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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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Subject: Draft Council Conclusions on preventing and combating radicalisation in prisons and on dealing with terrorist and violent extremist offenders after release
- Adoption

1. On 9 January 2019, the Presidency sent out a questionnaire on policies for preventing and countering radicalisation in prisons (CM 1068/19), in order to establish an overview of the existing policies and strategies implemented by Member States and the relevant support measures and challenges that need an efficient response, and in so doing create a collection of good practices.
2. The attached draft Council Conclusions on preventing and combating radicalisation in prisons and dealing with terrorist and violent extremist offenders after release are based on Member States' responses to the questionnaire, the discussions during the meetings of the Terrorism Working Party (TWP) of 19 March, 16 April and 7 May 2019 and Member States' written comments.

3. The Permanent Representatives Committee is invited to confirm the agreement on the draft Council Conclusions on preventing and combating radicalisation in prisons and dealing with terrorist and violent extremist offenders after release, as set out in the Annex, and to submit them to the Council for adoption.
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DRAFT COUNCIL CONCLUSIONS

on preventing and combating radicalisation in prisons and on dealing with terrorist and violent extremist offenders after release

STRESSING that the fight against terrorism is a high priority on the Council agenda,

TAKING INTO ACCOUNT that the European Council in October 2018 called for measures to strengthen the capacity to prevent and respond effectively to radicalisation and terrorism, in full respect of fundamental rights,

NOTING that radicalisation in all its forms, leading to terrorism and violent extremism, continues to pose significant challenges that call for a multi-agency approach, first of all in the Member States, then at EU level, and then in priority neighbouring regions,

HIGHLIGHTING the particular importance and urgency of effective measures to deal with terrorist and violent extremist offenders, prevent radicalisation in prisons and implement rehabilitation and reintegration strategies in the light of the risk posed by the growing number of terrorist and violent extremist offenders or offenders radicalised while serving time in prison, and the fact that a number of these offenders will be released in the next two years, as highlighted by the EU threat assessment in the field of counter-terrorism,

WELCOMING the common efforts of the Member States and the Commission in this area, in particular the final report of the High Level Commission Expert Group on Radicalisation (HLCEG-R), the establishment of the Steering Board on Radicalisation, and the strategic orientations on a coordinated EU approach to the prevention of radicalisation for 2019, indicating that dealing with terrorist and violent extremist offenders and preventing radicalisation in prisons remain significant challenges across the EU, and recommending that Member States' capacity to develop, implement and evaluate risk assessment tools and disengagement programmes be enhanced, to allow for targeted and effective rehabilitation and reintegration of terrorist and violent extremist offenders,

WELCOMING the initiative of Member States on preventive work in prisons, rehabilitation and reintegration under the project-based approach that was introduced as one of the recommendations of the HLCEG-R,

TAKING NOTE that the conclusions of the EP Special Committee on Terrorism's report also highlight the need to address the growing challenge of radicalisation in prisons and to develop and implement more effective measures in this area,

ACKNOWLEDGING the work in this area carried out by the Radicalisation Awareness Network (RAN) Centre of Excellence, which is an essential platform for exchanging best practices among practitioners and building up knowledge in this particular field,

RECALLING, in particular:

- the Conclusions of the Council of the European Union and of the Member States meeting within the Council on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism¹, adopted on 20 November 2015, and in particular the conclusions on detention regimes, rehabilitation and reintegration and training;
- the Revised Guidelines for the EU Strategy for Combating Radicalisation and Recruitment to Terrorism of 30 June 2017²;
- the conclusions of the conference on radicalisation in prisons held on 27 February 2018, organised by the Commission together with the Bulgarian Presidency (taking stock of the work done in this area since 2015);
- the Justice Ministers' lunch discussion of 9 March 2018 on radicalisation in prisons;
- the EU-Western Balkans Joint Action Plan on Counter-Terrorism, signed in October 2018.

¹ 14419/15

² 10855/17

THE COUNCIL OF THE EUROPEAN UNION,

ACKNOWLEDGES the potential risk to European citizens stemming from terrorist acts inspired, organised, facilitated or committed by terrorist and violent extremist offenders and/or individuals radicalised while serving time in prisons.

RECOGNISES the need to continuously improve the cooperation and coordination of actions both at national and EU level, and to develop the most appropriate tools to efficiently tackle the challenge associated to radicalisation in prison.

INVITES MEMBER STATES TO:

- further develop specialised interventions for dealing with terrorist and violent extremist offenders and offenders assessed as in risk of being radicalised while serving time in prison, including possibilities for multi-agency information exchange, with a specific view to rehabilitation, reintegration and risk management after release;
- implement the relevant conclusions of the Council and, where appropriate, the recommendations of the High Level Commission Expert Group on Radicalisation;
- make best use of, whenever needed and where appropriate, the good practices in dealing with radicalisation in prisons, drawn from the broad consultation exercise conducted by the Presidency and detailed in the Annex;
- explore joining the European network of Penitentiary Training Academies (EPTA) and encourage participation in the ongoing project co-funded by the Justice Programme to develop this network.

INVITES THE COMMISSION TO:

- support the work of the Member States (including through the financial instruments available, such as the Internal Security Fund – Police and the Justice Programme) to further develop tools and practices for risk management and implement training programmes for relevant professionals and practitioners (prison staff, probation officers, the judiciary, etc.), de-radicalisation, disengagement and rehabilitation programmes for terrorist and violent extremist offenders during detention and rehabilitation, and social reintegration tools for after their release from prison;
- continue to facilitate the exchange of information and the sharing of good practices and lessons learnt through the dynamic work of the various initiatives set up in this field, involving Member States' and practitioners' networks in different relevant areas of activity, such as EuroPris, the Confederation of European Probation (CEP) and the RAN;
- further contribute to the development of consolidated knowledge, evidence-based research and practical guidance at EU level to support Member States in efficiently addressing radicalisation in prisons and the social reintegration of terrorist and violent extremist offenders and/or offenders radicalised in prisons;
- continue to support the work of third countries and partners, especially neighbouring regions, such as the Western Balkans, the MENA-region (Middle East and North Africa) and the Sahel to prevent radicalisation in prisons and to put in place de-radicalisation and disengagement programmes during detention as well as rehabilitation and reintegration programs after release,
- include the results of the consultation by the Romanian Presidency in future work on dealing with terrorist and violent extremist offenders and on radicalisation in prisons, and support Member States in implementing relevant practices and interventions;
- review progress made and assess the need for further action, together with Member States, in the Steering Board on Radicalisation.

GOOD PRACTICES in addressing radicalisation in prisons and dealing with terrorist and violent extremist offenders after release

General framework

A multidisciplinary approach, taking into account the different dimensions of the process – prevention, sanctions/imprisonment, rehabilitation and reintegration – is needed in order to ensure that the work of the institutional and societal actors involved at national and European level is coherent and coordinated.

Efficient national coordination and cooperation policies involving relevant actors could facilitate the early detection of radicalisation and recruitment in prison and the development of appropriate measures. These could include swift exchange of information (involving inter-department/-agency networks and working groups), written instructions and strategies, and/or specialised training and guidance.

Measures could be continuously adapted and updated to reflect the evolving nature of the challenge posed by changes in the radical or extremist environment.

Specialised and multidisciplinary units responsible for countering violent extremism and radicalisation in prisons could be an efficient tool for carrying out – in partnership with other stakeholders, some of them local – the identification, de-radicalisation, disengagement and social reintegration of radicalised individuals, and attempting to prevent radicalisation.

An assessment could be carried out to determine whether specialised programmes need to be developed to respond to the specific needs and characteristics of female terrorist or violent extremist offenders.

Special care has to be taken regarding juvenile offenders, who should be considered not only as perpetrators or possible threats, but also – depending on their age and stage of personal development - as victims, in full respect of their fundamental rights and in accordance with the relevant national and EU legislation on juvenile detention.

Training

Comprehensive training programmes for prison and probation staff – including specific awareness-raising and radicalisation prevention modules during their initial training – could be developed and implemented especially in those prisons hosting inmates with a terrorist or radical history.

The programmes could focus on improving staff's understanding of violent extremism, radicalisation phenomena and extremist ideologies (including how to detect early signs of radicalised behaviour and how to provide alternative narratives) or on implementing specific prevention measures aimed at young and vulnerable inmates with significant risk factors. Staff should thus be able to equip themselves with the knowledge and tools to address the challenges they face during normal interaction with inmates, developing their situational response abilities and facilitating their work with violent inmates. Training should be tailored to the needs of different types of staff and their specific responsibilities.

A toolkit to assist prison and probation staff in working constructively with inmates who may be subject to radicalisation could be useful.

Training activities organised by EU agencies (e.g. CEPOL) or relevant EU networks (e.g. RAN, CEP, EuroPris, EPTA), or facilitated by EU-funded projects (e.g. DERAD) are beneficial. Manuals, guidelines and other types of support are also useful.

Training sessions on radicalisation for judges and prosecutors at national level could be promoted as a follow up to the European Judicial Training Network (EJTN) EU-wide testing of training modules.

IMPRISONMENT

Regime

The detention regime applicable to individuals convicted for terrorist offences is usually decided on a case-by-case basis, after an initial risk assessment. However, special security measures (either general or individually adapted) could be applied, if necessary, including separation from other inmates.

An initial risk assessment could be carried out to determine the appropriate detention regime for each inmate.

The risk of radicalisation and the potential threat to the security of other inmates could be assessed by a team of specialists, i.e. prison staff and professionals (including a psychologist or a psychiatrist). Separate wings in high-security prisons could be created for the most extreme cases.

An alternative solution is the dispersion of radicalised individuals among the general prison population – while nevertheless preventing such individuals from having direct contact with vulnerable inmates or each other – to prevent them from spreading violent extremist views and/or creating networks.

Assessing the potential risks

Specialised staff – individuals trained to observe intercultural differences and recognise signs of radicalisation – employed to monitor the behaviour and affiliations of inmates have proven an efficient method for identifying sources and facilitators of radicalisation. These staff members could also regularly exchange information with other relevant parties, including but not limited to other prison staff, prison and probation services and other competent authorities.

Professional risk assessment tools (e.g. VERA-2R, ERG 22), adapted to the needs of each Member State, can be used to inform proportionate risk management, to increase understanding and confidence among front-line staff and decision-makers working with terrorist and violent extremist offenders, and to facilitate and guide effective targeted intervention.

An effective assessment, based on clear and operational indicators, could take into account, for example, three dimensions of radicalisation:

1. how committed an individual is to the radical ideology;
2. how likely (s)he is to engage in violence as a result; and
3. how capable (s)he is of doing harm.

Risk assessments could be carried out regularly by the prison administration – in cooperation with other national authorities, including judicial authorities and security services – to appraise the risk posed by radicalised inmates. These could be carried out at the beginning of, during and/or near the end of such individuals' incarceration. Follow-up reports could be prepared prior to release, summarising the information collected during detention, to be sent to parties involved in post-release programmes.

Information exchange

Appropriate specialised staff (or structures) within the prison system could be tasked with collecting, processing and sharing information on radicalisation in prisons, in strict accordance with data protection rules and the 'need-to-know' principle.

Coordination and cooperation at national level among relevant stakeholders (prison and probation authorities, law enforcement and other competent authorities) could include the exchange of information and expertise, dedicated meetings and the designation of specialised groups or task-forces to discuss specific cases that pose violent extremist risks and/or expose vulnerabilities.

De-radicalisation, disengagement and rehabilitation programmes

Measures to encourage inmates to disengage from violent extremist activities could be implemented on a case-by-case basis. Staff should constructively engage in dialogue with inmates interested in violent extremist ideas. Teams of psychologists, educators, etc. could provide help and support to professionals working in prison and probation services.

De-radicalisation, disengagement and rehabilitation programmes could cover, in particular:

- developing inmates' social competencies and communication skills;
- education and vocational training for inmates to assist their integration after release;
- cognitive behavioural training (e.g. to modify impulsive and egocentric thinking);
- counselling, therapy and rehabilitation (e.g. treatment for substance abuse, or for violent or criminal behaviour);
- involvement in cultural, social and sporting events
- encouraging inmates to eschew violence in all its forms.

Measurable performance indicators could be defined to assess the effectiveness of de-radicalisation, disengagement and rehabilitation programmes.

Religious representatives who provide spiritual assistance to inmates play a significant role in providing a counter-narrative to violent religious ideologies. They can understand and, when necessary, challenge a terrorist and violent extremist offender's worldview and theological interpretations. Support for religious representatives – such as specialised training – could be provided, focusing on constructive communication and alternative narratives. To avoid any risk of further radicalisation of inmates, the religious representatives engaging with them – sometimes employed by prisons – could be subject to a thorough vetting process and selection procedure, before being appointed, in accordance with national legislation.

NGOs and social workers could contribute to and support inmates' de-radicalisation and disengagement. Partnerships could be developed with volunteers or other non-government entities to extend inmates' social networks.

AFTER RELEASE

Rehabilitation and reintegration

Psychological assistance, counselling, education, training and support are all key to the successful professional and social reintegration of individuals who might have been subject to radicalisation before or during their time in prison.

A multi-agency approach – one that could include probation services, local authorities, social workers and NGOs, as well as, when applicable, religious representatives - is essential to allowing former inmates to successfully reintegrate and preventing them from re-engaging in radical or violent extremist activities.

Programmes seeking to facilitate the rehabilitation and social reintegration of terrorist and violent extremist offenders could be developed.

Monitoring and information exchange

Information exchange at national level between prisons, probation services and security partners on one hand and social and local partners on the other needs to be facilitated, with a view to implementing effective reintegration programmes and monitoring regimes and reducing the risk of recidivism.

Further monitoring of radicalised individuals who, on the basis of a risk assessment, are deemed to pose a continued threat after release could be ensured on a case-by-case basis, in accordance with national law and respecting the principle of proportionality and the fundamental rights of the individual concerned.

Post-release measures could also be useful, with a view to preventing terrorists or violent extremist offenders or offenders radicalised while serving time in prison from engaging in violent extremist activities after release.

The sharing of strategic-level information at EU level regarding radicalisation in prisons could be further developed.

Additionally, information exchange about radicalised inmates between EU Member States (and, where applicable, their states of origin/residence) on a bi- or multilateral basis, to the extent permitted by national law could be a valuable tool, for example when the information shared pertains to former inmates returning or travelling to different Member States. Making better use of the existing information systems (including the Schengen Information System) could be beneficial.