



**Council of Europe HELP High level Conference
COUNTERING CROSS-BORDER CRIME -HUMAN RIGHTS
IMPLICATIONS**

**(Improving international and multi-agency cooperation
to tackle radicalisation,
terrorism and organised crime)**

Strasbourg, 20 October 2021

The Transfer and some implications

- Conditions
- Post-transfer rights
- Overcrowding
- The diversity between Member States' laws on the enforcement of custodial sentences.
- Alternative sanctions and measures.
- Rehabilitation

SOCIAL REHABILITATION AND TRANSFER

While the Framework Decision provides no explicit definition of social rehabilitation, it however provides a non exhaustive list of elements to assess whether the social rehabilitation of the sentenced person will be enhanced as a result of the transfer of the sentence. The competent authority of the issuing State should take into account such elements as, for example, 'the person's attachment to the executing State, whether he or she considers it the place of family, linguistic, cultural, social or economic and other links to the executing State'.



Transfer of prisoners – the VEOTs context

- The transfer of detained persons reflects the international character of terrorist offences, which has led to imprisonment in foreign countries of nationals of a number of States.
- In that context, the transfer of detained persons who have already been convicted has one principal function, to further the social rehabilitation of convicted foreigners, by allowing them to serve their sentence in their home country.
- The policy is also rooted in humanitarian considerations: difficulties in communication because of language barriers, alienation from local culture and customs, and the absence of contact with relatives may have detrimental effects on the foreign prisoner.
- This is why the State to which the detained person is transferred is usually the State of which he or she is a national or his or her place of origin.

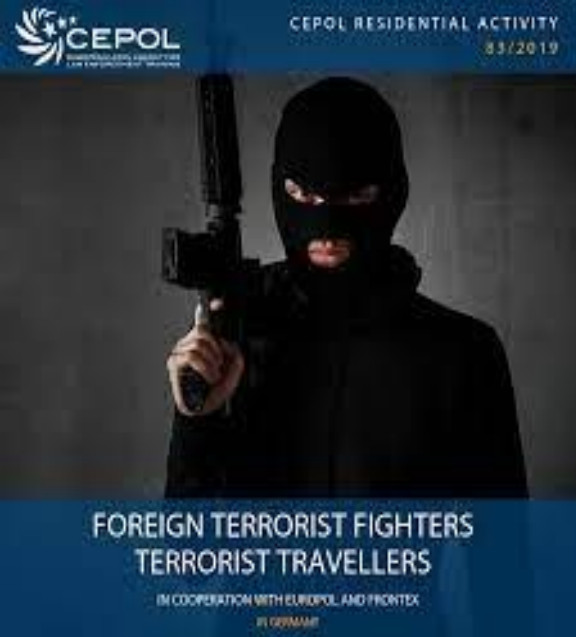


- Such transfer also serves to provide an effective alternative if other means of cooperation do not work.
- Legal basis. This type of cooperation is provided for in certain international conventions and regional agreements.
- Such a transfer shall, nonetheless, result mainly from agreements between individual States.
- Condition. The transfer is subject to the consent of the person concerned.

Multi-agency approaches in preventing violent extremism

- Empowering communities locally.
- Building on existing local programmes and structures.
- Involving local CSOs.
- All forms of violent extremism need to be monitored and addressed.
- Building trust and solid partnerships among stakeholders.
- Applying a broader public safety approach is favourable.





NEW CHALLENGES

*FOREIGN TERRORIST FIGHTERS (FTFs) RETURNEES
WHO ARE THEY?*

CHALLENGES



- Security concerns.
- No one single profile (GENERATION)
- Lost ties with all remaining social networks in their country of origin.
- Citizenships or possible deportations.
- Stigmatisation and rejection from the society.

THE “INVISIBLE” RETURNING WOMAN?





SOME CHALLENGES

- Deep commitment to the 'caliphate' ideal and to Daesh.
- Stigmatisation within the community.
- Need for gender sensitive approach.
- Lack of access to opportunities.
- Vulnerability.



CHILD RETURNEES



Children should never be detained because of their or their parents' immigration status and no child should be subjected to preventive or administrative detention for counter-terrorism purposes.

In all matters concerning children, children's rights and best interests should be of primary consideration...

DIFFERENT GROUPS



1. Children who left the EU.
2. Children who were born in terrorist conflict zones and who then travelled to Europe.
3. Children who were born in the EU to a mother and / or father who was involved with a terrorist organisation abroad.
4. Age.

THE CHALLENGES

- Children living / growing up in conflict areas are particularly vulnerable.
- Children exposed to armed conflict are highly likely to face multiple and ongoing trauma.
- Psychological capacity to understand consequences.
- The child and the transitional environment.
- The child and the social environment.
- Stigmatization (“terrorist” at school).
- Lack of familiarity with EU society and norms.

STRATEGIC RESPONSES



- A focus on early interventions
- Holistic, multi-agency approach. Focus on normalization and resocialization as soon as possible.
- Tailor-made approach based on individual risk and need assessment
- Inclusive community support (the role of schools)
- Training to work with returnee children and support of staff

PRISON EXIT CONTINUUM – THE PROBATION CONTEXT

1. Transition period
2. Sustainability and consistency of the exit continuum.
3. Probation support.
4. Staff.
5. Multiagency co-ordination and co-operation.

RECOMMENDATIONS

- .Resocialisation, reintegration and rehabilitation are priority for prison and probation.
- Tailored made approach.
- Holistic approach in training for first - line practitioners
- More intensive international and cross-border cooperation.
- Established coordination mechanisms across the government agency and early inclusion of other partners.
- Exchange of practices, experience and solution between MS to enhance the mutual trust in judicial cooperation.

Human rights approach – a powerful driver for change!

THANK YOU FOR YOUR ATTENTION!

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