Sydney, 2-3 November 2015), and its Workshop on prison and security issues and the implementation of the GCTF Rome Memorandum on the Rehabilitation of Violent Extremist Offenders with Good Practices (12-13 November 2015, Abuja) ;

10.2. convene a meeting of members of prison staff from countries which have specifically appointed staff to address radicalisation. The aim would be to exchange information, in particular good practices, on programmes to detect radicalised offenders and find suitable responses.

10.3. as a follow-up measure, set up a working group to map out and assess the situation in individual member states and to collect good practices according to CoE standards and principles, taking into account the gathered information mentioned above.

11. Finally, the CODEXTER recalls that the prevention of terrorism is a priority topic of the CoE which has the necessary expertise, infrastructure and network at hand from Europe and beyond to assist its member states in practice to stop risks of terrorist offences in particular in contexts where they are most likely to be triggered.