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COMMENTARY
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TO THE GUIDELINES FOR PRISON AND PROBATION SERVICES
REGARDING RADICALISATION AND VIOLENT EXTREMISM

Directorate General I - Human Rights and Rule of Law

INTRODUCTION

In the Declaration on Terrorism (1978) the Committee of Ministers of the Council of Europe stated that "the prevention and suppression of terrorism is indispensable to the maintenance of the democratic structure of member states". Over the past forty years, the Council of Europe has addressed in numerous documents and instruments the issue of terrorism and radicalisation, among them, the Declaration on the Fight against International Terrorism (2001), the Guidelines on Human Rights and the Fight against Terrorism (2002); the Convention on the Prevention of Terrorism (2005a) and the Guidelines on the Protection of Victims of Terrorist Acts (2005b).

Since the Madrid bombings of March 2004, the London bombings of July 2005, and most recently the terrorist attacks in Paris in January of 2015 and in Copenhagen in February 2015, the interconnection between international conflicts and processes at the core the Council of Europe societies has come to light with urgency. Such events have shifted the attention from an understanding of terrorism as an outside threat, conceived as the result of the actions of networks located outside the boundaries of Europe, to that of a domestic social and political process of "radicalisation", seen as the mechanism through which certain members of society come to accept and support violence as a legitimate means of obtaining their political goals. The Council of Europe has followed this evolution, in particular with the Declaration "United around our principles against violent extremism and radicalisation leading to terrorism" (2015), and more recently the Action Plan on the fight against violent extremism and radicalisation leading to terrorism (2015) as well as the Additional Protocol to the Convention on the Prevention of Terrorism (2015).

The high political impact of the terrorist acts of the recent years has pushed governments across the continent to substantially modify their approach to the issue. To a set of policies primarily based on law enforcement and policing borders, the focus has moved towards addressing the domestic drivers that might cause individuals to embrace violent views. The objective, therefore, is not only to prevent terrorist acts, but to prevent individuals from becoming terrorists in the first place. In order to turn such a perspective into practice, in several European countries schools, universities, hospitals, social and youth institutions and finally prison and probation services have been asked to participate in the effort[1].

Prison and probation services have come to the attention of governments in at least three ways. First, failed or successful terrorist plots in the recent years have pointed out that several of the perpetrators have passed through prison and probation services. Such institutions have therefore been pointed out as specific "places of radicalisation" [2]. Second, and relatedly, prison and probation services have been identified by governments as places in which individuals might be susceptible to benefit from programmes and interventions helping them to become resilient to joining violent movements and ideologies. Finally, many prison and probation staff have expressed their concern and their lack of training to help them identify and deal with such matters. These are some of the main reasons that have led the Committee of Ministers of the Council of Europe to entrust in January 2015[3] the European Committee on Crime Problems (CDPC) to draft Guidelines on how to prevent radicalisation in prisons. Its subordinate body, the Council for Penological Co-operation (PC-CP) drafted between February and November 2015 Guidelines for prison and probation services regarding radicalisation and violent extremism. Their aim is providing a legal and ethical framework for national member states based on the Council of Europe values and principles to devise appropriate policies and actions to be taken by the prison and probation services in order to tackle radicalisation and prevent violent extremism.

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[1] On this evolution see, among others Colsaet (2010) and Bossong (2012)

[2] Even though it is a subject of high political importance, evidence from social scientific studies shows that radicalisation in prison nevertheless concern a very small minority or prisoners, the "spectacular few" in the words of Mark Hamm (2013). See also Silke (2014) and Veldhuis (2015)

[3] 1217th meeting - 21 January 2015, Item 1.7 "Council of Europe action against radicalisation leading to terrorism" SG/Inf(2015)4, CM(2015)19 rev, DD(2015)95

I.   COMMENTS TO THE TERMINOLOGY USED FOR THE PURPOSE OF THESE GUIDELINES

The Guidelines contain definitions of three key terms that require explanation.

Radicalisation: The term radicalisation, understood in the Guidelines as "a dynamic process whereby an individual increasingly accepts and supports violent extremism" emerged approximately around 2004-2005. Over the past ten years, a growing body of scientific literature has tried to establish and describe the process of radicalisation, with however little agreement[4]. One of the main reasons for academic scepticism is that the term originated first in policy circles and was only later submitted to scientific inquiry. As Peter Neumann has argued, the term served a specific political function: it offered a vocabulary to discuss what had been known in the literature for several years as the "root causes" of terrorism - i.e. "everything that happens before the bomb goes off"[5]. Such an analysis, after the 9/11 attacks had been made politically delicate as several commentators claimed that trying to analyse terrorism as the outcome of a social and political process, rather than mere "hatred", "irrationality" or "barbarism" was a way to justify or excuse such acts[6]. After the Madrid bombings of 2004 and the London bombings of 2005, it however became a necessity to speak about these processes again. There are many controversies around the use of the term, but the main point of contention between the policy definition of radicalisation and the critical academic positions concerns the possible sense of ineluctability and determinism that can sometimes be contained in the term. Some key policy documents, the most famous of which being the New York Police Department's document "Radicalisation in the West" (2007)[7] suggest for example that radicalisation happens in "steps" with one stage leading to the other. Many experts on radicalisation have shown that there is little evidence to support this conceptualisation of the process by which individuals come to embrace political violence[8]. The work of John Horgan, for example, shows that radicalisation is a complex process, which depends on a lot of circumstances, luck, and ultimately a person's unpredictable ability to make specific choices. This document does not take a position on these debates. While it refutes the simplistic conception of radicalisation as a deterministic process, it uses a narrow understanding of radicalisation as the passage of a symbolic red line constituted by the acceptance and support of political violence which may lead to lethal end.

Violent extremism: Violent extremism is understood in this document as "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 the core democratic principles and values." While this definition may also be subjected to criticism by some academic circles, it should be read in conjunction with the previous definition of radicalisation in order to signal that the concern of this document is not with the adoption of political views, no matter how radical they are; instead it is the adoption, promotion and support of violent means to obtain demands. This document holds that political violence is an illegitimate form of political action in democratic societies in as much as the latter allow political dissenting voices to express their views and affect social change through non-violent political action.

Dynamic security is defined as "a concept and a working method by which staff prioritize 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, organizational and static security (walls, barriers, locks, lighting and equipment used to restrain prisoners when necessary)." The notion of "dynamic security" has been developed in a context in which everyday interactions between staff and prisoners are considered a key asset for the control over information and the deployment of forms of "soft power" [9] in prison: these non-coercive practices are key to the preservation of authority and order, taken together with the other elements of security in prison: structural, organisational and static. Dynamic security, in the text, is

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[4] For a review, see Githens-Mazer & Lambert (2010), Heath-Kelly {*HeathKelly:2013wg}, Kundnani (2012), Schmid (2013).
[5] Neumann (2008 : 4)
[6] Neumann (2008)
[7] Silber and Bhatt (2007)
[8] See for example the unpublished report European Commission's Expert Group on Violent Radicalisation (2008), see also Horgan (2009).
[9] Crewe (2011)

indicated as one important feature so that the social distance between staff and prisoners is reduced. Sociological studies show indeed that the introduction of dynamic security practices has a direct impact on the everyday life of prisoners as it gives meaning and structure of human relations. Research shows however that dynamic security should be used with caution. In his research in the UK context, Crewe finds for example that while this approach might bring positive effects, it faces the risk of rendering staff prisoners relationships a priori suspicious: "staff prisoner relationships are therefore 'sticky' but often rather artificial – the outcome of expediency and self-interest as much as genuine engagement". The deployment of dynamic security shall therefore be carried out by taking this potential pitfall in consideration[10]: while it is generally considered the key to a healthy prison environment, in some countries research shows that it presents some limits that need to be taken into account.

Note on the use of the terms "terrorism" and "political violence" in this commentary. Terrorism is a politically charged term, and neither the United Nations nor the academic community has been able to find a consensus on its definition. This is due to various reasons, but in great part because as the saying goes, "one man's terrorist is another man's freedom fighter". While the Guidelines use the term "terrorism" for clarity, the commentary will use instead the term "political violence". In the academic community, indeed, there is now a broad consensus that 'terrorism' is "too plagued by conceptual stretching to be kept as a social science concept" as Italian sociologist Donatella Della Porta has succinctly put it[11]. The term "political violence" is able to avoid this pitfall. According to Della Porta, "political violence consists of those repertoires of collective action that involve great physical force and cause damage to an adversary to achieve political aims. The classical social science definition of violence refers to "behaviour designed to inflict physical injury on people or damage to property" (Graham and Gurr 1969: XVII), or "any observable interaction in the course of which persons or objects are seized or physically damaged in spite of resistance" (Tilly 1978: 176). Political violence, then, is the use of physical force to damage a political adversary. If we leave aside state or state-sponsored violence, oppositional political violence therefore consists of "collective attacks within a political community against a political regime" (Gurr 1970: 3–4)[12].

II.   COMMENTS TO THE SCOPE

The objective of the "Scope" section is to clarify aims, as well as the range of activities, institutions and persons concerned by the present Guidelines. It specifies that they concern both prison and probation services in as much as they can play a role in (a) the prevention of the diffusion of violent views as well as (b) the management of individuals who hold violent extremist views and (c) the resettlement of such individuals, with the hope that the contact with probation and/or prison services might be the occasion to disengage from violent extremism. Disengagement is often preferred to the potentially misleading term of "de-radicalisation": as John Horgan has convincingly argued, individuals might retain radical views but at the same time disengage from organized groups or from the support for violence[13]. The Guidelines have however chosen not to use the term in order to mark a clear distinction between the double set of objectives of prison and probation services: sanctioning and surveillance on the one hand, rehabilitation and resettlement on the other.

The section specifies that it is not only prisoners, but also pre-trial detainees, probationers and recently released prisoners that are concerned. The idea behind this view is that any contact with law enforcement agencies like the police, probation or prison institutions should be the occasion to carry out preventive work.

It also specifies that the work of prevention, management and assistance to the disengagement of individuals is the primary responsibility of prison and probation staff. It however recognises that tackling radicalisation is a comprehensive, multidisciplinary effort, which might involve other actors, such as religious figures, family members and the local community who can help in the process of disengagement and resettlement.

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[10] See also Liebling (2000)
[11] Della Porta (2013)
[12] *Idem*
[13] See Horgan and Braddock (2010).

The next paragraph highlights that radicalisation is a complex social and political problem that concerns not only prisons and detention centres, but all state and non-state institutions. That the trajectories of individuals responsible for terrorist acts may be influenced in schools, universities, internet fora, as well as professional and religious environments[14]. Therefore only a comprehensive approach to the root causes of the problem, which is more often than not linked to issues of exclusion, marginalization, resentment and identity-seeking can be successful. Prison and probation services are in this respect only one of the places where radicalisation may occur and a place where disengagement may happen.

The Guidelines then reinstate they shall comply with key international legal instruments in terms of respect of fundamental rights and liberties.

Finally, the Guidelines state that they should not be considered in isolation, but within a set of the relevant Council of Europe rules and regulations that concern prison and probation services, namely the European Prison Rules (Recommendation Rec (2006)2 of the Committee of Ministers), in the Council of Europe Probation Rules (Recommendation CM/Rec (2010) 1 of the Committee of Ministers), in the European Rules for juvenile offenders subject to sanctions or measures (Recommendation Rec (2008)11), Recommendation CM/Rec (2012) 12 concerning foreign prisoners, Recommendation CM/Rec(2014)3 concerning dangerous offenders and Recommendation CM/Rec (2014) 4 on electronic monitoring.

While not mentioned in the Guidelines directly, other legal texts might be relevant to them. One of these are the "Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice"[15] In the process of understanding both the woman terrorist radicalisation but also the role of women (as mothers especially) in the preventing and countering violent extremism, states can benefit from shared experiences and lessons learned, taking into account the effort made by the European or international bodies in this respect - for instance ODIHR and OSCE Report on Women and Terrorist Radicalization[16].

III.   **COMMENTS TO THE BASIC PRINCIPLES**

A.   Respect of Human Rights and Fundamental Principles

The aim of this section is to specify that tackling radicalisation that might lead to violent extremism can never justify the use of measures that are derogatory to the basic principles of human rights and fundamental freedoms[17]. There have indeed been cases in which the treatment of prisoners accused of "terrorism" has included elements of torture[18]. The aim of this article is to repeat that torture and inhuman or degrading treatment can never form part of a counter-radicalisation or counter-terrorism policy that complies with the principles and values shared by the members of the Council of Europe.

Finally, the paragraph reiterates the fact that key principles such as freedom of expression and freedom of religion shall be respected. Measures aimed at tackling radicalisation shall indeed never infringe on the ability for individuals to hold and express their political views within the boundaries of the law, nor to practice their religion.

B.   Respect of Data Protection and Privacy

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[14] See Jones (2014).

[15] Council of Europe (2010)

[16] See http://www.osce.org/what/terrorism visited 21/11/2013

[17] On the broader tension between security concerns and human rights and fundamental freedoms since 9/11, see Walker, Bigo, Guild and Carrera (2013).

[18] In the United States, this issue has been raised by the US Senate Select Committee on Intelligence (SSCI) report about the Central Intelligence Agency (CIA) Detention and Interrogation Program (States et al., 2014). The close collaboration of some European countries with the United States, in particular in the controversial CIA program of illegal transfer and secret detention in Europe suggests that this issue is not only restricted to the US. See in this regard the three judgements delivered by the European Court of Human Rights on these matters: El-Masri v. the Former Yugoslav Republic of Macedonia. Case no. 39630/09, 13/12/2012; Al Nashiri v. Poland. Case no 28761/11, 24/07/2014; Husayn (Abu Zubaydah) v. Poland, Case no 7511/13: 24/07/2014.

This section is concerned with the measures that can be taken to reduce the privacy of prisoners and probationers under scrutiny either because they have expressed violent extremist views or because they are considered to be in the process of acquiring them. The section recalls implicitly art 8 of the Charter of Fundamental Rights, which states that "everyone has the right to the protection of personal data concerning him or her."[19] It also recalls the principles of necessity and proportionality that need to be respected when infringing upon the privacy of communication of prisoners specified in the rules 24.1-24.12 of the European Prison Rules[20]. These principles, states paragraph 3, are also valid when exchanging data about prisoners of concern with other agencies and organisations, such as probation services, the police or intelligence services.

The paragraph states also another key principle of the Guidelines, namely the necessity for staff involved in the rehabilitation of prisoners of concern (social workers, educators, religious representatives, psychologists, etc.) to be able to work in appropriate autonomy and independence from those engaged in more repressive tasks of intelligence gathering, surveillance and policing. The idea underpinning this paragraph is that this autonomy is the *sine qua non* condition for the establishment and preservation of a key element of professional success in rehabilitation: genuine relations of trust. As academic research on radicalisation has shown, rehabilitation programmes (sometimes called disengagement or de-radicalisation programmes) can only work if their delivery is carried out by individuals who enjoy some form of legitimacy in the eyes of the prisoner or probationer[21]. If there are suspicions that educators, social workers or religious representatives are in fact doing intelligence or surveillance work, not only is the rehabilitation programme likely to fail, it is also likely to generate more resentment and distrust in authorities and society from the part of the prisoner or probationer[22]. In other words, the rehabilitation programmes, in order to be successful, should never be underpinned by logic of security and suspicion; this goal can only be guaranteed by a degree of separation of the roles between rehabilitation and surveillance.

C. Imprisonment as a measure of last resort

Paragraphs 6 and 7 build on two key principles: first - sanctions should always be proportionate to the gravity of the offence and should take into consideration the personal circumstances of each case, and second - deprivation of liberty should be a measure of last resort. The text addresses also the broader network of institutions that can help in fighting radicalisation: social services, local authorities, police, courts, probation services and civil society organisation.

D. Good Prison Management

These paragraphs draw the attention to the importance of good prison management which is a key and integral part of well-functioning prison system and of any meaningful strategy to rehabilitate prisoners, including tackling radicalisation.

This statement is in line with the social scientific understanding of the mechanisms that lead individuals or groups to commit acts of political violence. The academic literature on terrorism and political violence generally distinguishes two categories of factors that lead to political violence: (1) root causes and (2) trigger causes[23].

(1) Root causes (or structural factors) are the factors that the literature considers as necessary but not sufficient factors to understand the passage to political violence. They correspond to those structural issues that produce collective feelings of injustice, exclusion or marginalisation. Among such factors, one generally finds (a) foreign policy and international relations: for example, the revelations around

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[19] Charter of Fundamental Rights of the EU (2010/C 83/02)
[20] Council of Europe (2006)
[21] Neumann (2010: 22)
[22] *Idem*
[23] Crenshaw (1981)

the incarceration conditions in the prison of Abu Ghraib in Iraq[24], the controversial CIA detention and interrogation programme[25], the US drone programme in Pakistan, Afghanistan or Yemen[26] (b) Domestic policy aspects, such as the lack of integration of minorities: racism, islamophobia; (c) economic factors, such as the exclusion from the labour market and/or poverty.

(2) Precipitating factors are those which can trigger the passage to violence. They are generally found in personal histories of exclusion; they can be grafted onto the root causes to build coherent narratives of legitimation of violence. While never a sufficient predictor of violence, they are specific to each individual and are very much linked to specific circumstances. They can fall under (a) the desire to belong to a group, the social influence of a charismatic figure and peer pressure from the group (i.e. the "bunch of friends theory" of Marc Sageman for example[27]) or (b) personal experiences of discrimination, rejection or marginalisation. Here the experience of use of excessive force by state authorities (police, army, prison staff), and the experience of torture, can be a key factor (what Quintan Wiktorowicz has defined as "cognitive openings"[28]). They can also relate to (c) what Tedd Gurr has conceptualized through the concept of "relative deprivation"[29], namely the resentment related to unmatched or frustrated expectations in economic, social or political circumstances.

The Guidelines suggest that holding political, ideological or religious views, even quite radical, should not be a matter of concern for probation and prison staff as freedom of thought consciousness and religion are protected by Article 9 of the ECHR. What prison and probation services should do, however, is to create the feeling of justice of the sanction executed thus avoiding further sources of resentment for individuals under their control who might use them to further convince themselves or others of the legitimacy of violent methods to achieve their personal or political goals.

Tackling radicalisation therefore implies tackling both root and trigger causes of political violence. While trigger factors that belong to individual histories of single individuals that might provoke individual suffering might be best addressed, if necessary, by personalised psychological care, counselling and mentorship; good prison management is the best way to address some of the root causes. In particular avoiding overcrowding, violence, racism, islamophobia or other forms of discrimination allows countering the narrative of exclusion that justifies violence.

IV. COMMENTS TO THE PARAGRAPHS ON PRISON AND PROBATION WORK

A. Assessment

Paragraph 17 and 18 are concerned with the key question of assessing the risks posed by prisoners (to fellow prisoners, to prison staff or to themselves) but also the needs they may have when they enter the prison system. As emphasised in paragraph 18, properly assessing risks and needs is indeed a key factor to determine the appropriate attention and care provided to each individual prisoner, as specified in paragraphs 51.3 and 52.1 of the European Prison Rules. Paragraph 17 suggests therefore that radicalisation should be one of the aspects of the general assessment process. It however recalls that prisoners have the right to challenge the assessments that are made in their regard.

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[24] See for example the declaration of the Council of Europe Secretary General at the White House Summit on Countering Violent Extremism in Washington DC (19 February 2015): "Good laws teach good lessons. And states wanting to educate young citizens about respect and tolerance must lead by example. When that doesn't happen, for example in Abu Ghraib after September 11th it only becomes easier for terrorists to find new recruits. We must therefore always respond to terror with laws and practices which uphold our values". URL http://bit.ly/1O59XHC visited 27/10/2015

[25] See footnote number 18

[26] See the questions raised by NGOs such as Amnesty International around the legality of the US drone program for example http://bit.ly/1O5aqJU visited 27/10/2015

[27] Sageman (2004)

[28] Wiktorowicz (2004)

[29] Gurr (1970)

These paragraphs do not enter into the details of how assessments of radicalisation should be carried out, which criteria for radicalisation should be used nor which method works best. There are a few reasons behind this choice.

(1) States that have developed instruments to identify and assess radicalisation processes have chosen not to disclose their criteria. Authorities argue that making the criteria public would defeat the purpose of the assessments: once known, prisoners or probationers could use the criteria to modify their behaviour and escape detection.

(2) Prison and probation services in the Council of Europe member states that have deployed instruments to assess the process of radicalisation are constantly revising their policies and assessment guides: enshrining one specific method over another would therefore lead to a set of rapidly out-dated assessment techniques.

(3) Finally – and this reason has now gained momentum within the academic study of radicalisation – spotting "signs" of radicalisation might be simply an impossible task, because such generalizable signs could not exist. Despite considerable efforts and resources invested in research over the past years, no scholarly study has been able to produce a list of reliable indicators of radicalisation. While some believe it is because not enough knowledge has been produced on the matter, many in the academic community have now come to the conclusion that in the same manner as there are no profiles of terrorists, there are no signs that are able to predict with a high degree of probability whether an individual will turn to violence. In fact, much of social science based on empirical research points to the conclusion that the choice to use violent tactics is always based on individual-specific trajectories, circumstances, social networks and ultimately *decisions* that cannot be predicted[30].

B.   Admission to prison and allocation

Paragraphs 19 and 20 reiterate the importance of proper assessments for sentence planning, classification, allocation and accommodation. They stress the importance of the first impressions a detained person has when entering a penitentiary institution and the need to avoid feelings of insecurity and vulnerability at prison entry as much as possible as such feelings are among the factors facilitating joining prison gangs or extremist groups.

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

There is considerable debate in the political circles, in the scholarly community as well as among prison and probation professionals as to whether offenders entering prison for terrorism crimes should be dispersed in multiple institutions of the prison system – or if they should instead be regrouped, in locations such as high-security prisons or wings. The Guidelines do not take a position with regard to this debate[31]. Decisions to be taken in this respect will depend on national circumstances, cultural differences, individual situation and crimes committed and also on the number of such prisoners who in some countries are very few and in others are more numerous. They however recall two important rules of the European Prison Rules:

(1) Rule 53 (which comprises paragraphs 53.1 – 53.7) states that (53.1) "Special high security or safety measures shall only be applied in exceptional circumstances. (53.2) There shall be clear procedures to be followed when such measures are to be applied to any prisoner. (53.3) The nature of any such measures, their duration and the grounds on which they may be applied shall be determined by national law. (53.4) The application of the measures in each case shall be approved by the competent authority for a specified period of time. (53.5) Any decision to extend the approved period of time shall be subject to a new approval by the competent authority. (53.6)

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[30] On these issues, see in addition to the references mentioned in footnote 5, Mythen and Walklate (2009), Mythen, Walklate and Khan (2012), Neumann (2013), Kundnani (2014), Silke (2014)
[31] For an overview of this discussion, see Silke (2014).

Such measures shall be applied to individuals and not to groups of prisoners. (53.7) Any prisoner subjected to such measures shall have a right of complaint in the terms set out in Rule 70.

(2) Rule 70 (which comprises paragraphs 70.1 – 70.7) concerns "Requests and complaints". It states that (70.1) "Prisoners, individually or as a group, shall have ample opportunity to make requests or complaints to the director of the prison or to any other competent authority. (70.2) If mediation seems appropriate this should be tried first. (70.3) If a request is denied or a complaint is rejected, reasons shall be provided to the prisoner and the prisoner shall have the right to appeal to an independent authority. (70.4) Prisoners shall not be punished because of having made a request or lodged a complaint. (70.5) The competent authority shall take into account any written complaints from relatives of a prisoner when they have reason to believe that a prisoner's rights have been violated. (70.6) No complaint by a legal representative or organisation concerned with the welfare of prisoners may be brought on behalf of a prisoner if the prisoner concerned does not consent to it being brought. (70.7) Prisoners are entitled to seek legal advice about complaints and appeals procedures and to legal assistance when the interests of justice require.

It is important to take into consideration the work of the CPT concerning matters of solitary confinement[32]. An important issue is also the practice of frequent transfers used in some countries in the case of prisoners sentenced for terrorism or organised crime. Such practices have been criticised by the European Court of Human Rights and the CPT as they undermine successful social reintegration and break family ties. For safety and security reasons such transfers may be necessary in some cases but they should be an exception and not a rule.

D.   Culture and Religion

The paragraphs 23-25 concern culture and religion. They are underpinned by two complementary principles. The first is the right to practice cultural and religious traditions, a right enshrined in various key documents, notably European Convention on Human Rights art. 9 and 14, as well as the European Prison Rules 22.1 and 29.1-29.3 The present text goes further by recommending providing opportunities for celebrating religious holidays and for taking meals at times which meet their religious requirements.

More guidance than in the European Prison Rules is provided also as regards selection, access and training of religious representatives attuned to the culture and speaking the language of prisoners of a given confession or culture.

E.   Inter-Agency co-operation

This paragraph underlines the need for a multi-agency comprehensive approach in order to deal successfully with radicalisation and the need to involve civil society and local communities in the reintegration process. The need for exchange of good practices at national and international level is also underscored as radicalisation leading to violent extremism is a new phenomenon and any experience and expertise would be valuable in saving lives, of potential victims but also of offenders who could be given a second chance.

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[32] See in particular CPT (2001, 2011, 2015).

V. COMMENTS TO THE PARAGRAPHS ON DETECTION, PREVENTION AND DEALING WITH RADICALISATION AND VIOLENT EXTREMISM IN PRISON

A. The use of dynamic security

Dynamic security is underscored as a key element for dealing promptly with radicalisation process as well as a factor contributing to the rehabilitation of prisoners. Stress is also put on the importance of ensuring staff training which allows them to better understand prisoners coming from different cultural and religious backgrounds and to make use of inter-cultural mediation and interventions in resolving disputes and riots in prison and in putting end to inter-personal violence.

B. Procedure for detection

While the academic debate around "signs" of radicalisation is still on-going and is unlikely to end in a consensus soon, the reality is that many prison and probation services are already relying on assessment tools, based on specific criteria. This paragraph alerts prison and probation staff that what might be perceived as "signs" can very often be usual external or behavioural markers of enhanced religious practice. It is therefore of utmost importance, in order to avoid unnecessary escalation of violence between probationers and prisoners and probation and prison staff to make sure that the assessment is properly made. The role of frontline staff is critical, it requires the authorities to invest in their proper training in order to ensure adequate assessment procedures and the possibility to make appropriate decisions when necessary – for example through a protocol of assessment and the establishment of multidisciplinary assessment panels. Empowerment of frontline staff in this respect is essential and this would help upgrade their professional status and recognition as they are in everyday contact with prisoners and probationers and need to feel the support of their management.

While paragraph 30 insists on the importance of cultural training in order to avoid unnecessary conflict, paragraph 31 underline the fact that they must be based on ethical standards, and reviewed on a regular basis in order to take into account feedback from frontline officers and possibly past assessment experiences. Furthermore paragraph 32 suggests that signs should never be considered in isolation – a proper assessment should be indeed grounded in many elements of context – linked for example to the news climate, the atmosphere inside the prison or among probationers, the relationship with other prisoners or probationers – as well as elements specific to the trajectory of any given probationer or prisoner. Finally paragraph 33 argues that properly addressing matters of radicalisation might require additional resources, not only financially but also in terms of personnel. It would indeed be misleading to assume that the task of addressing and tackling radicalisation in prison and probation services can be added to the existing staff tasks without an investment in financial or human resources. Therefore it is suggested to appoint in some prisons and probation services, where radicalisation is an issue, special staff who should be a point of reference to colleagues and offenders seeking help and advice.

C. Special programmes

Paragraphs 34-36 concern special programmes aimed at addressing radicalisation – often referred to as "de-radicalisation" or "disengagement programmes". Among them, mentoring programmes are often developed and consist in working on voluntary basis to coach and maintain dialogue between probationers or prisoners and authoritative figures or social workers, serving as positive role models. This takes the form, in the case of Islam-based ideologies, working with religious figures, psychologists and/or social workers (for example the Healthy Identity Intention or Al-Furqan programmes in the UK). In the case of right-wing ideologies it can take the form of programmes developed with former extremists (i.e. EXIT in Germany and Scandinavian countries). Although social science research on the effectiveness of these programmes is still inconclusive[33], they are currently what practitioners in the field consider as the best tools to advise and provide emotional support to offenders, in order to encourage them to desist from violent extremism.

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[33] See Sommier (2012) and Horgan and Braddock (2010)

VI.   COMMENTS TO THE PARAGRAPHS ON POST-RELEASE WORK

Paragraphs 37-39 assert the necessary of multi-disciplinary approach to the rehabilitation and resettlement of radicalised probationers or prisoners after release or after the end of the probation period. The release from prison without adequate follow-up in the community can mean a quick return to violence. The paragraphs therefore highlight the importance of assistance structures, in particular for prisoners, for their reintegration into society. While families and social networks may or may not be positive factors in the resettlement process, support from local communities, housing, employment and social services may be key to help desistence from crime. Finally, article 39 considers the complementarity of post-release restrictions (such as electronic monitoring or other control measures) which should be combined with measures aimed at social reintegration in order to achieve the results sought[34].

VII.   COMMENTS TO THE PARAGRAPHS ON RESEARCH, EVALUATION AND COMMUNICATION

Paragraph 38 calls for the funding of scientific research in the domain of radicalisation and existing programmes aimed at tackling radicalisation, insisting on the necessity to develop knowledge-based, regularly assessed programmes. As this commentary has shown, while political and administrative decisions are being taken to tackle radicalisation in prison, in schools, on the internet, the evidence, and in particular evidence based on peer-reviewed scientific studies is still scarce and may come in contradiction with some existing assumptions in particular in two domains: (1) the ability to develop successful indicators and programmes aimed at spotting and reporting signs of radicalisation and (2) the increased securitisation of the relation between control and care (broadly understood) providers and probationers and prisoners. The ultimate goals of rehabilitation and resettlement can indeed be jeopardized by a misuse of practices of surveillance and repression and by not sufficiently investing in risk and needs assessment and reintegration programmes.

Finally, acknowledging the high media profile of the issue of radicalisation in prison, paragraph 41 recalls that it is fundamental for prison and probation services to be able to clearly communicate with the media regarding the objectives, practices and outcomes of programmes dedicated to tackling radicalisation in order to gain understanding and support from all social spectrums.

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[34] See the conclusions of Neumann (2010) on these points.

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