

Guidelines for prison and probation services regarding radicalisation and violent extremism

*(Adopted by the Committee of Ministers on 2 March 2016,
at the 1249th meeting of the Ministers' Deputies)*

I. TERMINOLOGY USED FOR THE PURPOSE OF THESE GUIDELINES:¹

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.

Violent extremism consists in promoting, supporting or committing acts which may lead to terrorism and which are aimed at defending an ideology advocating racial, national, ethnic or religious supremacy or opposing core democratic principles and values.

Dynamic security is a concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with prisoners based on professional ethics. It aims at better understanding prisoners and assessing the risks they may pose as well as ensuring safety, security and good order, contributing to rehabilitation and preparation for release. This concept should be understood within a broader notion of security which also comprises structural, organisational and static security (walls, barriers, locks, lighting and equipment used to restrain prisoners when necessary).

II. SCOPE

The present Guidelines recommend measures to be taken by prison and probation services in order to prevent persons under their responsibility from being radicalised to accepting violent extremist views which may lead to terrorist acts, as well as to detect, manage and resettle radicalised persons.

Prisoners, including pre-trial detainees, as well as probationers and conditionally released offenders are the primary subjects of the interventions recommended.

Prison and probation staff are the primary actors to implement these guiding principles. Representatives of other agencies and of religious denominations working with prisoners and probationers, as well as legal counsel, family members and peer groups may also be concerned with these guiding principles.

Radicalisation is a social and political problem that concerns public authorities as a whole. Prisons are only one of the institutions in which radicalisation might occur, but only a comprehensive social and political approach to the root causes of the problem can efficiently address it.

Although prisoners and probationers at risk of being radicalised or of becoming violent extremists represent a small number in the Council of Europe member States, it is nevertheless important to put sufficient resources and efforts into dealing with this problem efficiently given the potential danger it represents for society.

The present Guidelines shall be applied in conformity with the relevant international human rights instruments and standards and in full compliance with the European Convention on Human Rights.

¹ For the purpose of these Guidelines the use of "shall" continues CDPC drafting practice in the penitentiary field. This practice was established with the adoption of the European Prison Rules in 2006 (Recommendation Rec(2006)2 of the Committee of Ministers to member States). The use of "shall" is not to be interpreted in any way as denoting existing obligations under international law or otherwise as implying an imperative or mandatory rule for member States.

These Guidelines underscore and further develop existing Council of Europe standards and shall be read together with the rules contained in the relevant Council of Europe recommendations, in particular the European Prison Rules (Recommendation Rec(2006)2 of the Committee of Ministers), the Council of Europe Probation Rules (Recommendation CM/Rec(2010)1 of the Committee of Ministers), the European Rules for juvenile offenders subject to sanctions or measures (Recommendation CM/Rec(2008)11), Recommendation CM/Rec(2012)12 of the Committee of Ministers concerning foreign prisoners, Recommendation CM/Rec(2014)3 of the Committee of Ministers concerning dangerous offenders and Recommendation CM/Rec(2014)4 of the Committee of Ministers on electronic monitoring.

The attention to some of the most relevant rules and principles contained in the European Prison Rules is specifically drawn by listing them in the text of the Guidelines in order to remind the prison and probation services that they should not depart from these when dealing with radicalised persons under their responsibility.

III. BASIC PRINCIPLES AND GENERAL CONSIDERATIONS

a. Respect for human rights and fundamental freedoms

1. Preventing and tackling radicalisation and violent extremism shall always be based on the rule of law and shall comply with international human rights standards because respect for human rights and the rule of law is an essential part of a successful counter-radicalisation effort. Failure to comply with these is one of the factors which may contribute to increased radicalisation.
2. Torture and inhuman or degrading treatment or punishment is prohibited. Freedom of expression and freedom of religion shall be respected.

b. Respect for data protection and privacy

3. Any supervision and restriction of contacts, communications and visits to prisoners, due to radicalisation concerns, shall be proportionate to the assessed risk and shall be carried out in full respect of international human rights standards and national law related to persons deprived of their liberty and shall be in accordance with Rule 24 of the European Prison Rules concerning contact by prisoners with the outside world.
4. Where there is exchange of information related to radicalisation and violent extremism between prison and probation services and national law enforcement and intelligence agencies, strict and clear procedures shall be agreed and respected in terms of privacy and data protection.
5. Those working towards the rehabilitation of prisoners should be able to operate with appropriate autonomy and independence from those engaged in intelligence gathering on violent extremists. The success of rehabilitation is indeed premised upon the trust derived from such autonomy.

c. Imprisonment as a measure of last resort

6. In order to effectively apply the principle according to which prison shall be used as a last resort, a variety of individually tailored sanctions and measures shall be applied where possible in order to keep offenders in the community and to improve their crime-free life prospects. Co-operation with other agencies in this respect could contribute to exchanging good practices regarding general prevention measures related to radicalisation and violent extremism.
7. Young offenders may be particularly vulnerable to radicalisation. In order to avoid the negative effects of imprisonment, sanctions and measures in the community shall be considered first. Additional efforts and resources shall be allocated for working with these offenders.

d. Good prison management

8. Good management and good order in prison shall respect diversity, tolerance and human dignity of both prisoners and staff as this helps avoid situations conducive to radicalisation and violent extremism.

9. While not necessarily sufficient in themselves to trigger radicalisation – violence, racism, islamophobia and other forms of discrimination – generate resentment and provide the ground for radicalising narratives to take root. Inadequate detention conditions and overcrowding can also be factors enhancing the risk of radicalisation in prison. Tackling these issues should therefore be considered as an integral part of the counter-radicalisation effort.

10. Similarly, radicalisation processes can be accentuated and reinforced when disproportionate measures are deployed by the prison administration. Therefore punitive measures, use of force and means of restraint shall be proportionate to direct and serious threats of disruption of good order, safety and security in a given prison in order to preserve to the extent possible relations of trust and support in helping the reintegration of the offender.

11. Prison management shall involve consulting staff and, subject to the needs of good order, safety and security, taking the opinion of prisoners on matters of concern regarding the general conditions of imprisonment.

12. Prisoners' feelings of safety and trust in the legitimacy of staff's actions are likely to induce positive change and facilitate their rehabilitation and resettlement. Every effort shall therefore be made to preserve and build on such relations of trust in order to help offenders start or develop a crime-free life.

13. As much as possible, prison and probation services shall select and recruit staff with relevant linguistic abilities and cultural sensitivity. Intercultural and multifaith awareness training for staff shall form an integral part of education and training in order to promote understanding of and tolerance to diversity of beliefs and traditions.

14. Staff shall be selected, supported and trained in order to develop and maintain their professional ethics and resilience to potential pressure leading to radicalisation.

15. Educational activities are essential in the rehabilitation process of probationers or prisoners that may have adopted violent extremist views. Not only does it provide a structure to the daily routines during imprisonment, but it also provides the opportunity to develop new skills that can facilitate resettlement.

16. Tackling the issue of radicalisation in prison requires that good prison management is not only related to high professional ethics and attitudes but requires adequate resources. This can mean that additional funds might be needed for recruitment and training.

IV. PRISON AND PROBATION WORK

a. Assessment

17. Risk and needs assessment should be carried out by multi-disciplinary teams. When initial and subsequent risk and needs assessment of offenders is carried out, special attention shall be paid to identify offenders vulnerable to radicalisation. In conformity with the existing national procedures regarding risk assessment, offenders' views should be recorded in relation to this and offenders should be given the opportunity to challenge such assessments.

18. In order to establish individual treatment programmes aimed at successful rehabilitation of prisoners and probationers, assessment tools specifically tailored to identify risks of radicalisation shall be developed and used from the outset of the implementation of a penal sanction or measure and repeated at regular intervals as necessary when there is a concern that the prisoner might be undergoing a process of radicalisation.

b. Admission to prison and allocation

19. Special attention shall be paid to admission procedures of all prisoners as the good carrying out of such procedures allows feelings of trust and safety to be established in prisoners, enabling proper assessment of their health condition at entry, and contributing to good risk and needs assessment, sentence planning, classification, allocation and accommodation.

20. Regardless of whether prisoners sentenced for terrorist-related crimes are kept in separate prisons or wings or are dispersed across the prison system, the risk they may pose, including the risk of radicalising other prisoners, shall be evaluated individually before their allocation is defined and shall be reviewed at regular intervals.

c. High-security prisons or high-security sections in prison and prison transfers

21. The need to keep prisoners sentenced for terrorist-related crimes in high security prisons or under high levels of security in ordinary prisons shall also be evaluated individually and such decisions shall be reviewed at regular intervals. Rule 53 of the European Prison Rules, regulating the use of special high security or safety measures, shall apply in such cases. Furthermore, as stated in rule 70 of the European Prison Rules, any prisoner subjected to such measures shall have a right of complaint and appeal to an independent authority.

22. The regular transfers of prisoners sentenced for terrorist-related crimes may have a negative impact on the reintegration prospects of such prisoners. The need for such transfers shall therefore be carefully evaluated on an individual basis against the risk posed by such prisoners.

d. Culture and religion

23. In accordance with Rule 29 of the European Prison Rules, cultural and religious traditions shall be taken into account regarding nutrition and as far as practicable regarding clothing, opportunities for worship and religious holidays. Where possible, prisoners shall be allowed to take their meals at times that meet their religious requirements.

24. Prison services shall be encouraged to establish agreements with religious denominations in order to allow a number of approved religious representatives proportionate to the number of prisoners of the same faith in a given prison to enter the institution. Religious representatives should be properly trained on how to exercise their functions in a prison environment.

25. In order to induce positive personal change in prisoners, preferences shall be given to religious representatives who are attuned to the cultural norms and values and conversant in the languages spoken by the prisoners. Sufficient time, adequate space and resources shall be provided to enable approved religious representatives to meet prisoners in private and to hold collective services.

e. Inter-agency co-operation

26. Prison and probation services shall co-operate with each other as well as with other law enforcement agencies at local, national and international level, as dealing with radicalisation and violent extremism leading to terrorist acts requires a comprehensive approach based on professional standards.

27. Prison and probation services shall co-operate with other public and private agencies and wider civil society in order to provide aftercare and to contribute to the resettlement and reintegration of offenders.

28. It is in the interest of the prison and probation services to collect knowledge and best practices and share these internationally.

V. DETECTION, PREVENTION AND DEALING WITH RADICALISATION AND VIOLENT EXTREMISM IN PRISON

a. Use of dynamic security

29. Frontline staff shall be trained to act in line with principles of dynamic security in order to maintain safety, security and good order in prison and to contribute to the prisoner's rehabilitation. They should be trained in particular to use intercultural mediation and different techniques of intervention in case of crisis management.

b. Procedures for detection

30. Frontline staff shall be trained and supported in order to be able to distinguish between religious practices and the adoption of violent extremist behaviour and shall be empowered to react swiftly and proportionately in case of real and imminent risks posed to the life, health or personal integrity of prisoners or staff. In particular, staff shall be given tools to report concerns regarding signs of radicalisation to violent extremism and appropriate procedures shall be applied to assess promptly and professionally such risks.

31. Where specific tools and methods for identifying radicalised prisoners are developed and used by prison and probation services in order to help their frontline staff, these shall be based on professional and ethical standards and shall be reviewed and updated on a regular basis.

32. When developing indicators of radicalisation, staff shall be warned that such indicators are not to be considered in isolation but in the context of personal features and specific circumstances of a given case in order to avoid arbitrary conclusions.

33. Adequately trained members of prison or probation staff may be appointed as necessary, in case radicalisation is an issue of concern in a given prison or probation area, in order to ensure that staff know where they can readily obtain advice on radicalisation issues and prisoners or probationers know how to report concerns about radicalisation.

c. Special programmes

34. Special programmes, including the use of mentors, shall be developed for and offered to prisoners and probationers, where appropriate, and in particular for those who are considered susceptible to radicalisation, in order to help them find life options free from crime and violent extremism. Specially trained staff shall be involved in carrying out or supervising such programmes.

35. Former violent extremists who have renounced violence may serve as legitimate actors for the rehabilitation of probationers or prisoners.

36. Involvement of religious representatives, volunteers, peers and family members can also be considered on a case-by-case basis as they may be very beneficial for efficient reintegration of offenders.

VI. POST-RELEASE WORK

37. In order to aim at successful reintegration, prison and probation services shall not work in isolation, but communicate and establish links with community organisations in order to ensure the continuation of special programmes developed during imprisonment or probation after release, or after probation supervision ends, where appropriate.

38. Similarly, former prisoners shall be assisted in contacting different support structures in the community. On a case-by-case basis, the involvement of families and social networks shall be considered, as these may affect positively the resettlement process.

39. Electronic monitoring schemes and other control measures shall be combined with other professional interventions and supportive measures aimed at the social reintegration of radicalised offenders.

VII. RESEARCH, EVALUATION AND COMMUNICATION

40. Sufficient resources shall be allocated to carry out scientific research and evaluation of existing programmes tackling radicalisation. Any such programme shall be knowledge-based and shall be regularly reviewed.

41. In order to ensure public reassurance and understanding, regular work with the media shall be carried out.