

## Speech by Mr Mikhail Lobov

### Opening speech to the HELP Radicalisation Prevention Seminar

15 March 2018

I would like to welcome you all to this seminar on Radicalisation Prevention organised under the joint EU-Council of Europe Project on 'Radicalisation Prevention', funded by the European Union (EU) and implemented by the Council of Europe.

On behalf of the organisers, let me thank you all for your presence and kindly allow me to share with you some introductory remarks on the topic, the project and the event.

Terrorist attacks, risks to public security, rise of radicalisation leading to violent extremism, and violations of human rights in the EU Member States (MS), and beyond, continue to occur. These are phenomena where both organisations, Council of Europe and EU, share common concerns and need to work together.

The criminal justice response to these phenomena has to be enhanced and there were concrete steps taken at European level. Radicalism towards terrorism has materialised in the last three years, with terrorist acts in several places in Europe such as in Belgium, Denmark, France, Germany, Spain and the UK. Indeed, countering terrorism and radicalisation –among Council of Europe priorities- is urgent on EU soil.

Those problems are also reflected in the May 2015 annual report by the Secretary General of the Council of Europe "A shared responsibility for democratic security in Europe" and his follow-up report of April 2016 "State of Democracy, Human Rights and the Rule of Law: A security imperative for Europe" which conclude that Human rights, democracy and security are threatened across the continent and that human rights foster democratic security. The reports analyse the situation in Europe, based on the findings of the Council of Europe monitoring mechanisms and bodies (including high number of cases reaching the European Court of Human Rights).

One of the major threats highlighted in the April 2017 annual report by the Secretary General "Populism - How strong are Europe's checks and balances?" is the surge in extremist violence that Europe faces, showing the damaging effects of hate speech, incitement to hatred and most particularly against the Muslim community. The SG highlighted the importance of human rights education as a "fundamental component of any measure taken to address discrimination, prejudice and intolerance, thus preventing and combating violent extremism and radicalisation in a sustainable and proactive way".

The necessary precondition for achieving an effective national implementation of radicalisation prevention standards while respecting human rights is that all actors in the justice chain – mainly judges prosecutors and lawyers as well as prison and probation officers (the primary target of this proposal) but also law enforcement officers and other actors such as religious representatives, social workers and counsellors - are familiar with European standards and soft law on human rights and on radicalisation prevention and are able to apply them in concrete situations.

While there is no universally agreed definition of radicalisation, the Council of Europe Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism, adopted some terminology for the purpose of the guidelines, including radicalisation and violent extremism. According to them, “radicalisation represents a dynamic process whereby an individual increasingly accepts and supports violent extremism. The reasons behind this process can be ideological, political, religious, social, economic or personal.”

The causes are complex and recruitment often follows extremist propaganda by terrorist organisations, sometimes with roots abroad but operating in Europe. Recent studies on radicalisation recommend examining the processes of recruitment, be it online or in places such as schools, detention centres and prisons. As recruitment often takes place in prison, alternative measures to detention for young persons below the age of 18 should be considered to the extent possible.

According to the same Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism, “violent extremism consists in promoting, supporting or committing acts, including acts which may lead to terrorism and which are aimed at defending an ideology advocating racial, national, ethnic or religious supremacy and opposing core democratic principles and values.”

The Council of Europe works to prevent and suppress acts of terrorism through criminal law and other measures, while respecting human rights and in full respect of the rule of law, and is continuously working to improve international co-operation in bringing terrorists to justice.

In 2015, an Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (or the Riga Protocol) that aims to further strengthen the efforts to prevent and suppress terrorism in all its forms, while respecting human rights and the rule of law and, i.a., addresses the phenomenon of foreign terrorist fighters, as well as an Action Plan on the fight against violent extremism and radicalisation leading to terrorism was adopted. The Action Plan has two main objectives: (1) to reinforce the legal framework against terrorism and violent extremism; and (2) to prevent and fight violent radicalisation through concrete measures in the public sector, in particular in schools, detention centres and prisons, and on the Internet. Under objective 1, the Council of Europe aim is to further disseminate updated and relevant law and case law of the European Court of Human Rights and offer Council of Europe expertise to MS. The following action with the link to HELP is explicitly mentioned: “To set up net-based compilations of relevant case law of the European Court of Human Rights on freedom of assembly, freedom of expression, freedom of religion and issues related to counter-terrorism. In this regard, the work of CODEXTER [Committee of Experts on Terrorism] on the establishment of a database on the case law of the Court relevant for counter-terrorism should be reinforced. This work will form a useful tool within the existing HELP programme.”

Adopted by the Council of Europe Committee of Ministers in March 2016, the Council of Europe Guidelines for prison and probation regarding radicalisation and violent extremism aim at preventing the radicalisation of prisoners and people under probation, and rehabilitate individuals who have already become radicalised.

The guidelines provide a framework for States policies and aim at preventing the diffusion of violent extremist views and ideologies among prisoners and probationers and at contributing to their

resettlement and desistance from crime. In short, the guidelines endorse the good management of prisons as an indispensable basis for the prevention of radicalisation and the introduction of efficient exit and reintegration programmes.

According to official reports, some perpetrators of terrorist acts have in recent years become radicalised in prison or under probation. Overcrowding, inadequate conditions, manifestations of racist discrimination or Islamophobia, disproportionate disciplinary measures are factors that increase the risk of radicalisation among inmates.

Educating and training the judiciary and law enforcement agencies, including probation and prison leadership and staff, on these matters, is of the utmost importance in order to provide a holistic and coherent response to radicalisation and to help preventing it.

In this regard, the Council of Europe counts with a dedicated Programme for Human Rights Education for Legal professionals, known as HELP. You will hear more from it later today, but let me recall that HELP's goal is indeed to ensure better protection of human rights by providing high quality education for legal professionals and also other justice professionals involved in the human rights protection mechanisms.

HELP's mandate, its expertise in human rights training and its unique nature of being the only pan-European and inter-professional training network brings added value in any initiative taken by the Council of Europe to enhance the capacity of MS to prevent violent radicalisation.

In this regard, the EU-Council of Europe Radicalisation Prevention project (EU-Council of Europe Radicalisation) aims at improving the criminal justice response in the EU to prevent radicalisation leading to terrorism and violent extremism by increasing the capacities and mutual trust of primarily justice practitioners dealing with radicalisation prevention (RP) through training, inter-agency and cross-border cooperation. The 2-year project is implemented by the Council of Europe under the HELP Programme and will target legal professionals (judges, prosecutors and lawyers), prison and probation staff as well as (a limited number of) law enforcement officers.

The Seminar you are all attending today and tomorrow is the first of a series of three to be organised under the EU-Council of Europe Radicalisation Prevention Project, aiming at mutual learning, exchange of good practices and cooperation. It will focus on (penitentiary and judiciary) risk assessment tools, mainly to evaluate practices and use.

The Seminar aimed to gather core actors in the field of radicalisation prevention from several Member States (MS) with a view to exchanging on the issue of structured professional judgment and use of risk assessment tools at all relevant stages of intervention. The presence of so many of you, experts in the field, who kindly agreed to take part in this seminar, proves yet again the crucial need for exchange in this ever challenging context. The expertise shared by the participants coming from various professional environments and from different countries will bring a real added value to the exercise of reconciling the imperatives of fighting terrorism/preventing violent radicalisation and respecting fundamental rights and rule of law.

Additionally, and keeping in mind the main objective of the project under which this seminar is organised, you are all warmly invited to engage in discussions aiming to identify the most relevant

aspects and issues to be included in an ideal training curriculum on radicalisation prevention, in view of the future HELP online course on radicalisation prevention.

I wish you all the best for this seminar and I encourage you to take full advantage of the opportunity offered by this gathering of experts to engage in rich and fruitful discussions over the next two days.

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