

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 23 September 2015
PC-CP\docs 2015\PC-CP(2015)2Rev3_E

PC-CP (2015) 2 rev 3

EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

**DRAFT GUIDELINES FOR PRISON AND PROBATION SERVICES REGARDING
RADICALISATION AND VIOLENT EXTREMISM**

**Document prepared by the Directorate General
Human Rights and Rule of Law**

INTRODUCTION

The high social and political impact of terrorist acts in recent years has pushed the Council of Europe member states, along with other countries worldwide, to substantially review their approach to dealing with this problem. From a set of policies primarily based on law enforcement and policing borders the focus has moved towards addressing the domestic and other drivers that might cause individuals to embrace violent views. The objective, therefore, is currently not only to prevent terrorist acts but also to prevent individuals from becoming terrorists in the first place.

In relation to this, prison and probation services have come to the attention of governments because several of the perpetrators of terrorist acts have passed through the prison and probation systems and because these systems have been identified as places where individuals might be susceptible to benefit from programmes and interventions helping them to become resilient to joining violent movements and ideologies. It should also be underlined in this respect that prison and probation staff in general lack specific training to deal with such matters. These are some of the main reasons that have led the Council of Europe to draft Guidelines for prison and probation services facing such issues related to radicalisation and violent extremism. The guidelines provide a framework for the member states to devise appropriate policies in conformity with the Council of Europe standards and principles related to the rule of law and protection of human rights and also related to good prison and probation management and the treatment of offenders.

The main addressees of the Guidelines are the leadership and staff of the prison and probation services whose interventions should 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. The Guidelines also recognise that tackling radicalisation is a comprehensive, multidisciplinary effort and should be an integral part of an overall strategy to fight the root causes of terrorism in general. This process should crucially involve other state agencies but also actors such as religious representatives, family members, volunteers and other representatives of the community.

The work was carried out by the Council for Penological Co-operation (PC-CP) and its Working Group¹. It started in February 2015 and was finalised at the PC-CP plenary meeting on 17-19 November 2015. The European Committee on Crime Problems (CDPC) considered and approved the text of the Guidelines in December 2015. The PC-CP was assisted by Mr Francesco Ragazzi, scientific expert, Institute of Political Science, University of Leiden, The Netherlands. In the course of its work the PC-CP also had the benefit of presentations made by the following external consultants (in chronological order): Mr Finn Grav, Senior advisor, Directorate of Norwegian Correctional Service, Norway and Mr Steve Gorman, Head of Counter Terrorism, Security Group, National Offender Management Service, United Kingdom. The Directors of the Prison and Probation Services of the Council of Europe member states were also consulted regarding the structure and contents of the Guidelines at the 20th Council of Europe Conference of Directors of Prison and Probation Services "Radicalisation and other Strategic Challenges", Bucharest, Romania (9-10 June 2015).

¹) Members of the Working Group (in alphabetical order): Alina BARBU, **Vice-Chair of the PC-CP**, Legal expert, Directorate of Drafting legislation Department, Ministry of Justice, Romania; Harald FØSKER, International Director, Directorate of Norwegian Correctional Service, Norway; Vivian GEIRAN, Director, Probation Service, Ireland; Antanas JATKEVIČIUS, Head of Criminal and Administrative Law Unit, Legal Department, Office of the Parliament, Research fellow, Lithuanian Institute of Law, Lithuania; Joerg JESSE, Director General, Prison and Probation Administration, Acts of Clemency, Ministry of Justice, Mecklenburg - Western Pomerania, Germany; Attila JUHÁSZ, Prison Governor, Senior member, Heves County Remand Prison, Hungary; Dominik LEHNER (Dr.), Head of Penal Services (Chef d'office d'execution des peines), Justice and Security Department, Basel-City, Switzerland; Peter LINDSTRÖM, Associate Professor, Stockholm County Police, Sweden; Mauro PALMA, **Chair of the PC-CP**, Adviser to the Minister of Justice, Italy.

GUIDELINES FOR PRISON AND PROBATION SERVICES REGARDING RADICALISATION AND VIOLENT EXTREMISM

*(Adopted by the Committee of Ministers on XXX 2016,
at the XXX meeting of the Ministers' Deputies)*

I. TERMINOLOGY USED FOR THE PURPOSE OF THESE GUIDELINES:

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 and 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 high 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 recently released prisoners 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 by 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.

Prisoners and probationers at risk of being radicalised or of becoming violent extremists represent a small minority 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.

Nothing in the present Guidelines shall be interpreted as precluding the application of relevant international human rights instruments and standards and in the first place the European Convention on Human Rights.

These Guidelines shall be read together with the rules contained in the relevant Council of Europe legal texts, 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 of the Committee of Ministers concerning foreign prisoners and Recommendation CM/Rec(2014)3 of the Committee of Ministers concerning dangerous offenders.

III. BASIC PRINCIPLES

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 respect human rights and fundamental freedoms. Torture and inhuman or degrading treatment or punishment shall be prohibited and freedom of expression and freedom of religion shall be respected.

b. Respect for data protection and privacy

2. 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 agreed international standards and national law regarding human rights of 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.
3. Where co-operation and exchange of information related to radicalisation and violent extremism are established with external law enforcement and intelligence agencies, strict and clear procedures shall be agreed and respected in terms of privacy and data protection.
4. Those working towards the rehabilitation of prisoners should be able to operate with relative autonomy and independence from those engaged in intelligence gathering on violent radicals. The success of rehabilitation is indeed premised upon the trust derived from such autonomy.

c. Imprisonment as a measure of last resort

5. 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.
6. 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

7. 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.
8. While not necessarily sufficient in themselves to trigger radicalisation - violence, racism, islamophobia and other forms of discrimination - generate resentment and provide the ground for radicalizing 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.
9. 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.

10. Prison management shall involve, subject to the needs of good order, safety and security, consulting staff and communicating with prisoners on matters of concern regarding the general conditions of imprisonment.
11. 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.
12. As much as possible, prison and probation services shall select and recruit staff with relevant linguistic abilities and cultural sensitivity. Inter-cultural and multi-faith 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.
13. Educational activities are essential in the rehabilitation process of probationers or prisoners that may have adopted violent radical 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.
14. Tackling the issue of radicalization 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

15. 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.
16. 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

17. Special attention shall be paid to admission procedures 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 assessment, sentence planning, classification, allocation and accommodation.
18. Regardless of whether prisoners sentenced for terrorist-related crimes are kept separately 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

19. 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.

20. 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 must therefore be carefully evaluated on an individual basis against the risk posed by such prisoners.

d. Culture and religion

21. Cultural and religious traditions shall be taken into account regarding nutrition and as far as possible 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.
22. 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.
23. 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

24. Prison and probation services shall co-operate with each other as well as with other law-enforcement agencies, as dealing with radicalisation and violent extremism leading to terrorist acts requires a comprehensive approach based on approved professional standards at all levels - local, national and international.
25. 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.
26. It is in the interest of all prison and probation services of Council of Europe member states that given the relatively new character of this problem, best practices are collected and shared internationally.

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

a. Use of dynamic security

27. Frontline staff shall be trained to use dynamic security in order to keep safety, security and good order in prison and to contribute to the prisoner's rehabilitation. They shall be trained in particular to use inter-cultural mediation and different techniques of intervention in case of crisis management.

b. Procedures for detection

28. Frontline staff shall be trained and supported in order to be able to distinguish between mainstream religious behaviour and the adoption of violent extremist ideologies and shall be empowered to react swiftly and adequately in case of immediate 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.
29. 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 must be based on approved professional and ethical standards and must be reviewed and updated on a regular basis.

30. 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 erroneous conclusions.
31. 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 register concerns about radicalisation.

c. Special programmes

32. Special programmes including mentoring shall be developed for and offered to prisoners and probationers, and in the first place for those who are considered susceptible to radicalisation, in order to help them find life options free from crime and radicalisation. Specially trained staff shall be involved in carrying out or supervising such programmes.
33. Former violent radicals who have renounced violence may serve as legitimate actors for the rehabilitation of probationers or prisoners.
34. 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

35. In order to aim at successful reintegration, prison and probation services shall not work in isolation, but communicate and establish links with community organizations in order to ensure the continuation of special programmes developed during imprisonment or probation after release, or after probation supervision ends, where appropriate.
36. 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.
37. Electronic monitoring schemes and other control measures such as restrictions on movements and travelling abroad of radicalised offenders shall be combined with other professional interventions and supportive measures aimed at their social reintegration.

VII. RESEARCH, EVALUATION AND COMMUNICATION

38. 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.
39. In order to ensure public reassurance and understanding, regular work with the media shall be carried out.

OoO