PREVENTION OF JUVENILE RADICALISATION

MANUAL FOR PROFESSIONALS
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FOREWORD

It is common for extremist movements in general, and terrorist organisations in particular, to develop strategies to mobilise minors who are part of what they consider to be their populations of reference. Attracting children and adolescents towards the respective radical environments of these entities, towards the milieus that favour the self-reproduction of these entities, is usually considered by those who lead them as a fundamental endeavour in order to persist over time. It is not uncommon for minors, despite their age, to be rationally and above all emotionally stimulated, by means of both positive and negative incentives, to engage in activities ranging from remaining passive in the face of violent extremism or disseminating propaganda to their direct participation in acts of violence.

Children and adolescents are, in general, comparatively more vulnerable than other social segments to adopting ideas that justify violence and terrorism. This is largely due to the psycho-biological stage of the life cycle or personality development they find themselves in, with cognitive and self-control limitations which make them particularly impressionable. But their entry into a path of violent extremism is also strongly dependent on the socioeconomic and cultural circumstances in which minors live or the affective bonds they maintain with other peers. These juveniles furthermore are amidst a critical period in their political socialisation and this is unlikely to be ignored, in fact quite the contrary is the normal, by radicalising agents.

A society resilient to violent radicalisation and terrorism must develop effective initiatives, in the domains more specifically concerned, to stop children and adolescents from being indoctrinated in extremist attitudes and beliefs, or to reverse the process once it has begun. The institutions of our European democracies shall be adequately prepared and equipped for this. Contributions such as this IJJO manual are, in this sense, crucial. The fact that judges, prosecutors and other justice system professionals who deal with juveniles detained or convicted of acts related to violent extremism receive information and training on radicalisation, prevention of radicalisation and de-radicalisation, means a decisive contribution is being made to the defence of our open societies.

Fernando Reinares
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ACKNOWLEDGMENTS

The project ‘PRALT - The prevention of juvenile radicalisation: promoting the use of alternatives to detention through judicial training’, as part of which this publication has been produced, has been carried out in collaboration with partners from different countries: the Ministry of Justice of Bremen (Germany), the Judicial Youth Protection Services (DPJJ) of the Ministry of Justice (France), Fundación Diagrama (Spain), the National Administration of Penitentiaries and the Romanian Intelligence Service (Romania). Without their great experience, effort and dedication it would not have been possible to create this publication.

We are also grateful for the support received from the associate partners of this project: the International Association of Youth and Family Judges and Magistrates (Belgium), the Violence Prevention Network (Germany), the Ombudsman Délégué général aux Droits de l’enfant – Fédération Wallonie-Bruxelles (Belgium) and 180 (The Netherlands).

The IJJO would also extend their sincere gratitude to the experts who have collaborated in the drafting of this manual, namely Lili-Anne de Jongh, Marzena Kordaczuk-Was and Marianne Moore.

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Likewise, we would like to thank the generous participation of dozens of professionals from different countries, who have reviewed and completed the European examples that appear in this manual.

Finally, we thank the European Commission for supporting this project through its Justice Programme.
ABOUT THE MANUAL

INTRODUCTION

This manual has been developed within the framework of the project 'PRALT - The prevention of juvenile radicalisation: Promoting the use of alternatives to detention through judicial training', co-funded by the Justice Programme of the European Commission.

This manual has been designed for professionals in the justice system working with children and young people in conflict with the law and will help professionals become familiar with current trends in Europe with regard to juvenile radicalisation. Its content, particularly the European examples featured, can also be used in traditional training courses designed to improve prevention strategies against the radicalisation of young people. Furthermore, this content can be used as the basis for future models which shall seek to offer similar strategies in countries where such strategies haven’t been used before.

However, the manual may also be a useful resource for members of civil society interested in the issues tackled in the manual. It can serve as a common reference to promote mutual understanding and trust, as well as to facilitate dialogue between judicial staff and members of society on the threats connected to radicalisation, human rights and fundamental freedoms as well as the potential role of communities in the process of prevention of radicalisation.

As highlighted in the European agenda on security of 2016, preventing and countering radicalisation has to be a priority. Although the phenomenon of radicalisation is not new, it is an ever-changing process that requires professionals with updated knowledge on the topic. In fact, the Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, highlights in article 20 the relevance of the training for professionals dealing with children in conflict with the law. Article 20 states that:

“Without prejudice to judicial independence and differences in the organization of the judiciary across the Member States, and with due respect for the role of those responsible for the training of judges and prosecutors, Member States shall take the appropriate measures to ensure that judges and prosecutors who deal with criminal proceedings involving children have specific competence in that field, effective access to specific training, or both”.

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STRUCTURE OF THE MANUAL

The manual consists of five volumes:

**Volume I** provides professionals and practitioners with the concepts, as well as the legal and policy instruments, needed to understand the context in which radicalisation particularly affects young people.

**Volume II** provides the reader with an overview of prevention of crime in general, with particular focus on the prevention of radicalisation. It also gives some examples of programmes in Europe that are working to prevent radicalisation.

**Volume III** focuses on alternatives to detention and community measures in the context of juvenile radicalisation. It provides an understanding of the different types of community sanctions and measures, their legal framework and their characteristics. It also gives some examples of community-based programmes being carried out in Europe with young people who are in conflict with the law.

**Volume IV** provides the reader with an overview of prevention of radicalisation in the detention context. It gives professionals and practitioners the concepts and the instruments needed to understand the often vulnerable situation of children in detention, particularly with regards to the risks of them being radicalised. It sets methodologies for working with young people convicted of violent extremism offences, as well as after their release from detention. It also gives some examples of programmes in Europe that are working to prevent the radicalisation of children in detention, as well as programmes focused on their rehabilitation.

**Volume V** presents the national reports of Belgium, France, Germany, Romania and Spain drafted by the project’s partners. The national reports assess the current situation of radicalisation in the project’s partners’ countries, with particular emphasis on the radicalisation of young people in detention.
HOW TO USE THE MANUAL?

This manual is intended to be used as part of training for judges, prosecutors and all other justice professionals who work with children and young people. It serves to equip them both with knowledge about the process of radicalisation as well as with tools for working with young people at risk of radicalisation, or those who have already been radicalised. It also aims at improving on the professionals pre-existing knowledge and skills. This manual can be used as part of a group training programme or for independent educational purposes.

While conducting the training, the theoretical sections can be used to review key concepts relating to the process of radicalisation, the most important children's rights to be implemented in justice systems, and the theoretical basis for the designing and implementing of radicalisation prevention measures.

ABOUT THE PROJECT

The project ‘PRALT - The prevention of juvenile radicalisation: Promoting the use of alternatives to detention through judicial training’ addresses the issue of juvenile radicalisation, within and outside the prison system, through the sharing of knowledge and practices between judicial professionals and actors of several EU Member States (EUMS). It is based on the assumption that efforts to promote disengagement from violence and extremism will be more effective if they build on existing structures of crime prevention and rehabilitation.

The activities proposed in this project, and especially the training programme, are targeted predominantly at the professionals in the justice system: judges, prosecutors and court officers, as well as other legal practitioners and actors involved in the justice system (such as lawyers, probation officers, mediators and policymakers). This group is seen as being the most likely to benefit from, and in turn implement, the knowledge and practices disseminated via the project.

The focus on the judiciary and judicial staff as the primary target group, as well as other legal practitioners and actors involved in the justice system, ensures that the problem of juvenile radicalisation is effectively addressed by stakeholders and decision-makers. Through this manual and the accompanying online training course, these professionals can be trained in prevention at a community level and also in detention centres. Professionals will also obtain information on how to develop, adapt and apply alternative measures which are tailored to their respective national contexts.
# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
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<tbody>
<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>CRC</td>
<td>Committee on the Rights of the Child</td>
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<tr>
<td>DPJJ</td>
<td>Judicial Juvenile Protection Services</td>
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<tr>
<td>EC</td>
<td>European Commission</td>
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<tr>
<td>ECHR</td>
<td>European Convention of Human Rights</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>FTF</td>
<td>Foreign Terrorist Fighter</td>
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<tr>
<td>GCTF</td>
<td>Global Counterterrorism Forum</td>
</tr>
<tr>
<td>HTF</td>
<td>Home-grown Terrorist Fighter</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>IS</td>
<td>Islamic State</td>
</tr>
<tr>
<td>ISIS</td>
<td>Islamic State in Iraq and Syria</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
</tr>
<tr>
<td>RAN</td>
<td>Radicalisation Awareness Network</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDOC</td>
<td>United Nations Office on Drugs and Crime</td>
</tr>
<tr>
<td>UNCRC</td>
<td>United Nations Convention on the Rights of the Child</td>
</tr>
<tr>
<td>VE</td>
<td>Violent Extremism</td>
</tr>
</tbody>
</table>
INTRODUCTION

Within the past two decades, radicalisation and violent extremism, bearing in mind that these two concepts are not synonymous, have become a priority issue in Europe. Terrorist attacks on European soil in recent years have placed the issue at the forefront of citizens’ concerns. Many EU Member States have been combatting the phenomenon of radicalisation and violent extremism for years by introducing legislation and developing security plans, with prevention being a key area in which further progress must be made. Despite all the work done thus far in this area, very few professionals have substantive knowledge of the subject, especially in connection with the juvenile justice field, where, in quantitative terms, it continues to be a much less common phenomenon among young people when compared with other forms of juvenile crime.

Training justice professionals is, therefore, an essential step to being able to prevent and intervene effectively in cases of juvenile radicalisation and violent extremism. In this way, this manual was devised as a training tool which helps juvenile justice professionals in acquiring basic knowledge on the issue. In this sense, it provides them with key theoretical concepts pertaining to prevention and intervention, as well as with various practices being carried out in several European countries (such as Germany, the Netherlands, Belgium, Spain, Italy, etc.) to serve as examples. Furthermore, this manual can be useful for other professionals who work both directly and indirectly with young people, such as teachers, professionals in social services, psychologists, community leaders and the police, to name but a few.

Due to the complexity of the issue covered in this manual, there have been a number of challenges associated with its production. The first of these was the delimitation of concepts. As the European Committee of the Regions states, there still doesn’t exist a widely accepted definition of the term ‘radicalisation’. The lack of consensus from governments and academics regarding the definition may be due to the fact that it is a relatively new phenomenon in comparison with other forms of crime, or perhaps more likely, that it is a changing phenomenon.

For example, in the area of religious terrorism, a change has occurred regarding attacks carried out on European soil, which used to be predominantly planned in a centralised way from outside of Europe, while now they are carried out by lone individuals after a process of self-radicalisation. In this way, the focus of attention has been widened: initially it was solely on monitoring the movements of European residents to conflict zones in order to join terrorist groups; then it widened to the concern about their return after having become more radicalised and experienced in combat; and more recently, the focus of attention has been on individuals radicalised within Europe and who, without having travelled to countries in conflict, could carry out attacks in their places of residence individually or by joining terrorist cells.

The recruitment and radicalisation processes have also been changing. In this sense, information and communication technologies in general, and more specifically social media, have played an important part. They have become the perfect medium through which terrorism-related materials can be spread to the largest number of people with the least effort.

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The concept of ‘radicalisation’ presents added difficulties when both young people and the detention context are brought into the equation. As can be seen from its title, this manual is aimed at professionals who work with young people, particularly in the area of juvenile justice. This, which at first glance doesn’t represent an issue, actually does when put into practice, because European juvenile justice systems aren’t the same as each other. In terms of age, for example, most countries set 18 years as the boundary between the adult and juvenile jurisdictions, but there are also some countries who set a younger boundary, at 16, and some who extend juvenile jurisdiction to 25. Therefore, it should be stressed that we are talking about an age group which could cover everything from children to young adults.

Furthermore, in some countries it is the type of crime which determines the jurisdiction and not the age of the person who commits it, thereby meaning that young people who have committed violent extremist or terrorist-related crimes could be dealt with by the adult jurisdiction. In this way, this manual doesn’t restrict itself to minors in each respective country, but deals with young adults as well.

On the other hand, the term ‘detention’ has also proven to be complex; it is understood in the manual as an individual’s deprivation of liberty, which covers everything from police custody and pre-trial detention, to detention following the issuing of a sentence. This last part links with the need to highlight the large number of different centres and residences in Europe in which young people can be placed following the issuing of a sentence, each of which has different characteristics. This needs to be taken into account when carrying out radicalisation prevention programmes in detention centres as well as de-radicalisation and disengagement programmes. However, the use of community measures and sanctions has been given particular attention in the manual, as they can be considered to facilitate prevention as well as reintegration. Another of the challenges present during the production of the manual has been trying not to overestimate the size of the problem. There is a discordance both in quantitative and qualitative terms. In this way, although it’s true that this phenomenon causes concern for European society as a whole due to the potential damage it can cause, the number of radicalised young people continues to be quite small, almost incidental in some countries, when compared with other types of crime.

It’s therefore of vital importance to not put at risk the excellent work that has been done in the promotion of child rights within juvenile justice systems, through the adoption of actions that are retributive or that infringe rights.

Similarly, it must be taken into account that, following what has been said, we run the risk of stigmatising sectors of the population, specifically children or young people, who as a whole rarely appear in violent extremism and terrorism statistics.

Ultimately, this manual has sought to find the balance between respecting the rights of young people in conflict with the law and preventing radicalisation and violent extremism, with the clear aim of being a useful and thought-provoking resource for all professionals involved or interested in this issue.

Francisco Legaz Cervantes
Chairman, International Juvenile Justice Observatory
VOLUME I

KEY CONCEPTS IN RADICALISATION, JUVENILE JUSTICE AND CHILD RIGHTS
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1. INTRODUCTION

Volume I provides the reader with a theoretical overview of radicalisation and violent extremism, as well as children’s rights and safeguards, and how these concepts intersect for young people who have been accused of terrorist offences. It gives professionals and practitioners the concepts and the instruments to understand the context in which radicalisation particularly affects children. It will assist practitioners in having a clear understanding of the context, and legal and policy instruments in relation to this phenomenon.

This volume sets out:

- The background, definitions and key concepts of radicalisation, violent extremism and terrorism giving an overview of the evolution, the process and the various forms of radicalisation.
- The key principles of children’s rights and the important international and European standards in relation to these.
- The particular principles which relate to children in conflict with the law and how their rights should be safeguarded.
- Counter-radicalisation and counter-terrorism international and European strategies, and how they relate to children in particular.

2. RADICALISATION: DEFINITIONS, CHARACTERISTICS AND TRENDS

This chapter gives an overview of the state of radicalisation, terrorism and violent extremism in Europe, providing definitions, trends and characteristics. The focus is on the radicalisation of children, and in particular of children in conflict with the law. This chapter informs trainees about the current research and evidence relating to radicalisation.

2.1. RADICALISATION, VIOLENT EXTREMISM AND TERRORISM

Radicalisation, violent extremism and terrorism are not three interchangeable concepts and are not always connected. To have radical ideas in itself is not a violation of the law. It becomes a problem when having radical ideas leads to violent behaviour or terrorist acts. Nevertheless, a process of radicalisation could lead to violent extremism and/or terrorism. In summary, it could be stated that radicalisation is the process, violent extremism is the ideology and terrorism is the act. Although they are interdependent, they are distinct terms that must be understood in isolation in order to develop necessary interventions.

2.1.1. Radicalisation

‘Radicalisation’, or ‘radical’, finds its origin in the late Latin ‘radicalis’, meaning ‘of or having roots’1. During

1 The term child in this manual refers to “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”. UN GENERAL ASSEMBLY. Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, Art. 1.
the 18th and 19th centuries, the term ‘radical’ took on the more political meaning of a ‘change from the roots’, which denoted liberal, anti-clerical, pro-democratic and progressive political stances.3

Many people hold strong political or ideological beliefs which could be categorized as ‘radicalisation’, and this in itself is not necessarily problematic. However, between 2000 and 2007 the term ‘radicalisation’ gained significant global attention through the media as the possible cause of ‘home-grown violent extremism’, a phenomenon that emerged across large parts of the world in the last couple of decades.4 The attacks carried out by Al-Qaeda on the World Trade Centre and the Pentagon in the United States on 11 September 2001 are a striking example of the emerging cause-effect relationship between radicalisation, violent extremism and terrorism. It was during this period that the term ‘radicalisation’ took on an anti-liberal, fundamentalist, anti-democratic and regressive meaning.

The following definition provides us with a better understanding of radicalisation as a concept:

"The process of radicalisation is an individual or collective (group) process whereby, usually in a situation of political polarisation, normal practices of dialogue, compromise and tolerance between political actors and groups with diverging interests are abandoned by one or both sides in a conflict dyad in favour of a growing commitment to engage in confrontational tactics of conflict-waging. These can include either (i) the use of (non-violent) pressure and coercion, (ii) various forms of political violence other than terrorism or (iii) acts of violent extremism in the form of terrorism and war crimes. The process is, on the side of rebel factions, generally accompanied by an ideological socialisation away from mainstream or status quo-oriented positions towards more radical or extremist positions involving a dichotomous world view and the acceptance of an alternative focal point of political mobilisation outside the dominant political order as the existing system is no longer recognized as appropriate or legitimate".5

2.1.2. Violent extremism

Although radicalisation in itself is not necessarily problematic, when strong political or ideological beliefs are used to justify, or incite violence, it is problematic. Once violence is used the term ‘violent extremism’ (VE) is the more appropriate term. VE differs from radicalisation. Whilst ‘radicalisation’ is a concept that describes a process in which individuals gain strong beliefs related to political or social reform, VE is an ideology that accepts the use of violence in the pursuit of goals that are generally social, racial, religious and/or political.

VE differs from terrorism in that, although both are politically, religiously and/or ideologically motivated, VE is the ideology that accepts violence, while terrorism is the act.

5 SCHMIDT, 2013, op. cit. p.18.
2.1.3. Terrorism

The term ‘terrorism’, originally from ‘terror’ – meaning ‘severe panic’ or ‘fear’ – was used during the French Revolution in 1789. Terrorism became a phenomenon which deliberately provoked fear for political ends.

There is no universally accepted definition of ‘terrorism’. In order to better understand its nature, and to develop policies and measures to prevent it, several states around the world have developed their own definitions. Although these definitions all differ from each another, they however all recognise that terrorism is either a violent act, or the threat of a violent act, used to advance a political, religious, or ideological cause.

The UN Security Council established three cumulative criteria to characterise terrorism:

- Criminal acts, including against civilians, committed with the intent of causing death or serious bodily injury, or the taking of hostages.
- Regardless of whether motivated by considerations of a political, philosophical, ideological, radical, ethnic, religious or other similar nature, with the purpose of provoking a state of terror in the general public or in a group of individuals or particular individuals, intimidating a population or compelling a government or an international organization to carry out or to abstain from carrying out any act.
- Which constitute offences within the scope of, and as defined in, the international conventions and protocols relating to terrorism.

The history of acts of terrorism can be seen in four waves: the Anarchist Wave; the Anti-Colonial Wave; the (New) Left Wave; and the Religious Wave. Each one demonstrates distinctions in time, ideology and inspiration. They lasted approximately 40 to 45 years, and we are currently faced with the so-called ‘Religious Wave’.

Terrorist organisations can be divided according to the following five categories: Religious Inspired Terrorism, Ethno-nationalistic Terrorism, Extreme Left and Anarchistic Terrorism, Extreme Right Terrorism and ‘Single issue’ Terrorism. Most terrorist organisations contain a mix of ideologies with one dominant ideology or motivation.

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8 Ibidem.
## Table 1. Types of terrorism

<table>
<thead>
<tr>
<th>TYPE OF TERRORISM</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>Religious Inspired Terrorism</td>
<td>The use of religion (for instance Christianity, Hinduism, Buddhism, Judaism, Islam) by individuals, groups, networks or organisations to justify violence. Since 9/11, this form of terrorism has gained worldwide notoriety in the news. Its members are also accountable for the largest number of casualties worldwide.</td>
</tr>
<tr>
<td>Ethno-nationalistic Terrorism</td>
<td>The willingness/intent to join another country or for recognition of a specific region to justify violence, with the ultimate goal to create a new state. In Europe, the most well-known organisations were the IRA (Irish Republic Army) in Northern Ireland and ETA (Euskadi Ta Askatasuna, Basque for Basque Homeland and Liberty) in Spain. Their violence was directly aimed against militants and civilians.</td>
</tr>
<tr>
<td>Extreme Left and Anarchistic Terrorism</td>
<td>The use of violence in order to establish a radical change of the political, societal and economic system that would benefit an extreme left and/or anarchistic political system. Well-known organisations from Europe were the RAF (Red Army Faction) from former West Germany and Brigate Rosse in Italy. Nowadays, outside Europe, the most active ones are the FARC (Fuerzas Armadas Revolucionarias de Colombia, Spanish for Revolutionary Armed Forces of Colombia) and the Philippine Communist Party.</td>
</tr>
<tr>
<td>Extreme Right Terrorism</td>
<td>The use of violence in order to establish a radical change of the political, societal and economic system that would benefit an extreme right political system.</td>
</tr>
<tr>
<td>‘Single issue’ Terrorism</td>
<td>The use of violence based on a specific political or societal matter, for example – among others – animal rights, abortion, nuclear energy or the genetic manipulation of food. Sometimes, it also refers to right wing terrorism and extremist acts.</td>
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</tbody>
</table>


### 2.2. CURRENT TRENDS IN RADICALISATION

Despite the multiple forms of radicalisation that exist, over recent years far-right radicalisation and Islamic radicalisation present the greatest challenges to European societies\(^\text{12}\). Not only are each of these radicalisms forces in their own right, at times they influence and feed off of each other. For example, far-right rhetoric

uses instances of terrorist attacks claimed by Islamic radical groups to justify and transmit Islamophobic messages to those within its influence.

2.2.1. Far-right radicalism

The rise of parties coming from the extreme right wing of the left-right political spectrum, commonly referred to interchangeably as the ‘far-right’, ‘extreme right’ and/or ‘radical right’ has been a growing phenomenon in Europe since the late 1970’s and early 1980’s.

According to David Art’s study of the radical right in Europe, the far-right refers to “any political party, voluntary association, or extraparliamentary movement that differentiates itself from the mainstream right”13. Far-right groups share a number of characteristics in terms of political ideology, with a strong sense of nationalism serving as a core element.

In recent years, particularly in light of the ‘migrant crisis’, far-right ultranationalism in Europe has taken the form of an anti-immigrant stance proposing stronger immigrant controls, the repatriation of unemployed immigrants, and calling for a national (i.e. citizens only) preference in social benefits and employment (or ‘welfare chauvinism’). Furthermore, in contrast to earlier extreme right or fascist parties, many far-right groups work within a country’s political and electoral system. Although they do not have the goal of tearing down the current political system, they are anti-establishment, considering themselves as ‘outsiders’ in the party system and therefore untainted by government or mainstream parties' allegiances or scandals14. As Minkenberg characterised, radical right ideology “wants government by the people, but in terms of ethnocracy instead of democracy”15.

A number of radical right features express a desire for fascist or neo-Nazi rule in Europe, but also include Christian Identity movements, anti-Semitic conspiracy theories, the promotion of scientific racism and Holocaust denial. The primary tactic used in advancing far-right agendas is the sense of urgency in defending a nation or community against an external threat. The politics of the far-right in this way appeal to a sense of elitism, despite their rhetoric often consisting of anti-elitist sentiments, opposition to the system and speaking for the ‘common people’. This form of elitism is one that is closely linked to the idea of racial and cultural preservation, but with emphasis on the fact that a ‘superior’ community is being eradicated16.

2.2.2. Islamic radicalism

Whilst Islamic terrorism was already a threat in Europe in the 1990s, it took time to raise awareness about this evolving phenomenon because “it was underestimated, overlooked, and often misunderstood”17. Nevertheless, in recent years Europe witnessed several instances related to jihadist radicalisation,
terrorism and violent extremism\textsuperscript{18}. According to Europol, in 2016 alone, 135 people were killed in jihadist terrorist attacks in the EU and 379 were injured\textsuperscript{19}. The “terrorist threats and attacks of a violent jihadist nature, from both networked groups and lone actors”\textsuperscript{20} are a distinctive trend that requires specific attention.

When referring to Islamic radicalisation it is recognised that to link violent radicalisation with religious radicalisation, such as Islamic ideology, can be extremely misleading. Although religious ideology plays an important role in current forms of terrorism, this does not mean that religious ideology denotes the use of violence. Further, religion is not the cause of violence, rather it is used to justify the violence\textsuperscript{21}. Indeed, the “typical radical” is “a young, second-generation immigrant or convert, very often involved in episodes of petty crime, with practically no religious education, but having a rapid and recent trajectory of conversion/reconversion, more often in the framework of a group of friends or over the internet than in the context of a mosque”\textsuperscript{22}.

Indeed, a key characteristic of an Islamic radical is a lack of knowledge of Islam. Data show us that most IS fighters are well educated, but a high percentage of them have only basic knowledge of Islam\textsuperscript{23}. Further, it was found that al-Qaeda recruits do not become terrorists because they are Muslim. Instead, they have an inadequate understanding of their own religion, which makes them vulnerable to misinterpretation of the religious doctrines. Indeed, it was found that almost universally, they “had an incomplete religious education”, one in which they were not invited to question their instructors on finer points, and which allowed al-Qaeda to insert a skewed view of Islamic teachings into their heads. Thus “as a result, they could become zealous adherents to an unorthodox and distorted version of Islam”\textsuperscript{24}.

We must differentiate between the version of Islam explained by the majority of peaceful Muslims and the jihadist version of Islam, which could function as a theological justification for their violence. Several other factors play an even greater part in the radicalisation of young people and could count as primary motivators for acts of violent extremism and terrorism.

Jihadist terrorism/violent extremist has its roots in Islamist ideology and the concept of ‘jihad’\textsuperscript{25}. The latter term can be interpreted variously as ‘struggle’ ‘quest’ or ‘fight’ and has two forms. The first form is the so-called ‘greater jihad’, which the Prophet Muhammad taught, and refers to the effort of each Muslim to become a better human being, and as a result, a good Muslim\textsuperscript{26}. The second form is the so-called ‘lesser jihad’, which “sanctions the use of violence against an unjust ruler, whether Muslim or not, and can become the means to mobilise that political and social struggle”\textsuperscript{27}. Current forms of jihadist terrorism/violent extremism are justified by the category of ‘lesser jihad’, which can be seen in Europe, Southeast Asia, East Africa, the Russian Federation, the United States of America and Australia\textsuperscript{28}.

\begin{thebibliography}{99}
\bibitem{19} Ibidem.
\bibitem{20} Ibidem, p.5.
\bibitem{25} BAKKER, E. Jihadi terrorists in Europe: their characteristics and the circumstances in which they joined the jihad: an exploratory study. The Hague: Netherlands Institute of International Relations Clingendael, 2006, p.1.
\bibitem{26} BAKKER, 2006, op. cit.
\bibitem{27} Ibidem.
\bibitem{28} The nature, size and shape of jihadi terrorism differs however between countries. Some experience guerrilla warfare and civil war with many casualties, while other countries, such as for instance in Europe, experience far less victims. BAKKER, 2006, op. cit.
\end{thebibliography}
The perpetrators of these violent acts are called ‘mujahid’, ‘jihadi’ or ‘jihadi terrorists’. They come from diverse geographical and cultural backgrounds, are both male and female, and are of varying ages. Their goals include the establishment of a (pan-) Islamic theocracy and the restoration of the caliphate/Islamic State (IS)/Daesh in Syria/Iraq by re-enacting the Prophet Muhammad’s historical migration (‘Hijrah’) to Medina in 622 AD to avoid persecution in Mecca. Islamism is considered to be the glue that holds these political goals together, specifically the Salafism movement within Islam, whose goal it is to restore the pure Islam of the first generation of Muslims.

Once jihadi fighters make the decision to follow the path of the ‘lesser jihad’, they are expected to assist directly or indirectly in the perpetration of violent behaviours, either in their country of residence, or abroad in Syria/Iraq. When an individual is directly involved, they are expected to “target individuals, as well as small groups of people who represent values considered by them to be non-Islamic, and large unsuspecting crowds”. Their targets can be military institutions (police, the military) or civilian (mosques, churches, malls or stations). Weapons are, first and foremost, homemade but can include military and commercial explosives or objects that are not seen as weapons, such as vehicles.

When an individual is indirectly involved, he or she mainly occupies an operative role and is expected to help in the planning of attacks, gathering information, supplies and weapons or educating and spreading IS propaganda.

There also are some aspects that should be highlighted in the field of Islamic radicalisation and terrorism in order to understand them, which are detailed below.

**Children at risk within Islamic State (IS) territory**

According to research by the Dutch General Intelligence and Security Service (AIVD) and the Dutch National Coordinator for Security and Counterterrorism (NCTV), children living in IS territory have the opportunity to attend school where religious indoctrination is prominent. The focus of all the education they receive is to reinforce the sense of ‘us-versus-them’. IS fighters want to destroy the ‘Crusader coalition’ of European countries. Children receive lessons according to a strict interpretation of Islam (salafi-jihadism) and they have to memorise and recite passages from the Koran in a group. Certain passages legitimise acts carried out by IS. Children from Western countries receive extra Arabic lessons. Textbooks are “illustrated with pictures of hand grenades, tanks and battle positions to link education with the ISIS military strategy”.

They receive physical education, in which they perform exercises focused on “endurance, obedience and cooperation”, and they attend punishments and executions with their parents.

Besides receiving education, children from different age groups play a specific role within IS society. Children are asked to report any neighbour, family member or friend who does not obey IS’ rules. When

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30 EUROPOL, 2010, op. cit.
31 EUROPOL, 2017, op. cit., p.6
32 Although the Organisation for the Prohibition of Chemical Weapons-United Nations (OPCW-UN) has confirmed that IS has used chemical weapons in Syria, no large-scale chemical, biological, radiological, nuclear (CBRN) attacks in Europe by any terrorist group have been reported. Use of other potential weapons, such as food contamination and the use of radioactive materials, did occur in Europe in 2016. EUROPOL, 2017, op. cit.
34 Ibidem.
children have proven their loyalty to IS, they can be ‘promoted’ to a role with more responsibilities. Girls are usually assigned to domestic duties, such as cooking, sewing and looking after children. They have to be veiled and generally stay at home, except when they have to go to school. When girls reach puberty, they are expected to marry an IS fighter. Boys, on the other hand, are asked to carry out executions. In particular, underaged boys are obligated to join (adult) training camps in order to carry out suicide missions.\(^ {38}\)

IS actively uses children as part of their military and terrorist operations. Child Soldiers International – the Coalition to Stop the Use of Child Soldiers – draws attention to the problem of under 18s being used in military conflicts. Children can also become informants or spies and are used for sexual purposes. Recruiting children is easier because they are generally more compliant and easier to manipulate. Children can become involved in these organisations because of poverty, the need for protection and lack of education. Often, they have been separated from their families, which leaves them vulnerable to abuse and recruitment.\(^ {39}\)

**Foreign terrorist fighters**

Individuals deciding to travel to terrorist controlled territory are referred to as ‘Foreign Terrorist Fighters’ (FTF) or ‘Foreign Fighters’ (FF). According to the UN Security Council Resolution 2178, FTFs can be defined as:

> “individuals who travel to a state other than their states of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”.\(^ {40}\)

Since 2015, more than 5000 individuals from countries such as Belgium, France, Germany, the UK and the Netherlands have travelled to conflict areas in Syria and Iraq.\(^ {41}\) Since the beginning of 2016, there has also been an increase in the number of women, families and particularly children travelling from some European Member States to Syria/Iraq to engage in the conflict.\(^ {42}\) Although they are small in number, several countries such as the UK, the Netherlands and Austria noted that nearly half of those travelling were aged 18 or under.

Since 2004, in the wake of several deadly attacks and arrests in Europe, Asia and the Middle East, political and academic institutions have published a wide range of alarming reports about juvenile radicalisation and children travelling to Syria to join the battle of the Islamic State (IS). The European Parliament’s report ‘Preventing and Countering Youth Radicalisation in the EU’ states that concerns about child radicalisation and extremism have grown following widely reported cases of young Europeans travelling to Syria to fight alongside the Syrian opposition.\(^ {43}\) There have also been terrorist groups other than IS, such as Boko Haram, attempting to use children and young adults in combat.

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\(^{38}\) IS makes no distinction between adults and children with regard to either target choice or method of suicide attack. See NATIONAL COORDINATOR FOR SECURITY AND COUNTERTERRORISM (NCTV) & GENERAL INTELLIGENCE AND SECURITY SERVICE (AIVD), 2017, op. cit.

\(^{39}\) CHILD SOLDIERS INTERNATIONAL. Who are child soldiers? [online]. Available at: https://www.child-soldiers.org/who-are-child-soldiers [Last accessed, 1.7.2017].


\(^{41}\) EUROPOL, 2017, op. cit.

\(^{42}\) Ibidem.

IS actively recruits children to fight in their territories. The recruitment process goes through the following stages: “seduction, schooling, selection, subjugation, specialisation, and stationing”\(^{44}\). Those children find themselves at risk of and vulnerable to illegal behaviour. Factors that could foster or accelerate this process include family, educational, community and individual/peer factors\(^{45}\).

Within terrorist controlled areas, children and young adults are increasingly engaged in terrorist related activities, often by force. Family members and social networks/environments play an important role in the recruitment of children (“radicalisation often happens in ‘dense, small networks of friends’\(^{46}\) beginning around the age of 9 and continuing until the age of 15\(^{47}\). This process differs with other situations in which child soldiers are used. For instance, Boko Haram has kidnapped and taken children away from their families.

**Returnees**

Since the beginning of 2016, the flow of FTFs has declined because of the ongoing loss of IS territory in Syria and Iraq. In response, approximately 30% of European FTFs have returned to their home countries and 14% are confirmed dead\(^{48}\). Reasons for going back include for example the “intention to carry out an attack, disillusionment and remorse - some have had enough of the dire living conditions, others see no opportunity to remain (due to the terrorist group they belonged to having lost power) - or family pressure and intervention, among others”\(^{49}\).

Upon return, FTFs face several challenges, such as humiliation, frustration, brutalisation, trauma and loss\(^{50}\). When looking specifically at children, the issues and challenges are as follows\(^{51}\):

- Proving parenthood and nationality (possibly through DNA testing).
- Dealing with severe stress and trauma, the effects of which may manifest through loss of speech, aggression, intense fear and signs of post-traumatic stress disorder.
- Combat experience and subjection to violence and punishments as part of everyday life.
- Indoctrination (children are taught at a young age that anyone not observing the correct and strict interpretation of Islam is a kufar (unbeliever) and must be killed).
- Dealing with previous involvement in terrorist missions or collecting targeted information in the West or other areas, and dealing with participation in executions.
- Physical suffering through previous beatings, torture and rape.
- Injuries sustained through punishment or fighting.
- Detachment from parents - training camps are designed to do this.
- Stigmatisation as a ‘terrorist’ at school.

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46 SCHMID, 2013, op. cit., p. 27
50 Ibidem.
51 Ibidem.
• Broken kinship ties, particularly among children who were seeking affiliation and identity.
• Lack of familiarity with EU society and norms.

The Radicalisation Awareness Network (RAN) highlights the influence of peer groups in relation to returnees, who are often children who have witnessed or participated in violence. They express concern about these returnees spreading radical ideas among their peers.

Home-grown terrorist fighters

The term ‘Home-grown Terrorism Fighters’ (HTF) refers to “plots which are targeted against the country of which the conspirator is a citizen, resident, or where they have spent considerable time being raised.” The most recent terrorist attacks in Europe were perpetrated by both nationals who had grown up in the countries they attacked, and foreigners of whom a number may have resided in the EU for a long time. Therefore, there is a growing fear of unidentified home-grown radicals.

The recruitment process is easily carried out through the Internet. Far right groups, as well as jihadist groups, use the Internet as a tool for indoctrination from a distance and filter for locating future members of radicalised organisations. They also use it for spreading propaganda. It is easier for children and young adults to use Internet tools (e.g. social networks) than it is for others and they do so more often. For this reason, the Internet is a good platform for introducing them to propaganda, or for getting them in contact with affiliated individuals or groups who try to persuade them to join the ‘battle’.

2.3. RADICALISATION AND VIOLENT EXTREMISM: PROCESS, PUSH AND PULL FACTORS

Studies of radicalisation and violent extremism-terrorism give an indication as to why individuals or groups of people find themselves radicalised and intending to plan and execute ideologically motivated attacks. In general, radicalisation that leads to violent extremism/terrorism is a “complex and multifaceted process that takes place at a variety of levels.” Radicalisation can take place at an individual, group, network, organisation, mass movement, socio-cultural context, and/or an international/inter-state context.

Radicalisation is the result of a multitude of factors and their interaction. As such, there is no single answer as to what causes radicalisation and why some radicalisation processes lead to violence and others do not. There are external political, religious, economic or cultural factors, such as socio-economic disadvantages including poverty or war, and social factors such as identification and empathy with
particular groups and movements. Factors can also be personal, such as a desire for adventure or existential fear, lack of education, illness, the death of family and/or friends or other negative experiences within one’s own community.  

Although more than one of these factors may be present simultaneously, not every individual or group experiences them in the same way or to the same degree. This depends on the individual or the group and the specific context in which they live. Radicalisation is a fluid and dynamic process that differs between individuals. Any given ‘step’ in the process could be omitted, repeated or might not lead to violence at all. Equally, each step could take a short time line or an extended period. Some elements can be identified to outline the causes, the process, and the trigger events of radicalisation.

2.3.1. The causes

There is a “kaleidoscope of factors” for radicalisation that could lead to violent-extremism. These factors exist on a micro-, meso- and macro-level: they are structural and can last for a long period of time. When these factors are combined, they can initiate a process of radicalisation towards violent extremism, even though the impact of each of them in the radicalisation process varies widely. Macro-level factors, such as political, economic and global events, play a vital role when it comes to the social and economic context in which people live. However, these do not have a direct impact on the individual behaviour, unless there are other individual/personal mechanisms in place that have a stronger impact on the individual and on his/her social context. The main factors are as follows:

- **Individual socio-psychological factors:** emotions such as alienation, exclusion, anger, frustration, a strong sense of injustice, humiliation, as well as personality traits such as rigid binary thinking, a tendency to misinterpret situations, belief in conspiracy theories and a sense of victimhood, or other personal vulnerabilities.

- **Social factors:** social exclusion, marginalisation and discrimination (real or perceived), limited social mobility, limited education or employment, elements of displacement, criminality, lack of social cohesion and self-exclusion.

- **Political factors:** grievances framed around victimhood and military intervention. In general, these factors also include alienation and injustice, both reinforced by Islamophobia, xenophobia and discrimination.

- **Culture and identity crisis:** cultural marginalisation, which could lead to feelings of alienation.

- **Trauma:** psychological trauma experienced through experience of abuse or neglect or the death of key caregivers, post-traumatic stress disorder (PTSD) or other complex psychological problems.

- **Group dynamics:** charismatic leadership, pre-existing friendship and kinship ties, socialisation, undue influence of a group, self-isolation or polarising oneself from existing ties and networks.

- **Radicalisers/groomers:** the presence of hate preachers and those that prey on vulnerabilities and channel recruits into violent extremism through persuasion, pressure and manipulation. This

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underscores the importance of extremist milieus existing in so-called underground study circles or in prison.

- **Social media**: social media channels such as Facebook, Twitter and Youtube, provide means of communication, virtual participation and a platform for likeminded extremist views.

### 2.3.2. The process

There are different theories about how the process of radicalisation works. Despite them providing diverse points of view, all coincide in that the process of radicalisation is a complex phenomenon that implies the passage through several steps\(^\text{65}\). Nevertheless, the process is not always linear and sequential. Moreover, the process can be either individual or collective, in which it has to take into account many aspects: socio-political elements (wars, conflicts, the political situation in a foreign country, State political decisions, media discourse, etc.), social vulnerabilities, family ties, neighbours, friends, etc.

According to Fathali M. Moghaddam's model\(^\text{66}\), the process of radicalisation involves six stages, from ground floor to fifth floor:

- **Ground floor**: psychological interpretation of material conditions. People in this position perceive injustice and feel deprived.
- **First floor**: perceived options to fight unfair treatment. Some individuals from the disgruntled population ascend to the first floor to search solutions and improve their situation. Individuals who feel that they cannot change their situation have more likelihood to reach the next phase.
- **Second floor**: displacement of aggression. Individuals in this phase perceive a greater sense of injustice, and experience anger and frustration. In some cases, they are influenced by leaders to displace their aggression into an “enemy”.
- **Third floor**: moral engagement. Individuals who reach this stage begin to see terrorism justified.
- **Fourth floor**: solidification of categorical thinking/perceived legitimacy of terrorist organisation. It is the stage at which individuals are recruited.
- **Fifth floor**: the terrorist act and sidestepping inhibitory mechanism. On the last stage, the individuals are selected and trained to sidestep inhibitory mechanism that could prevent them from injuring and killing both others and themselves, and those selected are equipped and sent to carry out terrorist acts.

This model also suggests that the behaviour on each floor is characterised by particular psychological processes\(^\text{67}\). In addition, few people ascend to the last level; in other words, few people become radicalised, and far fewer commit terrorist acts.

### 2.3.3. Trigger events

A trigger event could potentially make a person more receptive to the possibility of (new) ideas and worldviews, such as the justification of violence. Trigger events can be categorised as ‘turning points’ and


\(^{67}\) MOGHADDAM, 2005, op. cit.
‘catalyst events’. A turning point is an event that could, for example, make someone more receptive to the possibility of new ideas and world views. It could lead to further radicalisation or de-radicalisation. A catalyst event is an event that can accelerate or delay the radicalisation process.

Trigger events are defined as events that are the cause of a particular action, process, or situation. They play an important role in explaining the direction and the speed in which people radicalise.

Trigger events influence any of the phases of the radicalisation process and can exist on a micro- (personal), meso- (group) and macro- (national/international) level. Examples include:

- **Micro-level**: confrontation with death, problems at home (illness, divorce), loss of employment, discrimination, confrontations with the authorities, and detention.
- **Meso-level**: lack of social ties, meeting with a ‘radical’ individual or group, access to a ‘radical’ group, training and confrontation with propaganda.
- **Macro-level**: collective call to action, attacks, military actions, racist or religiously provocative cartoons, government policies targeted at the group and radicalisation.

Whether the trigger event is influential or not depends on the individual's characteristics. For example, one study has divided those prone to radicalisation as falling into one of four groups:

- **The revenge seeker**: Revenge seekers perceive themselves as victims in society. They believe that external forces are causing their unhappiness, making it hard for them to succeed. Because they will not generally know why they feel angry, they are looking for something to be angry about.
- **The status seeker**: Status seekers see a world that doesn’t understand or appreciate them as they perceive themselves. They have frustration coming from unrealised expectations and this group are often those who have moved to a new country from a home country where their status was different. They are often not shown the kind of respect that they got before leaving their home countries.
- **The identity seeker**: Identity seekers are seeking to belong to something and want to assimilate into a defining organisation. The identity seeker is looking for a group and an idea to be part of. It is noted that this urge is likely to be a particularly strong need for young people.
- **Thrill seekers**: Thrill seekers tend to be the least common type and have a very distinct motivation from the other three types. Thrill seekers are filled with energy and drive. They are often male and so want to prove their manhood by accomplishing an arduous task or surviving a harrowing adventure.

In addition to these factors, gender, age and education will also have an impact on the process of radicalisation.

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69 VENHAUS, 2010, op. cit.
3. CHILDREN’S RIGHTS AND SAFEGUARDS

A number of international and European standards exist in order to ensure that in all matters concerning children, their rights and needs are held paramount. Standards and principles protecting the inalienable rights of children are applicable to all children regardless of whether they are in conflict with the law or not. Indeed, for children accused of crimes, and in particular crimes related to terrorism, the importance of seeing them first as children, and respecting their rights is crucial.

3.1. KEY PRINCIPLES IN CHILDREN’S RIGHTS AND SAFEGUARDING

Children, defined as human beings below the age of eighteen years, have inalienable rights that must be protected without restriction or exception\(^70\). These rights have been set out in international and European standards.

The 1989 United Nations Convention on the Rights of the Child (UNCRC), sets out the key principles relating to children’s rights: non-discrimination, the best interest of the child, upholding their dignity, and ensuring their participation in all matters concerning them.

The UNCRC draws on the other major human rights instruments, namely:

- The 1948 Universal Declaration of Human Rights.
- The 1966 International Covenant on civil and political rights (ICCPR).
- The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The European Charter of Fundamental Rights sets out in Article 24, the rights of the child\(^71\), states:

> "1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
> 2. In all actions relating to children, whether taken by public authorities or private institutions, the child’s best interests must be a primary consideration.
> 3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both of his or her parents, unless that is contrary to his or her interests".

3.1.1. Non-discrimination

One of the overarching principles of the Convention on the Rights of the Child is that of the prohibition of any kind of discrimination against children\(^72\). Article 2 of the UNCRC states:

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\(^{70}\) UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.


“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Forms of discrimination could include those on the basis of political or religious beliefs, among others. States must take the necessary measures to prevent discrimination. These measures could include legal and policy reform, as well as education, raising awareness and monitoring.

The principle of non-discrimination is particularly relevant to children and young people in conflict with the law, including those who are accused of violent extremism and terrorism. They should not suffer discrimination, such as labelling or excessive punishment, due to the specific situation they have ended up in through their violations of applicable law.

3.1.2. The best interests of the child

The principle of upholding the best interests of the child in all matters affecting him or her is a primary concern. The welfare system as well as all institutions and bodies involved in justice and administrative systems should give children’s rights priority over other rights. Article 3 of the UNCRC states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

The best interests principle extends clearly to children in justice systems. The UNCRC General Comment No. 10 outlines clearly that:

“In all decisions taken within the context of the administration of juvenile justice, the best interests of the child should be a primary consideration. Children differ from adults in their physical and psychological development, and their emotional and educational needs. Such differences constitute the basis for the lesser culpability of children in conflict with the law. These and other differences are the reasons for a separate juvenile justice system and require a different treatment for children. The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety.”

73 UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.
74 Ibidem.
75 UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.
3.1.3. Protection of life and dignity

The protection of the life and dignity of the child is another key principle central to the UNCRC. A child should be properly prepared to live an independent life in society, in the spirit of peace, dignity, tolerance, freedom, equality and solidarity. Article 6 of the UNCRC affirms that “States Parties recognise that every child has the inherent right to life” and “shall ensure to the maximum extent possible the survival and development of the child”\textsuperscript{77}.

Dignity is a crucial component of children’s rights. Protections for a child’s dignity are set out, among others, in Article 23 of the UNCRC with reference to children who are mentally or physically disabled\textsuperscript{78}, Article 28 of the UNCRC in terms of education\textsuperscript{79}, and in Article 39 of the UNCRC for child victims\textsuperscript{80}.

3.1.4. Child participation

Ensuring the participation of, and respect for the views and wishes of the child in all cases concerning them is a fundamental child right. As Article 12 of the UNCRC sets out: “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child”\textsuperscript{81}.

Furthermore, Article 12 states that every child has a right to express views freely and to be taken seriously, in accordance with other fundamental rights such as freedom of expression, religion, conscience, association, information and privacy. The onus is on the adult to ensure that children can participate and give their views, and so the child must first be helped to understand all the relevant information required to be able to give their opinion on matters concerning them. This means tailoring the information and communication methods to the child’s age and level of understanding, as well as according to any special needs that they may have. In turn, the child’s response must be listened to, appreciated and taken into account for decisions about them. Adults must ensure that they seek to understand the child via all their means of expression, for example through play, body language, facial expressions, drawing, and painting, as well as through conversation\textsuperscript{82}.

3.2. INTERNATIONAL AND EUROPEAN STANDARDS IN CHILD JUSTICE

Children accused of crimes are particularly vulnerable to their fundamental rights being violated. In recognition of the particular vulnerabilities and needs of children accused of crimes, international and European standards set out the key principles to safeguard their rights. International and European standards outline several principles relating to children in conflict with the law, which all youth justice professionals must consider. These principles are crucial to the implementation and promotion of alternatives to detention within rehabilitation and reintegration programmes for young people in conflict with the law.

\textsuperscript{77} UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.
\textsuperscript{78} Ibidem.
\textsuperscript{79} Ibidem.
\textsuperscript{80} Ibidem.
\textsuperscript{81} Ibidem.
3.2.1. International standards

UNCRC Articles 39 and 40 particularly deal with ensuring children’s rights if they are in the justice system. These have been given more detail in a series of General Comments. In relation to children’s rights and the justice system, the following General Comments have been issued:

- General Comment No. 8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (2006)\(^{83}\).
- General Comment No. 10: Children’s Rights in Juvenile Justice (2007)\(^{84}\).
- General Comment No. 12: The right of children to be heard (2009)\(^{85}\).
- General Comment No. 13: The right of children to freedom from all forms of violence (2011)\(^{86}\).
- General Comment No. 14: The right of the child to have his or her best interests taken as a primary consideration (2013)\(^{87}\).

A justice system which upholds children’s rights is one that emphasises the well-being of children and ensures that any reaction is in proportion to the circumstances of both the child and the offence\(^{88}\). The main international guidelines and standards that set out the details of how an effective child justice system should operate are:

- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules, 1985).
- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines, 1990)\(^{89}\).
- UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules, 1990)\(^{90}\).
- United Nations Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines, 1997)\(^{91}\).
- United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (ECOSOC resolution, 2002)\(^{92}\).
- United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC resolution, 2005)\(^{93}\).

Other international standards in which aspects of juvenile justice are also mentioned:


\(^{83}\) UN COMMITTEE ON THE RIGHTS OF THE CHILD (CRC). General comment No. 8 (2006): The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28 par.2; and 37, inter alia), 5 May-2 June 2006, CRC/C/GC/8


\(^{87}\) UN COMMITTEE ON THE RIGHTS OF THE CHILD (CRC). General comment No. 14 (2013) on the right of the child to have his her best interests taken as a primary consideration, 29 May 2013, CRC/C/GC/14.


• United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules, 2015)\textsuperscript{95}.
• UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules, 2010)\textsuperscript{96}.
• Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)\textsuperscript{97}.

3.2.2. European recommendations and standards

The European Union, the Council of Europe (CoE), and the European Commission (EC) have outlined standards and recommendations which aim to help Member States improve their practices towards children in conflict with the law.

One of the key commitments of the European Union’s (EU) Agenda for the Rights of the Child (2011) was to make the justice system more child-friendly. The \textit{Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly justice} set out key provisions on the role and treatment of children in justice proceedings in order to enhance the quality of their participation and to ensure that their rights are fully respected. A child-friendly justice system is one in which the child rights standards, as set out in international guidelines, are respected and promoted to the greatest extent possible. Key components to this system include adjusting criminal procedures, adapting language to make it less formal, and ensuring that children are adequately informed and represented in the proceedings\textsuperscript{98}.

The EU has an important directive for children suspected or accused of crime:

• Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings\textsuperscript{99}.

The Council of Europe’s Committee of Ministers has made over 10 recommendations to Member States about how to improve child justice practice. These include:

• Recommendation CM/Rec(2009)10 on policy guidelines on integrated national strategies for the protection of children from violence\textsuperscript{100}.
• Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures\textsuperscript{101}.
• Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules\textsuperscript{102}.

\textsuperscript{95} UN GENERAL ASSEMBLY. Resolution adopted by the General Assembly on 17 December 2015, United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), 8 January 2016, A/RES/70/175.
\textsuperscript{96} UN GENERAL ASSEMBLY. Resolution adopted by the General Assembly on 21 December 2010, United Nations Rules for the Treatment of Women Prisoners and Non-custodial measures for Women Offenders (the Bangkok Rules), 16 March 2011, A/RES/65/229.
\textsuperscript{97} UN GENERAL ASSEMBLY. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by General Assembly resolution 43/173 of 9 December 1988.
\textsuperscript{100} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2009)10 of the Committee of Ministers to member states on integrated national strategies for the protection of children from violence, 18 November 2009.
\textsuperscript{101} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 5 November 2008.
• Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions\textsuperscript{103}.
• Recommendation Rec(2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice\textsuperscript{104}.
• Recommendation Rec(2000)20 of the Committee of Ministers to member states on the role of early psychosocial intervention in the prevention of criminality\textsuperscript{105}.
• Recommendation No. R(92)16 of the Committee of Ministers to member states on the European rules on community sanctions and measures\textsuperscript{106}.
• Recommendation No. R(87)20 of the Committee of Ministers to member states on social reactions to juvenile delinquency\textsuperscript{107}.
• Resolution (1978)62 on Juvenile Delinquency and Social Change\textsuperscript{108}.

Whilst Member States must monitor their compliance, there are also monitoring bodies that aid compliance. There are four institutions that observe the promotion of human rights in the area of child justice:

• The European Court of Human Rights receives complaints from individuals under the European Convention on Human Rights (ECHR).
• The UN Committee on the Rights of the Child monitors the implementation of the Convention on the Rights of the Child by its State Parties.
• The Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) inspects places of detention at a national level.
• The Commissioner for Human Rights, an independent non-judicial body, promotes awareness and respect for human rights.

3.3. KEY PRINCIPLES FOR CHILDREN IN THE JUSTICE SYSTEM

There are a number of key principles that the child justice system is based on, and that are enshrined in international and European standards. First and foremost, it is important to ensure that children who have been accused, or convicted, of an offence must still have their rights upheld in the same way that any child should. Children in conflict with the law must first be understood and treated as children, and their corresponding rights upheld.

As set out in the UN standards for juvenile justice and the EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, the four key rights of best interests, expression, non-discrimination and protection underpin the rights of children in the justice system.

For example, firstly, in all actions concerning children, the best interests of the child shall be a primary

\textsuperscript{103} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation Rec (2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions, 16 March 2005.
\textsuperscript{104} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation Rec (2003)20 of the Committee of Ministers to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, 24 September 2003.
\textsuperscript{105} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation Rec (2000)20 of the Committee of Ministers to member states on the role of early psychosocial intervention in the prevention of criminality, 6 October 2000.
\textsuperscript{106} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation No. R(92)16 of the Committee of Ministers to member states on the European rules on community sanctions and measures, 19 October 1992.
\textsuperscript{107} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation No. R(87)20 of the Committee of Ministers to member states on social reactions to juvenile delinquency, 17 September 1987.
\textsuperscript{108} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Resolution No. R(78)62 on juvenile delinquency and social change, 29 November 1978.
consideration\textsuperscript{109}. Secondly, every child has the right to express their views freely in all matters affecting them, including judicial and administrative proceedings, either directly or through an appropriate body or representative. It is paramount that the child’s views shall be given due weight in accordance with their age and maturity\textsuperscript{110}. Thirdly, the child must be treated without discrimination of any kind, irrespective of the child’s or their parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Finally, the child must be protected with measures upholding these rights and against all forms of discrimination. In addition, a gender sensitive approach should be taken in all interventions\textsuperscript{111}.

3.3.1. The age of criminal responsibility

The age of criminal responsibility varies greatly from country to country across the world. Whilst Article 40 of the UNCRC states that it is necessary for States Parties to have a minimum age of criminal responsibility, there is no official UN policy on what the minimum age of responsibility should be. Nevertheless, General Comment No. 10 paragraph 32 states that a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable. Therefore States Parties are encouraged to increase the age of criminal responsibility to 12 years as the absolute minimum age and to continue to increase it to a higher age level\textsuperscript{112}. Furthermore, if there is no proof of age and it cannot be established that the child is at or above the minimum age of criminal responsibility, the child shall not be held criminally responsible.

3.3.2. Rights during arrest

Basic procedural rights such as the presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to counsel, the right to the presence of a parent or guardian, the right to confront and cross-examine witnesses and the right to appeal to a higher authority must all be granted to children when they are arrested\textsuperscript{113}. In addition, the child’s parents or guardian must be immediately notified of the arrest\textsuperscript{114}. Throughout proceedings the child should be represented by a legal adviser or apply for free legal aid where there is provision for such aid in the country\textsuperscript{115}. Finally, wherever possible and appropriate, diversion measures should be considered in order to deal with the child’s case without resorting to formal trial by the competent authority\textsuperscript{116}.

3.3.3. Rights and access to justice during investigation and prosecution

The right to be heard in investigation and judicial and all other proceedings is a crucial right of children accused of a crime. Article 12 paragraph 2 of the UNCRC states:

\textsuperscript{109} UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit., Article 3.
\textsuperscript{111} UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit., Article 2; UN SECRETARY-GENERAL (UNSC), 2008, op. cit.
\textsuperscript{112} UNCRC, GC 10, 25 April 2007, op. cit.
\textsuperscript{113} UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit., Rule 7; COUNCIL OF EUROPE, 2011, op. cit. No.1.
\textsuperscript{114} UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit., Rule 10
\textsuperscript{115} UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit., Rule 15.
The child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 14 of the Beijing Rules states that the proceedings should be conducted in a comfortable atmosphere to allow children to participate and express themselves freely. Depending on the child’s age and maturity, courtroom procedures and practices may need to be altered.

In turn, General Comment No. 10 elaborates that the right to effective participation in the proceedings entails that the child “needs to comprehend the charges, and possible consequences and penalties, in order to direct the legal representative, to challenge witnesses, to provide an account of events, and to make appropriate decisions about evidence, testimony and the measure(s) to be imposed”. This includes the child’s right to free assistance of an interpreter (Article 40(2)(vi) UNCRC) if the child cannot understand or speak the language used by the juvenile justice system. In addition, this assistance should not be limited to the court trial, but should be available at all stages of the juvenile justice process. Moreover, the interpreter has to be trained to work with children in order to help the child fully understand the questions they are asked, and to uphold the right to a fair trial and to effective participation.

3.3.4. Right to be informed and to be heard

The right to be heard is fundamental to a fair trial. If it is in their best interest, children have the right to be heard directly rather than just through a representative or an appropriate body. This right must be fully observed at all stages of the process. During the pre-trial stage the child has the right to remain silent, as well as the right to be heard during police proceedings by the prosecutor and the investigating judge. This right also applies to the adjudication and implementation of the imposed measures.

At all times, children must have the opportunity to express their views freely. Throughout the juvenile justice process, children’s views should be given due weight in accordance with their age and maturity. In order to effectively participate in the proceedings, children must be informed about the charges, the juvenile justice process and possible measures.

3.3.5. Detention as a last resort

The detention of children must always be a last resort due to the serious effect it can have on the child. All of the international and European standards are clear that “deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period and should be limited to exceptional cases”.

117 UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.
118 UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit.
120 Ibidem.
121 Ibidem.
122 Ibidem.
When, in exceptional cases, children are placed in detention, they must benefit from all of the human rights guarantees available to children and adults\(^{124}\). Their training and treatment must have primary objectives related to their care, protection, and social, educational, vocational, psychological, medical, and physical assistance. The placement of children in detention should take full account of their particular needs, status and special requirements according to their age, personality, sex and type of offence, as well as mental and physical health, and which ensure their protection from harm. In addition, every child of compulsory school age has the right to education and vocational training suited to his or her needs and abilities and designed to prepare him or her for return to society\(^{125}\).

### 3.3.6. Right to protection

The CRC emphasises the need for children in conflict with the law to be protected and to have their dignity safeguarded at all times. For example, States are compelled to ensure the child protection as is necessary for his or her well-being at all stages of the criminal justice system. All children shall be protected from any form of hardship while going through state and non-state justice processes. States must implement appropriate measures to ensure this\(^{126}\).

Safeguarding is particularly important for children who have been detained as children are particularly vulnerable in prison settings. For example, Article 37 of the UNCRC states that:

> "Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances”\(^{127}\).

In addition, Article 40 of the UNCRC affirms that:

> "States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child’s sense of dignity and worth, which reinforces the child’s respect for the human rights and fundamental freedoms of others and which takes into account the child’s age and the desirability of promoting the child’s reintegration and the child’s assuming a constructive role in society’\(^{128}\).

The Committee on the Rights of the Child has expanded on these principles in its General Comment No. 10 paragraph 13, which provides a set of fundamental principles for how children in conflict with the law are to be treated. It must be ensured that:

- Treatment is consistent with the child’s sense of dignity and worth.
- Treatment reinforces the child’s respect for the human rights and freedoms of others.

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\(^{126}\) UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.; UN SECRETARY-GENERAL (UNSC), 2008, op. cit.

\(^{127}\) UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit., Article 37; In accordance with Article 49.

• Treatment takes into account the child’s age and promotes the child’s reintegration into society.
• Respect for the dignity of the child requires that all forms of violence in the treatment of children in conflict with the law must be prohibited and prevented, including the use of corporal punishment.  

The international standards expressed forbid the use of the death penalty for children in conflict with the law. In General Comment No. 10 paragraph 75 it is stated that a death penalty may not be imposed for a crime committed by a person under 18 regardless of his/her age at the time of the trial, the sentencing or when the sanction is to take place.

4. CHILD JUSTICE, COUNTER-RADICALISATION AND COUNTER-TERRORISM INSTRUMENTS

Since 1934, combating terrorism has been on the international (legislative) agenda. During that year, the League of Nations initiated a draft Convention for the Prevention and Punishment of Terrorism, however the Convention did not come into force. Nevertheless, since the attacks on the World Trade Centre and the Pentagon in September 2001 and in Madrid in 2004, the United Nations, as well as the European Union, have passed a number of resolutions and conventions, developed guidelines and published reports related to counter-terrorism and counter-radicalisation, specifically focused on a global scale.

In addition, several countries throughout the world have developed a diverse range of measures to counter radicalisation, violent extremism and terrorism based on their national and local political climate, budget, culture and legal framework. These measures differ according to the country, the type of measure, its effectiveness and the political agenda.

4.1. COUNTER-TERRORISM AND COUNTER-RADICALISATION: KEY CONCEPTS

Before explaining what the strategies and policies aimed at the fight against radicalisation and terrorism are in the field of juvenile justice, it is necessary to explain some previous concepts:

Counter-terrorism can be referred to as “the whole array of practices, tactics, techniques, and strategies that governments can adopt in response to the threats or acts of terrorists groups”.

Counter-radicalisation is understood as “a package of social, political, legal and educational and economic programmes specifically designed to deter disaffected individuals from crossing the line and becoming terrorists”.

De-radicalisation is used to refer to “programmes that are generally directed against individuals who have become radical with the aim of re-integrating them into society or at least dissuading them from violence”.

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131 Ibidem.
This concept differs from counter-radicalisation in that de-radicalisation is focused on tertiary prevention and counter-radicalisation is focused on general prevention133.

4.2. CHILDREN AND INTERNATIONAL STANDARDS ON COUNTER-TERRORISM

Since 1963, nineteen legal instruments to prevent terrorist acts have been developed by the international community134. Furthermore, the General Assembly of the United Nations has issued eight resolutions on terrorism135. The UN Global Counter-Terrorism Strategy is based on four main pillars136:

- Addressing the conditions conducive to the spread of terrorism.
- Preventing and combatting terrorism.
- Building States’ capacity and strengthening the role of the United Nations.
- Ensuring human rights and the rule of law.

The United Nations Global Counter-Terrorism Strategy (General Assembly Resolution 60/288), stated that Member States must work "to pursue and reinforce development and social inclusion programmes, especially on youth unemployment, reduce marginalisation and the subsequent sense of victimisation that propels extremism and the recruitment of terrorists"137.

One of the most recent resolutions adopted by General Assembly of the United Nations (General Assembly Resolution 70/291) highlights the importance of the development and maintenance of effective, fair, humane, transparent and accountable criminal justice systems, taking into account, inter alia, the rights and needs of children, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism. Equally, it highlights the need to train professionals in justice systems, including through multilateral programs and the exchange of experiences138.

In paragraph 18, the resolution stresses that "every child alleged as, accused of or recognised as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law, in particular obligations under the Convention on the Rights of the Child"; and urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups139.

It also urges Member States, in accordance with their obligations under international law, to cooperate in efforts to address the threat posed by foreign terrorist fighters, including by preventing the radicalisation to terrorism and recruitment of foreign terrorist fighters, including children, as well as implement

135 A/RES/60/288; A/RES/62/272; A/RES/64/207; A/RES/66/10; A/RES/66/282; A/RES/66/126; A/RES/70/291; A/RES/71/291
137 Ibidem, para. 1 (6).
139 Ibidem, para. 18.
reintegration strategies of foreign terrorist fighters (paragraph 44). Therefore, the global strategy aimed at children and young people is based on social inclusion as a form of prevention; the need to establish strategies to prevent radicalisation leading to terrorism; strengthening justice systems through training of professionals, developing multilateral programs, and exchanging good practices; and above all, that children should be treated with full respect for their rights, in accordance with all international standards.

4.3. EUROPEAN LAWS AND POLICIES ON RADICALISATION AND COUNTER-TERRORISM

The EU provides a crucial framework to help coordinate national legal regulations. Following the 9/11 terrorist attack, counter-terrorism moved rapidly to the forefront of the EU’s policy agenda, resulting in the 28 Member States implementing a vast body of legislation.

In 2005, the Council adopted the UE counter-terrorism strategy. The strategy focuses on four pillars:

- **Prevent:** Addressing the causes of radicalisation and terrorist recruitment is a key priority for the EU. In the specific context of prevention, the Council of Europe adopted an EU strategy for combating radicalisation and recruitment to terrorism in 2008. This strategy was revised in 2014, and in December 2014 the Council adopted guidelines for the implementation of the strategy.
- **Protect:** Protecting citizens and infrastructure and reducing vulnerability to attacks through securing external borders, improving transport security, protecting strategic targets and reducing the vulnerability of critical infrastructure.
- **Pursue:** Hindering terrorists’ capacity to plan and organise, and to bring these terrorists to justice through strengthening national capabilities, improving cooperation and information exchange between police and judicial authorities, tackling terrorist financing, and depriving terrorists of their means of support and communication.
- **Respond:** Preparing, managing and minimising the consequences of a terrorist attack through improving capabilities to deal with the aftermath, the coordination of the response, and victims’ needs.

The fight to prevent radicalisation has been taken on by the EU as a necessary strategy for combatting terrorism. The strategies adopted by the EU have been designed to complement and support the actions of Member States, coordinate national policies and promote legislative measures, the latter of which with a repressive approach.

The Directive (EU) 2017/541 of the European Parliament and of the Council, of 15th March 2017, on combating terrorism, establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as measures of protection of, support and assistance to, victims of terrorism.

140 Prior to this resolution, the General Assembly of the United Nations already pointed out the need to implement specific prevention measures against the recruitment, use and victimisation of children by criminal groups, terrorist entities or violent extremist groups (resolution 69/194, paragraph. 15 (a)).

European policies in the fields of education, social inclusion and integration have also been developed. The Conclusions of the Council and of the representatives from the Member States’ governments, on the prevention of radicalisation leading to violent extremism (21st November 2016) invites Member States to “encourage cooperation between education and training institutions, local communities, local and regional administrations, parents, the wider family, youth field actors, volunteers and civil society to enhance inclusion and strengthen a sense of belonging and positive identity” as a measure to prevent radicalisation; and “broaden the competences of teachers, educators and other teaching staff to be able to recognise early signs of radicalised behaviour”\(^{142}\).

The Conclusions of the Council and of the representatives from the Member States’ governments on Inclusion in Diversity to achieve a High Quality Education For All (17th February 2017) invites Member States to encourage cooperation and innovative approaches between education and training institutions, local communities, local and regional administrations, parents, the wider family, youth field actors, volunteers, social partners, employers and civil society to enhance inclusion, strengthen a sense of belonging and positive identity, thus contributing to the prevention of radicalisation leading to violent extremism, as well as to ensure that educational content, pedagogies and tools are up-to-date and of relevance to the local context\(^{143}\).

In addition, the EU highlights the importance of developing effective de-radicalisation or disengagement and exit or rehabilitation programmes, including in the prison and probation context, in particular regarding foreign terrorist fighters as well as returnees\(^{144}\).

**4.4. CHILDREN IN THE COUNTER-TERRORISM CONTEXT: THE NEUCHÂTEL MEMORANDUM**

In September 2015, the Global Counterterrorism Forum (GCTF) Ministers endorsed the launch of the GCTF’s Initiative to Address the Life Cycle of Radicalisation to Violence (Life Cycle Initiative). As part of this new initiative, Switzerland launched an initiative on juvenile justice in a counterterrorism context to address the emerging questions regarding children involved in terrorism, and the different phases of a criminal justice response, which include prevention, investigation, prosecution, sentencing, and reintegration. The Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context was the result.

The Neuchâtel Memorandum sets out that “children may be affected by terrorism in many ways – as victims, witnesses, and offenders.”\(^{145}\) The aim of the Memorandum is to guide governments and justice professionals in the development of policies, programmes and approaches in terrorism cases involving children. It states clearly that “a criminal justice response to cases of children should be geared towards the rehabilitation and reintegration of the child into society.”\(^{146}\)

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\(^{146}\) GLOBAL COUNTERTERRORISM FORUM, 2015, op. cit., p.2.
The Memorandum sets out the following good practices for governments and justice professionals to consider when dealing with children:

1. Address children alleged to be involved in terrorism-related activities in accordance with international law and in line with international juvenile justice standards.
2. Assess and address the situation of children in a terrorism-related context from a child rights and child development perspective.
3. Address children's vulnerability to recruitment and/or radicalisation to violence through preventive measures.
4. Develop targeted prevention strategies with a strong focus on the creation of networks to support children at risk.
5. Address children prosecuted for terrorism-related offences primarily through the juvenile justice system.
6. Apply the appropriate international juvenile justice standards to terrorism cases involving children even in cases that are tried in adult courts.
7. Consider and design diversion mechanisms for children charged with terrorism-related offences.
8. Consider, and apply where appropriate, alternatives to arrest, detention, and imprisonment, including during the pre-trial stage and always give preference to the least restrictive means to achieve the aim of the judicial process.
9. Apply the principle of individualisation and proportionality in sentencing.
10. Hold children deprived of their liberty in appropriate facilities; support, protect and prepare them for reintegration.
11. Develop rehabilitation and reintegration programs for children involved in terrorism-related activities to aid their successful return to society.
12. Design and implement specialised programmes for terrorism cases to enhance the capacity of all the professionals involved in the juvenile justice system.
13. Design and implement monitoring and evaluation programs to ensure the effective implementation of international juvenile justice standards.

4.5. INTERNATIONAL HUMANITARIAN LAW RELATED TO FOREIGN FIGHTERS AND CHILD SOLDIERS’ STANDARDS AND PROTECTION

Despite the growing international attention on the recruitment and use of children in conflict, children continue to be part of, and linked to armed forces or armed groups across the world. Whilst it must be an international aim to ensure that “girls and boys are protected from recruitment and use in hostilities by armed forces or armed groups, and are released and provided with effective reintegration services”\(^\text{147}\), it is also important to ensure that those who are found to be linked to armed groups are treated appropriately. Some terrorist groups by their nature fall into the category of armed groups, and the children linked to them can be classified as child soldiers. Because of this, it is important to understand the international standards that set out the rights of children associated with armed groups.

The main international legal standards related to child soldiers are:

• UN Convention on the Rights of the Child (UNCRC).
• International Humanitarian Law:
  - Article 77(2) of Additional Protocol I.
  - Article 4(3)(c) of the Additional Protocol II.
  - Customary International Humanitarian Law.

The UNCRC Committee in General Comment No. 20 from 6th December 2016 also sets out the principles for dealing with children involved in both armed conflicts and extremist activities and specifies the protective measures which young people should receive\textsuperscript{148}.

In addition, the Paris Commitments and Principles (2007), aims to protect all children and young people from radicalisation. The Parliamentary Assembly of the Council of Europe called upon Member States to take “preventive measures aimed at eradicating the root causes of radicalisation among young people” and “measures to combat marginalisation, social exclusion, discrimination and segregation among young people in disadvantaged neighbourhoods\textsuperscript{149}”. Measures aimed at preventing religious and political radicalisation must reach young people and children at an early age. It is necessary to explore the ‘root causes’ of the radicalisation of children in various contexts in order to prevent them from becoming victims of extremist movements.

\textsuperscript{148}  UN COMMITTEE ON THE RIGHTS OF THE CHILD (CRC). General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, 6 December 2016, CRC/C/GC/20.


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1. INTRODUCTION

**Volume II** provides the reader with an overview of prevention of crime in general and prevention of radicalisation in particular. It gives professionals and practitioners the instruments needed to understand the key concepts of prevention and methodologies that can be applied in a prevention setting. It also gives some examples of programmes in Europe that are working to prevent the radicalisation of young people.

This volume sets out:

- The international and European standards dealing with prevention from a child rights perspective.
- Overview on prevention of juvenile crime as well as prevention of juvenile radicalisation.
- Community and family-based prevention programmes.
- Five examples of prevention practices from Belgium, Italy, and the Netherlands.

2. PREVENTION OF JUVENILE CRIME

Prevention has been proven to be the most effective way of reducing crime rates, and specifically juvenile crime. Preventing juvenile crime not only benefits young people and their families, but also their communities and society as a whole.

Crime prevention is defined by the UNODC as those “strategies and measures that seek to reduce the risk of crime occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes”\(^1\).

It is also stated by the UNODC that “prevention involves the active creation of an environment that deters children from conflict with the law. Such an environment should ensure for the child a meaningful life in the community and foster a process of personal development and education that is as free from crime as possible”\(^2\).

2.1. INTERNATIONAL AND EUROPEAN STANDARDS ON PREVENTION

The importance of prevention has been stated clearly by the international and European community. For example, the European Commission stated that “early intervention and prevention are essential for developing more effective and efficient policies, as public expenditure addressing the consequences of child poverty and social exclusion tends to be greater than that needed for intervening at an early age”\(^3\).

The Council of Europe has called for State Parties to prevent crime in a number of directives since 1978. For example, in 1987, the Council of Europe recommended Member States to review their legislation and practices regarding prevention of juvenile delinquency. In particular, by implementing a policy promoting social integration of young people, providing specialised programmes for their integration and taking


measures (technical and situational) to reduce their opportunities to offend.\textsuperscript{4}

In 2000, the Council recommended that “statutory as well as other arrangements should be developed for the provision of a wide range of programmes for early intervention to prevent criminality”\textsuperscript{5}.

Prevention has also been set out as a key prerequisite for an effective youth justice system. It is recommended in the UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (the ‘Beijing Rules’)\textsuperscript{6} and General Comment No. 10: Children’s Rights in Juvenile Justice (2007)\textsuperscript{7}, which promote the important role that prevention should have in youth justice practices. The UNODC has published helpful guidelines on implementing prevention policies\textsuperscript{8}.

The United Nations has recognised the importance of prevention policies in the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines, 1990)\textsuperscript{9} that set out in detail strategies to increase the use of prevention. This highlights the importance of early prevention to deter children and young adults from crime. The Guidelines also stress the importance of society’s participation in creating an environment for children that is conducive to developing “non-criminogenic attitudes”. The creation of such an environment requires the implementation of lawful, socially useful activities, which aim to promote the positive development of children.

\section*{2.2. YOUNG PEOPLE AT RISK OF COMMITTING CRIMES}

The young people who are targeted with prevention programmes are identified by their background and characteristics. Young people who are at risk of coming into conflict with the law tend to display certain traits, termed ‘risk factors’\textsuperscript{10}, that lead professionals to believe that they may commit crime in the future. These risk factors could be from their family, such as having parents, older brothers or sisters involved in crime. They could be from school, such as low school attendance. They could be seen in the community such as the ready availability of drugs, or they could be individual or peer factors, such as aggression, or associating with criminal peers. The majority of these risk factors can be countered by fostering more positive traits, or ‘protective factors’\textsuperscript{11} such as having pro-social family members, good school attendance, an affluent community, or good self-control.

At the core of prevention is the attempt to tackle risk factors by fostering protective factors in the children’s lives. The table below gives examples of common risk and protective factors:

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\textsuperscript{4} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Resolution (87)20 of the Committee of Ministers to Member States on Social Reactions to Juvenile Delinquency, 17 September 1987. Available at: https://rm.coe.int/168070ce24


\textsuperscript{7} UN COMMITTEE ON THE RIGHTS OF THE CHILD (CRC). General Comment No. 10 (2007): Children’s rights in juvenile justice, 25 April 2007, CRC/C/GC/10

\textsuperscript{8} UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC), 2010, op. cit.

\textsuperscript{9} UN GENERAL ASSEMBLY. United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 14 December 1990, A/RES/45/112

\textsuperscript{10} Risk factors are characteristics which increase the likelihood of engaging in future criminal behaviour.

\textsuperscript{11} Protective factors are characteristics which help to protect children against the likelihood of engaging in future criminal behaviour.
### Figure 1: Risk and Protective Factors

<table>
<thead>
<tr>
<th>RISK FACTORS</th>
<th>PROTECTIVE FACTORS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FAMILY FACTORS</strong></td>
<td></td>
</tr>
<tr>
<td>• Low family socio-economic status</td>
<td>• High socio-economic status</td>
</tr>
<tr>
<td>• Parents, siblings or other family members with offending and anti-social</td>
<td>• Parents who provide pro-social role models</td>
</tr>
<tr>
<td>behaviour</td>
<td></td>
</tr>
<tr>
<td>• Harsh and inconsistent parenting</td>
<td>• Consistent parental support and supervision</td>
</tr>
<tr>
<td>• Poor parent-child relationships</td>
<td>• Strong bonds to parents</td>
</tr>
<tr>
<td>• Early victimisation (physical, sexual and other abuse)</td>
<td>• No early trauma or abuse</td>
</tr>
<tr>
<td>• Violence in the home</td>
<td>• Safe home</td>
</tr>
<tr>
<td>• Passive or condoning attitudes to anti-social and criminal behaviour</td>
<td>• Clear moral guidance from parents regarding anti-social and criminal behaviour</td>
</tr>
<tr>
<td><strong>SCHOOL FACTORS</strong></td>
<td></td>
</tr>
<tr>
<td>• Weak attachment to school</td>
<td>• Strong bonds to teachers.</td>
</tr>
<tr>
<td>• Low educational achievement</td>
<td>• Strong educational attainment</td>
</tr>
<tr>
<td>• Organisational weakness in the school</td>
<td>• Well functioning school</td>
</tr>
<tr>
<td>• Aggressive behaviour and bullying</td>
<td>• Good relationships with classmates</td>
</tr>
<tr>
<td><strong>COMMUNITY FACTORS</strong></td>
<td></td>
</tr>
<tr>
<td>• Lack of attachment to the local community</td>
<td>• High community involvement</td>
</tr>
<tr>
<td>• Ready availability of drugs</td>
<td>• Drug free neighbourhood</td>
</tr>
<tr>
<td>• Disadvantaged area</td>
<td>• High socio-economic area</td>
</tr>
<tr>
<td>• High turnover of the population</td>
<td>• Stable population</td>
</tr>
<tr>
<td>• Gangs operating in the area</td>
<td>• No gang networks operating</td>
</tr>
<tr>
<td><strong>INDIVIDUAL/PEER FACTORS</strong></td>
<td></td>
</tr>
<tr>
<td>• Association with delinquent peers</td>
<td>• Pro-social peers</td>
</tr>
<tr>
<td>• Substance abuse</td>
<td>• Social skills</td>
</tr>
<tr>
<td>• Aggression and impulsivity</td>
<td>• Self-control</td>
</tr>
<tr>
<td>• Attitudes sympathetic to offending</td>
<td>• Attitudes against offending</td>
</tr>
</tbody>
</table>


However, we have to take into account that the predictive force of risk factors differ depending on the age bracket that we examine. That is to say, risk factors have a varying influence throughout one’s life, their effects being more or less important depending on the age of the individual.\(^{12}\)

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Some authors think it essential to develop theories which go beyond understanding criminal behaviour merely as an accumulation of risk factors. It has also been shown that intervention programmes for young offenders which are based on theoretical models are the ones which have led to the best results.

The explanatory theories on criminal behaviour among young people which have been best received by the scientific community are the ones which, from a dynamic perspective, are based on the belief that criminal behaviour is determined by personal, social and contextual characteristics in each individual which are aligned with life stages. These perspectives are known as developmental and life-course theories. Within this category we find theories such as Farrington's Integrated Cognitive Antisocial Potential theory, Catalano and Hawkins' Social Development Model theory, or Thornberry's interactional theory, which has been the model for Redondo's triple risk of crime model (or TRD).

When working with young people in conflict with the law, we can distinguish between four types of treatment programmes focused on teaching skills and habits, development and restructuring of thought processes, emotional regulation and anger management, and the maintaining of achievements and relapse prevention.

2.3. LEVELS OF CRIME PREVENTION

According to the UNODC, the public health inspired typology is commonly used in order to define the levels of prevention in terms of crime/delinquency:

- Primary prevention refers to programmes or initiatives aimed at those who have never been involved in the criminal justice system.
- Secondary prevention refers to programmes specifically targeted to children and young people who are identified by the social services, educational or justice systems as being at risk of involvement in crime.
- Tertiary prevention refers to programmes for those who are in the criminal justice system and/or returning to the community, with the aim of preventing re-offending.

3. PREVENTION OF JUVENILE RADICALISATION

Preventing children and young people from becoming radicalised is complex and relatively little research exists as to what works in this context.

3.1. THE PROCESS OF JUVENILE RADICALISATION

Children are particularly vulnerable to radicalisation. This may be that due to fact that their mind and...
identity are developing during this period, which may make them particularly susceptible. As such, it is important to remember their specific vulnerabilities.

Childhood and adolescence are crucial stages in personality development\textsuperscript{20}. It is important to highlight that one's self-concept and self-esteem (both with relevant implications for the personality) are under very significant changes/transformations during adolescence\textsuperscript{21}.

The people with whom young people come into contact, as well as their environment, are important for the development of their value system. Young people in conflict with the law or who experience a conflict with the community, can be facing, among others, the following issues:

- Lack of acceptance from society (because of an inability to anticipate other people's reaction and tendency to behave aggressively).
- Lack of trust and suspicion from own family and friends.
- Difficulties in developing close relationships.
- Alienation.
- Antisocial behaviour or overreacting to situations.

Even without a background of trauma, abuse, or neglect, it is difficult to find one's own identity, create one's own philosophy of life and to find a group with which one identifies. For young people at risk of offending or radicalisation this can be particularly difficult. Extremists can use the vulnerabilities of these young people to influence the behaviour of those who have already been radicalised, or to encourage violent behaviour.

During the process of identity building, which comprises several phases, researchers have found some precipitating factors that can lead to extremism, which can be particularly relevant to young people\textsuperscript{22}:

- ‘Wanting to do something’: experiences of socio-political injustice.
- ‘The search for (real) answers’: ideological and existential questions.
- ‘Friendship and benefits’: social needs.

Therefore, extremist ideology and/or forms of violent protest may appeal to young people who are already disaffected, socially isolated and looking for a positive identity. Research of young people suggests that those who take part in “activities at the margins of society may feel a need for a greater sense of potency and provide, through these affiliations, a strong sense of identity”\textsuperscript{23}.

The Dutch “supply-and-demand” model explains the process that leads to radicalisation. It is based on the idea that radicalisation can arise when demand (such as seeking personal autonomy or searching for one's identity) meets supply (such as ensuring a sense of belonging), which creates a cognitive opening. These factors, combined with a suitable breeding ground and background, create the ideal conditions to support this process\textsuperscript{24}.

\textsuperscript{21} SÁNCHEZ QUEJIA, I., & DELGADO, B. Desarrollo Social y de la Personalidad en la Adolescencia. In A. GARCÍA & J. DELVAL (Coord), Psicología del Desarrollo. España: UNED.
3.2. FROM RADICALISATION TO VIOLENT EXTREMISM

Children and young people in conflict with the law, particularly adolescents in search of their identity, are at risk of radicalisation. This is why professionals working with young people should be able to identify the difference between typical adolescent behaviour and criminal behaviour. They should be able to recognise when adolescents exhibit radical attitudes ‘only’, and when they are on the path to violent extremism.

A report prepared by the European Commission’s Expert Group on Violent Radicalisation states that the consensus among experts is that radicalisation that leads to any form of violence, including violence in the context of terrorism, constitutes a gradual process. In addition, the report reaches the conclusion that, while a radicalisation process is intimately linked to the specificities of the context where it originates and develops, there exist certain similar structural features among current cases of violent radicalisation leading to violent extremism, mainly among young people.

Firstly, radicalisation flourishes in environments where the population perceive a pervasive sense of injustice, exclusion and degradation (whether justified or not), against which terrorist ideals present themselves. Secondly, radicalisation can be found at the intersection between these enabling environments and the individuals whose trajectories lead to militancy. Thirdly, violence caused by terrorism (in particular suicide bombing) represents the most extreme expression of radicalisation, whereas most of these expressions belong to individuals who will never reach the stage of terrorist extremism. In fact, the great majority of EU citizens who are newcomers to a radicalisation process won’t end up being involved in acts of violence that could lead to terrorism, only a very small fraction of EU citizens would reach a violent stage.

It is always important to remember that radical views do not mean that an individual is automatically or inevitably engaged in violence. It is also important to remember that the European Convention on Human Rights (ECHR) and other international standards uphold both freedom of thought (and freedom of expression). This means that, when working with young people in conflict with the law, a particularly careful approach is needed to protect freedom of thought and freedom of expression. These young people, who are already undergoing an identity crisis, will be particularly sensitive to any infringement of their freedom of thought and expression.

It is also important at this stage to distinguish between the terms ‘cognitive radicalisation’ and ‘violent radicalisation’:

Cognitive radicalisation is the process through which an individual adopts ideas that are severely at odds with those of the mainstream, refutes the legitimacy of the existing social order, and seeks to replace it with a new structure based on a completely different belief system.

• Violent radicalisation occurs when an individual takes the additional step of employing violence to further the views derived from cognitive radicalism.

26 DZHEKOVA, MANCHEVA, STOYNOVA, & ANAGNOSTOU, 2017. op.cit.
3.3. LEVELS OF PREVENTION IN THE FRAMEWORK OF RADICALISATION

According to the Centre for the Prevention of Radicalization (CPRLV), the levels of prevention in the framework of radicalisation are:

- Primary prevention focuses on the population as a whole.
- Secondary prevention targets individuals who are at risk of falling prey to radicalisation.
- Tertiary prevention is concerned primarily with rehabilitating radicalised individuals and building the resilience of those persons who have extricated themselves from the radicalisation process.

There are different actions that can be put in practice at a local level to prevent radicalisation, taking into account the context and the resources. According to the European Forum for Urban Security, those actions can include:

- Primary prevention: Information points, early prevention programmes or educative programmes.
- Secondary prevention: Family support or mediation.
- Tertiary prevention: De-radicalisation and disengagement programmes focused on social reinsertion.

4. COMMUNITY AND FAMILY-BASED PREVENTION MEASURES

Families can play a key role in prevention of radicalisation. There are also other crucial actors in terms of prevention strategies at a local level, such as: schools, youth welfare and social services, communities and the police.

Families and local communities play an important part in shaping young peoples’ identity and attitudes. Families and local communities have the potential to both protect young people from bad influences and negatively impact their development. There are a number of measures that can be used to prevent young people from violent extremism and to protect young people from harm.

4.1. FAMILY-BASED PREVENTION MEASURES

The majority of prevention programmes have been school-based, but in recent years more have begun to be family-based. Family-based measures can be extremely effective because of the influence that the family has on the identity, attitude and behaviour of children. Although young people grow up and meet new people, parents continue to be one of the most important influences on adolescent development and well-being. Families can play an important role in either preventing or shaping radical attitudes. The literature and research on family interventions demonstrated that good parenting is one of the most powerful ways to reduce problematic behaviour.

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30 Ibidem.
To be effective, community programmes must include the family because it increases the chances of success. Families have intimate knowledge of their children's lives. Moreover, they remain in their children's lives once institutional and community services are no longer needed. Even if the family faces chronic or devastating problems, it remains a child's best resource.

Before taking any prevention measure it is important to identify what the current prevention challenges are. We can observe three steps according to the Radicalisation Awareness Network:

- Detecting those who are at risk of radicalisation.
- Being able to get into contact with them and support them and their families in a change of direction.
- Supporting both the individual and their family during the disengagement process.

Families can be involved in the three different levels of prevention:

- Primary prevention can be carried out through providing families with information on radicalisation and through awareness-raising campaigns.
- Secondary prevention can be carried out through family counselling and also empowering families (for instance through training sessions).
- Tertiary prevention can be developed through the involvement of families in the de-radicalisation and disengagement work with individuals. Families can also be involved in counselling activities.

The international and European standards in relation to family measures

The Universal Declaration of Human Rights (UDHR) makes different references to the protection of the family. For example, it states in Article 16 that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the state".

The Convention on the Rights of the Child (UNCRC) urges professionals to respect the child's family and, as much as possible, work with the child in the family setting. For example, it states in the Preamble that:

"The family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community."

Also, Article 5 affirms that:

"States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise of the rights".

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34 EUROPEAN FORUM FOR URBAN SECURITY, 2016, op. cit.


36 UNITED NATIONS GENERAL ASSEMBLY, 1948, op. cit., Art. 16.

37 UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit.
The Council of Europe Recommendation Rec(2006)19 on policy to support positive parenting, defines positive parenting as:

“parental behaviour based on the best interests of the child that is nurturing, empowering, non-violent and provides recognition and guidance which involves setting of boundaries to enable the full development of the child.”

4.2. COMMUNITY PREVENTION MEASURES

Local communities are crucial to protecting young people from risk factors. The community’s size can also influence the radicalisation process. For example, living in large cities brings people together and can make it easier to share ideas.

Research and cases from several EU Member States indicate the following features of successful community and family-based prevention programmes:

• Accepting all children and adopting a “no reject” policy.
• Being available, accessible and flexible.
• Empowerment.
• Personalising services for each individual.
• Ensuring family-focused services.
• Taking a strength-based approach.
• Providing culturally appropriate services.
• Finding employment for young people.
• Prioritising safety and crisis planning.
• Providing unconditional care (no reject policy).
• Creating opportunities for civic engagement and giving back.
• Cultivating long-term connections to the community.

The peer group is another very important element of influence. Peer groups and the norms they adopt can be particularly important during adolescence. They influence the way young people think and function by giving them a philosophy and a value system. They modify behaviour patterns. It is necessary to avoid situations where peer pressure leads to radicalisation.

Multi-agency cooperation

There are many different professionals who can work to prevent young people from becoming radicalised. All of them see the young person from a different perspective, and all have a great deal of input to give in terms of helping young people to achieve the desired outcomes. Multi-disciplinary work is therefore essential:

38 UN GENERAL ASSEMBLY, CRC, 20 November 1989, op. cit., Art. 5.
39 COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation Rec (2006)19 of the Committee of Ministers to member states on policy to support positive parenting, 13 December 2006.
• To ensure that there is a full utilisation of efforts to help the young person.
• To ensure that there is a thorough understanding of the different needs that the young person has.
• To discuss and evaluate solutions and ways of working with the young person.
• To ensure that there is no duplication of effort.

Indeed, without multi-agency and interdisciplinary cooperation, it is impossible to tackle the social, political and ideological risk factors that can lead to radicalisation.

The most common partners in multi-agency settings are:

• Police.
• Social care and health care.
• Local authorities.
• Education representatives, employment agencies, specific psychological care bodies (if it is considered relevant).
• Intelligence services (if necessary).

A crucial criterion for community and family-based alternatives, interventions and programmes is multi-agency action. This uses professionals from a variety of relevant sectors to plan, implement and oversee these measures. This is essential, because many of the social risk factors that lead to radicalisation overlap between different sectors. When establishing an inter-agency approach to working with young people, it is important to ensure that a robust information sharing policy is in place so that confidentiality relating to young people and their circumstances is upheld. This information sharing must “take account of the legal requirements of data protection and professional secrecy and taking into consideration the specific duties of the agencies concerned”.

5. EUROPEAN EXAMPLES OF FAMILY AND COMMUNITY-BASED PREVENTION OF JUVENILE RADICALISATION

Below are examples of programmes focused on preventing radicalisation from Belgium, Italy, and the Netherlands.

5.1. DIAMOND PROGRAMME - THE NETHERLANDS

Context

The Diamond Programme works with migrant and non-migrant communities where young people have been found to be vulnerable to radicalisation. In addition to preventing radicalisation, the programme aims to reduce school dropout rates, and antisocial and criminal behaviours, such as drug abuse. The programme focuses on cultural orientation and identity formation for young people with plural cultural backgrounds to help them cope with their multiple identities and any conflicts that may arise from them.
The initiative provides training for frontline staff to better understand how to help young people manage identity conflicts and feel empowered. Staff are taught how to deliver intercultural moral development.

The programme also tackles gender-specific identity issues, in particular those experienced by young girls and women from Islamic backgrounds, with the aim of minimising risk factors associated with radicalisation by promoting positive identity formation and social inclusion.

Goals of the programme include:

- Preventing Islamic radicalisation by taking away its breeding ground and minimising risk factors associated with radical thinking.
- Inclusion and reintegration of young people within schools and the community.
- Forming positive identities and building self-confidence for young people with plural cultural backgrounds.
- Helping young people identify positive and negative influences present in their social network.
- Building the capacity of frontline staff and parents to assist young people struggling with identity issues.
- Helping young people develop their interpersonal skills and the ability to make sound moral judgements and empathise with different opinions and viewpoints.

Target groups

The programme is targeted at young people aged 12 to 23 with plural cultural identities, particularly those struggling with identity conflicts that increase their risk of antisocial or criminal behaviour and radicalisation.

The programme is intended for frontline personnel working with young people struggling with dual identities and conflicts related to culture.

It offers group preventative training for groups of young people, as well as individual case support on a one-to-one basis.

Participation in the group preventive training is on a voluntary basis. Some youngsters apply themselves, others are referred to the program by concerned community workers, teachers or mosques.

Participation in the individual curative programme can be a provision of licence dictated by the court as an alternative to closed youth care centres, or as a result of a referral made by the police, family members, schools or other sources such as community members.

A version of the programme has been implemented in schools with the same training and workshop structure being carried out in this school setting.

Personnel, partners and practicalities

The programme is composed of three initiatives: an individual ‘disengagement’ programme, preventative group training, and educational training programmes for parents and professionals.

The structure of a ‘disengagement’ coaching programme focuses on:
• The young person’s identity, rather than their antisocial behaviour or the crime they committed.
• Creating an informal atmosphere to create trust.
• Involving the community, family, school and friends.
• Building resilience against radicalisation and group pressure.
• Helping young people to cope with their multiple identities and any issues that may arise from these.
• Inclusion and reintegration: strengthening ties with Dutch society by going back to school, work or internship.

The programme collaborates with ‘Safety Houses’, which guarantees interdisciplinary cooperation that is tailored to each individual case and responsive to their needs, such as the extent of radical thinking or criminal behaviours.

The programme recruits ‘coaches’ from the same community as the young person as ‘cultural experts’ and encourages family and community involvement in the programme to support the young person. One-to-one consultation sessions happen on a weekly basis over the course of the year in an informal, familiar setting.

Impact
An evaluation by the University of Amsterdam⁴³ found that the Diamond Programme has a positive effect on the participants’ level of confidence and trust in others, and their empathy and participation. The majority of the young people who have participated in the programme returned to education or found employment and established a broader social network. A majority also reported that after participating they felt better able to deal with intercultural conflicts.

The initiative has reached over 600 young people, professionals and parents, across 13 cities in The Netherlands.

The Diamond programme is developed by The Foundation for Intercultural Participation and Integration (SIPi), located in Amsterdam.

Further information
https://www.counterextremism.org/resources/details/id/525/diamond

5.2. ANTI-RADICALISATION UNIT OF MOLENBEEK-SAINT-JEAN - BELGIUM

Summary
The anti-radicalisation unit provides training programmes for teachers, police officers and social workers to improve their understanding of risk factors associated with radicalisation and to improve their ability to tackle these risk factors. The programme also helps young people who have been radicalised to reverse the radicalisation process and improve their social integration.

Context
Since 2012, Belgium has been confronted with the issue of foreign terrorist fighters with 480 Belgians

leaving to travel to Syria and Iraq during this period. Belgium has the most foreign terrorist fighters of any EU Member State, compared to its internal population. Most of them are men between the ages of 30 and 40. However increasingly women, occasionally with children, have attempted to leave to rejoin their husbands or to start a new life. The region of Molenbeek-Saint-Jean has experienced especially high rates of radicalisation and Islamic extremism per capita with 40 individuals leaving to fight in Syria or Iraq since 2014/2015 from a population of approximately 9,000–10,000 inhabitants.

Factors and risks associated with radicalisation:

- Psychological vulnerability: particularly relevant to young people transitioning from childhood to adulthood.
- Religion: which can contribute to the development of radical thinking (radicalised people often have a limited or distorted knowledge of religion).
- Socio-economic factors: although there is no single profile of a radicalised individual, and every case is different, there are commonalities among those at risk of radicalisation or those who are already radicalised. There is an indirect link between social recognition in society and radicalisation. The reputation of Molenbeek-Saint-Jean as a hotbed of radicalisation may lead to citizens of the community being discriminated against when applying for jobs, resulting in unemployment and social isolation, which are risk factors for radicalisation.
- Identity issues: the psychological evolution and construction of identity in relation to radicalisation are crucial. To tackle social and community disengagement in young people it is important to work on the identity issue and help radicalised young people to gain a sense of themselves.

Sense of community: a young person who feels marginalised or discriminated against may feel they have gained sense of acceptance and belonging when they join a radicalised group. These groups provide them with a purpose and a feeling of importance.

The goals of the anti-radicalisation unit in Molenbeek-Saint-Jean are:

- To provide training to professionals and community members to increase awareness of, and ability to tackle, the radicalisation of young people.
- To build a network that can quickly and effectively identify young people at risk of radicalisation and deliver support to them.
- To organise meetings across the region and country to exchange best practices.

Target groups and settings

The anti-radicalisation unit is aimed at tackling Islamic extremism and preventing radicalisation within the whole community, with a particular focus on preventing or reversing radicalisation of young people.

Personnel, partners and practicalities

Four personnel oversee the implementation of the project, including a sociologist who focuses on the radicalism project, a psychologist, an individual who leads the socio-professional integration of young people, and a prevention officer who leads the anti-radicalisation unit.

In addition, several local organisations and volunteers based in the Molenbeek area are involved in the programme.
Molenbeek-Saint-Jean has chosen a multidisciplinary approach by directly involving educators, social workers, neighbourhood police officers, social organisations, Muslim communities, families and parents, who are all key players in flagging cases of radicalisation and assisting in the reintegration of radicalised young people.

The programme involves weekly counselling sessions to help those radicalised to find a new sense in life and improve their socio-professional integration. The unit follows-up individual cases of young people who have started to show signs of radicalisation, or are at risk of radicalisation, who are usually reported by parents or other members of the family concerned with changes in the behaviour of the young person. The team then establishes a connection with these young people, their families and sometimes their teachers.

To directly reach young people and prevent radicalisation, the unit also works with schools, offering students the opportunities to talk about issues relating to radicalisation. During these sessions the unit uses the testimonies of young people who were previously radicalised but successfully overcame radicalisation and are now successfully reintegrated into society.

Further information

5.3. PREVENTION OF VIOLENT RADICALISATION AND POLARISATION OF THE MUNICIPALITY OF ANDERLECHT - BELGIUM

Context
Approximately 20,000 people live in Anderlecht, which is made up of a large range of nationalities, including Belgian, Romanian, Moroccan, Polish, Italian, Spanish, French, Congolese and Syrian. There have been 4 attempts made by individuals to travel abroad to fight for terrorist organisations since 2016. The prevention strategy previously focused on preventing these departures, however ‘home-grown’ terrorism is now a larger issue. Radicalised individuals are increasingly choosing to commit terrorist attacks on ‘home soil’, rather than travelling to Syria and Iraq, often using simple methods such as knife attacks or driving vehicles into crowds.

Target groups and settings
The initiative is aimed at preventing radicalisation in young people. It operates within schools, community settings and works on a one-to-one basis with those at risk of radicalisation.

The programme also responds to any citizen concerned about a member of their family or community who are exhibiting signs of radicalisation, as well as those who perceive themselves as vulnerable to radicalisation.

This service aims to give people alternative perspectives on the potential for a good future before radicalisation sets in too deep. If someone wants to leave the country and decides to go after having started a process of radicalisation, it is extremely difficult to do anything for them to change the direction taken. Consequently, it is important to emphasise the use of preventive measures. Great attention is also paid to the terminology used, to avoid confusion and counter-productive effects: the terms ‘terrorist’ and/or ‘radicalised’ need to be used in a very sensitive way, to avoid double-victimisation and stigmatisation.
Personnel, partners and practicalities
The programme trains professional actors who work with young people, such as teachers, schools’ directors and social workers.

Similarly to the anti-radicalisation unit in Molenbeek-Saint-Jean, the programme in Anderlecht runs one-to-one sessions with individuals who are flagged as vulnerable to radicalisation, as well as professional training for frontline staff.

The service aims to give people alternative perspectives on the potential for a good future, if someone wants to leave the country and has made the decision to go join a foreign terrorist organisation it is extremely difficult to do anything for them to change the direction they have taken.

A tool to measure behaviour has been designed in accordance with the context set by the Centre for the Prevention of Radicalisation Leading to Violence (CPRLV) in Montreal, Canada. The tool is intended for educational and awareness purposes for the general public, frontline workers, schools and social services. It makes radicalisation that leads to violence easier to understand, and identifies early warning signs to look for, so is therefore highly valuable for this programme.

The programme constitutes multiple teams within the unit that focus on a variety of approaches, including social work on the street, prevention of recidivism and drug trafficking, and ensuring students remain in school.

The principal areas of intervention are:

- Social prevention activities.
- Engaging directly with families and individuals.
- Raising awareness and training professionals to be sensitised to the risk of radicalisation.

These are implemented through three principal methods:

- Project “Diversité convictionnelle” (Religious pluralism). Primary school children visit religious sites and speak to imams or priests. They may also visit Bruxelles Laïque (a secular house) and discuss all forms of religion through the game “Kroiroupa” from de CCLJ. The project also works with street social workers and a youth audience outside of the school setting.
- Ateliers de parentalité (Mother Schools). Workshops for women are implemented to help women who are mothers and who are or aren’t confronted with signs of radicalisation exhibited by their child. It is a primary prevention action and aims to empower women, allowing them to communicate with their children, understand the social development of their child, reduce the factors of vulnerability and increase the protective factors in the face of harmful influences.
- RAFRAP Project (“Rien à faire, rien à perdre”). The aim is to free up the voices of young people in secondary schools following the viewing of video clips which are a collection of life stories of young people who wanted to leave or who went to Syria.
- BOUNCE Project. This is a program which seeks to strengthen the resilience of young people and their environment against violent radicalisation. It is an early, positive and broad prevention. The municipality of Anderlecht wants to implement this program with the collaboration of social workers in 2018-2019.
The programme distributes posters and information leaflets to social services officers to raise awareness. It also makes use of videos and films to promote discussion and debate about radicalisation among young people. Professionals may be reluctant to raise the issue of radicalisation as it is a sensitive subject, in part due to religious associations or the fear of terrorism. Using movies is an effective way to introduce the issues and promote discussion that can address the causes of, and the methods of prevention against, radicalisation.

5.4. PROGRAMME ON PREVENTION OF RADICALISATION OF THE MUNICIPALITY OF SCHAERBEEK - BELGIUM

Context
Violent radicalism has seen new functions emerge in the municipalities in Brussels that are confronted with it. This has been the case in the municipality of Schaerbeek since 2013.44

Target groups and settings
The main activities consist of: sensitisation events and initiatives with organisations working on the ground; sessions in schools to speak and feed discussion between experts and young people about radicalisation; and youths’ engagement through theatre, debates and other means more attractive and engaging for them. Another important role of the Schaerbeek’s team is to provide information to citizens (families, teachers, professionals) who stop by the municipality office and ask for support regarding issues pertaining to radicalisation. Since the team does not provide direct follow-up, they orient concerned individuals to the appropriate professionals and organisations.

Personnel, partners and practicalities
Specific activities of the programme, aiming at facilitating a stronger link between families and schools, and at engaging youth are:

Mothers School
The creation of Mothers School aims to facilitate the link between families and schools, organising meetings with mothers that take place within the schools themselves, with the idea of reaching families of young people at risk of radicalisation, through mothers. Thus far, it has been successful.

Fostering engagement with youth
One of the main strategies of the radicalisation prevention programme in Schaerbeek is to foster the engagement of youth through means of discussion that are related to their interests and needs. For example, discussions and debates are organised on the topic of Syrian refugees at a grassroots level with young people through a theatre project, “The Shadow of a Hero”. They also try to stimulate a GLOCAL view (global-local view), because this is the link that they believe is missing: creating contacts with other ground actors on the other side of the Mediterranean to try to foster exchanges with Belgian youth.

Providing individual support to ground actors
The programme provides teachers and other professionals who contact the municipality, as well as families and other concerned individuals, with individual support and connections to foster deeper community connections and outreach. Concerned people are re-directed to the appropriate professionals and

organisations on the ground that can provide them with counselling, socio-professional integration's support, and individual/family follow-up.

RAFRAP Project (“Rien à faire, rien à perdre”)
The idea is to take the words of radicalised young people, show their testimonies and create space for dialogue. Videos are accompanied by pedagogical support, and are addressed to teachers and other professionals. In one of the short videos shown, a girl talks about how she was converted and she was promised to marry a fighter. When she tried to leave the country, she was stopped at the airport, and ended up being detained. It has already been shown in approximately 90 schools. A vast majority of these sessions have been organised in partnership with the NGO Save Belgium, run by a mother whose sons were radicalised and then killed in Syria (http://www.savebelgium.org/). While in its early stages, this project took place mainly in schools, they recently started to develop it within juvenile detention facilities.

Further information
• http://www.schaerbeek.be/en/home
• http://www.schaerbeek.be/vivre-schaerbeek/securite-prevention/service-d-appui-thematique-territorial

5.5. EXIT S.C.S. ONLUS (EXIT, COOPERATIVE SOCIAL ENTERPRISE ONLUS) - ITALY

Summary
EXIT S.C.S. Onlus is a cooperative social enterprise (NGO) providing specialised social services in prevention of, and intervention with, violence and psychological abuse in different sectors of society, such as harassment/bullying at the workplace and in schools, domestic abuse, maltreatment in groups -especially in religious cults and manipulative groups, but also in families and clans in the North of Italy.

Target groups and settings
EXIT and its partners develop a range of activities that encompass:

• Planning and handling of social services that are in various ways linked to violence and abuse through setting up helplines, information centres and intervention programmes.
• Educational awareness programmes regarding issues of abuse and violence through workshops and empowerment activities, as well as professional assistance and intervention.

The target groups are varied:

• Women and men who are victims of undue influence and abusive or psychological violence in many different environments: e.g. at the work place, in religious/pseudo-religious groups, within the family.
• Children who are victims of undue influence or psychological violence at school or within the family.

• Young people who are victims of undue influence or psychological violence at school or within the family.

EXIT are also starting programs for those who are likely to perpetrate violence at work, at school, and/or in groups.

EXIT offers its services directly to individuals who are suffering from specific disadvantages or are victims of different forms of persecution and their families as in the case of:

• Employees who are victims of harassment in the workplace or from their families.

• Issues encompassing gender violence, stalking and intimidation, religious cults and manipulative groups, bullying and discrimination at school, alienation, any other form of abuse and/or harassment.

EXIT may upon request apply assessment tools that measure social well-being in different environments (school, work, family, community). Incidence of exclusion, discrimination or racism bear on this assessment as do the activities of abusive individuals, groups or organisations. More specific items are used to assess the influence of extremist groups.

**Personnel, partners and practicalities**

In facilitating distancing and disengagement processes, EXIT practitioners use intensive one-on-one settings that employ strategies of empowerment/coping, resilience, reflection, biography work, family counselling, conflict transformation and mediation. On a second level, strategies of enhancing critical thinking and responsibility of choice are applied that may compare to civic education strategies in other countries. The EXIT methodology follows principles of social and psychotherapeutic interaction, as build-up of empathy, trust and work-relationship, confidentiality, clear contract, commitment to non-manipulative procedures and quality management.

EXIT facilitators come from counselling, education, law, mediation, and psychotherapy backgrounds. Throughout their work they have observed that abuse in religious and psychological cult groups often coincides with issues of xenophobia, group-oriented hatred, racism, extremism, and hate crimes.

In the future EXIT intends to support awareness of hate crime and extremism issues throughout Northern Italy, making an effort to identify specific areas of concern and working alongside experienced local practitioner colleagues who are already confronted by these issues.

**Impact**

A particularly promising aspect of the EXIT approach is that it effectively attempts to synthesise best practice in areas of workplace harassment, domestic violence, and violence within political, religious or hate-motivated contexts.

**Further information**

http://www.exitonlus.it
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VOLUME III

COMMUNITY SANCTIONS AND MEASURES IN THE CONTEXT OF JUVENILE RADICALISATION
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1. INTRODUCTION

Volume III provides the reader with an overview of community sanctions and measures, as well as of how to prevent radicalisation in the community context. It gives professionals and practitioners an understanding of the different types of community sanctions and measures, otherwise known as alternatives to detention. It highlights the importance of community-based intervention programmes. It also gives some examples of programmes in Europe that are being carried out in the community with young people in conflict with the law.

This volume sets out:

- The international and European standards dealing with community sanctions and measures, also known as alternatives to detention.
- The key principles and features of community sanctions and measures, and how these should be applied.
- The different types of community sanctions and measures for young people.
- The different types of community sanctions aimed at countering the radicalisation of young people.
- Five examples of community-based intervention programmes from Germany and the Netherlands.

2. COMMUNITY SANCTIONS AND MEASURES: INTERNATIONAL AND EUROPEAN STANDARDS

Community sanctions and measures can take many forms, however the key feature is that they are delivered whilst the young person remains in their community. The measures develop conditions that will ensure a meaningful life in the community. They foster a process of personal development and education that is free from crime and delinquency through full mobilisation of all possible resources, including family, volunteers and other community groups, as well as schools and other community institutions.

The definition of social measures is available in Recommendation No. R(92)16. It states that the term community sanctions and measures refers to:

“Sanctions and measures which maintain the offender in the community and involve some restriction of his liberty through the imposition of conditions and/or obligations, and which are implemented by bodies designated in law for that purpose”.

The document also clarifies that the term:

“Designates any sanction imposed by a court or a judge, and any measure taken before or instead of a decision on a sanction as well as ways of enforcing a sentence of imprisonment outside a prison establishment. Although monetary sanctions do not fall under this definition, any supervisory or controlling activity undertaken to secure their implementation falls within the scope of the rules”.

1 COUNCIL OF EUROPE COMMITTEE OF MINISTERS. Recommendation No. R(92)16 of the Committee of Ministers to member states on the European rules on community sanctions and measures, 19 October 1992.
2 Ibidem.
Community-based sanctions and measures promote education, social inclusion and good parental care.

Depending on the framework of juvenile justice in each State, the decision whether or not to implement an alternative measure will be the responsibility of different decision-makers. In accordance with Article 40 of theUNCRC, it is important to remember that: "every child alleged as or accused of having infringed the penal law has at least the following guarantees: [...] (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law".

International and European standards emphasise the importance of community-based measures.

Instruments that are concerned with setting out the principles and methods of community sanctions, otherwise known as alternatives to detention, include:

- The European Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.
- Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters.

The United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) underline the social context of alternative measures. Rule 1.5 of the Tokyo Rules stipulates that:

> "Member States shall develop non-custodial measures within their legal systems to provide other options, thus reducing the use of imprisonment, and to rationalise criminal justice policies, taking into account the observance of human rights, the requirements of social justice and the rehabilitation needs of the offender."

In addition, Rule 2.3 of the Tokyo Rules states:

> "In order to provide greater flexibility consistent with the nature and gravity of the offence, with the personality and background of the offender and with the protection of society and to avoid unnecessary use of imprisonment, the criminal justice system should provide a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions. The number and types of noncustodial measures available should be determined in such a way so that consistent sentencing remains possible."

The international and European standards recommend a broad variety of community measures for children, such as care, guidance and supervision orders, counselling, probation, foster care, education and vocational training, mediation and restorative justice measures.

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7 UN GENERAL ASSEMBLY, Tokyo Rules, op. cit., Rule 1.5.
8 Ibidem, Rule 2.3.
The Community sanction must be tailored according to the needs of the individual. This is particularly important for children and young people in conflict with the law who are at risk of radicalisation.

The Tokyo Rules, Rule 3.2 states that:

“The selection of a non-custodial measure shall be based on an assessment of established criteria in respect of both the nature and gravity of the offence and the personality, background of the offender, the purposes of sentencing and the rights of victims”\textsuperscript{10}.

In 2008, the Council of Europe recommended that “community sanctions and measures should be implemented in a way that makes them as meaningful as possible to juveniles, and that contributes to their educational development and the enhancement of their social skills”\textsuperscript{11}. Indeed, “the implementation of community sanctions and measures should be based on individualised assessments and methods of intervention that are consistent with proven professional standards”, and “these methods shall be developed in the light of research findings and best practices in social work, youth welfare and allied fields of activity.”\textsuperscript{12} This is something also specified by the Beijing Rules, which state:

“Member States shall seek, in conformity with their respective general interests, to further the well-being of the juvenile and her or his family”\textsuperscript{13}.

And also:

“Member States shall endeavour to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behaviour, will foster a process of personal development and education that is as free from crime and delinquency as possible”\textsuperscript{14}.

3. TYPES OF COMMUNITY SANCTIONS

The current trend is a lack of specific alternative measures for young people who have committed a crime related to radicalisation or violent extremism.

Member States have different alternative measures within their own systems for young people who commit a crime. Therefore, in order to abide by ‘the best interests of the child’, the measure which is best suited to the needs and development of the child must be used. This must also be the case in situations where young people commit crimes related to radicalisation or violent extremism.

Judges dealing with children and young people in conflict with the law have the power to implement an alternative measure instead of detention, and in some States the decision to impose an alternative to detention may lie with the prosecutor\textsuperscript{15}.

\textsuperscript{10} UN GENERAL ASSEMBLY, the Tokyo Rules, 14 December 1990, op. cit.

\textsuperscript{11} COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 5 November 2008, Article 31.1.


\textsuperscript{14} UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit., Rule 1.2.

Community sanctions and measures are versatile and can include different elements. It is important to bear in mind the flexibility with which alternative measures can be applied.

Alternative measures have also proven to be successful in terms of cost-effectiveness and achievement of the objectives of rehabilitation and reintegration.\textsuperscript{16}

The options are further illustrated by the following diagram\textsuperscript{17}:

\begin{center}
\begin{tabular}{|c|c|}
\hline
\textbf{IMPOSITION OF FINES} & \textbf{SUPERVISION ORDERS} \\
\hline
\textbf{PRE-TRIAL DETENTION SUPPORTS} & \\
\hline
\textbf{COMMUNITY SERVICE} & \textbf{RESTORATIVE APPROACHES} \\
\hline
\textbf{CARE-BASED AND THERAPEUTIC MEASURES} & \textbf{COUNSELLING} \\
\hline
\textbf{EDUCATIONAL MEASURES AND MENTORING} & \textbf{FOSTER CARE} \\
\hline
\textbf{PROBATION} & \\
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\end{tabular}
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**At the arrest and pre-trial stage, alternative measures can include:**

“Release to a parent, guardian, extended family member or responsible adult (it can include designated NGOs and community organisations). The release can also include certain conditions such as: bail, the need to report regularly to a police station pending summons to the trial, compliance with a curfew, agreement not to contact the victim (survivor)”\textsuperscript{18}.

**At sentencing they can include:**

“Judicial caution, probation, community supervision, community service or attendance at a treatment programme. Fines are often used as an alternative but these should not be encouraged as they discriminate against poor children and are not considered to have rehabilitative value”\textsuperscript{19}.

The Tokyo Rules also include sentencing dispositions. Rule 8.1 stipulates that “the judicial authority, having at its disposal a range of non-custodial measures, should take into consideration in making its decision the rehabilitative needs of the offender, the protection of society and the interests of the victim, who should be consulted whenever appropriate”\textsuperscript{20}.

In accordance with Rule 8.2, sentencing authorities have the following sanctions at their disposal\textsuperscript{21}:

- Verbal sanctions, such as admonition, reprimand and warning.


\textsuperscript{17} Source: M. KORDACZUK-WĄS, own elaboration on the basis: U. KILKELLY, L. FORDE, D. MALONE D., 2016, op. cit.

\textsuperscript{18} UNICEF. Toolkit on Diversion and Alternatives to Detention [online], 2010. Available on: https://www.unicef.org/tdad/index_55653.html [Last access, 16.3.18]

\textsuperscript{19} Ibidem.


\textsuperscript{21} Ibidem, Rule 8.2.
• Conditional discharge.
• Status penalties.
• Economic sanctions and monetary penalties, such as fines and day-fines.
• Confiscation or an expropriation order.
• Restitution to the victim or a compensation order.
• Suspended or deferred sentence.
• Probation and judicial supervision.
• A community service order.
• Referral to an attendance centre.
• House arrest.
• Any other mode of non-institutional treatment.
• Some combination of the measures listed above.

Furthermore, the Tokyo Rules state that “the competent authority shall have at its disposal a wide range of post-sentencing alternatives to avoid institutionalisation and to assist offenders in their early reintegration into society”22.

According to Rule 9.2, these include23:

• Furlough and half-way houses.
• Work or education release.
• Various forms of parole.
• Remission.
• Pardon.

The ‘European Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings’ also concerns the use of alternative measures to detention. Article 11(1) stipulates: “Member States shall ensure that the competent authorities have recourse to measures alternative to detention (alternative measures)”24.

The alternative measures indicated in paragraph 46 of the Directive mentioned above include25:

• Prohibition for the child to be in certain places
• Obligation for the child to reside in a specific place
• Restrictions concerning contact with specific persons.
• Reporting obligations to the competent authorities.
• Participation in educational programmes.
• Participation in therapeutic or addiction programmes.

Community measures should be used with a great deal of flexibility and each case should be treated individually. It is also necessary to clarify which instruments and standards are currently applicable in international and European regulations relating to the application of these measures.

For example, community sanctions can include:

- Probation, which is “a non-custodial measure involving the monitoring and supervision of a child whilst he or she remains in the community. A competent authority, the public prosecutor, the social welfare service or a probation officer usually supervises probation. Probation may be employed as a measure on its own, or following a custodial sentence. Young people may be obliged to meet certain requirements such as curfews and behaviour requirements, or to participate in education, training, or other types of programmes. Probation services may also be a way for young people to access counselling or mentoring services.

- Community service can be a condition of probation or an alternative to paying restitution or a fine (each hour of service reduces the amount until it is paid in full). This community service can include unpaid work for a civic or non-profit organisation. This alternative consists of an unpaid working sentence in which the child has to participate in training which relates to the offence, or a combination of both.

In this sense, community based sanctions may also include: intensive supervision and monitoring programmes, group homes or day reporting centres.

To sum up, alternative sanctions (taking into account differences across jurisdictions), can include:

- Probation, community service and the imposition of fines.
- Educational measures and mentoring.
- Care-based and therapeutic measures.
- Restorative approaches.
- Pre-trial detention supports.

**Deciding the nature of the community sanction**

When deciding which community sanction to give a young person, judges and prosecutors should take a number of different criteria into account in order to ensure that these alternatives are effective.

In the Tokyo Rules, Rule 3.2 states that the selection of a non-custodial measure shall be based on certain criteria, such as:

- The nature and gravity of the offence.
- The offender’s personality.
- The offender’s background.
- The purposes of sentencing.
- The victim’s rights.

In international and European instruments there are a wide variety of measures available. Therefore, one

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31 UN GENERAL ASSEMBLY, the Tokyo Rules, 14 December 1990, op. cit., Rule 3.2.
of the key criteria for determining alternative measures should be the young person's personality and background. These factors include the individual circumstances and personal characteristics of the young person. A number of common characteristics have been identified among young people who come into contact with the criminal justice system. It is useful to bear some of these factors in mind when designing alternative measures in a national system. For instance, a significant number of young people who come into conflict with the law have been part of the care system. Many come from poor socio-economic backgrounds or have a parent or sibling who has been imprisoned. Also, young offenders have higher rates of mental health problems and addiction than other young people.

The purpose of the sentence is also important. Alternative measures should reduce the effects of the crime and reintegrate the offender back into society. They should be aimed clearly at reducing crime, protecting the public and, where possible, repairing the harm by the offender to the victim.

The victim's rights must be kept in mind when creating alternatives to detention for children and young people in conflict with the law. The justice system is there to protect human rights, and particularly the rights of victims. Rule 12.2 of the Tokyo Rules specifically mentions this criterion. It states that alternative measures should “be practical, precise and as few as possible, and be aimed at reducing the likelihood of an offender relapsing into criminal behaviour and of increasing the offender's chances of social integration, taking into account the needs of the victim”.

4. COMMUNITY SANCTIONS AND MEASURES FOR VIOLENT EXTREMISM AND TERRORISM-RELATED OFFENCES

Currently, there is a tendency not to develop specific alternative measures for young people who have committed a violent extremism or terrorism-related offence. In terms of using the appropriate alternative measures for terrorism-related offences or violent extremism, there are some general recommendations from the Global Counterterrorism Forum.

Although these recommendations are not focused specifically on young people, they are useful to bear in mind in order to adapt and better implement alternative measures in this framework.

The Global Counterterrorism Forum provides 5 general recommendations:

- The need of consistency of national legislation with alternative measures.
- Ensuring the offender's rights when imposing an alternative measure.
- The involvement of the community and the family (if appropriate) as a key element in an alternative measure.
- The States' engagement in awareness campaigns on the use of alternative measures (for terrorism related offences).

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32 Ibidem.
33 Ibidem.
34 GLENN, C. Community-based alternatives to incarceration. In the 141st International Senior Seminar Visiting Experts’ Papers, Resource Material Series No.79 [online]. Available at: http://www.unafei.or.jp [Last accessed 02.08.2017].
35 UN GENERAL ASSEMBLY, the Tokyo Rules, 14 December 1990, op. cit.
• The appropriate resources and infrastructures which should be ensured by States in order to implement alternative measures.

There are also 6 recommendations related to the implementation of alternative measures:

• A comprehensive assessment process needs to be carried out before imposing an alternative sentence. In this sense, it is necessary to assess the level of threat and the offender’s suitability for receiving an alternative.
• A system of incentives and sanctions with legal foundations, clearly described and linked to rehabilitation, should be used in the framework of alternative measures.
• It is also advised to use alternative measures for special categories of offenders, including young people.
• Developing judicial guidelines on alternative measures in order to promote judicial engagement and oversight of alternative measures.
• Using a multi-stakeholder approach when implementing alternative measures, to ensure that these measures are tailored to the child.
• Using alternative measures for terrorism-related offences which aim to support rehabilitation, disengagement and reintegration.

5. EUROPEAN EXAMPLES OF COMMUNITY-BASED INTERVENTIONS WITH YOUNG PEOPLE RADICALISED OR AT RISK OF RADICALISATION

Below are practical examples of programmes focused on deterring those young people who are at risk of radicalisation, and rehabilitating young people who are already radicalised, in Germany and the Netherlands.

5.1. SAFETY HOUSE (VEILIGHEIDSHUIS) - THE NETHERLANDS

This Safety House is a collaboration between 20 partner organisations working on a joint approach to prevent and reduce recidivism, as well as to ensure wellbeing and security in Tilburg, the Netherlands.

Context
During the 1990s, it became increasingly clear that the criminal law alone could not tackle recidivism in the Netherlands. Often, offenders had complex social, psychological or health problems, including but not limited to poverty and social exclusion. These problems had to be addressed in order to bring about lasting behavioural change, but were often done so in a unilateral manner. Partners, such as institutions in the care sector, had to be involved in a collaborative, comprehensive approach in order to prevent recidivism.

Objectives
The specific objectives of the Safety House are:

• To reduce recidivism by children in conflict with the law and to prevent first offences by young people (including cases related to radicalisation).
• To provide adequate care for victims of domestic violence.
• To be a reliable information hub for participating partners from many entities.
• To provide appropriate (after) care to ex-prisoners.

Other objectives include:
• Increasing collaboration between law enforcement authorities, local authorities and health care agencies, so that their efforts complement each other and lead to a permanent change in offenders’ behaviour.
• Gaining an insight into the complex problems that vulnerable people face, including adults, children and young people at risk of radicalisation, to improve multi-disciplinary care.
• Cooperation between organisations through the provision of timely information about the individual’s personal circumstances and making binding agreements based on coherent and comprehensive approaches.
• Ongoing monitoring of agreements.
• Justification to the city board, affiliated organisations and citizens of the activities via the annual plan.

Target group and setting
Safety House focuses on the following target groups:

• Youth.
• Persistent and frequent offenders.
• Members of delinquent gangs and criminal groups.
• Systematic violent offenders.
• Former prisoners with multiple problems.
• Radicalisation cases.
• Victims and perpetrators of domestic violence.
• Persons/families with multiple and complex problems.

Description
A Safety House is a partnership among all stakeholders in crime prevention and is not an independent legal entity. The partners’ rights and mutual obligations are set out in a cooperation agreement. As stipulated by the agreement:

• The criminal justice system cooperates with municipalities and civil society organisations to create solutions for emerging problems.
• These solutions are implemented using pooled resources and aim to ensure a more effective and sustainable combination of punitive and rehabilitative measures.

The Safety House does not deal with all cases. In principle, partners only handle cases of people who have multiple problems (accommodation, job, debts, psychological and social problems, addiction, etc.) and for whom a combination of punishment and care is appropriate. The partners or front offices within the city put forward the cases. The partners deliberate, form an action plan, implement the plan and monitor it until the objectives are reached.
Currently, there are 20 partners. The cooperation aims to turn a personalised approach into an integrated approach, which involves the offender’s family and community. The cooperation is based on the integration of tasks and close cooperation between partners. This is a network that, in addition to the individual and group-oriented approach, pursues an area-based (problem-oriented) approach to punishment, care, supervision and administrative enforcement. The available information is used to make a comprehensive plan. The partners join forces to effectively collaborate and share commitments and responsibilities, which means that families are not bombarded with different providers who only fulfil one task each.

**Personnel, partners and practicalities**
About 150 employees from the participating organisations work at least one day per week in the Safety House.

The Safety House has support staff to facilitate cooperation between partners. The staff includes a chain manager and case managers who chair the meetings in which individual cases are dealt with and agreements are made. They also monitor the implementation of these agreements. Aside from the staff, there is a secretariat and an information centre that compiles individual case files for the meetings based on information that the partners provide.

The main manager liaises with the managers of different ‘partners’ and oversees the day-to-day management of the Safety House. The mayor is the director of the Safety House.

Professionals are from:
- Municipal councils.
- The police.
- Prosecution services.
- Probation services.
- Civil society organisations.
- Psychologists and psychiatrists.

**Method**
The Safety House operates according to the scale-up model, which means that an initial attempt to find a solution is made with individual ‘front line’ stakeholders. The Safety House only takes charge of the case if it becomes clear that effective intervention will only be achieved with the help of law enforcement and care services. If problems arise when trying to find a solution for a specific case, the Safety House main manager may discuss them with the senior managers of the partner organisations.

**Impact**
Recidivism among 18 years olds (treated in the Safety House) decreased by 51%.

From 2006 onwards the number of young people accused of crimes declined in Tilburg (984 to 778), as well as the number of young people who committed their first offence (590 to 432). There are now 45 Safety Houses in the Netherlands. Since 2002, the Safety Houses have been evaluated each year.

Advantages of the Safety Houses:
• By sharing an office, partners learn more about each other and build trust. As a result, they are more willing to collaborate.
• The parties analyse problems together and make a joint agreement about how they act, so that the penal and care services work together, rather than against each other (e.g. the Safety House advises judges to grant early release to people who refuse to accept treatment).
• If the Safety House finds recurring problems in the ‘cooperation chain’, these problems are reported to the organisations who can solve them.

Part of the strength of the Safety House is in the daily collaboration within one location. This leads to shorter communication lines. The chain partner’s front offices and the care providers in the field form the ‘entrance’ for customers. This is done deliberately. The networks and connections the partners have within society reach further than a single front office can ever do. If, in a particular case, problems are complex and (might) involve multiple organisations, the partners will put the case forward in the Safety House. It also means that action can be taken earlier.

Further information
The project was initiated by local authorities who run the Safety Houses, with the support of the Ministries of Justice and Health. Each organisation contributes its expertise, information and opportunities. The formal partnership agreement specifies how the partners should work together and exchange information, particularly information about individuals.

Contact
http://www.veiligheidshuistilburg.nl

5.2. GANGWAY - GERMANY

Gangway is a non-governmental organisation (NGO) that works with young people and adults in the streets of Berlin.

Objectives
Gangway aims at engaging with young people on the streets of Berlin. They seek to encourage people to take their lives into their own hands. Their social workers find solutions to the young people’s problems, help them to communicate with administrations and authorities, assist with the search for jobs and/or education and look for the best support frameworks in extremely complicated or dangerous situations.

Target group and setting
Gangway work with those young people:

• Who aren’t reached by other societal institutions.
• Who are socially disadvantaged.
• Whose individual development and social integration are at risk.

The NGO operates in public squares and streets. They orient themselves on the interests and needs of young people, mediate in conflicts with schools, parents or other relatives, make suggestions for increased youth participation and act as partners and mouthpieces for the community and public spaces.

38 Source: http://gangway.de/ueber-uns/> [accessed 26 January 2018].
Description
Gangway works in a very mobile way around Berlin. The social workers involved in the ‘street work’ also work within prisons and therefore form a point of contact with the outside world. They are often perceived as more accessible and perhaps better trusted than a probation officer.

Method
Gangway teams try new, creative approaches to engage young people within their own environments. For instance, one project called Zwischenwelten works with around 20 young people in conflict with the law from migrant and refugee backgrounds on the topic of homeland, encouraging them to tell their story in a way that soothes them and facilitates their reintegration into German society.

Contact
http://gangway.de

5.3. HAYAT INITIATIVE - GERMANY

Hayat (Turkish and Arabic for ‘life’) is the first German family counselling and de-radicalisation programme which addresses persons involved in radical Salafist groups or on the path of a violent jihadist radicalisation, including those travelling to Syria and other combat zones. Hayat’s particular methodology focuses on the social-emotional context of a person and the role of relatives and friends in de-radicalisation efforts.39

Context
Germany has been significantly confronted with the issue of Foreign Terrorist Fighters (FTF) travelling to Syria or Iraq since 2012-2013. As of March 2017, the German Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz or BfV) estimated that about 910 Foreign Terrorist Fighters (FTF) had left Germany and travelled to fight alongside extremist groups, namely ISIS, in Iraq and Syria. As of June 2016, it was estimated that:

- 37% of all FTFs from Germany were still in Syria and Iraq.
- another 35% were back in Germany, at least 12% of whom are in prison.
- 67% of FTFs have a criminal background.
- 60% were born in Germany.
- The average age of these FTFs is 25 years old, 7% are minors, and around a fifth of these FTFs are women.

Objectives
Hayat deals with various types of cases. Within the particular field of jihadism, Hayat aims at:

- Preventing the immigration of individual persons.
- If already immigrated, influencing decisions – no further radicalisation on-site, no fighting and returning home.
- If returned home, integration into a controlled close social network.

Hayat thereby can function as a bridge/mediator between families and security services.

Target group and setting
The Hayat Initiative focuses on working with the affective, social environment of Islamist extremists to ultimately stop and reverse a radicalisation process. Hayat is thereby available to the relatives (parents, siblings, friends) of a radicalised person or a person potentially on the path of a (violent) radicalisation.

Description
The Hayat Initiative was founded in 2011. It derives from EXIT Germany, the first de-radicalisation programme for dropouts from right-wing extremism.

It is the first German counselling program for persons involved in radical Salafist groups or on the path of a violent Jihadist radicalisation. Hayat considers the family to be the focal point of the de-radicalisation process. Hayat therefore aims at strengthening and training the family to interact with their radicalised son/daughter.

Personnel, partners and practicalities
The Hayat initiative employs case workers with various professional backgrounds. Hayat staff are trained counsellors, and can take calls in German, Arabic, Turkish, English, and a few others if needed. Hayat’s services are free of charge and confidential. Hayat works with a passive approach, meaning that the initial impetus for counselling always needs to stem from the respective individual or family themselves. This is vital in order to establish a trustful relationship, which is at the very heart of the counselling process.

Method
During the first contact, Hayat experts will analyse the concrete situation and conduct a radicalisation assessment to determine the counselling demand and to answer the most important questions in the beginning: Is the relative in danger of becoming (violently) radicalised? Or is it a harmless case of conversion to Islam?

Once the counsellor gains a clear picture of the concrete situation, an individual counselling process and step-by-step plan will be designed, including various measures to prevent further radicalisation or to stop and reverse the process.

Hayat identifies 3 levels relevant in any deradicalisation process:

- Affective: emotional level – Hayat works through a person’s feelings and background, towards building an alternate reference group, e.g. relatives or friends, who oppose or speak up to the person’s ideology.
- Pragmatic: disengaging a person from radical peers, breaking up a person’s isolation, assisting with bureaucratic and pragmatic issues, e.g. dealing with authorities.
- Ideological: successful deradicalisation has to focus on dismantling the radical ideology and deconstructing its narratives. This level also addresses aspects such as critical thinking; biographical work; dealing with ambiguities; awareness of legitimising patterns, etc.

Impact
As of March 2018, Hayat has had 432 cases, of which 262 are considered closed. About two thirds of the cases called Hayat directly, while 146 of the cases have been redirected to Hayat by the BAMF hotline. In
about 100 cases there has been a security relevancy. The Hayat initiative has been evaluated in the realm of the evaluation of the Advice Center on Radicalization at the BAMF.40

Further, the idea has already traveled outside Germany and other countries too are introducing the methodological approach of family counselling in countering extremism and terrorism.

**Budget**
As an initiative of the ZDK (Gesellschaft Demokratische Kultur gGmbH), Hayat is funded by the German Federal Office for Immigration and Refugee Affairs (Bundesamt für Migration und Flüchtlinge BAMF), but operates at arm’s length from government.

**Further information**
Since January 2012, HAYAT has been the partner of the German Federal Office for Immigration and Refugee Affairs (Bundesamt für Migration und Flüchtlinge BAMF), which established the national ‘Advice Center on Radicalisation’ (‘Beratungsstelle Radikalisierung’).

**Contact**
http://www.hayat-deutschland.de

### 5.4. LEGATO - GERMANY

Legato is a specialist and counselling centre for radicalised youths in the city of Hamburg founded in 2015.

**Context**
Germany, especially Hamburg, is increasingly confronted with the phenomenon of religiously motivated radicalisation. The City of Hamburg has responded to this development with the founding of the Legato Advisory Centre. ‘Legato’ means ‘connected’ (Italian) and works to strengthen bonds, as the strong and stable attachment to a familiar person can trigger processes in a radicalised person that lead to a distancing from a violence-oriented extremist ideology or group.

**Objectives**
- Support the return from violence-oriented, radicalised behaviour towards a peaceful, self-determined cohabitation in society.
- Keep young people away from attitudes that can have a negative impact on them and their environment. Instead, they are to lead a self-determined life with Legato’s support and do not pose a threat either to themselves or to others.

**Target group and setting**
Relatives and those affected by religiously motivated radicalisation.

**Description**
Legato is working with children growing up in radicalised families. The organisation also works with teachers and social workers, and are currently looking at the material produced for right-wing extremism, which includes involving families in the approach, but working with the child in the context of their institution.

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40 See: http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Forschungsberichte/fb31-evaluation-beratungsstelle-radikalisierung.html?nn=1362958
Personnel, partners and practicalities
A multilingual, gender parity, multi-professional team of 6 pedagogical specialists work at Legato.

Method
They have various activities, such as:

- Counselling for relatives who fear the radicalisation of a family member. The relatives are often the first to notice a change and worry. This is a great opportunity to recognise the process of radicalisation at an early stage and to intervene. They look together at what is behind the change, in order to develop an individual approach.
- Exit support for affected persons. If someone realises his or her own ideology is not positive for his or herself, and he or she wants to take a new path, they also offer counselling and guidance for those affected.
- Discussion groups for parents and affected persons. If necessary, they offer educational support groups for self-help, including theologians. This is about an exchange of people who are in a similar situation.
- Professional advice and training for professionals and multipliers. On request, they also advise specialists such as teachers or social workers who have contact with individuals who are suspected of a positive attitude towards a radical milieu.

The work of Legato involves:

- Systemic alignment (they also include other family members or other reference persons in the consultation, which is seen as key to their work, because members of the family are crucial precursors for the steps towards de-radicalisation).
- Cooperation with Muslim and Alevi religious communities (there is a very trusting relationship with Muslim and Alevi religious communities, as they can bring theological competence into their work).

Further information
Legato is a member of the Hamburg advisory network on prevention and de-radicalisation.

Contact
www.legato-hamburg.de

5.5. PROBATION SERVICE’S ‘TEAM TER’ - THE NETHERLANDS

Team TER (Terrorists, Extremists and Radicals) is an initiative of the Dutch Probation Services, initiated for individuals on probation or parole who were (suspected to be) involved in jihadist extremism or terrorism.

Context
The Dutch Probation Service is an independent organisation with the primary goal of creating a safer society. The Probation Service is actively involved in the criminal justice process; when an offender is detained, it plays an advisory and supervisory role during the court session and the detention period. Judicial, municipal, prison and police authorities cooperate to prevent offenders from reoffending.
Objectives
Team TER aims to reduce the risk of recidivism among extremist offenders in the Netherlands by improving their reintegration through ‘specialised re-socialisation and aftercare’ and providing enhanced opportunities for the monitoring of such offenders after their release.

Target group and setting
The Dutch Probation Service engages with persons suspected or convicted of terrorism-related offences such as rioting, recruiting and financing. Individuals suspected or convicted of offences like attempting to travel to or return from conflict areas or preparing an attack are referred to Team TER. In addition, Team TER addresses individuals who are suspected or convicted of other offences but are known to be involved in radicalisation- or terrorism-related risks.

Description
With the nationally operating Team TER (Terrorists, Extremists and Radicals), the Dutch Probation Service helps prevent (further) radicalisation by Dutch probationers. It aims chiefly to disengage radicalised Muslims (mainly home-grown jihadis) from radical movements with a tailor-made probation approach, and to influence their behaviour. Push and pull factors are used to promote behavioural change and stimulate the process of reintegration into society.

The main tasks are risk management and supervision, carried out in close cooperation with partners (judicial, prison, police and municipal authorities). The team is also supported by psychological and theological experts.

Personnel, partners and practicalities
Team TER consists of specialists from the Dutch Probation Service. The team comprises 13 (internationally) trained probation officers specialised in relevant fields.

Method
For this project a team of probation officers are trained ‘to become specialists in the reintegration of clients with jihadist extremist backgrounds’. These professionals stay involved during the entire re-entry trajectory of an offender. The idea here was that such a one-on-one approach would establish a relationship of trust with the (former) detainee and provide the probation officers with an opportunity to ‘see through deceptive behaviour’.

The team use regular probation methods for working in a judicial framework with mandated clients and making cognitive behavioural interventions. In cognitive behavioural training, offenders’ motivation is increased, pro-social choices are encouraged and self-reflection is stimulated, so that behavioural change can be established.

Further information
https://www.reclassering.nl
https://ec.europa.eu/home-affairs/node/11695_en


COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 5 November 2008.


GLENN, C. Community-based alternatives to incarceration. In the 141st International Senior Seminar Visiting Experts’ Papers, Resource Material Series No.79 [online]. Available at: http://www.unafei.or.jp. Date of use [August 2017].


UNICEF. Toolkit on Diversion and Alternatives to Detention [online], 2010. Available on: https://www.unicef.org/tdad/index_55653.html [Last access, 16.3.18].


VOLUME IV

PREVENTION OF JUVENILE RADICALISATION IN DETENTION AND DISENGAGEMENT PROGRAMMES
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1. INTRODUCTION

Volume IV provides the reader with an overview of prevention of radicalisation in the detention setting. It gives professionals and practitioners the concepts and the instruments to understand the particular vulnerabilities of young people in detention, particularly with regards to the risks of their radicalisation. Furthermore, it sets methodologies for working with young people convicted of violent extremism offences. It also provides some examples of programmes in Europe that are working to prevent the radicalisation of young people in detention, as well as of rehabilitation programmes.

This volume sets out:

- The international and European standards dealing with detention from a child rights perspective.
- The context of detention and why it is a setting in which young people are especially vulnerable.
- The importance of prevention, rehabilitation, and reintegration programmes.
- De-radicalisation, disengagement and reintegration of young people who have been radicalised.
- Examples of prevention of radicalisation work, as well as of rehabilitation programmes, taking place in prisons across Europe.

2. INTRODUCTORY COMMENTS

2.1. THE DELIMITATION OF THE DETENTION CONTEXT

The first difficulty when it comes to discussing young people in a detention context is the delimitation of concepts. The majority of EU Member States mark 18 as the age at which the adult justice system, as opposed to the juvenile justice system, begins to apply. However, there are countries, such as Portugal, in which young people from the age of 16 are dealt with by the adult system.

The border between the adult and juvenile justice systems can also vary according to the nature of the crimes committed and the personal circumstances of the young person in question. There are 11 countries in which the possibility of applying the juvenile justice system beyond the age of 18 is being considered, potentially up to the age of 25, as is the case in Hungary, Italy and Luxembourg.

On the other hand, young people who commit violent extremism or terrorism-related crimes may end up being dealt with by the adult penal justice system.

Related to this, there are young people who carry out their sentences in penitentiary centres. Furthermore, there are many types of facilities to fulfil custodial sanctions throughout Europe.

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2 The countries are: Austria, Belgium, Czech Republic, Germany, Italy, Luxembourg, Netherlands, Portugal, Sweden, Slovenia, Greece, and United Kingdom-England and Wales. EUROPEAN COMMISSION, 2014, op. cit.
3 Ibidem.
2.2. INTERVENTION STRATEGIES WITHIN THE DETENTION CONTEXT

Work regarding radicalisation and violent extremism in the detention context has two distinct paths. Firstly, strategies must be developed to prevent young people who are completing a period of detention from becoming immersed in a process of radicalisation that leads to violent extremism and terrorism.

As will be discussed in depth later on, young people are especially vulnerable to radicalisation, particularly if they are in an environment completely separated from their immediate community (family, friends, neighbourhood, etc.).

Secondly, specific strategies must be developed for young people who are deprived of liberty due to the completion of a sanction related to violent extremism or terrorism, or to young people who, having been detained for a crime of a different nature, are found to be radicalised.

Therefore, the work to be done in the detention context must aim at both developing juvenile radicalisation prevention programmes and developing rehabilitation and disengagement programmes.

Both aims entail unique challenges, so although the motivations of young people who belong to gangs may not differ from those of adults, these young people are in an evolutionary stage in which physical, mental and intellectual development must be taken into account⁵.

3. LEGAL FRAMEWORK: REHABILITATION AND REINTEGRATION APPROACH

3.1. INTERNATIONAL STANDARDS GOVERNING CHILDREN AND YOUNG PEOPLE IN DETENTION

The principle that detention should only be used as a last resort is central to international standards governing children in conflict with the law. This is one of the most fundamental principles underpinning a child rights-oriented juvenile justice system. Indeed, as Article 37(b) of the UNCRC states:

"No child shall be deprived of his liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time"⁶.

Nevertheless, when detention is used, according to international justice standards and norms, the purpose of detention should be to contribute to the rehabilitation and reintegration of the child into society.

The main international standards governing children in detention include:

- UN Standard Minimum Rules for the Administration of Juvenile Justice 1985 (‘Beijing Rules’).⁷

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3.2. REHABILITATION APPROACH

Social rehabilitation is a crucial part of the international justice standards and norms, which emphasise the fair treatment of both adults and children in conflict with the law given their vulnerabilities and risk of abuse while in custodial environments.¹¹

Access to social rehabilitation programmes is a necessary condition for people deprived of their liberty, as outlined in the United Nations Standard Minimum Rules for the Treatment of Prisoners. ¹²

The international standards on child rights and on juvenile justice present a holistic approach towards rehabilitation and reintegration, underlining both the practical and the emotional needs of a child.

As Havana Rule 12 stipulates:

"Juveniles detained in facilities should be guaranteed the benefit of meaningful activities and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society".¹³

The UN Committee of the Rights of the Child emphasises that “the focus should be on rehabilitation and reintegration, including for those adolescents involved in activities categorised as terrorism”¹⁴.

Thus, professional prison and probation services should encourage the involvement of the wider society, as well as the community and NGOs who can contribute to the rehabilitation and reintegration of young people.

Furthermore, the Committee of Ministers of the Council of Europe in its Recommendation CM/Rec (2008)¹¹ on the European Rules for juvenile offenders subject to sanctions and measures establishes clear guidelines in order to protect the rights and safety of young people deprived of liberty¹⁵. This Recommendation also states:

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¹⁵ COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2008)¹¹ of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 5 November 2008.
**3.3. REINTEGRATION APPROACH**

In general, reintegration programmes remain of vital importance, not only to provide reassurance to the general public, but also to prepare juveniles for returning into a society as law-abiding citizens.

In Europe, many states acknowledge the importance of reintegration programmes for child VE offenders. Even up to the ages of 21, 23 or even 25, juveniles can benefit from juvenile justice approaches and services, according to both international and European standards. The Committee of Ministers, for instance, highlights the necessity of finding and executing new ways of dealing with juvenile delinquency. They underline that reintegration should be adopted and that resources “should be invested in rehabilitation measures after release and this should, in all cases, be planned and carried out with the close co-operation of outside agencies.” Moreover, reintegration is considered to be “one of the principle aims of juvenile justice.”

On an international level, special emphasis is placed on the reintegration of (returning) VE offenders. The UN Security Council Resolution 2178 (2014) emphasises the importance of designing and implementing reintegration strategies.

In addition, the European Commission emphasised the importance of reintegration programmes for juvenile offenders. Experts recommend channelling efforts into achieving the resocialisation and reintegration into society of those who have returned.

**4. PREVENTION JUVENILE RADICALISATION IN DETENTION**

In the adult jurisdiction, the prevention of radicalisation in detention has been a priority for some years. The realisation that some members of terrorist groups began their process of radicalisation in prisons has created a trend of prevention measures in this context. While only some prison administrations have the legal duty to prevent radicalisation that can lead to violent extremism, more and more prison

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19 Ibidem.
21 The work with young people in conflict with the law relies on three basic pillars: prevention, sanctions of an educational nature, and social reinsertion and integration. EUROPEAN UNION. Opinion of the European Economic and Social Committee on The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union. Official Journal of the European Union, 9.5.2006, C110, 75–82, para. 11.
23 See for example: United Kingdom: Counter-Terrorism and Security Act 2015 (article 26): “The governor of a prison... must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.”
administrations are becoming increasingly engaged in detecting and preventing radicalisation and violent extremism in their prisons.

In March 2016 the Committee of Ministers adopted the Guidelines for prison and probation services regarding radicalisation and violent extremism. The Guidelines recommend measures to be taken by prison and probation services in order to prevent people from becoming radicalised\textsuperscript{24}. They also emphasise the need to carry out risk assessments and to manage rehabilitation in detention facilities through targeted programs and tailored interventions\textsuperscript{25}.

In the case of young people, this had not been a concern until the detection of cases of young people who had become radicalised during their stay in detention centres\textsuperscript{26}. Detention can be considered to be a ‘place of vulnerability’ for young people, particularly to radicalisation when it comes to exposure to radicalised ideas and violent extremist behaviour. Even when the young person is not convicted for violent extremist or terrorist related activities, they are still vulnerable to radicalised ideas while in detention. Detention centres, prisons and other closed facilities can be seen as places in which there is an increased risk of radicalisation and involvement in extremist or terrorist activities. For this reason, the Committee of Ministers indicates that “sanction and measures in the community shall be considered first”\textsuperscript{27}. Nevertheless, when young people are detainees (even considering this measure as a last resort), prevention programmes play a crucial role.

Their vulnerability depends on a wide range of factors, such as “level of maturity, a tendency to want to ‘fit-in’ with their peers and belong, a desire to oppose authority and also to explore and experiment with different roles and identities”\textsuperscript{28}.

The following recommendations have been offered by different organisations to prevent radicalisation in detention centres:

\begin{itemize}
\item Separating young people from adults. International standards consider this measure as a right\textsuperscript{29}. In some jurisdictions children in detention are placed together with adults, which entails risks of radicalisation, among others\textsuperscript{30}.
\item Implementing risk assessment tools. These tools can help professionals to determine the level of risk of radicalisation, as well as detecting the risk and protection factors. Based on this evaluation, professionals can develop rehabilitation programmes specifically catering for the needs of young people\textsuperscript{31}.
\item Applying rehabilitation programmes. Developing and implementing rehabilitation programmes is key to preventing radicalisation in detention. The rehabilitation programmes should be tailored to the needs of young people, taking into account many variables: trust-based relationships, education, employment, vocational training, recreational activities, social and cultural environment, connections with family and friends, psychosocial therapies, spiritual and religious traditions, etc. The programmes must always be based on the best interests of the young people.
\end{itemize}

\begin{footnotes}
\item[24] COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Guidelines for prison and probation services regarding radicalisation and violent extremism, 1249th meeting, 2-3 March 016. Available at: https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016805c1a69
\item[25] Ibidem, para. 17-18.
\item[27] COUNCIL OF EUROPE, COMMITTEE OF MINISTERS, 2016, op. cit. para. 7.
\item[29] UN GENERAL ASSEMBLY, Beijing Rules, 29 November 1985, op. cit., Rule 26.3.
\item[30] PENAL REFORM INTERNATIONAL, 2016, op. cit.
\item[31] GLOBAL CENTER ON COOPERATIVE SECURITY AND INTERNATIONAL CENTRE FOR COUNTER-TERRORISM – THE HAGE, 2017, op.cit.
\end{footnotes}
Monitoring. In order to detect and monitor radicalised young people, it is necessary to have knowledge of their background including their individual characteristics, family and community origins, and the risk factors that influence the individual.

Using dynamic security. It is a working method by which detention facility staff prioritise the communication and interaction with detainees based on professional ethics. This method contributes to ensuring safety, security and good order, and contributes to rehabilitation and preparation for release\(^{32}\). Moreover, the detention facility staff should be “trained in particular to use intercultural mediation and different techniques of intervention in case of crisis management”\(^{33}\).

5. YOUNG PEOPLE CONVICTED OF VIOLENT EXTREMISM OFFENCES: REHABILITATION PROGRAMMES

A majority of countries in Europe use harsh measures as a response to violent extremism and terrorism offenses. Using such measures can be counterproductive, since repressive measures, especially within and outside a detention system, could encourage individuals to get involved in a process of radicalisation\(^{34}\). Taking care of people’s dignity and well-being in general and especially in detention is thus of vital importance when it comes to disengagement and the reintegration of children and young people into society\(^{35}\).

The rehabilitation programmes for young people convicted of violent extremism and terrorism-related offences (or who have become radicalised whilst in detention) are crucial in order to minimise recidivism risks. Social rehabilitation programmes can provide young people with appropriate education and training and could contribute to their effective reintegration into society.

Rehabilitation programmes should start at the moment when young people arrive in detention facilities, after a thorough individualised assessment\(^{36}\). “These programmes must be in full compliance with international human rights norms and standards, including the rights to freedom of movement, freedom of expression and privacy, gender equality and the principle of non-discrimination”\(^{37}\).

In accordance with international standards, the intervention with young people in detention shall aim at education, personal and social development, vocational training, rehabilitation and preparation for release, including many types of activities such as schooling, work and occupational therapy, citizenship training, social skills and competence training, aggression management, individual and group therapy, physical education and sport, among others\(^{38}\).

The main strategies considered necessary to work with young people in detention facilities are\(^{39}\):

\(^{32}\) COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Guidelines for prison and probation services regarding radicalisation and violent extremism, 1249th meeting, 2-3 March 016.

\(^{33}\) Ibidem, para. 29.


\(^{36}\) PENAL REFORM INTERNATIONAL, 2017, op. cit.


Using violence risk assessment tools. These kinds of tools can help professionals identify dynamic factors associated with likelihood of recidivism and develop programmes tailored to the particular needs of each young person. Risk assessment tools need to be deployed by trained professionals. These tools check for indicators like beliefs and attitudes, context and intent, history and capability, commitment and motivation, but also for protective factors.

- Separating young people from adults in order to prevent abuse, violence and exploitation.
- Integrating gender-sensitive approaches to ensure fair and effective treatment and reintegration.
- Involving the family and the community is a key factor to ensure rehabilitation and reintegration. The step-by-step approach for working with families provides guidance in this field.
- Capacity building of staff working in detention facilities. It is necessary to have educators, social workers, psychologists, psychiatrists and teachers. All staff have to be trained, particularly in child psychology, child welfare, communication skills and international standards.

Rehabilitation programmes should have the following characteristics:

- The programmes should cover multiple factors, including religious, social, vocational and psychological elements.
- An effective and individual intake in order to successfully establish a sustainable programme.
- A voluntary basis for engagement. This doesn’t mean that extremists should not be stimulated to participate in the rehabilitation process. There can be incentives for participation.
- Involvement of a range of different professionals at different stages of the programme. They should be trained on specialised duties pertaining to the protection, mentorship, education, and guidance of young people.
- The attitude that rehabilitation should be a community-based endeavour.
- The rehabilitation programmes should be evidence-based.

Furthermore, in terms of de-radicalisation programmes, it would be necessary to take into account that such programmes should be evaluated. It is necessary to know what works and what does not work in this setting.

Reintegration

The last stage of the internment in a detention centre should focus on preparing young people for reintegration into their community. It is a crucial period of time for their rehabilitation. This reintegration needs to be particularly sensitive with regards to young people who have been convicted of violent extremism and terrorism-related offenses.
The reintegration period is composed of three stages: “(1) preparing during detention, (2) transition from the facility to the community, and (3) integration in the community”\(^{50}\).

In general, reintegration programmes focus on supervising and monitoring, providing assistance and guidance in solving practical problems, and helping to establish a social network. Most reintegration programmes that are implemented for violent extremism offenders are to a large extent similar to programmes and treatment for ‘regular’ criminal offenders. However, the execution of reintegration efforts is a daunting task, as violent extremism offenders make up a (politically) sensitive group who receive a lot of media attention. The aim of reintegration is to influence not only behavioural aspects, but also ideological factors. This dual approach is considered to be the biggest challenge when it comes to actually reintegrating young people.

Furthermore, counselling, dialogue, religious teaching and disengagement are also contents for rehabilitation measures that have been considered\(^{51}\). Although it would be necessary to adapt all these contents to young people.

6. EUROPEAN EXAMPLES OF PREVENTION OF JUVENILE RADICALISATION AND REHABILITATION PROGRAMMES

Before presenting examples of prevention and rehabilitation programmes in the area of juvenile radicalisation and violent extremism, it’s important to emphasise the following.

The majority of programmes found are centred on adults. Although several of them may show some experience with young adults, it’s necessary to underline the need to adapt the programmes to a much younger population. As is well known, the needs of young people vary depending on their evolutionary stage and this must be reflected in the programmes.

6.1. TEGEL PRISON - GERMANY

While radical Islamism is a relatively recent phenomenon for correctional centres, it exhibits a large number of criteria that overlap with other forms of internal prison subculture and other groups of offenders. It is impossible to reach all offenders allocated to one target group with one individual programme. Given the background of highly divergent problem areas, the individual need for treatment must be determined and an intervention strategy that has been adapted to the respective individual cases must be planned and implemented.

Berlin’s correctional centres maintain a very broad and varied spectrum of treatment programmes, which in each case offer approaches that also reach offenders who are adherents to religious fanaticism or are at risk of coming under the sphere of influence of the respective fellow offenders affiliated with a radical ideology.

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Description
Because affiliations to radical Islamism and Salafism can have many different origins and causes, the first step must involve examining the individual need for treatment. This is done for convicted criminals in a treatment assessment that is subject to regular reviews over the term of imprisonment. Once a need for treatment has been identified, considerations must be made regarding which resources are best suited to counteract a radical Islamist mindset and the danger of potential offences related to radicalism, and which measures of intervention are appropriate in individual cases.

Specific measures are defined in the sentence plan, which is subject to regular review. It should not remain unmentioned that opportunities for daily interpersonal contact – including contact of an informal nature – between offenders and the employees in correctional centres must be provided. Social contacts are necessary to counteract the subculture – and any incipient radicalisation processes – in the correctional centres, or to make these visible. These contacts are essential to ensure the dynamic security of offenders and employees alike.

If, over the course of imprisonment, it becomes apparent that an offender maintains extremist Islamist convictions and is prepared to use violence, or advocates violence respectively, then a sentence plan conference involving the security department and the prison superintendents must be held. This allows the existing sentence plan to be reviewed and any necessary measures to be resolved: e.g. specific treatment programmes aimed at deradicalisation, transfer to a different correctional centre; if applicable, the issue and amendment of any necessary security orders. If the available evidence changes (increased radicalisation, or also evidence of deradicalisation), then an amendment of the sentence plan is necessary. In this case, a sentence plan conference to determine new and suitable treatment programmes must be scheduled, with the involvement of psychological services.

However, learning from past approaches to the imprisonment of violent extremists in the 1970s, Tegel prison chooses not to treat radicalised prisoners any different from their fellow inmates. Radical Islamist prisoners are therefore not detained centrally, in order to prevent a deepening ideological radicalisation if isolated from other inmates. Any distinguishing features, like religious or political emblems on clothing or flags, are completely banned, and staff are kept up to date on new symbols of alliance. In any case, most Muslim choose to integrate themselves into daily life in prison and interact with their fellow (non-Muslim/ non-radicalised) inmates, while others choose to only socialise with people sharing the same beliefs.

In order to tackle the common Islamist narrative of depicting Muslims as generally suppressed and Islamic beliefs not taken seriously, staff are instructed to meet and support the inmates religious needs as fully as possible, to make sure Muslims within the prison system have no chance of depicting themselves as either being victims of suppression or politically repressed.

Methodology
De-radicalisation programmes are also implemented by integrating external services and organisations into the provision of treatment programmes. In terms of content, the programmes available are oriented towards both offenders already affiliated with radical ideology, as well as at-risk offenders. One training programme exists, called “Assuming responsibility – Leaving hate and violence behind”, which is organised by the ‘Violence Prevention Network’ (VPN) at the Berlin Juvenile Detention Centre (JSA). Originally the focus of the programme was on right-wing inmates. An expansion and adaptation of the programme for the correctional centre for adult males was made by VPN and has been offered in different prisons since 2015. An extension of coaching of up to one year after release is part of the programme.
The programme of VPN is based on a ‘pedagogy of accountability’. It provides methods that give juveniles and young offenders who have affiliated themselves with, or opened themselves to, anti-democratic structures a means of identifying opportunities for returning to the democratic community. The objective of the pedagogy of accountability, and anti-violence and competence training, is to allow offenders to acquire the competencies necessary to distance themselves from misanthropic ideologies in an atmosphere conducive to respect.

Furthermore, a large number of representatives from a diverse range of Berlin-based external organisations work in the Berlin correctional centres to broaden the range of supervised cared, educational and treatment programmes available to offenders (education, employment and qualification, behavioural modification programmes as well as reintegration and recreational programmes). From the assumption that each individual reinforcement of the offender’s personality and that the embracement of approaches to a crime-free and stable life can counteract a tendency to gravitate towards extremist and violence-oriented activities, corresponding concepts can be found in many of the programmes offered. In this context, an association called ‘ufuq.de’ that has been active in the juvenile detention centre is an example. It endeavours to find alternatives to the debates focusing on parallel societies, ‘home-grown terrorists’ and the putative Islamisation of Germany and Europe. The key pillars of its work are training courses and workshops for youths and multipliers, political education with young Muslims and film packages prepared from a pedagogical perspective.

An advisory council for issues related to the religious guidance of Muslim offenders has been formed in cooperation with Muslim associations, Islamologists, integration policymakers and two representatives of Berlin’s correctional centres. Its remit is, along with an advisory and conciliatory function, also to provide support to the correctional centres in the search for suitable Muslim religious clerics. Clerics working in correctional centres are vetted by the State Criminal Police Office (State Security Policing Division). Regular Friday prayers have been offered in Tegel Correctional Centre since October 2014. This is, however, a transitional solution that will remain in place until the advisory council is able to develop a structured method of providing these services at all correctional centres (with the exception of the Berlin Women’s Correctional Centre). A fundamental objective of this solution is to have the sermon held in German, therefore allowing it to be understood by all employees in the correctional centres. Furthermore, special activities continue to be offered.

Staff consist of internal and external employees of the correctional services.

6.2. TAKING RESPONSIBILITY - BREAKING AWAY FROM HATE AND VIOLENCE - GERMANY

The intention of Taking Responsibility – Breaking away from Hate and Violence is to enable young people who are arrested for ideologically motivated acts of violence (right-wing extremists or radical Islamists) to live a responsible and non-violent life and to develop distance from inhuman ideologies.

Objectives
Taking individual and social responsibility is a central element without which a society is unable to exist within the framework of democratic and pluralistic structures.
The goals which the trainers try to reach together with the trainees are:

- Developing relationship skills, empathy, self-esteem, ability to self-reflect.
- Taking responsibility and developing distance from hate ideologies to better understand and correct their violent behaviour, to accept each individual’s fundamental right to liberty and freedom from bodily harm, to learn how to resolve conflict non-violently to take responsibility for their actions, to play an active role in planning their future.

**Target group and setting**
The trainers at Violence Prevention Network talk to the offenders, and training takes place in prisons.

**Description**
The concept of responsibility is the central aspect of the work of Violence Prevention Network. The call to take responsibility for your own actions, however, is not only aimed at the young people Violence Prevention Network has been working with for more than ten years. Rather, it is a broader call for action that equally addresses parents, teachers, the disseminators in the police force and in the justice system, and above all and emphatically, policy makers.52

**Methodology**
The approach consists of local de-radicalisation training, civic education, long-term group training and post release stabilisation coaching. Important elements during the training are the separation of offence and offender and the questioning of ideology, strategies of justification and offence. Trainers and trainees are supposed to have a reliable relationship based on confidence and respect. The participation takes place on a voluntary basis within their own safe environment.

**Contact**
http://www.violence-prevention-network.de/de/

### 6.3. FORSA! - THE NETHERLANDS

The project Forsa! is part of the organisation MHR who works with young people from certain areas in the Netherlands on their rehabilitation and re-integration into society, with the help of young volunteers who function as role models and sometimes have the same background as the young people they are working with.

**Objectives**
Forsa! aims to lower the chances of recidivism by connecting a juvenile with their family, youth workers and possible jobs.

**Description**
Forsa! includes the direct environment of the young person, such as their parents and the victims. Mothers and daughters can follow the project ‘Al Nour’, meaning ‘the light’ in Arabic, where they receive training in empowerment. Fathers and brothers can follow another empowerment programme, called Horizon. Assisting the family of the young person will eventually help them when they leave detention and will lower the risk of recidivism. Another project, called Pre-job, brings companies, education and young people together to give them prospects when they leave detention.

Personnel, partners and practicalities
Forsal works together with schools, mosques, prisons, detention centres, youth workers, youth detention centres, the Safety House, the police, family and friends and several companies.

Contact
http://www.bureaumhr.nl/index.html

6.4. PROGRAMME FOR THE PREVENTION OF RADICALISATION IN CORRECTIONAL FACILITIES - SPAIN

Location
Correctional facilities run by the Spanish Ministry of the Interior.

Keywords
Detection, prevention and radicalisation.

Background
Due to the fact that the phenomenon of radicalisation is one of the main current social alarms and that the number of people convicted for terrorism has increased, the General Secretary of Penitentiary Institutions of the Ministry of Interior (SGIP) developed this programme in 2014 to improve the efficiency of early detection and subsequent control of radicalisation processes in order to avoid the recruitment of persons in correctional institutions.

Objectives
- To collect, analyse, and summarise data and relevant variables in the fight against radicalisation.
- To detect and abolish radicalisation processes, both in the development phase and when they are already well-established.

Target groups
Given that this programme focuses on the detection and control of radicalisation processes, it affects all inmates held in correctional institutions. Nevertheless, a large number of measures are designed for two specific groups:

- Inmates at risk of radicalisation
- Inmates convicted for a terrorism-related crime.

It must be emphasised that this programme is not only for young people. It applies to the prison population as a whole, regardless of their age.

Strategy and activities
The main planned activities in the programme seek to control radicalisation processes inside correctional institutions, as specified below:
• Control of communications/relationships of the inmates convicted for a terrorism-related crime.
• Study and detection of attitudes and behaviours indicative of a radicalisation risk.
• Control, isolation, monitoring of and information about inmates who have been assigned to the high-risk groups, following the Instruction 12/2011 of the General Secretary of Penitentiary Institutions of the Ministry of Interior.
• Control of digital publications and/or material that may promote radicalisation.
• Development of weekly reports regarding the development of inmates at risk of radicalisation or of inmates who have already become radicalised, describing the concrete measures which need to be followed in each case.

Additional information
Even though there is no quantitative data available regarding the evaluation of the programme, it is important to note that the General Secretary of Penitentiary Institutions valued the results obtained very highly. Since its implementation, the programme has managed to identify the risk factors in radicalisation processes in prison, so as to standardise the action criteria between the areas of security and treatment of the facilities mentioned.

6.5. FRAMEWORK PROGRAMME OF INTERVENTION FOR VIOLENT RADICALISATION WITH ISLAMIST INMATES - SPAIN

Location
Correctional facilities run by the Spanish Ministry of the Interior.

Keywords
Intervention, treatment and radicalisation.

Background
The PEN-LCRV includes, among its main objectives within the internal scope of action, the control and monitoring of people at risk of radicalisation or who have already become radicalised, mentioning the importance of the intervention in correctional institutions and indicating that the actions within these centres must be carried out in a coordinated manner with the State Security Forces and Bodies as well as with social entities.

In order to comply with the provisions of the PEN-LCRV, as well as to complement the Programme for the prevention and radicalisation in correctional facilities which was being developed since 2014, the General Secretariat of Penitentiary Institutions developed the present Programme in 2016.

For its development, it was necessary to take into account the different recommendations of the main European and international organisations and institutions working against radicalisation. Emphasis has been placed on the Council of Europe’s Guidelines for prison and probation services regarding radicalisation and violent extremism (adopted by the Committee of Ministers on March 2nd 2016) and on the Committee of Ministers’ Recommendation CM/Rec (2014)3 to Member States regarding dangerous offenders (adopted by the Committee of Ministers on February 19th 2014); and on the recommendations for the development of programmes foreseen by the Network for the Prevention of Radicalisation.
Regarding the specific characteristics for the development of treatment programmes against radicalisation, the Radicalisation Awareness Network (RAN) highlights that these need to be structured, measured, based on cognitive behavioural psychological models and focused on individual intervention, adjusting the actions to be developed according to the specific characteristics of each case.

In this way, the Marco intervention programme in violent radicalisation with Islamist inmates aims to develop specific treatment for the inmates who have already become radicalised, basing itself both on the evolution of the intervention carried out in correctional institutions through the Programme for the prevention of radicalisation, as well as on the different recommendations at a European level.

**Objectives**
The main objectives laid out in the Programme are:

- The elimination of the processes of radicalisation in the penitentiary environment.
- To get the radicalised inmates to abandon their extremist approaches.
- To extricate radicalised prisoners from terrorist organisations.

**Target groups**
The measures included in the Programme are directed to the following groups, based on their level of inclusion/activity in terrorist groups, following the classification proposed by correctional institutions for the inmates in need of special monitoring:

- Inmates convicted of belonging to or collaborating with jihadist terrorist groups which rely on a strong extremist ideology.
- Inmates who demonstrate leadership geared towards the recruiting of radicals within the prison population.
- Inmates in the process of radicalisation or who have already become radicalised.

It is worth highlighting that the current programme is not specific to young people, and is applied to the whole prison population, regardless of the age of the inmates.

**Strategy and activities**
The Programme is developed by the staff in charge of the inmates’ wellbeing (such as psychiatrists, social workers, etc) and security teams in collaboration with the rest of the staff of the institution. It structures its intervention by taking into account the characteristics of the different groups to which it is directed. Thus, concrete measures are proposed for each of them:

- Specific measures for the group at maximum risk: in order to achieve the objectives of an intensive and individualised intervention, a therapeutic relationship must have been established between the inmate and the monitoring staff.

The specific measures for this group are geared towards the development of autonomy, a training whose values are proper to a democratic state, the modification of extremist attitudes and the elimination of radical behaviours.
The specific measures for the groups of medium and low risk: an intense and continuous intervention over time aimed at identifying and modifying the main risk factors linked to the origin, maintenance and consolidation of radicalisation processes. Regarding the development of measures, the possibility of having Muslim inmates who counteract these risk factors has been discussed.

The measures for these groups are first and foremost geared towards an increase of empathetic responses, the promotion of personal autonomy and the overcoming of extremist attitudes.

The measures to be developed with the three groups: the promotion of a moderate interpretation of Islamism. For the implementation of these measures, support is needed from moderate Imams within the framework of the collaboration agreement between the SGIP and the Islamic Federation.

Such measures aim to promote the learning of the Spanish language, to achieve cultural and social integration and to improve the level of education.

More information
There is no data regarding the evaluation of the Programme, due to the fact that the Programme was implemented on the date of the entry into force (25th October 2016) of Instruction 2/2016 of the Interior Ministry’s Secretariat General of Penitentiary Institutions.

6.6. PRODERAI: DETECTION PROCESSES OF ISLAMIST RADICALISATION - SPAIN

Location
Correctional centres, centres for the execution of non-custodial measures for adults and juvenile detention centres in Catalonia.

Keywords
Detection, prevention and radicalisation.

Background
This process has been established in order to confront the rising social concern provoked by the radicalisation processes in Catalonia, since this Autonomous Community is currently under terrorist alert level 4 out of 5. In this way, keeping in mind that in other European countries the indoctrination of terrorists in penitentiary institutions is present, the Administration has considered necessary the development of a prevention programme for people deprived of their liberty.

Objectives
• Detect possible indoctrination processes in Catalan correctional institutions.
• Prevent jihadist terrorism in Catalan correctional institutions.

Target groups
This procedure is directed to the prison population located in one of the following Catalan institutions:
• Correctional institutions.
• Centres for the execution of non-custodial measures for adults.
• Juvenile detention centres.
It should be noted that this process is currently being adapted to be put into practice in the educational field. In order to do this, the Police of Catalonia are actively collaborating with the teachers of public educational establishments and are establishing coordination mechanisms between both organisations to facilitate the early detection of radicalisation among young people.

**Strategies and activities**
The Public Administration, the police of Catalonia and professionals from correctional institutions are working together for the implementation of the procedure. The main points of the procedure are as follows:

- Training of staff in correctional institutions, centres for the execution of non-custodial measures for adults and juvenile detention centres, in order to provide them with the tools which will allow them to identify risk factors associated with radicalisation.
- Monitoring Islamist inmates.
- Detection of attitudes and behaviours indicative of radicalisation.
- Monitoring coordination channels stipulated between the different organisations, especially between the regional police and the correctional institutions’ professionals.

**More information**
Currently, more than 600 professionals from correctional institutions have been trained. Nevertheless, as this procedure has been recently implemented, there are no evaluation results available.
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COUNCIL OF EUROPE, COMMITTEE OF MINISTERS. Recommendation CM/Rec (2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 5 November 2008.


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INTRODUCTION

Volume V is aimed at presenting an overview on the situation regarding juvenile radicalisation in the countries of this project's partners.

This Volume is based on National Reports prepared by the Ministry of Justice of Bremen (Germany), the Judicial Youth Protection Services (DPJJ, France), Fundación Diagrama (Spain), the National Administration of Penitentiaries and the Romanian Intelligence Service (Romania) and the International Juvenile Justice Observatory (IJJO, Belgium). Each of them highlights prevention practices implemented in the countries.

Radicalisation phenomena will be presented through the perspective of each country partner to the project, i.e. Belgium, France, Germany, Romania and Spain. The context of radicalisation will be described as well as the regulations in that matter, but also the initiatives taken specifically regarding juvenile radicalisation.
1. RADICALISATION OF YOUTH IN BELGIUM

1.1. SOCIOLOGICAL BACKGROUND, THE ROOTS OF RADICALISATION IN BELGIUM

Belgium is faced with an issue of radicalisation of an unprecedented scope, being a hotbed of terrorism and spreading radical beliefs, often through a religious ideology. The phenomenon is not new as AQ or the Armed Islamic Group (GIA) were already active in Belgium in the 1990s. Belgium now faces a new aspect of terrorism since the November 2015 attacks in Paris (130 dead and 413 wounded) and the March 2016 attacks at Brussels National Airport and Maelbeek Metro Station in Brussels (32 dead and 340 wounded), as five perpetrators of the Brussels attacks, as well as six out of the ten perpetrators in Paris, have a criminal past and were known by the Belgian police services for crimes unrelated to terrorism. Some even had met and had radicalised in detention. The threat of returnees (Islamic State (IS) fighters who had returned from Syria) is also coupled with the threat of radicalised individuals who were living or staying in Belgium, designated as ‘home-grown’ radicalised or terrorists.

Radicalisation, terrorism and violent extremism in Belgium

Belgium counts the largest number of identified ‘Foreign Terrorist Fighters’ (FTF) who have left for Iraq and Syria compared to other EU countries (and proportionally to its population).

The presence and role of Sharia4Belgium and the emergence of Salafism and the Muslim Brotherhood in Belgium are explanations to help understand the increase of this phenomenon, especially among juveniles.

Sharia4Belgium and the spread of Islamic Fundamentalism

Sharia4Belgium was created in 2010 in Antwerp by Fouad Belkacem. This Belgian Salafist jihadist organisation has taken part in the process of radicalisation of many Belgian juveniles, even inducing some of them to join the fight in Syria. Through the adoption of extremist ideologies and hateful discourses, the organisation created a tension between Muslims and non-Muslims, which play an important role in the radicalisation of vulnerable individuals and in Belgian nationals, including young people, leaving to war countries. Sharia4Belgium members were the first radicalised Belgian individuals that were reported to have left in 2012 to Syria.

1 SAMUEL, H. Paris and Brussels terror attacks were coordinated by Syria-based jihadist called Oussama Atar, French and Belgian intelligence believe [online]. The Telegraph, 8/11/2016. Available at: https://www.telegraph.co.uk/news/2016/11/08/paris-and-brussels-terror-attacks-were-coordinated-by-syria-base/
3 ibid. p.11.
4 ibid. P.24.
In 2015, 45 people of the 46 involved in Sharia4Belgium were convicted by Antwerp’s Court of First Instance, as they had been accused of having directed and participated in the activities of a terrorist group, of unlawful deprivation of liberty as part of a terrorist group, and of spreading a message which encouraged the committing of a terrorist offence. Fouad Belkacem was sentenced to 12 years in prison and to pay €30,000 for having founded a terrorist organisation promoting Salafist jihadism, as he had recruited young people to fight as part of Jihad and Sharia4Belgium had played an important part in their radicalisation and departure to Syria. Sharia4Belgium is now partially dismantled.

The Belgian jihadists on the ground are now the ones recruiting in other ways, including through social networks and through the sharing of propaganda material on encrypted channels of communication. The emergence of a Salafist Islam in Belgium, supported by Saudi Arabia, is also an explanation often given for radicalisation of young people. Indeed it became very important in the 1990s and 2000s and contributed to the creation of a strong socio-political mono-religious block. Young Belgian Muslims of today have grown up in the wake of these dominant discourses. This environment, accentuated by the development of communication technologies, can be conductive to radicalism and terrorism.

**Definitions**

The Organic Law on the Intelligence and Security Services of 30 November 1987 provides a first definition of terrorism and of other related notions:

- **Terrorism** (article 8, 1°, b): The use of violence against persons or material interests for ideological or political motives, with the aim of achieving these objectives by means of terror, intimidation or threat, including the process of radicalisation. The Criminal Code also sets out a definition of terrorism in its book II, title I: “Shall be deemed to be a terrorist offence an act under §2 and §3 which by its nature or context may cause serious harm to a country or an international organisation and is committed intentionally with the aim of seriously intimidating a population or unduly forcing public authorities or an international organisation to take or refrain from taking certain action or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation”.

- **Extremism** (article 8, 1°, c): Racist, xenophobic, anarchist, nationalist, authoritarian or totalitarian conceptions or views, whether of a political, ideological, confessional or philosophical nature, contrary in theory or in practice to the principles of democracy or of human rights, to the good functioning of democratic institutions or other foundations of the rule of law, including the radicalisation process.

- **Radicalisation** (art 3, 15°): Processes affecting an individual or a group of individuals so that this individual or group of individuals becomes mentally prepared or willing to commit terrorist acts.

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6 Cf note 4 pp24-25.
7 Cf note 4 p11.
1.2. THE MOST COMMON FORMS OF RADICALISATION AND THE PROFILES OF RADICALISED YOUNG PEOPLE

The most common forms of radicalisation

Two main processes of radicalisation can be observed in Belgium:

- Politically inspired radicalisation can be explained through the example of far-right extremist groups in Europe such as “Blood and Honour”\(^8\), which is present in Belgium. This group spreads Nazi ideologies mainly through social events, such as secret concerts. The radicalisation grows from a feeling of injustice or frustration and individual factors such as altercations with people from minorities, sudden unemployment and underprivileged backgrounds. Also, with vulnerable individuals or individuals already engaged in a process of radicalisation, social media can have a triggering and catalysing role. As said before, this group operates its propaganda through social events such as concerts, where solidarity and peer pressure means that the process of radicalisation takes place on a collective level. The events are secret and unique, which reinforces social isolation and the adherence to the promoted values. The last phase of this type of radicalisation is the more active and regular participation in events leading to the integration into paramilitary training camps and the planning of attacks (no attack from this particular group has been registered yet).

- Religiously inspired radicalisation can be explained through the example of Muriel ‘Myriam’ Degauque\(^9\) who conducted a suicide-attack in Iraq (2005), 10 years after converting to Islam. Individual factors were at the origin of her radicalisation, guiding her towards religion. This process of radicalisation is individual and is usually the search for identity through the adoption of a radicalised religious ideology while still being opposed to terrorism. People vulnerable to this kind of radicalisation usually live in precarious situations, where their community is also discriminated, so they turn to religion, in her case Islam, getting more information through contacts on the Internet and considering violent actions against that which they consider unfair. Ideology plays a key role as it isolates the individuals socially, which results in a change from radicalism to extremism. Since the ideology can support the call to fight, the process of radicalisation can result in terrorist activities. In the case of Muriel/Myriam, when she and her husband moved to Baghdad (auto recruiting) to make some contacts, they immersed themselves in an ex-military group and in Islamist groups, were indoctrinated and finally committed a suicide-bombing attack.

Profiles of radicalised young people

In total, at least 380 Belgians\(^10\) have travelled to Syria as foreign fighters (33.9 fighters per million residents in Belgium)\(^11\). Numerous factors can help explain the engagement in a process of Islamic

\(^{8}\) Portal Belgium.be, “Comprendre la radicalisation à travers deux cas belges”, available at: https://www.besafe.be/fr/base-de-connaissance/comprendre-radicalisation-travers-deux-cas-belges

\(^{9}\) Ibid.


radicalisation, such as strained environmental conditions, organisational framing of individual grievances in an effort to facilitate recruitment, or the availability of mechanisms and pathways to radicalisation.

A major factor in their radicalisation is low-employment, as there is two times higher unemployment among foreign-born Belgian residents, a clear employment discrimination and low educational achievement (12% hold a high educational achievement, 65% a low educational achievement)\textsuperscript{12}. Other factors of their radicalisation include poor integration into Belgian society\textsuperscript{13}, the fact that they identify more with their countries of origin and that they experience racism, and finally that the religious governmental funding for the Muslim community is inconsistent\textsuperscript{14}. These factors, added to their individual backgrounds, are a fertile ground for radicalisation leading to home-grown terrorism.

Various profiles of radicalised young people are as follows:

1. Foreign Terrorist Fighters (FTF) are radicalised juveniles leaving, or having the intention to leave, for foreign terrorist-occupied territories to join the fight. They usually travel alone and/or took the decision to leave themselves. As of August 18th 2017, 18 Belgian children were FTF, 7 girls and 11 boys. Two of them could not follow through with their intention as they were prevented from leaving (one girl and one boy). There are 4 children (three boys and one girl) who intend to go to Syria or Iraq, with one of these boys having the status of HTF (Home-grown Terrorist Fighter). In 2017, 12 minor FTF (7 boys, 1 girl) were located in Syria or Iraq. Four of the FTF have turned 18 years old and the rest were between 12 and 17 years old in 2017. The average age of Belgians who left to fight in Syria and Iraq is 23 years old. More than half are between 15 and 25 years old. Officially, 55 women had left for Syria and Iraq as of February 2015, including 7 minors\textsuperscript{15}. More children have travelled in the past to Syria and Iraq but have died or became classified as adults. Children that travelled with their parents and turned 12 years old are considered FTF by the authorities. Most juvenile FTF have become radicalised under the influence of family members or friends. These groups of friends are usually mixed, with both girls and boys of the same age and from the same neighbourhood or that had contact with each other (in school for example). When they are older, juvenile FTF usually participate more actively on social networks, where they publish propaganda material and try to recruit classmates. In Belgium, the typical profile of radicalised Belgian jihadists is the following: they often are from the region of Brussels, Antwerp, Mechelen or Vilvoorde, most of them are aged between 17 and 25 years old, and they often lack professional qualifications and have a criminal record\textsuperscript{16}. It should be noted that a juvenile can find him/herself in multiple categories at the same time\textsuperscript{17}:

- Juveniles who want to be part of history by participating in a cause that is bigger than them, and who usually keep contact with their parents after they leave the country.

\textsuperscript{12} Ibid.
\textsuperscript{13} C.f Footnote 3, p.68.
\textsuperscript{14} C.f Footnote 21 p.13.
\textsuperscript{16} C.f Footnote 11, p.38.
\textsuperscript{17} BOUZAR, D., CAUPENNE, C. & VALSAN, S. , La métamorphose opérée chez le jeune par les nouveaux discours terroristes. France: CPOSI, 2014, pp.82-86. Available at: http://www.cposi.fr/articles-et-rapports/la-metamorphose-operee-chez-le-jeune-par-les-nouveaux-discours-terroristes/ pgl82-86
- Young girls that before their departure were destined to become professionals in the field of care, such as nurses, doctors, social workers. They join terrorist groups in conflict territories after having been convinced to help the people that suffer from atrocities caused by the regime (humanitarian action). They usually disengage after having arrived in the country when they realise that the group they have joined commits the same atrocities.

- Some other juveniles radicalise in search of an identity and want to feel part of a community or a group that dictates their actions to them, giving them a place and a role.

- Some others, usually boys, are looking for adventure and adrenaline and want to show how strong they are. They often are individuals that have been rejected from the police or the army, so joining the fight is a way for them to prove their worth and recover their dignity after having been rejected.

- Finally, the last category is that of one of limitless juveniles seeking power. They usually are long-term participants in risky behaviours (unprotected sex, drug addiction, alcoholism, time in prison, etc.) as they want to feel immortal and all-powerful. They want to take the place of God: they appropriate the authority of God in their own name to command others. They seek power and omnipotence, and want to control people and make them do what they want.

2. Accompanied children\(^\text{18}\) are affected by and potentially victims of radicalisation when they return to their home country. They were either born in the Islamic State or had left Europe when they were too young to be responsible. In Syria and Iraq, 114 accompanied Belgian children were reported in 2017\(^\text{19}\). The vast majority of them are under 9 years old, only two were reported to be over 10 years old\(^\text{20}\). Children returnees\(^\text{21}\) can be affected by radicalisation to three different extents:

- Children over 9 years old: it is important to know that in the territories controlled by IS, boys over 9 years old can start training for Jihad and girls over 9 years old can be married, in order to secure the future of the Caliphate. They are also used in propaganda. Children and boys are used as soldiers, preachers, spies and sometimes suicide bombers and executioners. Girls are also trained to use weapons, but mostly their training is limited to taking care of the household (cooking, sewing, cleaning). Knowing that, they have most likely taken part in atrocities and training. Because of their age, they are direct victims of radicalisation and most likely have engaged in this process.

- Children between 4 and 9 years old: they are most likely indoctrinated as they may have attended IS-controlled schools and are indirectly exposed to the threat of radicalisation.

- Children under 4 years old: they are less likely to be exposed to the threat of radicalisation due to their young age. It is very unlikely that they have attended a school in which the educational programme was set by IS.

\(^{18}\) ROHART, F. L’urgence de rapatrier les “enfants de Daesh. L’Echo, 01.02.2018. Available at: https://www.lecho.be/economie-politique/international-general/l-urgence-de-rapatrier-les-enfants-de-Daesh/9917961

\(^{19}\) Ibid.

\(^{20}\) Ibid.

\(^{21}\) Ibid. para 4.
Since IS has strong financial means for propaganda, it is clear that children who come back to Belgium and Europe after having remained for a certain time in an IS-controlled territory, have followed this education and are victims of this indoctrination, which make their reintegration more difficult when they return to Belgium. The longer the children have stayed in the radicalised environment, the more complicated their reintegration will be. According to Paul Van Tigchelt, director of OCAM (Coordinating Body for Threat Analysis)\(^\text{22}\), 75% of Belgian children returnees are under 6 years old, so cases of children having received military training are probably rare. In 2017, 8 children from Daesh came back to Belgium, all very young, and two of them were born in camps in Turkey a few weeks before coming back to Belgium. Based on the age of the children who left Belgium with their parents to join IS, we can consider that only a few boys potentially received such training\(^\text{23}\).

3. Home-grown radicalised children: they are underage sympathisers in Belgium who have radicalised in their home-country and plan on conducting attacks there, usually on behalf of the terrorist organisation. When, or if, they act and commit an attack, they usually carry it out alone, as a ‘lone-wolf’. This is a phenomenon that especially affects young people. It is more a generational issue than a cultural one, especially among juveniles in the pursuit of building their identities\(^\text{24}\). The majority of them are from the 2nd and 3rd generation of North-African immigration and grew up in underprivileged and marginalised areas. However, this phenomenon does not only affect descendants of immigration, but also juveniles of Belgian-only ancestry. Indeed, about 30% of Islamist radicals are from a traditionally Belgian family, but have converted to Islam\(^\text{25}\). They usually come from underprivileged/lower classes, even though young people from middle and privileged classes can also constitute a target. The economic crisis has reinforced the feeling of injustice felt by these juveniles towards society and thus facilitated their engagement in radical ideologies. Also, the lack of contact with diversity (socio-economic or cultural) is a factor which helps the process of radicalisation in becoming violent extremism, especially in the preliminary phase. Juvenile sympathisers get engaged in a process of radicalisation usually through their relatives, but also through social media such as Telegram. They use this encrypted chat application to discuss ideology on protected channels, to have access to propaganda material and to discuss the possibility of carrying out attacks in places close to their home, on behalf of the terrorist organisation. The chats are usually led by people in Syria who explain to them how to conduct simple attacks within their means. These juvenile sympathisers generally show a real interest and mastery of new technologies and have a notable presence on forums. That is why IS shares most of its youth-targeted propaganda online.

**Radicalisation of young people in prison**

It is known that prisons are a potential breeding ground for radicalisation and radicalised recruitment. Ideologically and religiously inspired groups try to develop their networks in prisons via inmates. Inmates are a group particularly susceptible to radicalisation even if they are imprisoned for minor offences, because they generally have frustrations with society, are vulnerable to peer pressure, suffer from isolation

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\(^\text{22}\) Ibid. para 5  
\(^\text{23}\) Ibid.  
\(^\text{25}\) Ibid.
from ‘normal’ society, are searching for a religiously or ideologically inspired meaning of life, and need to belong to a group\textsuperscript{26}. 

In Belgium especially, the appalling conditions in prisons and the considerable overcrowding could stir up in prisoners a feeling of revolt against society\textsuperscript{27}, creating a situation in which a large number of people together could be at risk of falling under the influence of strong preachers or characters with strong ideological motivations. The environment is very concentrated and it makes it easier for extremists to come into contact with offenders who reject society even further because of the punishing effect of incarceration. Also, because criminals often come out of prison without any job skills or self-confidence, they find this confidence in religion.

However, there is little information on the extent of this phenomenon in Belgium and how each prison is affected. The issue of prison radicalisation is hard to quantify and much confusion is created when it comes to assessing the number of radicalised inmates, which is often confused with the number of inmates who have converted to a different religion (usually Islam). Yet, some of the attacks conducted in 2015 and 2016 in France and Belgium have provided evidence as to the link between prison and violent radicalisation. Indeed, two of the suicide bombers in the Brussels attacks met in prison and also had spent time in Belgian prisons prior to committing terrorist offences, due to sentences for violent offences such as armed robbery and carjacking\textsuperscript{28}.

1.3. OVERVIEW OF OFFENCES RELATED TO TERRORISM IN BELGIUM

There exists no data regarding offences related to terrorism committed by juveniles. However, a report published at the end of 2017 by the Belgian federal police gives an insight into the registered crimes committed at a national level. In 2016, 767 cases of terrorism, extremism and radicalism were reported, against 249 cases during the first semester of 2017\textsuperscript{29}. However, the data on radicalisation-related offences can be included in wider categories, such as “offence against the security of the State”. Then, in the first semester of 2017, 60 acts of this category with at least one suspect identified were reported, 46 of them (76.7%) were committed by men, 17 (28.3%) by women; 5 by minors (8.3%) and 56 by adults\textsuperscript{30}.

More details have been given on the kind of offences, such as belonging to a terrorist group (420 accused in 2016, 4 attempts; 132 accused in 2017, 6 attempts), capturing a means of transport with the intent to commit a terrorist act (1 accused in 2016), and possessing weapons of mass destruction or others (1 accused in 2017)\textsuperscript{31}. Further, in 2016 412 individuals were accused of threatening an attack, 3 of attempting an attack, while in 2017 there were 160 individuals who were accused of threatening an attack, and 1 of attempting an attack\textsuperscript{32}. Overall, statistics given by the federal police seem to show that 240 individuals were accused of


\textsuperscript{27} According to Harold Sax, the spokesman for the Belgian branch of the International Observatory of Prisons. KUERBLER, M. Are Belgium’s deteriorating prisons fueling radicalization? DW, 26.05.2016. Available at: http://www.dw.com/en/are-belgiums-deteriorating-prisons-fueling-radicalization/a-19285261

\textsuperscript{28} MUFSON, S. How Belgian prisons became a breeding ground for Islamic extremism. Washington Post, 27.3.2017. Available at: https://www.washingtonpost.com/world/europe/how-belgian-prisons-became-a-breeding-ground-for-islamic-extremism/2016/03/27/ac437d8b-f39b-11e5-a2a3-d4a96699f1d1_story.html?noredirect=on&utm_term=.6ac6f9d109bd

\textsuperscript{29} POLICE FÉDÉRALE. Statistiques pénitentiaires de criminalité, Semestre 1 2017, p.35. Available at: http://www.stat.policedevant AREA.pdf/rapport_2017_trим2_nat_belgique_fr.pdf

\textsuperscript{30} Id. P.73

\textsuperscript{31} Id. P128

\textsuperscript{32} Id. P129
a crime related to terrorism, extremism or radicalism during the 1st semester of 2017 (757 during the whole year of 2016) and 9 individuals for attempting such a crime (10 the year before)\textsuperscript{33}.

Again, extremist criminality is hard to quantify, especially in detention and closed facilities. According to the Minister of Justice, Koen Geens, at the beginning of 2018, there were 237 people\textsuperscript{34} accused, convicted and interned in Belgian prisons for crimes related to extremism and terrorism. These individuals, 229 men and 8 women, were either terrorists, had a link with terrorism, were Foreign Terrorist Fighters on the OCAM (Coordinating Body for Threat Analysis) list, or were inmates presenting risks of radicalisation. No specific data on their age has been made available.

2. NATIONAL LEGISLATION AND POLICIES ON THE PREVENTION OF RADICALISATION

The Belgian counter-terrorism system is built around a legal aspect, an institutional aspect and an international cooperation aspect.

According to a statement from the Comité d’experts sur le terrorisme (Codexter) of the Council of Europe, Belgium estimates that the fight against terrorism is fundamental, and tries to implement all measures to prevent and prosecute terrorist acts efficiently, while respecting human rights and the Rule of Law\textsuperscript{35}. The experts of the Council of Europe qualify the Belgian system as “coherent and efficient”\textsuperscript{36}.

2.1 EVOLUTION OF LEGISLATION IN THE AREA OF THE PREVENTION OF RADICALISATION IN BELGIUM

After the attacks of September 9th 2001 in the United States, the bombing in Madrid in 2004 and in London in 2005, the rising danger of Islamic extremism led the European and Belgian authorities to take further political and legal action in this regard\textsuperscript{37}. The first counter-terrorism initiatives in Belgium were thus developed in the wake of those events.

Belgian law has provided counterterrorism measures since 2003. Indeed, the Terrorist Offences Act of December 19th 2003, transposing the Framework Decision of the Council of the European Union of 13 June 2002 into Belgian law, introduces terrorist infractions into the Belgian Criminal Code. Therefore, Articles 137 to 141 of the Criminal Code deal with repression of terrorist infractions\textsuperscript{38}.

According to Article 137, a terrorist infraction is an infraction which “by its nature or context may cause serious harm to a country or an international organisation” and is “committed intentionally with the aim of seriously intimidating a population or unduly forcing public authorities or an international organisation

\textsuperscript{33} Id. P170


\textsuperscript{36} Ibid.


to take or refrain from taking certain action or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation."

Article 138 of the Code establishes the sanctions applicable to such infractions mentioned in Article 137. The Criminal Code also provides for specific infractions such as participation in a terrorist group, helping the commission of a terrorist crime, public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism.

Belgian law in this area then evolved with the Law of 18 February 2013 amended Book II Title I ter of the Criminal Code, and introduced into Belgian national legislation the offences of public provocation to commit a terrorist offence, recruitment for terrorism, training for terrorism, giving instructions on how to build or to use explosives, weapons or lethal substances aimed at committing terrorist offences. The law also punishes those who follow those lessons and instructions39.

According to Article 141ter of the Criminal Code, the articles of the Criminal Code shall not be construed as “interfering with fundamental human rights such as the right to strike, freedom of assembly and association, freedom of expression”.

The GPI 78L Ministerial Circular on the information processing in favour of an integrated approach to terrorism and violent radicalisation by the police40 of 31st January 2014 appeared in the context of the evolution of the terrorist threat in Europe, changing from a threat from structured organisations abroad to violent radicalisation of national citizens41, and of the growing need for the national police to adapt and pay more and more attention to this phenomenon. The text of the circular thus explains how, although violent radicalisation represents a rather slow process, it can be irregular and unpredictable and therefore needs to be addressed in a fast, preventive and efficient way. The letter of the circular underlines the need to implement dissuasive, preventive interventions on radicalisation processes in Belgium, rather than repressive ones42.

Subsequently, in the wake of the attacks at the Jewish Museum in Brussels (14th May 2014), the attacks in Paris and Saint-Denis (January, November 2015), the Law aiming to strengthen the fight against terrorism (20th July 2015) was put in place. The law inserted in the Criminal Code another offence at Article 140sexies: incriminating a person who leaves (Art. 140sexis §1) or enters (Art. 140sexies §2) the national territory with the aim of committing any of the offences mentioned in Articles 137, 140 to 140quinquies, and 141 of the Criminal Code.

On 18th July 2016, a Circular letter on hate preachers was signed, aiming at identifying and taking the necessary steps against hate preachers43, preventing them from acting in society (forbidding access to territory, judicial and/or administrative measures, etc.).

41 Id. Article M.2. Contexte
42 Ibid
The Law of 3rd August 2016 adding various provisions to the fight against terrorism (III), (Belgian Official Gazette of 11 August 2016), extended the scope of public incitement to commit a terrorist offence and of terrorist recruitment for targeting terrorist trips.

Very recently, the Law of 6th July 2017 simplifying, harmonising, automating and modernising provisions of civil law and civil procedure, as well as notaries relating to various justice measures (Belgian Official Gazette of 24th July 2017), introduced a new Article 458ter to the Criminal Code. This text states that professional secrecy can be lifted if professionals have concerns about the possibility of a terrorist offence, an ongoing radicalisation process or a departure to fight in countries in conflict (this is a matter of concern, for instance, for professional secrecy of social workers). The professional can then “inform federal prosecution and/or the investigating magistrate if a file is open, or the Mayor of the relevant municipality”, who can act further on it (Local Integrated Security Cell, CSIL).

Specific measures for juveniles suspected or accused of violent extremism or offences related to terrorism

It is the Federal State but also the Communities who have the responsibility of dealing with children and young people suspected or accused of violent extremism or offences related to terrorism. In Belgium, the Federal State is responsible for security, but the Communities and Regions (French Community, Flemish Community, German-speaking Community and Brussels-Capital Region) are responsible for prevention, early detection of radicalised people and social support. The authorities have therefore put in place several local and regional measures in order to prevent radicalisation, including youth radicalisation. At a Federal level, the Protection of Young Persons Act of 8 April 1965 applies.

Under this Act, which establishes the rules of procedure for children/young people who have committed an act deemed to constitute an offence, the Communities are the competent parties who implement judges’ decisions in juvenile cases.

2.2. OVERVIEW OF THE NATIONAL POLICIES AND STRATEGIES TO FACE RADICALISATION IN BELGIUM

Belgium has for a long time in history been spared by terrorism. However, in the 80s-90s, attacks began to affect the country. In 1979, Brussels’ Zaventem Airport was the target of an attack perpetrated by three terrorists. More recently, on 24th May 2014, an attack was directed on the Jewish Museum in Brussels, in 2015, a terrorist group was dismantled in Verviers, Brussels and Vilvoorde, and on 22nd March 2016, attacks were perpetrated in Zaventem Airport and in Maelbeek metro station in Brussels. Therefore, Belgium has been the target of several terrorist attacks since the 80s.

The Belgian approach to counter-terrorism began to change in the early 2000’s. Indeed, the evolution of the radicalisation phenomenon led to the conclusion that the norms inserted in the Criminal Code were no longer sufficient to face the reality of radicalisation in contemporary society: it is no longer only about repression, but also about prevention. In this context, Belgium started to put in place plans to tackle
radicalism and radicalisation directly within society. The will from governments to tackle the issue of radicalisation in its early stages has been dominating the political and legislative scenes for nearly a decade.

The first counter-terrorism initiatives, as already mentioned, were initiated in the wake of the 2001 attacks in the United States and the Madrid and London bombings. When in 2011 some young people left Belgium to take part in the armed conflict in Syria, the phenomenon started to receive even more attention. It all accelerated from 2012 onwards as a result of the first ‘returnees’ wave.

Indeed, in 2005 the National Plan Against Radicalism (Plan R) was adopted. Amended in 2015 and approved by the Conseil National de Sécurité (National Security Council), the Plan R aims at reducing radicalism and extremism through an approach of collaboration between public services (justice, police, customs, military intelligence...) including a better information exchange as well as a combination of administrative and judiciary measures. This Plan R aims at the early detection of persons with radicalising influence in order to take appropriate measures in time, through the listing of individuals who might have a radicalising impact on their relatives and the reducing of vectors of radicalisation. The plan provides for “proactive, preventive and punitive measures to combat inter alia, the causes of Islamic radicalism and terrorism.”

The Plan R puts in place the National Task Force (NTF), which represents the strategic body of the Plan and is responsible for the coordination of the plan. Within the National Task Force, working groups (either permanent, theme-based or ad-hoc) have been created to work on specific issues, including radicalisation on the internet, radicalisation in prisons, prevention, Salafism, right-wing extremism, asylum and migration. In addition to that, there is working group on ‘foreign terrorist fighters’, implemented through the Circular on the exchange of information and the monitoring of ‘foreign terrorist fighters’ coming from Belgium (21st August 2015), addressing this phenomenon.

The Plan R also created the Local Task Forces (LTF), which were established in order to ensure an efficient interaction with the local field work: their task is to monitor radicalising individuals and groups locally, and propose measures to reduce the impact that they can have.

Amongst the National Task Force (NTF) and LTF, the social and preventive services are strengthened by the Local Integrated Security Cell (CSIL). Introduced by the Circular on the exchange of information and the monitoring of ‘foreign terrorist fighters’ coming from Belgium (21st August 2015), a CSIL is a local consultation platform.

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45 Parliamentary inquiry tasked with reviewing the circumstances which led to the terrorist attacks of March 22, 2016 in Brussels Airport and Maelbeek Metro Station, in Brussels, including the evolution and the management of the fight against radicalism and the terrorist threat, June 15, 2017, third intermediate report relating to the “security architecture” section, DOC. S4 1752/008, p. 90 § 98
46 Ibid.
47 COMITÉ D’EXPERTS SUR LE TERRORISME (CODEXTER), COUNCIL OF EUROPE. Profils nationaux relatifs à la capacité de lutte contre le terrorisme. Belgique, 2016. Available online at: https://rm.coe.int/16806ed6ba
48 Ibid.
49 Ibid.
51 Id. pp12-13.
52 Circulaire relative à l’échange d’informations et au suivi des ‘foreign terrorist fighters’ en provenance de Belgique. Ibid.
54 Id., p.7.
On 11th October 2014, a Federal Government agreement was issued bringing out an integral approach to radicalisation. A few months later, on 16th January 2015, twelve measures were adopted by the government, including: stronger punishments for people who travel abroad for terrorist purposes, greater monitoring of FTFs residing in Belgium, increased options for revoking Belgian nationality and extensions of the list of infractions that allow the use of special investigation methods such as wiretapping, etc.56

On 19th November 2015, in the wake of the Paris attack of 13th November, another eighteen measures were adopted by the Federal Government, including57:

- 400 million euros for security and the fight against terrorism.
- Reinforcement of police controls at the borders.
- Deployment of 520 military personnel to reinforce security.
- New technologies for intelligence services (voice recognition, expansion of wiretapping including arms trafficking).
- 72 hours of administrative detention for acts of terrorism instead of 24 hours.
- House searches 24 hours a day for terrorist offences. End of the exception forbidding house searches between 9pm and 5am.
- For foreign fighters: deprivation of liberty, incarceration upon return to Belgium.
- Electronic bracelet for people who are registered by the threat analysis services.
- Belgian PNR (Passenger Name Record): collection of passenger data on all forms of transport, without waiting for the European project Belgium will apply it to planes and TGVs.
- Screening of all hate preachers in order to place them under house arrest, to deprive them of their liberty or to expel them.
- Dismantling of unrecognised places of worship which propagate jihadism.
- End of anonymity for pre-paid cards.
- ‘Plan Molenbeek’: prevention and repression (now ‘Plan Canal’).
- Reinforcement of screening before access to sensitive jobs.
- Extension of the camera network used to recognise license plates.
- Closing down of websites preaching hate.
- Evaluation in order to adapt legislations linked to the state of emergency. Possibility for temporary and exceptional measures to ensure public safety.
- Participation in the international fight against IS.

A few months later, on 5th February 2016 (prior to the Zaventem and Maelbeek attacks), the Action plan against radicalisation, violent extremism and terrorism in the Canal Zone (Plan Canal), was introduced. The Plan applies to the police zones of the following Brussels municipalities: Molenbeek-Saint-Jean, Saint-Gilles, Anderlecht, Koekelberg, Laeken, Saint-Josse-ten-Noode, Schaerbeek and Vilvoorde58. It aims at increasing the police posts (1000 new posts) in those areas, working in counter-terrorism by 201959.

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56 NVA., 12 additional measures for combating radicalism and terrorism [online], 16.1.2015 Available at: https://english.n-v-a.be/news/12-additional-measures-for-combating-radicalism-and-terrorism
More recently, following the attacks in Brussels and Zaventem in March 2016, the Royal Decree fixing the national emergency plan for the approach of a terrorist hostage-taking or a terrorist attack was created (1st May 2016)\textsuperscript{60}, to be applied in case of a critical situation resulting from a terrorist hostage-taking or attack.

Furthermore, a new Framework Memorandum on Integral Security 2016-2019\textsuperscript{61} was created, defining objectives towards a safe environment for citizens through reducing/intervening in the consequences of radicalisation and terrorism on society. The NCSI was designed (amongst other aims) to achieve more efficient prevention of radicalisation through a “supra-police” approach\textsuperscript{62}, which means that efforts will be made locally by the police, but also uniformed strategies decided by a Zonal Security Council will be applied.

On 7th June 2016, in the wake of the NCSI, the National Security Plan 2016-2019 was introduced. This Plan is published every four years by the Minister of Security and the Interior, and the Minister of Justice, and constitutes the reference for the actions of the police force\textsuperscript{63}.

This Plan insists on “integrated and integral” cooperation, between local and federal police and between integrated police and its security partners to face and address the phenomenon of radicalisation\textsuperscript{64}.

Specific measures for juveniles suspected or accused of violent extremism or offences related to terrorism

There are currently no specific measures for children and juveniles regarding radicalisation, violent extremism or offences related to terrorism. However, some programmes as well as additional initiatives presented in the other volumes of the manual focus their action on prevention rather than disengagement. The Circular n°6036 of 26th January 2017, Prevention of radicalization leading to violence in schools (replacing Circular 5133 of January 2015), constitutes one of the initiatives of the Wallonia-Brussels Federation to strengthen the prevention of the phenomenon of radicalisation among juveniles, taking actions in schools.

Since May 2016, the Federal Public Service of the Interior has had a mobile team which deals with prevention of radicalisation\textsuperscript{65}. The Mobile Team project is funded by the European Commission (by the Asylum, Migration and Integration Fund (AMIF), and by Internal Security funds). The Mobile team is composed of four people, two Dutch-speaking and two French-speaking, three criminologists and one Islamologist\textsuperscript{66}.

One of the activities of the Mobile Team is to support schools in monitoring and addressing the prevention of radicalisation. This service intervenes upon request from the headmaster of the concerned, or upon


\textsuperscript{63} POLICE FÉDÉRALE’S. Plan national de sécurité (PNS) 2016-2019 [website]. Available at : https://www.police.be/5998/fr/a-propos/police-integree/le-plan-national-de-securite

\textsuperscript{64} Ibid.

\textsuperscript{65} VEILIGHEID EN PREVENTIE, SÉCURITÉ ET PRÉVENTION. Plus de 30 villes et communes ont déjà fait appel à la mobile team [online]. Available at: https://besafe.jdbi.eu/fr/plus-de-30-villes-et-communes-ont-d-j-fait-appel-la-mobile-team

\textsuperscript{66} Ibid.
request from the Government. The team organises information sessions for headmasters, and helps implement temporary units, in charge of evaluation and handling of radicalisation situations in schools.

Awareness and information sessions on the phenomenon of radicalisation for professionals working with minors have also been organised by the General Administration for Youth Assistance (AGAJ).

2.3. NATIONAL POLICIES REGARDING THE PREVENTION OF RADICALISATION IN DETENTION IN BELGIUM

Under the Belgian law, children (described as those who are under 18 years of age) cannot be placed in prison. Thus, this section provides information about the policy measures undertaken by the Belgian authorities to prevent the radicalisation of adults in prisons in general.

For the Belgian government, tackling radicalisation in prisons has become a priority and the authorities are willing to implement a thorough approach to tackling radicalism and terrorism. As previously said, prisons are a potential breeding ground for radicalisation and recruitment, and nowadays, the nature of radicalisation in our societies leads ideologically and religiously oriented groups to "develop their networks in prisons via detainees".

Therefore, on March 11th, 2015, the Minister of Justice launched the Action Plan against radicalisation in prisons, with the objective of preventing the radicalisation of detainees during their imprisonment and to develop a specialised follow-up of radicalised people during their detention. The Plan was initially elaborated to achieve:

- Better living conditions in the penitentiary institutions.
- A more goal-oriented information gathering and analysis.
- Efficient consultation and coordination structures.
- The digitisation and automation of the flow of information.
- A better detection of radicalisation.
- A well-considered placement policy.
- An individualised approach when necessary.
- The systematic involvement of religious representatives.
- De-radicalisation and disengagement programmes.
- Reinforced cooperation with the local level, the federated states and Europe.

Eventually, the aim is to "make the detainees more resilient to the influences of extremist ideas within the prison walls and should ensure a strong and decisive follow-up of radicalised individuals".

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70 Ibid.
71 Ibid.
72 Cf footnote 72
73 Id., p.4
Furthermore, the implementation of this Plan is based on the creation of an “Extremism unit” within the Directorate-General of the Penal Institutions (DGEPI). In practice, in 2016, two sections with 20 cells in each, named D:RAD-EX74, were opened in two Belgian prisons (ITTRE et HASSELT). However, in its 2017 report, the International Observatory of Prisons found that in those sections the emphasis is put on isolation of inmates, and not on de-radicalisation. No support or individualised care is provided to them while in D:RAD-EX units75, the priority is placed on the solitary confinement of these detainees, that is to say in conditions of detention where they have the least possible contact with other detainees. Human Rights Watch reports that the Director General of the Belgian Prison Service, Hans Meurisse, issued a directive requiring all prisoners suspected or convicted of terrorism-related acts to be held in solitary confinement for up to 23 hours a day76.

2.4. ALTERNATIVES TO DETENTION FOR RADICALISED YOUNG PEOPLE IN BELGIUM

There are no alternatives to detention per se for radicalised young people in Belgium. However, the Centre for the Assistance of People concerned by any Radicalism or Extremism leading to Violence (CaPReV)77 offers a reintegration approach available to both juveniles and adults, which can be court-mandated. The CAPREV organises a psycho-social support and sets up a path adapted to each individual situation. It provides an approach based on prevention, social inclusion, and global re-integration or starts a desistance path, especially in cases of individuals completing a sentence for an offence that was linked to radicalism/extremism, which has specific conditions.

In December 2016, the CaPReV, was created by the Wallonia-Brussels Federation within the framework of the probation services. It started out with 17 multidisciplinary staff members and is aimed at systematically and individually supporting any juvenile or adult facing violent radicalisation, as well as their relatives and front-line workers.

The Centre is based on five missions:

- Ensuring phone support is available to individuals and professionals who have an issue of extremism or violent radicalism. A free phone number (0 800 111 72) is accessible every day from 8am to 8pm (except on Sundays and public holidays). Conversations are confidential unless the situation endangers public safety or the safety of the individual or a third party.
- Providing psycho-social support to people affected by this issue who would have requested it through the free number. It involves providing support, listening to people worried about a relative or responding to the psychological and social needs of radicalised individuals using non-violent alternatives. This support is based on individual interviews.
- Developing a research pole to support the intervention using the "action-research" methodology to develop the expertise on the phenomenon of violent radicalisation.
- Building a network of partners throughout the territory of the Wallonia-Brussels Federation that will collaborate with the CaPReV in the support of people affected by violent radicalism.

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75 Ibid.
Taking care of people in the process of violent radicalisation to initiate a personalised disengagement process through various reintegration initiatives. It can be based on the consent of the individual or constrained - through the implementation of specific conditions attached to judicial warrants related to terrorism or radicalism.

By 2017, after one year of operation, the CaPReV had received 668 calls, from which 87 cases were opened and 39 were still being followed at the end of 2017. For the moment, with this programme being so recent, there is not enough long-term evidence available to determine whether the CaPReV has been efficient as a reintegration measure outside of detention.

2.5. TRAINING OPTIONS AVAILABLE TO JUDICIAL STAFF IN THE COUNTRY RELATING TO THE ISSUE OF RADICALISATION

Prevention and detection: programmes available in the RAN Training Collection

The RAN Collection of Approaches and Practices is a practical, evolving and growing set of trainings presenting different approaches of practitioners in the field of radicalisation prevention, illustrated by a number of lessons learned and selected practices and projects. The Collection supports the actions proposed in the EU Commission Communication: “Preventing Radicalisation to terrorism and Violent Extremism: Strengthening the EU’s Response” published in January 2014. It is aimed at practitioners, first liners and policy makers working with vulnerable individuals or at risk of radicalisation, to equip them with the tools to detect and to respond to radicalisation. This section will present different trainings that are part of the RAN Training Collection, set up by Belgium (Ministry of Justice, Federal Agency for reception of Asylum seekers, and Federal Police of Belgium).

- “Training for prison guards: identification of signs of radicalisation”
  
  Set up by the Belgian Ministry of Justice, this training programme aims at training first-line practitioners (prison/probation/judicial practitioners) and at intervening in prisons and probation centres. Its goal is to address the lack or limitation of knowledge of prison staff when it comes to recognising signs of radicalisation. The training is delivered by an internal trainer from the prison service over two days. Through a psychological perspective, it focuses on getting to know the process of radicalisation, recognising different signs of radicalisation, interpreting signs of radicalisation in relation to the external context in which they are perceived, and reporting appropriately on these signs. This training has been adapted from Community Policing and the Prevention of Radicalism (CoPPRa), which was initially used by the Federal Police Service. It takes place in a classroom where participants receive handouts of the PowerPoint presentations and links for further study. The exercises take place in simulation rooms, some with actors, some others using real footage, games or electronic games. Participants are assigned take-home observation exercises.

- “Training staff members of reception centres on prevention and reporting of radicalism”
  
  Set up by the Federal Agency for the reception of Asylum seekers in Belgium (Fedasil) and the

79 More information at https://ec.europa.eu/home-affairs/content/training-prison-guards-%E2%80%98identification-signs-radicalisation%E2%80%99_en
80 More information at https://ec.europa.eu/home-affairs/node/11429_en
Governmental Agency responsible for the reception of Asylum seekers (COA) in the Netherlands, this training programme is aimed at training first-line responders or practitioners. It is composed of a face-to-face training delivered by the staff of the Fedasil, of the State Intelligence Services and experts on radicalisation, and an e-learning tool on the phenomenon of radicalisation. This training is aimed at answering questions from staff members about radicalism, training staff on identifying, preventing and dealing with radicalism in reception centres and ensuring the report of radicalism to competent authorities. It should lead to the adequate identification of signs of radicalism by staff, to the prevention of radicalism and to adequate reaction to radicalism in reception centres as to when and how to report it.

- **CoPPrar**: Set up by the Federal Police of Belgium, this training programme especially targets authorities, law enforcement officers and prison/probation/judicial practitioners. It is aimed at improving the ability of first-line police officers to prevent radicalisation through their good community links. This programme is aimed at filling gaps in the police officers' knowledge on radicalisation by helping them recognise warning signs and giving them the appropriate response to adopt. CoPPrar is composed of a pocket guide for first-line police officers, a Train-the-Trainer manual, an e-learning platform on the CEPOL (European Union Agency for Law Enforcement Training) website and a CD-ROM with PowerPoints of different training modules.

**Support and tools offered in different national or local programmes**

The different local and national prevention programmes presented later in this report include different streams of action, one of them being the training of professionals. Overall, the SAFER programme (City of Verviers), BOUNCE, and the programmes implemented in Anderlecht and Molenbeek-Saint-Jean all include a specific training on radicalisation for professionals and actors working with young people (teachers, school directors, social workers, community animators) and even though they are not targeted at judicial staff specifically, they are still accessible to them. Particularly, the municipality of Anderlecht uses in its programme a tool, a behaviour barometer82 (education and awareness), developed by the Centre for the Prevention of Radicalisation leading to Violence in Quebec, to identify early warning signs of radicalisation. This tool is made available to all professionals working with radicalised juveniles or juveniles at risk of radicalisation.

### 3. PRIMARY PREVENTION PROGRAMMES AND MEASURES OF PRIMARY PREVENTION OF RADICALISATION

In 2015, several municipalities of the Brussels-capital region received a common federal grant to be used in the prevention and tackling of radicalisation. Since then, the municipalities of Molenbeek-Saint-Jean, Anderlecht, Schaerbeek, Brussels-Capital and Saint-Gilles have focused their prevention actions on community-based programmes directed towards educational measures and having a strong emphasis on the inclusion of families.

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81 More information at https://ec.europa.eu/home-affairs/node/7424_en
Many preventive measures are available in Belgium. However, they are often based on the voluntary initiative of people concerned, as is the case for the CaPReV mentioned before. Attending the centre can be voluntary or based on a court-mandated decision, but often serves as a reinsertion measure more than an alternative to detention.

These programmes of primary prevention are not exclusively targeted at juveniles, but include an important part on educative measures adapted to them. As their implementation has started recently, there is not enough perspective to assess their results.

3.1 BOUNCE

The BOUNCE resilience tools are aimed at developing an early prevention psycho-physical training for (vulnerable) young people to strengthen their resilience against radical influences and to raise the awareness of the young people’s social environment.

Location

10 cities from 5 EU Member States have been selected as pilot cities for this programme, Liège being the Belgian city selected.

Duration

From November 2015 until October 2017 for the second stage of the programme.

Keywords

Resilience, violent radicalisation, training, coordinated EU project.

Background

Funded by the European Commission ISEC programme, the project ‘Strengthening Resilience against Violent Radicalisation (STRESAVIORA)’ was carried out between January 2013 and January 2015 with a view to developing an early prevention psycho-physical training for (vulnerable) young people to strengthen their resilience against radical influences and to raise the awareness of the young people’s social environment. The project outcome has been the ‘BOUNCE Resilience Tools’.

The BOUNCE training formats are based on scientific research (including interviews with young people) elaborating on different ways to enhance the resilience of young people against violent radicalisation.

By consulting promising practices on resilience trainings and testing the tools in Belgium and the Netherlands, the tools took shape and the methods developed were validated.

BOUNCE is a package of three training and awareness-raising tools for young people and their social environment. It is a positive answer to the challenge of preventing violent radicalisation at an early stage. The BOUNCE tools are designed as preventive measures when, or even better, before concerns about violent radicalisation arise. They provide young people and their environment with instruments to manage the challenges they come across. The three tools (BOUNCE young, BOUNCE along and BOUNCE up) are
interconnected and complement each other. BOUNCE emancipates young people and their network, so that they can become resilient and interact with an aware social environment.

The final results of the research and training tools were presented during the EU dissemination conference on 4th December 2014 in Brussels. The topic of strengthening resilience against violent radicalisation was also discussed at the Policy Planners Network (PPN) meeting on 5th December 2014. Furthermore, on 8th January 2015, a Train-the-Trainer session for trainers from all 28 EU Member States was organised to disseminate the training tools among European trainers.

After the success of STRESAVIORA (2013-2015), funded by the EU and coordinated by the FPS Home Affairs, and the final European dissemination conference that was held on the 4th December 2014 in Brussels, local, regional, national and European experts expressed the need for a broader implementation of the resilience training tools and to provide broader knowledge to frontline workers and practitioners working with young people and parents. This called for a second stage of the project.

Objectives
The project is based on three main objectives:

- The broad-scale implementation of the developed BOUNCE resilience tools on a local level with a trainer implementation and support system for tailor-made support through Train-the-Trainer education for trainers working with young people.
- The development of a resilience trainer network among EU Member States, facilitating the exchange of experiences and good practices.
- The study of the evaluation of short, medium and long-term effects of the use of resilience trainings to prevent radicalisation leading to violent extremism.

Target groups
Trainers who work with young people in puberty or early adolescence (12-18 years old): teachers, youth workers, educators, social workers, mentors, volunteers, etc.

Strategy and activities
In ten (inter)active group trainings, young people train and strengthen different aspects of their resilience. Through a mix of action and reflection, a wide range of skills and competences are strengthened, practiced and linked to their personal experiences. Young people learn to bounce back and bounce up when dealing with challenges. In the trainings, young people make the link between the activities and their personal experiences.

Partners
European Commission, Arktos npo, the Belgian Federal Public Service Home Affairs, General Direction Security and Prevention.

Further information
4. SECONDARY PREVENTION: COMMUNITY-BASED AND FAMILY-BASED PREVENTIVE MEASURES

Most of the radicalisation prevention programmes in Belgium are implemented outside closed facilities and work with the families of juveniles at risk, including training for the community and for people in contact with them. The programme presented hereafter is targeted at citizens of a community or people from a family concerned about the radicalisation of a relative and at professional actors likely to work with juveniles at risk of radicalisation.

4.1 FAMILY AND ENTOURAGE ACCOMPANIMENT SERVICE FOR RADICALISM

In 2017, the city of Verviers created “Family and Entourage Accompaniment Service for Radicalism” (SAFER). This service is implemented outside prison and it takes a multidisciplinary approach with different actors in the community. SAFER is a prevention committee in the fight against radicalism.

Its general goal is to answer all the requests from the inhabitants of Verviers with the aim of appeasing fears and accompanying people, families and professionals.

Missions:

• Support, listen and accompany.
• Intensify field work in the fight against radicalism.
• Organise specific training on radicalisation for professionals.
• Carry out a communication / awareness campaign on radicalism in a broad sense\(^83\).
• Create a tool for the prevention of radicalism.
• Organise a study on the issue of radicalism in Verviers\(^84\).

It is not particularly aimed at radicalised juveniles or those at risk of radicalisation; however, it provides specialised support for their families\(^85\).

4.2. SOCIETY AGAINST VIOLENT EXTREMISM (SAVE)

SAVE Belgium was created by a mother after her son left to Syria to undertake Jihad and lost his life there. This organisation is aimed at raising awareness about radicalisation and about the risk of departure to foreign territories to undertake Jihad. It also provides support to the families affected by this problem.

The organisation’s work is based on 3 streams of action: education, prevention and support\(^86\). It is not exclusively targeted at juveniles, but rather at their families.

The objectives of SAVE Belgium are:

\(^{83}\) Prevention video clip available at: https://www.youtube.com/watch?v=m5c0Sbb28ts


\(^{85}\) More information available on the website of the municipality http://www.verviers.be/administration-communale/services-communaux/radicalisme-safer

\(^{86}\) More information on their actions at http://savebelgium.org/pdf/info.pdf
• To create a network of prevention and awareness raising regarding isolationism, school dropout and social isolation.
• To fight against radical thinking through an exchange of practices in prevention, awareness and training programmes for front-line actors.
• To accompany, listen, advise and offer a space for exchange and information to young people, parents, and front-line professionals in their questions regarding the topic of radicalisation.
• To promote in educational institutions or networks of permanent education common courses of reflection and discovery of others, different philosophical and religious streams, adapted to all ages and levels, positive aspects of the constitutional and legislative principles of mutual respect. These courses are suitable for all ages and all levels.
• To raise awareness of the importance of strengthening the fight against all forms of social exclusion, especially those that affect individual freedoms and that promote hatred and violence.
• To raise awareness of the importance of combatting discrimination to enable young people to forge a citizen, social and inclusive identity.
• To create an institutional structure with the aim of becoming a valid interlocutor with the public authorities, in particular through an approach to socio-occupational reintegration and by accompanying people who favour the care of victims under influence.
• To fight against the hate speech of recruiters but also on the Internet and social networks frequented mostly by young people.
• To offer specific support to people under the influence of groups promoting psychological manipulation, such as certain malicious networks.
• To set up listening procedures, training, psychological and legal monitoring.
• To participate in the implementation of prevention plans at all levels, whether local or other.
• To organise conferences, debates, meetings with other socio-cultural associations.

5. ALTERNATIVE PROGRAMMES OR MEASURES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES

Currently, the strategy implemented in detention centres is based on the isolation of radicalised individuals, suggested in the action plan against radicalisation in prisons. Even if this practice is aimed at preventing the spread of radical ideologies inside closed detention centres, it does not prevent these ideologies from being accentuated for inmates already radicalised. Centres focused on the de-radicalisation of individuals such as the CAPReV in the Wallonia-Brussels Federation or the DeRadiAnt in Antwerp inspired by the model implemented in Montreal, Canada are in place around Belgium. DeRadiAnt is a pilot project that focuses on the follow-up of radicalised ex-detainees. It provides advice and assistance, as well as support and follow-up of the de-radicalisation process. Follow-up starts in the final weeks before release and continues until a few months after release. They are focused on the reintegration of radicalised juveniles and adults and on their disengagement.

87 Cf footnote 80
88 More information at http://gouvernement.cfwb.be/la-f-d-ration-wallonie-bruxelles-se-dote-d-un-nouveau-dispositif-de-pr-vention-et-de-lutte-contre-le-radicalisme
89 More information on the project at http://www.deradiant.be/wat
CONCLUSIONS

In Belgium, the prevention of radicalisation is an issue taken very seriously. Indeed, the recent attacks in Europe, specifically in Belgium, have led Belgian authorities to implement more and more policy measures and action plans to counter radicalisation directly, in addition to the pre-existing legislative texts on the matter.

The Belgian position on radicalisation is mainly preventive at the moment. In detention centres, the main approach is the isolation of inmates accused of/sentenced for offences related to terrorism, to avoid the spreading of radical ideology. There is neither a personalised treatment for the inmates at risk nor a special attention given to the disengagement of radicalised inmates. However, projects regarding disengagement centres have been discussed, such as the CaPREV which works on the reintegration of radicalised juveniles or juveniles at risk and which has already shown encouraging results one year after its foundation.

In addition to this, a significant effort has been made to prevent radicalisation in Belgium and several programmes are currently operating around the country, especially regarding early prevention and family-/community-based prevention of radicalisation. The focus is not specifically on children and young people, but most projects include a significant part on education and awareness-raising for juveniles and support for their families. As for the results, they are quite limited at the moment, though many projects have only recently been launched following the wave of attacks in Europe in 2015 and 2016; therefore at the moment, very few evaluations and data about their impact are available.

It is finally worth highlighting that most of the programmes implemented are funded by the Federal State or municipalities, and not exclusively by NGOs. The Belgian city of Liège, as an example, even participates in a European pilot project (BOUNCE), which shows a certain willingness to widen the scale of the fight against radicalisation. Furthermore, through the common federal budget attributed to several municipalities of the region of Brussels, a real effort to harmonise preventive measures has been generally made. This harmonisation includes various initiatives which are community-based, such as training staff who work with young people at risk of radicalisation, supporting families, and raising awareness through videos, films, discussions and cultural activities.
INTRODUCTION

Over the last few years, France has seen repeated terrorist attacks in 2015 and 2016, together with the dangers related to the departure and return of families and teenagers to and from the zone of the Iraq-Syria conflict, highlighting the issue of violent radicalisation, an endogenous threat often carried out by young men between the ages of 20 and 30.

Violent radicalisation cannot be reduced simply to terrorism alone. It can be defined as a “process in which an individual or a group adopts a violent form of action, directly related to an extremist ideology with a political, social or religious content, which challenges the established order on the political, social or cultural level”\(^90\).

Violent radicalisation thus covers three cumulative characteristics:

- an incremental process.
- the espousal of an extremist ideology.
- the adoption of violence as a legitimate form of action.

The violent radicalisation of minors or of young adults, a recent phenomenon by its extent and media coverage, has nurtured representations and fears for which the professionals in contact with such teenagers and their families were ill prepared.

Whilst no French minor has taken action and committed an attack, the number of minors criminally indicted for offences related to terrorism is constantly increasing. Such proceedings are undertaken by the anti-terrorist section of Paris Regional Court and the minors handled by the Judicial Juvenile Protection Services (DPJJ) for acts qualified as criminal conspiracy with a view to a terrorist undertaking, advocating terrorism, and also offences relating to terror attacks and in particular offences of a racist nature and the offences introduced by the Law of 11th October 2010 against the concealment of the face in public.

The future prospect of the return of families from the areas of the Iraq-Syria conflict, where the number of minors is estimated to be 460, will further increase the number of these cases. Above and beyond their handling within the criminal framework, the DPJJ could well be called upon to manage such minors within the framework of educational assistance, sometimes with parents in prison or still in the war zone.

\(^{90}\) France has adopted the definition of radicalisation as proposed by Farhad Khosrokhavar, sociologist and tutor at the School for Advanced Studies in Social Sciences.
The number of such situations is small compared to the number of cases actually managed, specifically between 1% and 2% of the minors managed by the DPJJ. The seriousness and the extreme violence of the acts carried out or planned show the importance of paying ever greater attention to such minors through a reinforced educational approach.

1. THE PHENOMENON OF RADICALISATION OF YOUNG FRENCH PEOPLE

1.1. HISTORICAL BACKGROUND AND DEFINITION

Historical overview

The term “terrorism” first appeared in the period of the Terror during the French Revolution. The word then meant the violence of the State. Its meaning gradually changed, putting the emphasis more on the aspect of violence than on any political project. At the end of the 19th century, there occurred what researcher Ami-Jacques Rapin called “a decisive semantic shift for the future of the debate on terrorism”.

The idea came to be included, permanently, in the list of actions of groups fighting against the State.

The terrorist threat related to the Iraq-Syria conflict

France is exposed to a major terrorist threat. The year 2015, starting with the attacks of 7th, 8th and 9th January, ended tragically with those of 13th November 2015. In 2015, 149 people were killed in terror attacks carried out in France.

2016 will remain marked by the terrorist threat, with 89 people killed in France as from the start of the year, including 86 in the attack perpetrated with a truck on 14th July 2016 in Nice.

This terrorist threat is closely linked to the Iraq-Syria conflict. It stems from veterans returning to Europe from the war zone, where they had been given military training, and planning to carry out terrorist actions directly driven by the Islamic State, which has explicitly declared France to be a priority target and which regularly calls for new terrorist attacks.

The threat also stems from more or less isolated actions perpetrated by radicalised individuals, not necessarily having any operational link with the Islamic State but driven by a copy-cat motivation.

The involvement of French nationals in terrorist attacks carried out in the Iraq-Syria zone

It is proven that French nationals are or have been in positions of responsibility within terrorist organisations operating in the Iraq-Syria zone. It has also been proven that French nationals who died in Syria have lost their lives in suicide attacks. It is also recognised that French nationals having left to fight in Syria or in Iraq have taken part in the atrocities committed by the Jihadist groups against the Syrian population, in particular in the towns of Al Raqqah and Azzaz.
Finally, as from the end of 2014, several French nationals have appeared in propaganda films from the Islamic State showing executions and calling for an armed jihad and the perpetration of terrorist actions, in particular in France. Some have made a point of recruiting French nationals or French-speaking people and organising their arrival in Syria.

Actions and planned terrorist actions in France

The knife attack against the officers of the police station of Joué-les-Tours on 20th December 2014 by a person who had never been in the Iraq-Syria zone, but whose action was hailed by the terrorist organisation, was evidence that the threat also existed in France.

In January 2015, a commando of Franco-Belgian Jihadists who were planning a terrorist attack in Europe was disbanded.

In France, one of the perpetrators of the attacks of 7th, 8th and 9th January 2015 claimed he had acted in the name of the Islamic State.

Less than one month later, after being turned back from Turkey while attempting to reach Syria, a French national carried out a knife attack on three soldiers on duty in Nice as part of the Vigipirate programme.

On 19th April 2015, the arrest in Paris of a man presumed to have been involved in the murder of a driver committed the same day in Villejuif brought to light a planned terrorist attack on churches and market places in the Paris region, involving French nationals who were active in the Iraq-Syria zone in the ranks of the Islamic State.

A few months later, on 26th June 2015, a man attempted to carry out an attack on the head office of the Air Products company in Saint-Quentin-Fallavier, after staging the decapitation of his employer.

The attack on the Thalys train between Amsterdam and Paris on 21st August 2015 signalled a new development: whilst the mode of operation and the relatively individualist nature of the terrorist attacks were still there, the terrorists appeared to be shifting towards attacks aimed indiscriminately at the general public, with the aim of increasing the number of potential victims and raising the impact of their actions on public opinion to an even higher level.

The attacks in Paris on 13th November 2015, which killed 130 people, dramatically confirmed the threat of terrorist actions indiscriminately aimed at the population at large. Carried out by a dozen kamikaze terrorists operating as a commando force, those attacks evidenced the extreme dangerousness of Jihadists having joined the ranks of the Islamic State in the Iraq-Syria zone and returning to Europe, driven by terrorist plans.

2016 appears to have been marked by an increase in terrorist attacks by lone wolves who had not served in the ranks of the Islamic State, but who responded to the calls for murder from that organisation: the attack on a police station in the 18th district of Paris on 7th January 2016, the knife attack on a teacher in a Hebrew school in Marseille on 11th January 2016, the double murder of two police officers in Magnanville,
the truck attack on the Promenade des Anglais in Nice during the festivities of 14th July 2016 killing 86 people, the killing of a priest in Saint-Etienne du Rouvray on 26th July 2016.

In 2017, special mention must be made of the attack on soldiers at the Carrousel du Louvre on 3rd February, the attack in Paris Orly airport on a patrol as part of the Sentinelle operation on 18 March, the attack of 20th April 2017 on the Champs-Elysées, where one police officer was killed and two others injured, and the attempted attack in the same place on 19th June 2017.

**Definition of the terms**

Terrorism must be differentiated from any other form of delinquency or criminality by the fact that the origin, purpose and consequences of the violence are political. It has a central ideological dimension, seeking to deliver a message, to break into the political arena in order to transform it or at least force it to change.

Terrorism thus corresponds to a drive for political subversion, to “an effort for political destabilisation”, to take up the expression of Didier Bigo and Daniel Hermant. It is a war without known belligerents, without any clearly defined battlefield and without any foreseeable face to face encounter.

Judge Antoine Garapon has written that contrary to the ethics of loyal combat which call for equality of arms, terrorism “plays hide-and-seek with the State”. The war is therefore felt everywhere but seen nowhere. The real target of the terrorist is not the power of a State but its political integrity, namely its collective identity, mutual confidence, safety and security. It is in that respect that terrorism is the source of genuine destabilisation.

Terrorist action questions the capacity of the political powers to ensure the essential clauses of the social contract because it upsets the surety of the State and the tranquillity of the population. Terrorist action is a paradigm of a crisis situation.

To succeed, that crisis must lead to a security crisis which in turn generates a psychological crisis. It has the faculty of stirring up radical fear, of penetrating the imagination of the community, of “creating insecurity for an entire population”, in the words of Pierre Joxe. That particular status has nothing to do with the cost in human lives, when compared to the other causes of violent death (road accidents, gang warfare, etc.).

The psychological trigger involved is the determination to awaken the life instinct and provoke moral panic. The advice from Hannah Arendt is a good summary of the meaning: “Think the event to avoid caving into the headlines!”.

This irruption into daily life must trigger a response from the powers that be. Its meaning must not therefore be misunderstood.

The definition of this concept reveals the primarily political dimension of terrorism. Mireille Delmas-Marty summed it up very clearly: terrorism is a “concept which is more political than legal”.
1.2. CURRENT STATUS OF THE PHENOMENON OF RADICALISATION IN FRANCE

A small number of minors concerned

The latest data available show that whilst minors are exposed to the phenomenon of violent radicalisation, the problem only affects in reality a very limited number of minors already being managed:

- Less than 1% of the juveniles entrusted to the DPJJ are concerned by a civil or criminal measure pronounced within the framework of the fight against terrorism.
- In all the other cases managed, less than 1% of the minors proved to be turning to radicalisation.
- The most frequent forms of radicalisation.

The minors managed by the PJJ for facts linked to radicalisation can be broken down into four categories:

- Minors prosecuted within the framework of criminal proceedings linked to terrorism;
- Minors reported as being subject to a risk of radicalisation, monitored as part of the protection of children.
- Minors managed by the DPJJ for other reasons, reported because of the presence of “signs of radicalisation”.
- Minors managed as part of the protection of children because of the radicalisation of their parents.

1st situation: minors prosecuted within the framework of criminal proceedings linked to terrorism.

Whereas as of 1st August 2015, 67 minors were charged for such criminal offences linked to terrorism, as of 1st August 2016 the number had risen to 178 minors and young adults. Of these, 110 minors were charged with advocating terrorism, 35 minors with criminal conspiracy with a view to committing a terrorist act by the anti-terrorist section of the Public Prosecutor’s Office of Paris, 23 minors for offences of a racist nature related to the terror attacks and 4 minors for breaking Law N° 2010-1192 of 10th October 2010 forbidding the concealment of the face in public.

As of 14th November 2016, 52 minors were charged with criminal conspiracy with a view to committing a terrorist act.

The breakdown is as follows: 37 girls / 138 boys, 76 known to the DPJJ and 96 unknown. The average age is around 16 and a half.

2nd situation: minors reported as being subject to a risk of radicalisation, monitored as part of the protection of children.

The reports are for the most part made by the parents, schools or the monitoring unit of the Prefecture.

As of 1st August 2016, the national monitoring and information mission (MNVI) listed 189 minors as having
been the subject of a legal decision as part of the protection of children because of a risk of radicalisation, mainly within the framework of a court-ordered investigation into education (MJIE) or a measure of non-custodial educational assistance (AEMO). As of 1st August 2015, that figure stood at 39.

3rd situation: minors managed by the DPJJ for other reasons and reported because of the presence of "signs of radicalisation".

As of 1st August 2016, 364 minors already managed by PJ establishments and services were reported to the judiciary because of objective and worrying elements which could indicate the beginnings of a process of radicalisation. Those minors were the subject of an evaluation and specific close attention.

4th situation: minors monitored as part of the protection of children because of the radicalisation of their parents.

Finally, as part of childhood protection, as of 1st August 2016 the DPJJ had monitored 146 minors because of the radicalisation of their parents, within the framework of a court-ordered measure of educational investigation (MJIE), a measure of non-custodial educational assistance (AEMO) or a placement. As of 1st August 2015, 48 minors were in that situation, more often than not very young children.

Knowledge of the population

The initial analyses show that the recruitment discourse used by the radical Islamic organisations targets mainly juveniles who are vulnerable on a social or family level: juveniles who have the impression of coming from nowhere, who know little or nothing about their family background, who are looking for something all-powerful or who have no hope of any social success, and also minors who have suffered from severe upsets in their life. Today, the radical discourse succeeds in affecting juveniles of very different backgrounds, social classes or religions, evidencing the extraordinary capacity of such discourse to adapt to the different forms of fragility of such juveniles.

The population concerned is therefore more composite than that usually handled by PJ establishments and services given the social heterogeneity, the diversity of the offences recorded, the high proportion of girls and the successful integration of certain minors, in particular in school.

As an example, and in comparison with ordinary delinquency, there is a higher percentage of girls managed by the DPJJ. They account for one half of those indicted in civil cases and one half of those charged for criminal conspiracy with a view to preparing a terrorist act, whereas the proportion for all the offences of a terrorist nature is 8 boys out of 10 minors. As of 17th March 2017, in Paris, 20 girls for 43 boys charged with criminal conspiracy with a view to preparing a terrorist act were taken in charge by the DPJJ. That data, which is unusual in relation to the activity of the DPJJ, calls into question the professional practices and modes of management proposed.

Furthermore, the social and family context, dropping out of school and psychological state are additional factors of exposure which make the minors customarily handled by the DPJJ potential targets for recruiters.
The vulnerability of the juveniles managed by the DPJJ is a constant factor, given their quest for a place within a group, their taste for exaltation, their thirst for meaning or their need to justify violence (against others or against themselves).

Radicalised minors or those on the road to radicalisation form a heterogeneous group, which means that the representations hitherto entertained on this phenomenon need to be revisited:

- all the different social and professional categories are affected;
- all environments, rural and urban, are concerned, the most concerned being more places where groups of influence congregate;
- religion is not always the driving force of radicalisation; it can also be political, humanist or even universalist.

Similarly, these management programmes have served to highlight different profiles, all sharing the quest for narcissistic enhancement, a search for meaning and belonging to a group:

- minors fired by violent intentions without any religious connotation. For them, radicalisation is a way of expressing their violence with respect to adults but also to society as a whole;
- minors seeking an identity, considering themselves to be the victims of discrimination, humiliation or stigmatisation because of their social or ethnic origins;
- those caught up in family problems (fascination for and identification with a radicalised member of the family, claim of their origins, a religion not practised within the family, etc.);
- certain minors are also looking for affection (essentially girls);
- a few minors present psychiatric problems (paranoia, suicidal behaviour, etc.).

With teenagers, it is sometimes difficult to distinguish between what comes under radicalisation and what comes under teenage risk-taking, as the difference between the two is occasionally slight.

Moreover, it should be remembered that there is no systematic correlation between facts that can be qualified as a terrorist offence, in particular advocating terrorism, and effective radicalisation. That distinction is a real challenge for the DPJJ because it means assessing whether the behaviour or the discourse reflects real radicalisation or simply teenage provocation.

Many anti-Republican, racist or pro-jihadist comments were made by teenagers following the attacks. They are often related to the fact that the violence, images and comments to which they have access on Internet and the social media have become commonplace. Such juveniles have often seen violence first-hand within their families.

These attitudes need to be systematically taken into account within the framework of the educational relationship and should lead to heightening the awareness of the juvenile through the specific prevention actions currently deployed by the DPJJ.
2. NATIONAL LEGISLATION APPLICABLE TO RADICALISED MINORS

2.1. NATIONAL ANTI-TERRORISM LEGISLATION

As a preamble, certain important notions must be recalled:

- Terrorist offences are defined by Articles 421-1 et seq. of the Criminal Code.
- Since a law of 6th December 2013 waiving the customary rules of jurisdiction, Paris Regional Court entertains exclusive jurisdiction over terrorist offences irrespective of where the offenders, (minors or adults) come from, with the exception of offences of direct provocation of terrorist acts or publicly advocating such acts.\textsuperscript{91}
- The Paris Court Educational Unit (UEAT), a PIJ service, entertains jurisdiction for the Collection of Socio-Educational Information (RRSE) for all the minors charged by the specialised service. Given the particularly sensitive nature of the charges, the UEAT systematically proposes that the judge orders a court-ordered investigation into education (MJIE).
- In that respect, the Territorial Non-Custodial Educational Service (STEMO), a judicial juvenile protection service with a centre in Paris, may be called upon to take judicial measures of educational investigation for juvenile Parisians on parole or for juveniles from all over France and imprisoned in the Paris region.
- To facilitate examination of the cases, these minors are mainly dealt with in the Paris region, with a connection to where they come from.

Evolution of the defining texts

The long list of attacks that bloodied France in the 1970s and 1980s highlighted the inadequacy of the legislative arsenal available in response to such challenges. Adoption of the law of 9th September 1986 on the fight against terrorism was the first step towards the creation of a new, more balanced legal corpus. In the course of the 1990s, when the country was again hit hard, further additions were made to the legislative measures. The year 2004 was an essential step in the reinforcement of the anti-terrorist legislation with the adoption of the law of 8th March, called the Perben II law, designed to adapt justice to the changes in crime.

The violent attacks perpetrated in France by Jihadist terrorist organisations since 2012 have resulted in numerous legislative modifications. The “Merah” affair was a milestone given the number of civil parties involved, the person’s connection with ordinary delinquency and the extensive search for accomplices. The year 2015 was a watershed year quantitatively with gigantic challenges arising from the number of victims but also with the number of seals placed and experts called upon. A new phase began in 2016 with terrorists who had not gone overseas but who had become radicalised through the social media.

Anti-terrorist legislation, by becoming better structured and more precise over the years, continues to bring even more to this new legal category. Starting in 1981, with the increased threat, legislation began to

\textsuperscript{91} Article 706-16, 706-17 et 706-22-1 of the Code of Criminal Procedure (CCP).
adapt to the necessities of the fight against terrorism. That was the purpose of the law of 21st July 1982 which created the special assize courts following the threats made against jurors by the accomplices of the terrorist Carlos. That decision was not, however, accompanied by the creation of a specific terrorist charge. There were probably still hopes at the time that it would be possible to reduce the problem by other means. That second stage took five years to come into being. As from 1986, all the legislative initiatives converged on the determination to prevent action, including preparatory acts, by organising law enforcement and by acting within the framework of the rule of law. No-one questions today that logic of prevention through the upstream dismantling of terrorist cells before the perpetration or attempted perpetration of attacks.

The toughening of criminal policy with respect to terrorist-related offences has had consequences on the judicial response and, inevitably, on the judicial measures taken and the educational management of minors resulting from such measures.

With 14 laws adopted between 1986 and the end of 2014, the criminal charges for terrorist acts have expanded over the years with ever increasing detailed attention to the rules of criminal procedures: investigation techniques, rules governing the examination and judgement of each case.

The latest texts

For a better understanding of this study, it appeared pertinent to detail certain laws here.

Law of 13th November 2014 reinforcing the measures for the fight against terrorism

To fight against the ever-increasing development of terrorist propaganda and to improve the efficacy of law enforcement in that area, the law of 13th November 2014 subjected the provocation and advocating of terrorism to the ordinary procedural rules and to certain rules provided for in cases of terrorism. To that end, such offences as appeared in the law of 29th July 1981 on the freedom of the press were incorporated into the Criminal Code.\footnote{Article 421-2-5 of the Criminal Code.}

Directly provoking terrorist acts or publicly advocating such acts is punished by a 5-year prison sentence and a fine of €75,000. When such acts are committed via Internet, the sentence is increased to 7 years and the fine to €100,000.

To avoid certain nationals becoming radicalised abroad with the risk of being a threat upon their return to France, this text includes an administrative prohibition forbidding them from leaving the country. That ban, for a maximum period of six months and subject to renewal “as long as the conditions exist” can be decided upon by the Minister of the Interior and later challenged in the courts. A government amendment makes it possible to cancel the passport and national identity card of the person concerned immediately upon the pronouncement of the ban.

Another amendment enables the Minister of the Interior to pronounce an administrative ban forbidding
any foreign national not usually living in France (including European Union nationals) from entering France when their presence in France could constitute a serious threat for law and order.

The law punishes any “individual undertaking of a terrorist nature”. This thus covers the possibility of a lone wolf preparing a terrorist act.

**Law of 28th February 2017 on public safety and security**

This law created the offence of habitual consultation of Jihadist sites provided for in the new Article 421-2-5-2 of the Criminal Code and punished by a 2-year prison sentence and a fine of €30,000. The offence is aggravated when the consultation goes hand in hand with the clear sign of espousal of the ideology expressed on the site.

Two types of sites are specified: those “directly provoking the perpetration of terrorist acts”, on the one hand, and those “advocating terrorist acts when, for that purpose, the site includes images or representations showing the perpetration of such acts consisting of deliberate attacks on human life,” on the other hand.

**Laws extending the application of the law of 3rd April 1995 on the state of emergency and including measures for the reinforcement of the fight against terrorism**

Finally, the state of emergency has been in force since 14th November 2015 because of the risk of attacks. It has been extended several times and is currently scheduled to end on 1st November 2017.

In France, the state of emergency is a special situation, a kind of exceptional state enabling the administrative authorities (Minister for the Interior, the Prefect) to take measures restricting certain liberties, such as traffic bans, the handing-in of certain categories of firearms or identity checks and searches. The most severe measures are house arrest, the closure of certain premises, a ban on demonstrations and administrative searches by day and by night. It therefore divests the courts of some of their prerogatives.

For terrorist acts, the maximum periods of temporary detention and imprisonment are increased. Temporary detention can be for two years for minors, three years for adults. The 20-year prison sentence is increased to 30 years, and the 30-year sentence is increased to a life sentence. For foreigners convicted of a terrorist act, this law created an automatic sentence banishing the person convicted from France (the court may decide not to hand down that sentence upon a specially-founded decision). Furthermore, persons convicted for terrorism cannot benefit from any remissions.

**Law of 3rd June 2016 reinforcing the fight against organised crime, terrorism and their financing, and improving the efficacy and guarantees of criminal proceedings**

The law of 3rd June 2016 reinforces the means available to the judiciary in the fight against organised crime, terrorism and their financing, while at the same time extending the guarantees in the course of

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criminal proceedings, especially during the investigation and examination of the case to bring our procedure into full compliance with the constitutional and European requirements.

2.2. CRIMINAL JUSTICE FOR MINORS

The main principles

The order of 2nd February 1956 on juvenile delinquency, the basis of justice for minors in France, establishes the principle of education taking precedence over repression. In practice, that principle gives priority to educational measures. The handing down of a sentence must therefore be exceptional. Minors under the age of 13 cannot be given any prison sentence. For minors aged between 13 and 16, the juvenile court cannot hand down any prison sentence against them greater than one half of the equivalent sentence for a person of age. If the possible sentence is life imprisonment, the court cannot hand down a prison sentence of more than 20 years. That attenuation of the sentence is an excuse on the grounds of minority. It can be set aside in exceptional cases for minors aged over 16, but the judge must then give grounds for his decision not to allow the minor to benefit from the excuse of minority.

In France, the judge can therefore hand down criminal judgements in response to the offence, outside of detention. The educational measures or sanctions are determined on a case by case basis by the children’s judge, by the juvenile court or by the assize court for minors. They must aim at the educational and moral rehabilitation of the minor.

Presentation of the criminal responses

Educational measures, which apply to all minors but which are the only criminal response possible for minors aged under 10

Their purpose is to protect, assist, monitor and educate the minor. They can be reviewed at any time:

- A reprimand is a warning of the minor issued by the children’s judge.
- The minor is handed over to his/her parents, guardian or a person worthy of confidence.
- A solemn warning.
- Probation, one of the measures which implies supervision by a PJJ educational service.
- placement.
- Court protection.
- Measures of assistance or compensation.
- Daytime activity measures.
- Exemption from any measure.
- Postponement of the educational measure.

Educational sanctions which apply to minors aged between 10 and 18:

- Confiscation.
- Prohibition to appear.
• Prohibition to meet the victim.
• Prohibition to meet the co-perpetrators or accomplices.
• Measure of assistance or compensation.
• Course of civic training.
• Placement.
• Performance of school work.
• A solemn warning.

Sentences which apply to minors as from the age of 13:

• Exemption from the sentence.
• Postponement of the sentence, simple or with probation.
• Compensation-sanction.
• A fine, limited to one half of the maximum amount applicable to adults (with an exception for minors over the age of 16) without it being possible to exceed €7,500.
• Community work for minors aged between 16 and 18. It must be adapted to their age, have an educational content and help towards their social integration.
• Socio-judicial supervision.
• Course in citizenship.
• Prison sentence with simple suspension, with suspension and the obligation to undertake community work or suspension with probation.

Imprisonment is therefore an exceptional criminal response. When the juvenile is a minor at the time of any such imprisonment, he or she must be sent to a prison listed as one of those approved for the intake of minors: a specialised prison for minors (EPM) or quarters for minors (QM) in a jail or penitentiary. They benefit from a detention regime which must give pride of place to training.

Whilst radicalised minors or minors on the road to radicalisation must be the subject of specific vigilance, the choice has been made to reinforce their management on the basis of the programmes already in existence (Cf. Part 3 – the radicalisation of minors in detention or in other closed establishments, developed as from page 18).

3. MANAGEMENT OF RADICALISED MINORS

3.1. PRINCIPLES FOR THE MANAGEMENT BY THE DPJJ OF RADICALISED MINORS OR IN DANGER OF RADICALISATION: A CUSTOMISED, MULTI-DISCIPLINARY AND MULTI-INSTITUTIONAL APPROACH

The heterogeneous profiles of the juveniles entrusted to the DPJJ following judicial decisions necessarily calls for a diversification of the responses. In accordance with the principles set out in the guidance memorandum of 30th September 2014 on all the forms of management of minors by the DPJJ, and the memorandum of 10th February 2017 on the educational management of radicalised minors or in danger of radicalisation, the DPJJ give pride of place to responses which take into account the individual needs of each minor as detected following an in-depth multi-disciplinary evaluation. The DPJJ have chosen not to
specialise their professionals and not to group the management of such minors within dedicated programmes. That open principle applies to all kinds of placement. For each minor in danger of radicalisation, a customised form of management is proposed reinforced by a multi-disciplinary approach.

The DPJJ undertake different forms of action:

- Directly aimed at juveniles, on the basis of thorough evaluations designed to define multi-disciplinary strategies depending on whether the minor is sensitive to the religious discourse, is on the way to radicalisation, is already radicalised or just back from the war zone, but also depending on the position of the minor’s environment and in particular the family environment with respect to radicalisation process.
- Through the training of professionals by providing them with the keys for understanding, thus facilitating the establishment of the educational relationship with the teenager with whom a frontal refutation would be counter-productive, and with knowledge enabling them to propose suitable actions.

In all cases, the individualisation of the management of the teenager through the evaluation of his or her situation and the implementation of an educational project makes it possible to focus the actions on the teenager’s own problems and needs as detected. Irrespective of the judicial nature of the measure, the objective is first and foremost to protect the teenager from himself or herself but also from the influence exerted by the jihadist media in their attempt to convince the minors to go off and pursue the jihad in a war zone or in France (violent actions).

That is why radicalised minors or minors on the way to radicalisation must be the subject of specific vigilance, as their training is given over to pursuing more precise objectives (breaking away from the mental ascendancy exerted, transferring the need for commitment to constructive actions, avoiding withdrawal, preventing temptations to run off and providing support for those coming back, etc.). The choice has therefore been made to reinforce management in non-custodial forms, in judicial placement or in detention, while at the same time implementing the existing management programmes and calling upon local partnerships to guarantee the multi-disciplinary nature of the management. Whatever the framework, the actions aim at awakening the critical awareness of the juvenile to provide him or her with the possibility of working his or her own way out of radicalisation.

Currently, minors prosecuted on the charge of criminal conspiracy with a view to preparing a terrorist act are almost systematically imprisoned. Some are sent to closed educational centres (CEF). At the start of each management programme, the minors are also supervised within the framework of a court ordered investigation into education which enables a multi-disciplinary approach of the situation by combining the opinions of the professionals for a better understanding of the minor.

These principles are designed to be applied, irrespective of the type of management, including cases of detention or of placement in a CEF.
3.2. EDUCATIONAL MANAGEMENT IN DETENTION

As far as detention is concerned, the prison administration (AP) and the PJJ educational services pursue a joint mission to provide support for the minors in detention by organising the customisation of their stay. The places of detention for minors (quarters for minors, specialised prisons for minors) are run by members of the multi-disciplinary group made up of PJJ professionals, professionals from the prison administration, the national education system (EN) and from the prison health unit.

The heterogeneity of the problems calls for a multi-disciplinary and multi-institutional approach with a range of views covering vast disciplinary areas. The weekly meeting of the multi-disciplinary team which brings together representatives from the AP, DPJJ, EN and the health unit is the essential body of concertation. It should be noted that the PJJ non-custodial service, the secularity and citizenship representative or any other person likely to bring elements related to the situation of a minor can be invited to take part in the meeting.

First and foremost, it is incumbent upon the DPJJ in detention to ensure the appointment of a non-custodial service by requesting a MJIE or prejudicial probation (LSP) from the examining judge in order to establish the non-custodial “foundation” as from the beginning of management in detention. As provided for in the circular of criminal and educational policy of 13 December 2016, the action of the DPJJ is marked by the attribution of a non-custodial service for all cases of educational management.

Management of juvenile inmates must be undertaken within a framework of intervention which takes due account of the difficulties encountered by the population of juvenile inmates as a whole and the diversity of the problems, in particular those of girls who represent a considerable percentage of the minors involved in such cases.

Feedback shows that the majority of male juveniles adopt a passive form of behaviour, in accordance with the management criteria of the prison administration. In the educational relationship, however, active mechanisms can be seen (proselytism, relationships with women, etc.). The few girls demonstrate their radicalisation violently and so far prove to be greater proselytes.

At the end of the intake period, it is important for the DPJJ to establish with the prison administration the specific modes of management. By application of the circular DAP/DPJJ of 24th May 2013 on the detention of minors, implementation of a so-called reinforced management appears to be particularly indicated for these minors. Reinforcement consists of a greater presence of PJJ professionals in relation with the minors concerned, in particular in terms of individual interviews and socio-educational activities.

This concertation phase between the AP and the DPJJ is designed to enable the evaluation of the minor’s capacity to live within the community of the detained minors. The mode of reinforced management makes it possible to adapt, whenever necessary, the conditions in which the minor benefits from the training, socio-educational and sports activities and interviews with the educational service or with the psychologists.
For minors in temporary detention, the DPJJ can offer alternatives to imprisonment, such as probation or house arrest with electronic supervision with the obligation of observing the conditions of placement in order to provide substantial guarantees of representation.

These provisions require close liaison between the courts, the educational service in detention and the STEMO which implements an open custody measure (MJIE or LSP).

When management concerns minors sentenced to prison, a project for carrying out the sentence must be undertaken. The time constraints for educational action, the procedural framework for carrying out the sentence (the time spent in temporary detention, remission, any additional remission) require the educational services to undertake the task of looking to the time of release in order to plan in advance and therefore secure the suitable conditions for that release.

Given the specificity of this population, it is necessary to recall that administrative solitary confinement of a minor is forbidden by application of Article 726-1 of the Criminal Procedure Code. Furthermore, no specific regimen of judicial solitary confinement is provided for in the decree of 23rd December 2010 on the application of prison law. In the absence of such a regimen, that measure is therefore impossible.

Management of this population requires sharing information between the PJJ professionals when the minor comes into detention and continuous cooperation between the services (permanent educational office of the court, non-custodial, accommodation and detention), in particular when the minor becomes of age in detention.

In the latter case, the joint DAP/DPJJ memorandum of 13th January 2017 on the protocols of cooperation for prevention and the management of minors and juveniles of age in a situation of radicalisation defines the modes of organisation between the different services. They cover the forwarding of information when the minor becomes of age, the local modes of cooperation between the DPJJ and the prison administration services and should be further developed.

4. THE ROLE OF THE FAMILIES

Work on the family dynamic, as an essential part of the educational action undertaken by PJJ professionals, should not be diminished by the problems of radicalisation. Acceptance by the parents and the family of a judicial measure is a vital component in the success of any management, but takes on an even more specific connotation when it comes to radicalised minors. The various studies on this issue clearly identify the family as the “last rampart” which gives way before the departure for Syria, and as one of the main psychoactive levers for breaking free from radical commitment. Re-establishing family ties, calling up memories (the technique of Proust’s madeleine used by the Centre for the Prevention of Islam-related sectarian deviations, the CPISD) are often the best way of preventing juveniles from leaving. The re-establishment and maintaining of family ties therefore constitute essential pillars in the fight against the radicalisation of minors.
It should be noted that the role and place of the family in the radicalisation process vary from one situation to another.

In the majority of cases, radicalisation occurs outside of the family environment. The family can in such cases prove to be a factor of protection (having resources and maintaining a close and positive relationship with the minor) or can feel helpless, not knowing how to react (ranging from over-protection to rejection of the minor). It should be stressed that some families fail to see the danger or refuse to report their child because of a feeling of guilt, of distrust of the institutions or fear of reprisals.

In certain situations, radicalisation affects the entire family unit which then becomes a factor of risk and danger for the minor. Educational action comes up against a tight-sealed, intractable family unit, making the intervention of professionals a complex, not to say impossible task.

The initial feedback on the management of radicalised minors or in danger of radicalisation evidences various useful avenues for working with the families. They must be explored starting from the minor, his or her personal experience and the family:

- the fragility of the family ties, the desire/need of the minor to revolt violently against his or her parents;
- the absence of transmission by the parents of elements concerning their original culture leading the minor to (re)seek landmarks lost as a result of migration (victimisation of the first generation, a feeling of humiliation and abuse, engendering a thirst for revenge);
- fractures in the family history – involuntary or painful migration, mourning, etc.

When it is impossible to keep the minor in the family (because of procedural necessities, or because the neighbourhood or family is too far away), the minor may be the subject of a civil or criminal placement in a centre. That provides the opportunity to increase the supervision of the minor and to protect him or her from a potentially harmful influence or ascendancy exerted by his or her circle and environment (the family, friends, neighbourhood relationships, or via the social media). It also enables observation of the minor’s behaviour and detection of weak or strong signals of radicalisation.

**Examples of some of the actions undertaken by the services and centres of the DPJJ (not specific to detention)**

Intervention with the families can be twofold. It may consist in providing support to the family within the framework of a judicial decision (work around the family problem, referral to institutional or social partners), or in undertaking actions of prevention and awareness raising of families of minors managed by a service or a centre.

There is one overriding principle – that of individualisation. The diversity of the situations requires a diversity of proposals for further guidance and in the kinds of management.
The educational tools used:

- Family therapy: work on the family’s history, separations, traumatic events and deaths experienced, but also on the transmission of the family’s history and cultural heritage which is sometimes lacking.
- Chat groups: they provide a setting for exchange where parents can express their fears related to a possible radicalisation of their child, discuss parental reactions and the attitudes to adopt. They also enable parents to talk of their guilt and to get rid of their feeling of solitude and shame.
- Meetings for information and awareness raising on various topics: the danger of the Web and social media, freedom of expression, freedom of conscience and secularity in French society.
- Support provided by institutional or social partners.

5. PREVENTIVE ACTIONS

The DPJJ, in their concern to support and reinforce the legitimacy of the professionals in their interventions, have developed various actions designed to support the practices which often generate apprehension or even anxiety when it comes to dealing with minors concerned by the phenomena of radicalisation. The challenge is to take into account the emotional overload resulting from such management in designing practices for the professional and in their conceptualisation, based on training programmes, partnership and suitable in-house organisations.

Creation of the MNVI and of the secularity and citizenship representatives (RLC)

In the weeks following the attacks of January 2015, as part of the government’s plan for the fight against violent radicalisation and terrorist organisations of April 2014, the DPJJ created the National Monitoring and Information Mission (MNVI).

Under the aegis of the DPJJ, its mission is to pursue a policy of citizenship by reasserting the principles and values of the Republic, in particular secularity and the fight against all forms of racism and discrimination. It collates and generalises innovative actions in the areas of citizenship and the fight against radicalisation.

The MNVI has a role to play in coordinating and providing information on prevention and the fight against radicalisation to support and enrich the practices of the professionals involved.

Its scope is threefold:

- Fighting radicalisation.
- Undertaking educational preventive action projects on secularity and citizenship.
- Heightening the awareness of professionals through the organisation of theme days, colloquia and seminars.
Its main tasks are:

- To ensure coordination of the actors involved and the support given to the professionals working to prevent the risks of radicalisation within the framework of the educational mission.
- To pursue a policy of citizenship, reasserting the principles and values of the republic, in particular secularity, the fight against all forms of racism, the outward display of intolerance and of discrimination through the organisation of preventive and educational actions around secularity and citizenship.
- To correlate its action with the public policies implemented locally to prevent radicalisation.

**Organisation**

The MNVI is made up of a network of 70 secularity and citizenship representatives (RLC) in charge of pursuing the three main fields of intervention of the MNVI in their area.

The PJJ secularity and citizenship representatives implement actions to heighten the awareness of professionals in the form of conferences, seminars, colloquia, study days or work groups. Their actions are focused in particular on conspiracy theories, mental ascendancy, indicators of conversion, refutation and the direct management of radicalised juveniles. Actions aimed at education in the media also come within the scope of prevention of radicalisation as they make it possible to heighten the awareness of the professionals concerned with respect to data tools for the media-driven and digital environment of juveniles to be taken into account as a real component of the educational work undertaken.

- They support the organisation of local actions where they intervene in particular by calling upon qualified people or associations. At times, responses need to be sought outside of an institutional framework because radicalised minors are especially mistrustful of the intervention and discourse of institutions. It is essential to call upon the resources of associations or private initiatives such as the associations created by families directly confronted with the phenomenon of radicalisation or the testimony of people who have been victims of radicalised persons or who have themselves becomes radicalised at some point of time in their life.
- They support the professionals in the handling of individual situations of radicalised minors.
- They help the centres by putting together educational tools in the areas of secularity and citizenship.
- They are behind a wide range of training programmes.

The RLC come equally from internal recruitment within the DPJJ (directors, heads of the educational services, psychologists, technical teachers) and from outside, namely people from the private sector recruited under contract (covering a very wide range of profiles, with sociologists, consultants, instructors, lawyers, members of associations, etc.) or from civil servants recruited by transfer or secondment representing different services (technical advisors in social services (CTSS), attachés, heads of department, technical teachers) from different administrations (national education, the Regional Directorate for companies, competition, consumers, labour and employment (DIREECTE), county councils, regional communities, the General Directorate for Social Cohesion (DGCS), etc.).
The diversity of the forms of recruitment, of personal experience and of backgrounds go to make up the wealth and added value of this network which implies collegial work as close as possible to the expectations found in the field.

The assignments of the secularity and citizenship representatives are extremely varied and also depend on the needs expressed and found in each area (engagement letter of the regional directors and local directors).

The network makes it possible to provide support to the professionals and to develop partnerships and specific actions.

The educational teams pursue specific activities in the fight against radicalisation based in particular on education focused on developing a critical capacity, deciphering propaganda discourse and images and promoting citizenship.

**Developing a critical capacity**

Faced with a juvenile who is already radicalised, developing an explicit and direct refutation can prove to be counter-productive as it can be perceived as a reproduction of a power relationship which stimulates the hard-done-by syndrome of certain teenagers and reinforces the way in which they see the world. Moreover, it is difficult for professionals to enter into a refutation themselves or at the very least to deconstruct a discourse upheld by radical movements.

That is why pride of place is given to actions aimed at stimulating thought, a critical capacity, the desire to think for oneself and to confronting one’s own ideas. They seek to encourage awareness of the complexity of the real world and to equip the teenagers with new reflexes in their access to information for them to create their own refutation. Such actions thus aim at emphasising the importance of the various sources, the plural nature of the media, enabling teenagers to acquire critical thinking.

**Educating teenagers in the media**

As extremely powerful tools of information and communication, Internet and the social media are central to the phenomenon of radicalisation.

Extremist groups use the Internet and social media as lines of communication to broadcast propaganda images and videos. Radical Islam uses these tools to communicate a certain vision of religion, of society and of an exceptional destiny. Teenagers, as the prime users of Internet and the social media, are easy prey for the proponents of conspiracy theories. They do not always have the reflex to look at the source or to verify the information fed to them. They may have difficulty in comparing the arguments, or standing back and judging for themselves. They can be fascinated by the proposals offered them from another world.
Moreover, social media is increasingly used today by terrorist organisations for the purpose of recruitment as they enable the elimination of all geographic and social barriers between the recruiters and the recruited. Forums and mobile communication applications such as Whatsapp and Telegram are chat forums where it is easy to communicate with someone or to create a discussion group where people can mutually encourage and convince each other.

These factors constitute new challenges for the DPJJ. More than ever before, it is essential to educate teenagers in the area of the media and news, on the one hand, and on the other hand to train PJJ professionals in these means of communication for the media-driven and digital environment of teenagers to be taken into account as a full-blooded component of the educational work undertaken.

**Team support structures**

Educational action involves working on the relationship in situations where minors commit transgressive and occasionally destabilising acts. Undertaking education can prove to be delicate with the minor and the family when faced with different forms of violence in the relationship. The distinction between professional and personal values can at times be hazy or, on the contrary, sharpen a conflict. It is essential to measure the impact to ensure quality management. The work of education requires specific organisation from the institution in support of the educational teams for them to succeed in their mission.

The DPJJ, in the constant drive to improve the quality of the management of minors entrusted to them, are committed to implementing support procedures for its teams and professionals focused on their mode of involvement, the enforcement of the measures and on taking due account of the minors and their families. That work is part and parcel of the educational field as a working tool of management.

Alongside the specificity of the minors involved, the factors impacting the actual working practice of the professionals are multifold: the institutional dimension with its missions and values, the team dynamic and the challenges linked to a small group and finally the professional identity of the educator, which go to make up the singular nature of management.

Various procedures are available on those different levels each designed to meet precise objectives. Taking on board the values of the institution, harmonising practices, pooling knowledge and experience, reinforcing the team spirit are all objectives that can be met by such facilities. At the same time, in unusual circumstances, temporary dispositions can be contemplated, in particular to overcome team conflicts or support a change so as not to allow a crisis situation to last.

Management of radicalised minors or in danger of violent radicalisation can have an impact on the professional, the team and the structure. Awareness of those different components makes it possible to reinforce the position of the professionals and of the team in their task of management.

In that respect, several actions designed to support the professionals in the form of task forces are being implemented within the facilities of the DPJJ.
In particular, within the Department for the Paris Region and Overseas Territories, there is a Regional Radicalisation Task Force (GAR)

**The radicalisation task force (GAR)**

This is made up of:

- Department RLC (leaders).
- 2 educators.
- Attendant clinical psychologist (20%).
- Support of the psychiatrist within the Department.

**Missions**: The main objective of the GAR is the operational support and backing of the relevant teams for the implementation of a working environment enabling the guarantee of the intervention and carrying out of their assignments. This task force handles the management of radicalised minors, of minors on the road to radicalisation, whose parents are radicalised and minors returning from the Iraq-Syria zone. The assignment of the task force is:

**Resources made available to the professionals:**

- Taking part in groups sharing their experience led by the secularity and citizenship representatives of the local and regional departments.
- Leading groups sharing their experience at the levels of the Protectorate and its services.
- Sharing working tools and media, with the drafting of written support material, situation analyses, proposal of educational and clinical fliers, etc.
- Capitalising on good practices.
- Guiding the professional teams to the management facilities (Association Service and Authorised Association Service of the DPJJ and others) and resource partners.
- Providing support to the teams working in a situation of non-custodial or placement:
  - briefing and debriefing over a given period of time (start and end of management).
  - situation analysis, with support in preparing the type of management.
  - providing the teams with material related to the background of the minor under management (psychological snapshot at a given moment).
- Assisting the professionals in standing back to assess the situations and in working on professional attitudes (by working on the question of the emotional load and eventually the position of the professional when faced with the risk of danger, on the question of the right balance between proximity and distance with the teenager, the question of neutrality, the question of religion, foreseeing the phenomena of stigmatisation, boosting the team spirit and eventually the position of the professional when faced with the risk of danger, on the question of the right balance between proximity and distance with the teenager, the question of neutrality, the question of religion, foreseeing the phenomena of stigmatisation, boosting the team spirit as and when necessary (pairing, supervision, etc.), providing the necessary nuances of the representations related to radicalised minor and to violent radicalisation in general and ensuring distancing from such representations with even the deconstruction of certain prejudices).
Resources in the management of teenagers:

- Supporting the interventions with teenagers:
  - Support provided as necessary to the teenagers managed in a placement centre in cool-off periods (in support of and in contact with the relevant teams) over short period (2 to 3 days).
  - For teenagers coming out of detention, providing a “breather” of 4 to 5 days in a facility with 1 educator from the GAR and 1 educator from the facility, possibly taking psychological snapshots at a given point in time. The idea of the photograph is that it is taken one a one-to-one basis and not during management by an educational facility, unless explicitly requested by that facility.

- Proposing dedicated time periods:
  - Implementation of cooling-off/getaway stays when part of unit’s educational project;
  - Coordination of 2 to 3 cooling-off days in conjunction with the placement facility.
  - Participation in the supervision of cooling-off stays.
  - Possible coordination of longer stays (via the mountain, Seuil, partnerships to be developed around that theme, etc.).
  - Participating in the implementation of a “breather” as part of the management of a minor between detention and accommodated management. When part of a unit’s educational project, the implementation of this breather can be contemplated only in conjunction with the placement centre taking in the minor concerned.
  - Depending on the intake facilities, helping to model made-to-measure management to facilitate matters for the teenagers and for their integration in a community.

Source: Operational aspects of the task forces: 1st September 2017.

Training and awareness-raising actions undertaken by the National School for Judicial Juvenile Protection (NSPJ)

For several years now, the NSPJ has been offering training modules on themes such as intercultural aspects, secularity, citizenship, ascendancy and the processes of vulnerability, image education, intervention at the level of families, evaluation, management of violent situations, etc.

Since 2015, it has also been pursuing a training programme dedicated to the issue of radicalisation, called “radicalisation prevention”. Further in-depth modules are planned for 2017. This is an action plan designed to enable the training over a 3-year period of all the professionals involved in the educational mission of the DPJJ, the objective being to grasp the complexity of the phenomenon and to support the action undertaken with teenagers and families.

Objectives of the programme:
Module 1: Philosophical debate.

- Encouraging the professionals to think about the key concepts related to the principle of secularity as from their own representation thereof.
- Philosophical inputs.
- Definition of living together, the social project.
- Question of ethics.

Module 2: Review of public and private law on individual liberties.

- Familiarity with the national and European legal framework in relation to the freedom of conscience and individual liberties.
- Greater awareness of the interplay between individual and public liberties.
- Familiarity with the general framework for the application of the principles of secularity and neutrality and their interplay with the freedom of conscience of users in government establishments and services.

Module 3: Clinical aspect of mental ascendancy.

- Positioning of the role and function of the Ministerial Mission for Vigilance and the Fight Against Sectarian Deviations (MIVILUDES).94
- Drawing up the inventory of radicalisation phenomena.
- Describing the processes of mental ascendancy and radicalisation.
- Enabling professionals to identify the signs of radicalisation to adapt the modes of support provided for teenagers and families.

Module 4: Modes of communication of teenagers.

- Identifying the modes and means of communication of teenagers.
- Increasing the awareness of professionals to the deviations, related to the use of social media.

Module 5: Anthropological and historical landmarks of Islam.

- Providing some key anthropological and historic landmarks with respect to the Arab Muslim world.
- Distinguishing what, in the Arab Muslim world, stems from the religious, cultural and traditional content.
- Increasing awareness of the need for a pluralistic approach to the Arab Muslim world.

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94 The MIVILUDES is an agency set up in 2002 to replace the Ministerial Mission for the Fight Against Sects (MILS). Its mission is to observe and analyse the phenomenon of sectarian deviations, to inform the general public about the dangers they represent and to coordinate the preventive and punitive action of the police. Since 2014, its scope has been extended to include the issue of radicalisation.
Module 6: Radicalisation and Jihadist networks.

• Setting the context and understanding how radical discourse and behaviour develop and take root.
• Presenting the national dispositions for fighting violent radicalisation and the Jihadist networks.
• Drawing up the list of French citizens involved in Jihadist networks.
• Explaining the strategies deployed by the Jihadist networks.
• Identifying the availability and local partners of the DPJJ in the prevention of radicalisation.

Module 7: Mediations and media in education.

• Understanding the modes of communication and the media culture of teenagers.
• Highlighting the educational media enabling professionals to undertake preventive actions in that area.

Content of the training:

To date, 7,877 professionals have been trained under this plan. The three-day training programme has enabled PJJ professionals and professionals from partner institutions to benefit from a joint base of knowledge and experience that can be called upon in the field.

Furthermore, the ENPJJ has undertaken work on the publication of theme documents in support of the various professional practices. The theme document on mental ascendancy, published in September 2016, is an essential tool for the understanding of the mechanisms involved with certain radicalised minors. Theme documents on educational content, the social mix and social media are being finalised and will also serve to enrich the consideration of such topics.
Research projects

To design tools enabling improvements to be made in the quality of management and to adapt acquired knowledge and experience to the latest developments, the DPJJ drive or participate in numerous research projects related to radicalisation.

A research project on radicalised minors in detention
An action-research project led jointly by the DAP and the DPJJ is scheduled for 2017, covering the “phenomenon of violent radicalisation in minors and young persons of age in detention: identification of the difficulties and needs of the professionals and help in adapting practices”.

A qualitative analysis of the situation of radicalised minors entrusted to the DPJJ
To provide better knowledge of the issue and food for thought on the practices of management, the DPJJ director decided to pursue research in conjunction with Paris Ouest Nanterre University. The objective is to produce a qualitative and sociological analysis of the situations of radicalised minors entrusted to the DPJJ – “Commitment, rebellion, religiousness. Understanding radicalisation in the teenagers managed by the DPJJ” – as an addition to the quantitative study already undertaken. This feedback from direct experience is an essential stage to provide an objective and scientific view of these teenagers and how the PJJ establishments and services manage them. The research led by two researcher sociologists (Laurent Bonelli and Fabien Carrié) started in September 2017 and should be completed by the end of 2017.

A research project of psychiatric prevalence
A study project on “Psychiatric prevalence, empathy and suicidal tendencies in radicalised teenagers entrusted to the DPJJ” is planned for the end of 2017. This project is headed by Guillaume Bronsard (a pedopsychiatrist with the County Teenagers Home and the County Medico-Psycho-Educational Centre, Public Health, Marseille). A study of their “empathy” and of their “suicidal tendencies” will be incorporated to improve knowledge of how their psychology works in order to further knowledge of the possible existence of a specific link between mental pathology and radicalisation.

Projects with associations

Numerous initiatives and partnerships with associations have been undertaken to deal with this issue. Although it is impossible to give a complete list, a useful initial example worth mentioning is a particularly innovative project in associations sector financed by the DPJJ.

Specialised and individualised intake facility (DASI)
This project is led by two associations, Thélémynthe and Concorde, which have developed additional managerial skills that they have decided to pool in an attempt to respond to the needs of teenagers on the road to radicalisation.

Teenagers aged between 13 and 18 are entrusted by an examining judge or by a children’s judge to this facility which is attached to an educational home called “Les Sorbiers” that is run by the Concorde association. The home benefits from PJJ authorisation.
The DASI provides individualised support for each teenager from professionals working around the clock (in 6-hour shifts) in a 2-room apartment situated in the Paris region capable of housing 5 people. Placement lasts for 6 months and can be renewed once.

This reinforced supervision makes it possible to undertake a fine evaluation of the situation in particular thanks to sharing the different viewpoints of the socio-educational and medico-psychological professionals, the final objective being to enable a suitable orientation (community placement, return to the family with support, etc.).

The facility is in place and has already taken in its first teenagers following the sentence for their placement.

**CONCLUSION**

The fundamentals of social intervention contribute to the prevention of the risks and to the protection of teenagers in particular through the educational dimension. This approach enables those teenagers with the greatest difficulties to benefit from the containing and reassuring support offered by the educational relationship.

In that respect, the educational management of radicalised minors or in danger of radicalisation is based on the joint foundation of skills that the multidisciplinary teams of the DPJJ deploy for the benefit of each teenager. The educational facilities, procedures and tools developed by the DPJJ enable a better understanding of the vast range of individual situations and provide each teenager under management with a customised response. That is why the DPJJ, when it comes to the prevention of radicalisation or the management of radicalised minors or on the road to violent radicalisation, call upon the tools and know-how developed and deployed every day by the professionals in all the establishments and services to manage all those under court protection.

Radicalised minors or those on the road to radicalisation must be the subject of reinforced educational vigilance to prevent them from closing in on themselves, to help them break free from any mental ascendancy, to prevent them from trying to leave for the war zones and to provide them with support when they come back.

That increased vigilance must be deployed as from the implementation of the court ordered investigation into education (MJIE) and at all stages along that route. The MJIE is streamlined to collect information on the personality of the minor, his or her family and social situation and to highlight, within that specific context, the family alliances that can generate a dangerous ideological ascendancy but also those that can support the minor to a change of viewpoint.

Faced with the globalisation of the threat, France is fully aware of the European challenges and of the necessity to cooperate with other countries in the fight against terrorism. Cooperation has therefore today become everyday practice: the creation of Eurojust, a European arrest warrant, a joint investigation team, meetings for coordination in matters of terrorism, the anti-terrorist unit of Europol, etc. Top quality
cooperation exists today with countries such as Spain, Belgium, Morocco and Germany.

This PRALT project is part and parcel of that logic. It will make it possible to take further the sharing of knowledge and prospects of the judicial systems in Europe, to evaluate the respective responses of the countries and to provide the PJJ professionals with further food for thought.

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INTRODUCTION

The current discussion on extremism in Germany takes into account numerous events involving (violent) extremism over the past decades: In the 1970s there was powerful left-wing terrorism (the Red Army Fraction), as well as a strong increase in right-wing terrorism after the fall of the wall. Islamist extremism has been seen as a more external problem – however, the discussion about Islamism in Germany has steadily grown since about 2005. Questions of legislation and prevention are discussed in different ways within these various types of extremism.

Responsibilities for prevention and detention in Germany are divided. The Prison System is the responsibility of each of the 16 Federal States (Länder). Prevention programmes are often funded by the Federal State (Bund). Even though there is not really a German national (political) strategy for prevention, much work has been done in this field on different levels. It is a central topic for the Committee on the Execution of Sentences of the Länder (Strafvollzugsausschuss der Länder); it is a topic for the Federal Office for the Protection of the Constitution (Verfassungsschutz) at the Länder level as well as on the national level (Bund) as well as for crime prevention councils of the Länder (Ländespräventionsrat) (perhaps with different focuses).

The German Federal Government has been promoting and financing programmes to prevent extremism since 1992. A broad prevention network has been established including state and municipal institutions, as well as civil society actors. However, projects for combatting violent extremism and radicalisation in Germany are traditionally organised on federal state level. Nevertheless, The Federal State operates an institution aiming to control and to transmit any funds and resources provided by the state for tackling right-wing and Islamist extremism. Nonetheless, expertise is shared between the Länder through networks and a plan for a nationwide strategy to bind expertise. A Federal State (Bund) funding stream is trying to construct a broader strategy for tackled radicalisation via a National Action Plan, set to be launched in early 2017. This strategy is widely supported by the German government (see: Strategie der Bundesregierung zur Extremismusprävention und Demokratieförderung. Berlin 2016). The Plan provides a notable budget increase, as well as linking cross-departmental projects to one another. In addition, more than 700 non-governmental institutions receive government funds to implement the state’s tasks.

Non-governmental organisations take on most of the work in the fields of prevention and de-radicalisation, due to the hostile stand most radicals have towards the state and its institutions. Most of the projects are associated with the states (Bund) ‘Demokratie Leben’ programme (Live Democracy - run by the Ministry of Family Affairs, Senior Citizens, Women and Youth), whose financing is also seeing a massive injection of funds in 2017 (From an annual 55m€ to 100m€), and the BAMF (Federal office for Migration and Refugees).
The BAMF mainly coordinates prevention and de-radicalisation work through federal authorities. They maintain several ‘Competence Centres’ (Baden Wurttemberg, Bavaria, Hesse; aiming to manage prevention and intervention activities and ensure the interchange between security authorities), as well as Prevention and De-radicalisation Advice Networks (Hamburg, Lower Saxony; bringing together governmental and civil society actors to further develop and realise preventative strategies).

In summary, there are two big funding programmes on the federal level:

1. Federal Office for Migration and Refugees (BAMF Bundesamt für Migration und Flüchtlinge. The BAMF is funding diverse projects in the federal states (12 projects in 9 of the 16 Länder). The topic is mainly counselling of clients at risk of being radicalised (called: Advice Centre of Radicalisation), counselling of family members / relatives and some other measures.

2. The Ministry of Family Affairs, Senior Citizens, Women and Youth finances a major programme called ‘Live Democracy!’ (Demokratie leben). 30 projects are funded in 7 of the 16 Länder. The topics of the measures are mostly civic education, prevention and advising. Several projects are included working on counselling, advising and de-radicalisation in the different federal states. However, distribution of the projects is somewhat different in the 16 Länder. Overall, 15 of the funded 42 projects are located in Berlin; 7 in Nord Rhine-Westfalia; 6 in Hesse and 5 in Hamburg. The remaining 11 projects are located in 6 other Länder. 6 Länder do not run any projects (at least not from these funding lines). Another segment, aimed specifically at prevention and de-radicalisation in the (justice) offender sector, will be opened in 2017, with a three-year perspective.

Another (civic) national main institution in this field is the Federal Agency for Civic Education (bpb - Bundeszentrale für politische Bildung www.bpb) – with a special department for ‘fighting extremism’. The bpb supports civil courage in society. Right-wing extremism is still a primary concern of the work at the bpb. However, extremism has taken on many other faces as well. In addition to right- and left-wing groups, extremism founded on a fundamental interpretation of Islamic belief (Salafism) has become a major issue in Germany in recent years. In the last few years there has also been a focus on young people who are at risk of becoming radicalised.

The German Forum for Crime Prevention (DFK Stiftung Deutsches Forum für Kriminalprävention); The German Congress on Crime Prevention (der Deutsche Präventionstag) are other civic organisations working in the general field of prevention. There are also other institutions doing work in the field on the Länder-Level.

There are, in addition, diverse projects and funding structures on the Federal as well as on the local / Länder level.

However, practical work is mostly done by NGOs. E.g., the Violence Prevention Network is doing projects in different Länder and on different levels (right-wing, islamist; training courses, advising and others). Others, like the ZDK (Gesellschaft Demokratische Kultur) mainly focuses on Berlin, but also has other projects and networks in other Länder. The ZDK in addition does several different types of work in the field (like work with families concerned; the EXIT Program for right wing offenders and others). Other Third Sector organisations are smaller and working mainly on the Länder/local level.
Due to the fact of being Third Sector, the funding of the projects is rather uncertain. Another disadvantage is that these institutions are rarely able to organise or to finance evaluation studies.

The practical work has been classified in an evaluation overview of existing projects (Trautmann, Zick 2016) in 4 big areas / goals of the preventive measures: civic education; networking, advising and media surveillance.

Civic education: At least half of all available initiatives in the sector of prevention in Germany define civic education / educational training as the main instrument to tackle radicalisation amongst youths. It therefore widely includes youth-specific topics aiming to serve the needs and questions of youth and young adults, mainly between 7 and 29 years of age. Topics usually include thematic areas such as religious questions, cultural diversity, raising democratic awareness through discussions, as well as showing up the dangers of religious and political extremism, hence radicalisation. Initiatives available mainly target relatives as well as staff working within the educational sector. The overall goal of civic education in Germany is to develop a common social affiliation amongst young people from all sorts of different backgrounds as well as a sense of belonging together in a pluralistic and diverse society.

Networking: Additionally, an important factor within civic education is successful cross-functional networking. Hence, networking within the field of civic education exists on different levels, such as networking amongst institutions itself and/or state actors as well as networking within peer groups. Mosques and Islamic centres (including key figures such as imams) can be partners of security authorities, as they usually have a much easier access to youth at risk of being radicalised. A productive partnership can result in the exchange of good practices in tackling radicalisation as well as religious approaches and general experiences in the field of civic education and educational work with youth and young adults. In addition, state-wide programs emerge, enabling a better communication and cooperation amongst civil actors and security authorities, resulting in a much more fruitful consultation regarding individual cases as well as providing all parties involved with a better overview of the overall situation.

Advising: However, within consultation work done by actors involved in civic education the individual itself stands more and more in focus, as individual topics and issues can be addressed much better within secondary and tertiary preventive work, where most of the initiatives available to do this task are situated. Initiatives within the field mostly focus on two different types of care: the youth-specific support or respectively the integrated support. Whilst the youth-specific approach (directly addressing Muslim youth on topics like gender-specific issues and cultural imprinting) is located within secondary prevention, integrated support (focussing on already radicalised youth, aiming to intervene in order to prevent acts of violence) merely combines secondary with tertiary prevention, by appealing on personal and social aspects (often through involving the social environment of the person), as well as questioning theological and religious understanding. In this field, the involvement of the social environment, of social relationships is of utmost importance.

Media surveillance: Another important aspect of preventive work is an extended media surveillance (mostly primary prevention) through social initiatives as well as state actors (e.g. Jugendschutz.net, Verfassungsschutz), which targets the dissemination of relevant extremist content as well as the
presentation of recent trends in islamist/extremist propaganda. Until now, there has been a very small number of projects in the field. But there is a trend to increase the work on this topic, especially due to the importance of the internet and social media in radicalisation processes, the propaganda dimension and in the communication in extremist groups.

The problem with describing the German situation is that there is not really a national action plan or a strong coordination of all these projects and approaches. Nonetheless, there is an on-going sharp discussion on all levels, and first steps in order to do this integrative work have been carried out. The discussion is embedded in the broader European debate via diverse networks.

On the scientific level there is also not much edited work. We find only very few evaluation studies about this field. However, a deeper analysis of the field is currently ongoing. So first contributions and projects should be available in the near future.

Evaluation research / overviews:


On the dissemination level, many flyers and brochures are available through the Federal Office for the Protection of the Constitution, be it on a national level or by the offices of the Länder. E.g.:

But the NGOs are also producing information manuals, e.g.:


1. RADICALISATION OF YOUTH IN DETENTION


There is no real or common definition of radicalisation used in Germany, the discussion about the use and the definition of the concept is just starting. It is a concept that first came into use after 9/11 to focus on the individual level, looking at ways people start to become radicalised. There is reference to the ‘definition’ in Europe: Radicalisation means “… a phenomenon in which people embrace opinions, views and ideas that could lead to acts of terrorism” (Commission of the European Communities 2005).

It is agreed that radicalisation is a process which can take various forms (e.g. starting out from a radicalised group, via social relationships; or via the use of the Internet / social networks). In addition, the concept of radicalisation is sometimes used in various forms in the realms of politics, media, practice and science. The concept is mostly used in the case of religiously-motivated extremism, especially Islamist extremism. But it is also used for right-wing extremism, albeit much less defined and explored. The discussion in Germany is less focussed on the process of radicalisation, but rather on the process of de-radicalisation, on (primary) prevention as well as on concepts of fighting terrorism. (That way the discussion does not focus on the underlying political, ethnic or other conflicts for the radicalisation process.)

A common scientific language within the field of Islamist extremism (Jihadist, (puristic) Salafist, etc) is currently being developed. In addition, the aspect of violence is difficult to define – the English notation ‘violent extremism’ could be translated into ‘gewalttätiger Extremismus’, which is not commonly used in Germany at present.

Discussion in criminology is not very extensive at present. There is a focus on the topic on Islam (done by Islamic scientists; on youth culture (done by social workers), but not on a more general level.

Even though an academic discussion on political extremism has a long tradition in Germany (the RAF), and since the opening of the wall the development of a strong right-wing extremism (which did not fit in the historically used forms) the new development of an Islamist extremism is still on the way to be understood. Concepts, definitions and prevention strategies are strongly discussed, and in the long run there will be a more commonly agreed understanding of it.

But see work of Roland Eckert: He is giving a more general sociological explanation of the process of radicalisation and extremism. He is focussing mainly on right-wing extremism. See e.g.: Roland Eckert: Die Dynamik der Radikalisierung. Weinheim 2012.
There is also a focus of the public discussion on the topic of crimes against the constitution of the state by the Islamist counter pole. A goal of the German Constitution is the defence of the free democratic basic order (freiheitlich-demokratische Grundordnung), that way the protection of the state against extremism is a governmental task. Due to that fact, the Federal Office for the Protection of the Constitution is strongly involved in the discussion on (Islamist) extremism. (Another aspect of this strand of discussion is an increase in Islamophobia.)

At the Federal Criminal Police Office (BKA Bundeskriminalamt) we also find a department specialised in the work of extremism and terrorism (Terrorism / Extremism Research Unit).

In the discussion on Islamist extremism there is a strong link to these phenomena and youth culture.

Numerous preventional programmes have developed within the field of right-wing extremism. There is a very strong link to the EXIT-Programmes, which have been adapted to the German situation and also adapted and renewed for Islamist radicalised persons (the work of the ZDK as well as the VPN has references to this programme).

In prevention projects there is a dominance of projects focussing on civic education (educational work mostly in schools), on advising relatives and doing political (civic) educational work), there is less work with further radicalised persons. Here the focus is mostly on right-wing extremism, but also increasingly on Islamist extremism.

The term de-radicalisation is often used in a broad way for all preventive measures. Some use it in the focused way on the work with radicalised persons (e.g. on the way to go to Syria / foreign fighters / or returning persons).

There is a proposal of the VPN to use the words more concretely, using the traditional distinction between primary, secondary and tertiary prevention. According to VPN, primary prevention should still be called prevention. Secondary prevention should be called intervention, and tertiary prevention should be called de-radicalisation. That way there is much more adequate terminology, making much clearer what is done for whom in practical measures. It helps to distinguish / classify counselling and other projects in this field.

In the German prevention field, we would thus have to say that most projects are doing prevention in this sense.

Also the distinction between disengagement and de-radicalisation is not commonly used in Germany. Most projects, if their main focus is not advising, have a focus on reintegration strategies, focusing strongly on practical aspects (work, education, housing, etc.). There are only some projects that really work on the ideological interpretations of radicalised individuals (and only VPN also work sometimes in prison with extremist who have not (yet) decided to exit). So there is little knowledge about the way to change

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ideological positions of the persons.

Topically relevant journals:

- Forum kriminalprävention.
- Journal EXIT-Deuschland.
- Journal of De-radicalisation.

Special Issues of Journals on the topic De-radicalisation (main focus: Salafism, jihadist extremism):

- Aus Politik und Zeitgeschichte 63, Heft 29-31, 2013: Deradikalisierung [On de-radicalisation]
- DJI Impulse Heft 1, 2015: Jung und radikal. Politische Gewalt im Jugendalter. [Young and radical. Political violence in young age.]
- Forum Strafvollzug Heft 3, 2016 (prison situation).

1.2. THE MOST COMMON FORMS OF RADICALISATION AND THE PROFILES OF RADICALISED YOUTH.

The phenomenon is rather diverse, there is no typical profile of radicalised persons. There is no socio-demographic profile typical of radicalised persons – they come from all levels of society. Psychopathology is an exception. Most of them are normal and unobtrusive. Data on radicalised persons are mostly collected by the security institutions, especially for those going to Syria97:

- They are rather young (the biggest group are those under 30 years). 10% are minors.
- The proportion of women is about 20%.
- Most of them have a migrant background, being the second or third generation of immigrants. Most are born in Germany.
- There is a high proportion of converts (12-16%).
- Most of them are not very religious at the beginning of the process of radicalisation.

We find some variation depending on which region of Germany the radicalised individuals are coming from. The group coming from big cities are ‘better situated’, not marginalised, going to Syria in groups – often with relatives. Radicalised persons coming from some small towns in West Germany are more deprived youth. They often have a criminal background. There are also some small towns in Germany where there are radical Muslim societies: Some youths are radicalised via the connection to such societies in these towns.

Due to age and other practical information, there is a development of the thesis that radicalisation is strongly based on youth culture. (Most projects on the primary prevention level work with young people.) The special situation of youth, being in transition to adulthood, being in an insecure life phase is taken as an explanation for the process. In discussion is that this group is rather ‘vulnerable’ to Islamist extremism. They have a feeling of not belonging to their culture or to this nation. Often there are problems in school or in their families. And above all: they do not see to have a future in this country.

Some have a history of delinquency. And often they see the possibility to change their lives completely by going to Syria (and leaving their old life completely behind them).

Safia S., Hanover

Safia was born in Hanover to a German father and her mother, a woman of Moroccan origin. After her parents split, her mother decided to nurture Safia and her brother with a very strict religious upbringing. Safia had therefore been part of Salafist circles for most of her life. She appeared in several Salafist propaganda videos uploaded to social media platforms from seven years of age onwards, as well as being part of mostly puristic and nonviolent Salafist groups affiliated with popular preachers like Pierre Vogel (Abu Hamza) and Sven Lau (Abu Adam). Even though puristic salafist thought clearly opposes the idea of a militant struggle against civilians, lines between violent and puristic Salafism are sometimes blurry.

Safia was affiliated with Jihadism from at least January 2016 onwards, when she boarded a plane to Istanbul with the aim of emigration to Syria/Iraq in order to join Daesh, following her brother who had tried to emigrate on the same route shortly before. However, her mother followed her to Turkey and eventually convinced her to come back home to Germany. Safia until then hadn’t shown any violent tendencies and had been a class spokesperson in school for at least a couple of years. However, some reports suggest that in the past Safia occasionally expressed her feelings of being socially alienated from her (non-Muslim) peers and society as a whole. There are additionally a couple of stories reporting Safia bringing up radical ideas in lectures at high school and cutting herself off from school activities shortly before her attempted emigration to the Daesh controlled parts of Syria and Iraq.

Her mobile phone as well as other mobile devices had been searched and saved by authorities upon her return to Germany. However, only German texts were analysed. Text messages as well as other content in Arabic and English were not given a closer look at that time.

At the age of 15 she carried out a terrorist attack. She deliberately attracted the attention of two police officers at Hanover Central Station and stabbed one of them in the neck with a knife, who fortunately survived. The general prosecutor was convinced that she consciously chose the goal of her attack: policemen wearing bulletproofed vests. He assumed that she planned to kill the officers, take away their weapons and kill more people. He argues that she accepted to be killed – to die as a martyr.

What’s striking about the attack is not only Safia’s young age but also that, within the narrative of the so called Islamic State, females usually aren’t allowed to carry out attacks by themselves, as they are restricted to supporting, non-violent, ways.
Later analysis found, next to scenes of beheadings and texts affiliated with ISIS, a close correspondence with Mohamad Hasan K., another violent extremist offender from Hanover, who was sentenced to two years in prison as a confidant of the crime committed by Safia. She had announced to him that she would carry out an attack in Germany.

It was only after Safia was arrested with the charge of attempted murder, dangerous bodily injury and membership of a foreign terrorist organization, that police and security services discovered that there was a small group of likeminded jihadists operating from Hanover. Next to Safia, other members of that group have been suspected to plan attacks on western targets. The planned football match between Germany and Netherlands in Hanover had to be cancelled after it was discovered that one member of the group allegedly planned to attack the game, as he had full access to the stadium due to his job at a local sports security company.

There was of course the question of Safia being responsible for her actions as there are concerns of her being emotionally exploited. In addition questions about her exact radicalisation were to be raised, as she was part of (nonviolent) Salafist circles for most of her life and most likely emotionally dependent from her more radical peers. Her mother as well seems to play a significant role in the teenager’s radicalisation, even though she opposed Safia’s idea of emigrating to Syria/Iraq in order to join Daesh. However the court saw much evidence for Safia being responsible for planning and carrying out an attack on a police officer in the city of Hanover. The violent offense, from the court’s point of view, was aimed to support the global aspirations of the so called Islamic State – Daesh (which therefore is the first violent act commissioned by Daesh in Germany). Safia had admitted to the crime committed and apologised in a letter sent to the police officer hurt in the attack.

The court sentenced her to six years of imprisonment for attempted murder and support/membership in a foreign terrorist organisation (§§ 129a Abs. 1 i. V. m. § 129b Abs. 1 Satz 1 StGB). However, the heavy punishment of six years imprisonment for a person only 16 years of age sparked a public controversy. Safia was a bright student at school, highly involved in school activities and outspoken with a potential bright future. Despite her involvement in strict religious circles, Safia had lived the normal life of any European teenager. There are pictures of her on several social media platforms taking smiling selfies in front of the Eiffel tower and the painting of Mona Lisa on a school trip to Paris. Her radicalisation happened within only a couple of months and there is the assumption that the development of her brother to a violent radical offender, as well as the shortcomings of local police who had the chance to step in and intervene long before the actual attack, played a significant role in her own journey towards violent extremism.

There are many cases of radicalised persons going to Syria. There are altogether 784 cases of individuals leaving for Syria; 274 persons came back, of which 33 in prison (State: end of June 2016). About 20% are females. In the last few years, an increase of numbers of minors leaving Germany (N=56; one third women) has been noticed (BKA-study 2016, S. 49ff.):

Even in the surveys on returnees from warzones relevant for the Islamist spectrum we do not really find a typical ‘foreign fighter’ profile.
Tarik Süleyman S., Bielefeld

German Tarik S., (Ibn Usama al Almaniy - Arabic Kunya used during his time with Daesh), born in Bielefeld to an Egyptian father and a German mother, grew up in a socially deprived area. His mother, a convert to Islam, had to bring up Tarik S. and his three siblings on her own after the sudden death of her husband. Tarik S., who never gave any special attention to religion as a child, started to go to local mosques in order to learn more about Islam. However, most of the mosques frequented by Tarik at that time report that he soon got negative attention from fellow mosque-goers due to him openly questioning the mosques liberal/traditional religious understandings.

Tarik, who went to a secondary special school with an emphasis on emotional and social development, struggled to find work after graduation. He got help by several social institutions, trying to assist him getting a job. However, Tarik S. quit several mediated internships, like a job as an assistant in a local mosque amongst other things. He then decided to enroll in an Islamic school in Cairo, Egypt. Shortly after arriving in Egypt he suffered a gunshot wound to his leg during erupting riots in Cairo, which saw him immediately return to Germany for medical treatment. Friends and family report that Tarik S., who had shown signs of radicalisation even before his departure, had changed even more after his return. He was now reserved towards friends, family and professional contacts. People who knew him from mosque report that it was impossible to reach out to Tarik S. as he now had his mind set on violent radical interpretation of Islam, refusing to discuss his views.

A couple of months after his return from Egypt Tarik S. disappeared for about two months before his family found out that he was in Syria, fighting for Daesh. He most likely received a standard weapons training and was deployed in guard duties in several Daesh prisons in Syria. However, reports also suggest that Tarik S. took part in combat operations as well. About one year after his emigration to the Daesh ruled territories, Tarik S. appeared in several propaganda videos in German, urging viewers to leave their homes and emigrate to the ‘grounds of honour’ (i.e Syria/Iraq) or at least commit violent attacks in Europe. He subsequently emerged as some kind of propaganda poster boy for Daesh as he was featured in several more image, video and text contributions.

However, after three years in Daesh controlled territory Tarik S. and his wife, a dutch national whom he had met in Syria, left for Turkey in order to return to Germany. It is not entirely clear if it was of his own will due to being fed up of participating in violent conflict or on behalf of Daesh operatives in order to execute violent attacks on German soil.

Tarik himself didn’t make any testimony in front of court and got sentenced to five years’ imprisonment for having participated in combat and joining a foreign terrorist organisation (§§ 129a Abs. 1 i. V. m. § 129b Abs. 1 Satz 1 StGB). Tarik S. will serve the sentence in a juvenile facility due to him being 19 at the time of the crime.

In Germany it is possible to use the Juvenile Court Act for the age group of 18-21 year old persons, if the court comes to the conclusion that the person is still in their development at the stage of a juvenile.

Surveys about the jihad extremism (carried out by domestic intelligence service):
1.3. GENERAL STATUS OF EXTREMIST CRIMINALITY

Number of cases connected to violent extremism

In Germany there is a rather low level of terrorist activity. In the last 14 years, there have been 18 cases. In 6 cases there have been injured persons and even fatalities. Especially in 2016 there have been many attacks (12 of the 18, with one case with 12 dead).

Before 2016 (5 in the Land North Rhine-Westphalia (NRW); one case in Hesse):

1. April 2002: members of Al-Tawhid’ arrested; planned attacks on Berlin and Düsseldorf
2. July 2006: Attempted attacks with suitcases bombs in regional trains; perpetrators arrested
3. September 2007: Sauerland group’ arrested (attempted attack)
4. March 2011: Attack on US soldiers; two dead and two injured in Frankfort/Hesse
5. April/December 2011: ‘Düsseldorfer Zelle’ arrested; four suspected planning a terrorist attack
6. March 2013: Planned attack on head of ‘Pro-NRW’; four suspects arrested

Taking a look especially on the year 2016:

Attacks and threat of terrorism in Germany 2016
Not only the number of cases, but also the spreading around of the phenomenon in Germany, is increasing fear and reactions.

In the report of the Office of Protection of the Constitution, there is a distinction between different risk situations:

“Threats of attacks mainly emanate from
• self-radicalising lone perpetrators and very small groups.
• Returnees from jihadi warzones.
• Individuals prevented from leaving Germany and.
• Long-term sleepers placed by terrorist organisations”.


The last point in particular is seen as very important due to the rising numbers of refugees in recent years.

What is not available at present are any statistics or data about the numbers of extremists (whatever colour) in prisons. There is no audit distinguishing between the different forms. In addition, we do not know the numbers of radicalised prisoners in Germany. The first survey is going on, so there will be some initial data in the near future.

The topic of offences with an extremist background is documented in the police statistics and in the work of the intelligence service under the label of “politically motivated crimes”. Here, statistical numbers are available. However, there is no special data for youths. The intelligence service distinguishes between right wing extremism, left wing extremism, a category called ‘Extremist efforts of foreigners posing a threat of security’ as well as a category ‘others’. In the last years there has been a special chapter on Islamism, Islamist extremism in the report (Data showing the potential of this field – not offences). In the crime statistics there is no separate counting of offenses of Islamists, they are counted under the category of Extremist efforts of foreigners posing a threat of security.

The intelligence service has a separate counting of the data, showing some differentiation in the counting of politically motivated offences:

<table>
<thead>
<tr>
<th></th>
<th>RIGHT WING EXTREMISM</th>
<th>LEFT WING EXTREMISM</th>
<th>POLITICALLY MOTIVATED CRIMES OF FOREIGNERS</th>
<th>OTHERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acts of Violence:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homicide</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Homicide attempt</td>
<td>8</td>
<td>18</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Bodily harm</td>
<td>1,177</td>
<td>1,393</td>
<td>1,354</td>
<td>916</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Arson</td>
<td>102</td>
<td>119</td>
<td>106</td>
<td>171</td>
</tr>
<tr>
<td>To bring about explosions</td>
<td>18</td>
<td>11</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Civil disorder</td>
<td>44</td>
<td>25</td>
<td>340</td>
<td>273</td>
</tr>
<tr>
<td>Dangerous interventions into traffic systems</td>
<td>10</td>
<td>13</td>
<td>54</td>
<td>56</td>
</tr>
<tr>
<td>False imprisonment</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Robbery</td>
<td>23</td>
<td>17</td>
<td>32</td>
<td>32</td>
</tr>
<tr>
<td>Extortion</td>
<td>8</td>
<td>18</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Resistance against state officers</td>
<td>94</td>
<td>80</td>
<td>345</td>
<td>272</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total violent offences</strong></td>
<td>1,485</td>
<td>1,698</td>
<td>2,246</td>
<td>1,702</td>
</tr>
<tr>
<td>Damage of property</td>
<td>1,451</td>
<td>1,760</td>
<td>3,454</td>
<td>4,208</td>
</tr>
<tr>
<td>Coercion / threat</td>
<td>515</td>
<td>516</td>
<td>212</td>
<td>207</td>
</tr>
<tr>
<td>Propaganda offences</td>
<td>12,175</td>
<td>12,512</td>
<td>118</td>
<td>115</td>
</tr>
<tr>
<td>Thereof: to spread propaganda</td>
<td>32</td>
<td>33</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Thereof: use of signs of extremism</td>
<td>12,143</td>
<td>12,479</td>
<td>117</td>
<td>115</td>
</tr>
<tr>
<td>Disturbance of the dead corpse</td>
<td>10</td>
<td>11</td>
<td>7</td>
<td>4</td>
</tr>
<tr>
<td>Incitement on the people</td>
<td>4,159</td>
<td>4,029</td>
<td>20</td>
<td>27</td>
</tr>
<tr>
<td>Violation of the law regulating public meetings</td>
<td>711</td>
<td>453</td>
<td>2,163</td>
<td>1,351</td>
</tr>
<tr>
<td>Violation of the Weapons Act</td>
<td>30</td>
<td>45</td>
<td>11</td>
<td>18</td>
</tr>
<tr>
<td>Other offences</td>
<td>2,424</td>
<td>2,531</td>
<td>1,374</td>
<td>1,757</td>
</tr>
<tr>
<td><strong>Offences altogether</strong></td>
<td>22,960</td>
<td>23,555</td>
<td>9,605</td>
<td>9,389</td>
</tr>
</tbody>
</table>

Source: Ministry of Internal Affairs 2017
However, right-wing extremism overall dominates the field of extremist crimes. Especially delinquencies such as hate speech (incitement on the people) and the dissemination of propaganda, as well as violent offences, are among common offences committed by right wing extremists. However, left-wing extremism also plays a significant role in extremist crimes (mainly damage of property, violation of the law of assembly, bodily harm). So called extremism of foreigners doesn’t play a significant role on the basis of its relatively small numbers of offenses committed (mainly bodily harm and property damage). Propaganda offences do not play a significant role in this type of extremism in Germany. But there was an increase in numbers from 2015 to 2016.

Another counting in Germany is carried out by the police: they count those persons who are at risk of being radicalised and who carry out violent offences. These so called ‘Gefährder’ have not carried out extremist offences, but are considered by the police to be more likely to commit one.

The potential for violence of potential violent extremist offenders (Gefährder) is as follows (no differentiation according to age and gender):

**Number of persons at risk being islamist terrorist known in Germany (status: 08.03.2017)**

![Bar chart showing the number of persons at risk being islamist terrorist known in Germany](chart.png)

Source: Federal Criminal Police Office Germany

### 1.4. GENERAL STATUS OF EXTREMIST CRIMINALITY IN DETENTION OR OTHER CLOSED FACILITIES

We do not have special statistics in Germany, showing how many persons are in prison due to extremist offences. So we do not know (exactly – there are only some estimations) how many cases, at what age or by which gender.
2. NATIONAL LEGISLATION ON THE PREVENTION OF RADICALISATION

2.1. EVOLUTION OF LEGISLATION IN THE AREA OF RADICALISATION PREVENTION

There is some tradition in formulating laws to protect the State and the Constitution against extremism in Germany. So the first law came into force in 1871, a law against sedition (§130 StGB), it is against ‘propaganda offences’. This law has been reframed and intensified since then (the last ones in 2004, 2005, 2011, 2015). Due to the first terrorist wave in Germany in the 70s, the first anti-terrorism legislation was introduced (focussing on the Red Army Fraction). Being a member of a terrorist organisation became an offence (1976).

The next wave on intensification of laws came in reaction to new forms of right-wing extremism, especially in the Eastern Federal States, after the fall of the wall.

There have been some changes and new laws against terrorism in Germany, especially after terrorist events in Europe and the US, starting from 9/11 onwards. National laws, an anti-terror legislation came into being. These laws (Gesetzzur Bekämpfung des internationalen Terrorismus (Terrorismusbekämpfungsgesetz vom 9.1.2002) made some changes and new formulations in different existing laws to be able to fight terrorism by more successful means. They focus mainly on aviation security, on the financing of terrorism and on data preservation. The legal force of these laws was prolonged in 2011.

There were new changes to the law in mid-2016, concerning the legal frame of the anti-terror State policies. The main focus has been put on possibilities of data exchange between the security services (police, intelligence services), data collection and the rights of secret/hidden observations. In addition, there has been an additional initiative (Änderungsantrag) legalising the observation of youths aged 14 years and above (reduction from 16 years).

There is a trend to find regulations of interventions in the pre-field, in the field before a person is committing an offence, to prevent these events. (Vorverlagerung von Eingriffs-Rechten). This also concerns minors.

The laws on terrorism are not a special issue in the penal code, but there are many laws in different areas of the law to define politically motivated crime/offences.

The main offences, like murder or attempted murder, crime against property and others, are not special laws, but existing laws in the Penal Code.

To carry out anti-terrorism legislation, there has been the (re-)formulation of laws defining offences related to terrorism:

- Membership of a terrorist organization (§ 129 a StGB, in force since 1976). Persons make themselves liable if they are found in a group (at least three persons; for a long time) or if they become a member of such a group; whose goal is the perpetration of murder or other offences. Sympathy for the group is not a sufficient sign.
• Since 2015: Membership of a foreign terrorist organisation (§ 129b, in force since 2002)
• Support of a terrorist organisation
  - Preparation of a severe violent offence against the state (§ 89a StGB – in force since 2015).
  - Making of bombs; to procure materials for the production of bombs.
  - Training in a terror camp in foreign countries (§89b, in force since 2015).
  - Financing of terror organisations by collecting significant cash assets (§89c, in force since 2015).
• Other facts constituting an offence (planned, done)
  - To leave the country motivated by going to a terror camp.
  - Revocation of the passport in case of suspicion to go to a terror camp.

2.2. NATIONAL LEGISLATION CONNECTED TO THE RADICALISATION ISSUE IMPLEMENTED IN YOUR COUNTRY

There are no special new laws in Germany in reaction to the radicalisation topic. It is considered that most phenomena can be dealt with by the existing laws.

2.3. NATIONAL LEGISLATION CONNECTED TO THE SPECIFIC NEED OF PREVENTION OF RADICALISATION IN DETENTION

There are no special new laws in Germany in reaction to specific needs of prevention. It is considered that most phenomena can be dealt with by the existing laws.

2.4. OTHER LEGISLATION FOCUSED ON THE GENERAL NEED FOR COUNTER-RADICALISATION AND DE-RADICALISATION MEASURES IMPLEMENTATION

There are no special new laws in Germany in reaction to the radicalisation topic. It is considered that most phenomena can be dealt with by the existing laws. But there are some discussions on changing laws.

If there are reactions and new procedures, they are more on the level of procedures and orders.

2.5. NATIONAL POLICY CONNECTED TO THE RADICALISATION ISSUE IMPLEMENTED IN YOUR COUNTRY

Due to the federal system in Germany, there is not really a national policy. But, of course, there are discussions to try to make comparable policies in the different Länder. To do this, there is a common forum to discuss and decide on such topics: the Committee on the Execution of Sentences of the Länder. Here, there have been some working groups to discuss the topic of radicalisation and what can be done especially in prisons.

In April 2016 there was the presentation of a commonly agreed report on radicalisation (Länder-Arbeitsgruppe: Umgang mit radikal-islamistischen Gefangenen). The report, compiled by experts from the justice departments and prisons (main focus on security) detects and observes radicalised persons as its
main focus. In addition, the report highly focuses on the separation of extremists from those who are in danger of radicalisation; the cooperation with Muslim organisations (counselling by imams); the training of staff, the flow and handling of information between police and justice (respecting data protection laws) and other topics. There are some thoughts about de-radicalisation, but this is seen as a task for external organisations (NGOs). It ends with 12 recommendations. The focus is on all prisoners, although it is noticed that in the youth sector there is increased risk.

Another effect of the discussion on Islamist extremism has been the increased work by imams in prisons.

Further on, there is a discussion about improving the cooperation between the police and the protection offices of the constitution.

2.6. ALTERNATIVES TO DETENTION FOR RADICALISED YOUTH IN GERMANY

In Germany there is a strong focus on primary prevention in the general youth justice system. Prison sentence is an ultima ratio. First, community measures are looked for in reaction to offences. Until now the number of radicalised youth has been so marginal that there are no special activities for them.

There are first instructions for the prison staff on how to deal with the topic.

2.7. TRAINING OPTIONS CONNECTED TO THE ISSUE OF RADICALISATION AVAILABLE FOR JUDICIAL STAFF IN YOUR COUNTRY

Due to the federal responsibility for the prison, there is no general concept or practice for training staff. In some Länder we find some projects for training courses for prison staff (but there is no systematic concept or description of such offers).

3. PRIMARY PREVENTION: JUVENILE RADICALISATION IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

There are currently very few primary prevention measures in German prisons. Most programmes in German detention facilities do not have a primary approach. They only deal with radicalised individuals, instead of providing preventative efforts to young people at risk of being radicalised within the prison system. However, primary prevention exists through the involvement of religious figures, such as pastoral workers, imams, aiming to expand the detainees’ religious understanding, as well as human rights and democratic awareness.

The main settings to provide primary prevention however, remain in schools and public institutions, where there is a risk of minors coming into contact with radical ideologies.

Even though the range in primary prevention programmes within juvenile detention is relatively small, several small projects operating can be found. Those include the ‘Counseling centre against Salafism’
(Beratungsstelle gegen Salafismus), in Darmstadt, Hesse, as well as `Culture as a potential for change in prison´ (setting up a theatre play), in Wiesbaden, Hesse.

3.1. PREVENTATIVE PROGRAMMES OR DE-RADICALISATION MEASURES BASED ON PRIMARY PREVENTION STRATEGIES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

Best practices can only be found in liberty, not in detention. So the following project takes part in school and leisure institutions for youth.

**Project title**  
Project team `Maxima’ - Violence Prevention Network  
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10961 Berlin  
Phone: 0049 30 544 677 79  
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www.facebook.com/violencepreventionnetworkdeutschland  
Project management: Thomas Mücke  
Project coordination: Feride Aktas, Özlem Aktas

**Location**  
Berlin, Germany

**Duration**  
Depending on financing

**Background**  
The project is designed as a response to the growing demand for countering radical narratives. It aims to provide preventative political education for girls and young women, who see religion as an integral part of their life. However, it is often the case that Muslim youths have a feeling of not having a part in society due to discrimination, a possible lack of prospects and insufficient social participation. In addition, an often limited religious understanding and a traditionalist way of thinking makes young people vulnerable to radical ideologies and world views.

**Objectives**  
- Analysis of radical recruiting strategies targeting women specifically.  
- Prevention through political education (civic) work.  
- Use of educational services in mosque communities to reach target groups.  
- Encouraging reflecting on one’s life history with regard to family traditions, gender roles and personal life goals
Target groups
Girls and young women

Strategy and activities
The project aims to offer courses on religious basics and everyday practices to provide girls and young women with a better understanding of Islam, to immunise them to radical contents. Courses include training on differing Islamic movements and trends, as well as cultural backgrounds and topics like `women in Islam` from traditional and modern perspectives. They also give information about Islamic viewpoints on human rights, democracy and freedom. Participants are encouraged to discuss religious freedom and interfaith relations to promote social integrations and togetherness amongst people of different faiths. In addition, workshops aim to provide information about theological foundations of Islam and, on the contrary, its extremist interpretations. Furthermore, participants are equipped with probative reasoning to counter radical narratives and recruitment strategies to be able to develop strategies to approach minors with signs of radicalisation.

Project activities include
• Informational and educational work
• Discussion forums
• Theme-oriented educational services

Partners
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10555 Berlin, Germany
Phone: 0049 30 917 05 464
Mail: post@violence-prevention-network.de

Further information
http://www.violence-prevention-network.de/de/aktuelle-projekte/maxima

3.2. PREVENTATIVE STRATEGIES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

There are no specific strategies or measures in prison for prevention.

3.3. ALTERNATIVES TO DETENTION AS A PREVENTATIVE MEASURE AVAILABLE IN GERMANY

There are many preventative measures in the public area. There are also some measures seen as alternatives to detention (like projects to avoid custody (Haftvermeidung); Victim Offender Mediation, courses on social training and others). The youth justice politics focusses especially on alternatives to custody. But there are no measures especially for the group of radicalised persons.
4. SECONDARY PREVENTION: COMMUNITY-BASED AND FAMILY-BASED PREVENTATIVE MEASURES

Measures of secondary prevention in prison in Germany are directed at radicalised individuals or in danger of radicalisation, and/or individuals with anti-democratic worldviews, vulnerable for radicalisation. We find some measures in some prisons, not overall Germany. In some prisons, measures include the involvement of religious figures, to provide basic religious training and a spiritual guide to radicalised individuals, who often happen to have a meagre understanding of religious practices. Imams and/or pastoral workers therefore aim to tackle the participants’ extremist religious understandings by providing alternatives to their radical ways.

However, secondary prevention in penal institutions is limited. Most programmes focus on providing secondary prevention training to minors in schools or other public institutions. Those may include workshops on democratic understandings, religious teachings, sustaining intercultural and interreligious dialogue, as well as training active professionals who work with people vulnerable to radicalisation. In addition, counselling centres, aimed to provide help for parents, educators or other staff confronted with radicalised youths, operate in several federal states.

4.1. PREVENTATIVE PROGRAMMES OR MEASURES OF RADICALISATION BASED ON SECONDARY PREVENTION STRATEGY AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN GERMANY

There is no well described and constructed programme of secondary prevention in detention, so what follows is a description of a programme in liberty.

**Project title**
Crossroads

**Project manager**
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www.violence-prevention-network.de/crossroads
www.crossroads-berlin.net; www.beratungsstelle.crossroads-berlin.net

**Location**
Berlin, Germany

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98 Mostly executed in cooperation with Islamic associations and societies, such as ‘The Turkish Community in Germany (TGD)’ in cooperation with the ‘Live Democracy’ programme by the Ministry for Family Affairs, Senior Citizens, Women and Youth
99 Baden Wuerttemberg, Bavaria, Hesse & Thuringia have centres supervised by Violence Prevention Network e.V. Others, as Hamburg, are supported by the Federal Office for Migration and Refugees (BAMF)
Duration
Bound to third party funding (i.e. runtime of the programme Democracy Life!)

Background
Crossroads is a Berlin-based counselling and intervention project aiming to prevent radicalisation and the spread of extremist ideologies (Right-wing as well as Islamism) as well to de-radicalise extremist individuals who have already undergone a process of radicalisation. Its foremost goal however is to reach out to young people at risk of being radicalised.

Objectives
Crossroads intends to tackle radicalisation as early as possible. The project furthermore aims to classify the level of radicalisation into different stages to be able to tackle the process of radicalisation with preventative and/or de-radicalising actions.

Target groups
- Minors at risk of undergoing a process of radicalisation.
- Minors who are noticeably already radicalised.
- Minors who wish to exit their radical environment / extremist ideology.
- Minors with an affinity for extremist ideologies.
- Relatives and/or members of peer groups and minors who wish or do not wish to disengage from radicalised scenes / extremist ideologies.
- Teachers, youth workers, youth centres and sports clubs, as well as other persons and staff in contact with radicalised youths / minors at risk of being radicalised.

Strategy and activities
The project’s strategy is merely based on a non-confrontational approach towards any parties concerned. It aims to trigger the acceptance of different perspectives and viewpoints.

The activities include:

- Counselling
  - Applied in communal environments most likely to be of interest to radicalised minors (certain schools, youths clubs, etc.).

- Workshops for youths
  - Offered to all grades.
  - All kinds of educational institutions.
  - Aim to raise awareness of the relating topic.
  - Encourage self-reflection among participants as well as provide essential insights into the relevance of relevant topics.
• Workshops for teachers and pedagogues
  - Aim to provide staff with constructive means to be able to respond to any kind of extremist remarks they may be confronted with in their working environment.
  - Aim to provide participants with the ability to identify extremist attitudes and develop deradicalising response strategies.
  - Aim to provide participants with the means to be able to engage in dialogue with young people who may be at risk of being radicalised.

Partners
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10555 Berlin, Germany
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Mail: post@violence-prevention-network.de
Further information:
http://www.violence-prevention-network.de/de/aktuelle-projekte/crossroads

4.2. COMMUNITY-BASED ACTIVITIES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

Unknown.

4.3. FAMILY-BASED ACTIVITIES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

There are various family-based activities available in a number of federal states all over the country. However, nationwide programmes aren’t existing yet. Federal state funded programmes include the ‘Counselling centre Hayat’ (Beratungsstelle Hayat) in Berlin, as well as the ‘Counselling centre for the prevention of neo-salafi radicalisation Lower Saxony’ in Hannover. The Advice Centres of Radicalisation, funded by BAMF, are also counselling families / relatives.

Dantschke, chairwoman of Hayat Germany, adds that a sole classification of social backgrounds of youths at risk of being radicalised is not possible due to the diverse social classes clients of Hayat come from. Hayat’s approach, focusing on people on the verge of being radicalised, as well as their families, prospective emigrants to Syria and/or Iraq and dropouts, puts a special attention on the integration of family members in order to be able to gain a better understanding of a person’s social connections and (family related) issues and conflicts. For Hayat, there is also the chance of integrating other caregivers (such as teachers, employers, youth welfare and others) in the process.100

100 See f.e.: Linea, Ava; Claudia Dantschke: Systemische Deradikalisierungsarbeit am Beispiel der Initiative HAYAT-Deutschland. In: Journal EXIT-Deutschland Nr. 3, 2016, pp 4-11
5. TERTIARY PREVENTION: NEW PREVENTATIVE MEASURES

Measures for tertiary prevention in detention highly focus on providing motivation to change to participants, in order to trigger processes that eventually result in the individuals distancing from a radical ideology (exit; desistance). These measures often include, in addition to direct work with the radicalised individual, the involvement of families to assure a healthy relationship between the participant and his/her parents/family to further initiate a detachment process. Measures in addition encourage participants to critically question their radical beliefs and assume responsibility for their violent offenses of the past. They furthermore provide extended assistance to participants once they are released from prison, to safeguard the individual’s reintegration into society.

5.1. PREVENTATIVE PROGRAMMES OR MEASURES OF RADICALISATION BASED ON TERTIARY PREVENTION STRATEGY AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN GERMANY

Project title
De-radicalisation in prison
Taking responsibility – Breaking away from violence
Alt-Moabit 73
10555 Berlin
Phone: 0049 30 91 70 54 64
Mail: Thomas.muecke@violence-prevention-network.de
Project Leader: Thomas Mücke

Location
Berlin, Germany

Duration
The measure last 4-6 months in prison (23 meetings) and there will be the possibility of a coaching for 6 to 12 months after release.

Background
‘De-radicalisation in prison’ started off in 2001 as a project tackling right-wing extremists in German penitentiaries. In 2007 however, an expansion to include Islamist offenders was made. The programme aims to deradicalise young violent extremists (right-wing, Islamist and/or antidemocratic worldviews) serving a prison sentence. The programme is based on non-confrontational de-radicalisation measurements. It is the only fully evaluated programme available in Germany at present and has proven to be an effective tool to tackle extremist and violent means. It also aims to enable them to re-enter social discourses through reintegrating them into society after release from prison.
It is the only program for de-radicalisation, especially in youth prisons. So it is widespread in different Länder (but not in all).

Objectives
The programme aims to encourage participants to renounce hatred and the propensity to violence and extremist tendencies through a lengthy learning-process. It furthermore attempts to help the participants understand, assume responsibility and critically question their violent behaviour and educate participants about ways to avoid violently engaging in conflicts following their release from the prison system.

Target groups
‘De-radicalisation in prison / Taking responsibility – Breaking away from violence’ addresses young violent offenders with extremist tendencies. Most of the participants come from uneducated dysfunctional family backgrounds with profound relationship conflicts and experience of violence. They often feel rejected and feel like they are not part of society. They furthermore might feel, or actually have experienced discrimination and face a lack of perspective. They usually follow their peers in order to gain some sense of belonging. The programme therefore tries to partially engage the individuals’ family to establish a healthy family relationship resulting in a successful reintegration into society after their release from prison.

Strategy and activities
The programme provides participants with a three step training course, including:
• **Group Training:**
  - Critical analysis of criminal events.
  - Understanding one’s own history.
  - Identifying the failed self-healing processes of radicalisation and affinity for violence.
  - Developing a safety plan.
  - De-radicalisation of the residual identity.
  - Development of an independent identity.
  - Civic education regarding the practice of democracy and tolerance development.

• **Transition Management:**
  - Preparation of basic security following release.
  - Resource and risk analysis.
  - Review of a low-risk return.
  - Involvement of key anchor persons in the preparation for release.
  - Development of a private accompaniment system.

• **Stabilisation Coaching:**
  - Transfer of what has been learned (real-life test), stabilisation of the security plan.
  - Return to the social environment (construction of a new environment).
  - Establishment of stable relationships.
  - Distancing from groups that have an affinity for violence.
  - Structuring of everyday life.
  - Crisis intervention.
  - Integration in education/work.
  - Accompaniment in the case of conflicts.

**Partners**
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**Results**
• Evaluation results (of the general approach) indicate a significant decrease in re-incarceration rates.
• Violent repetitions are shown to be of a less severe nature than the original offence.
• The rate of relapse of the participants has proven to be less frequent than a non-participant violent offender.
• Participants have therefore shown a higher level of rehabilitation.

Further information
http://www.violence-prevention-network.de/de/aktuelle-projekte/deradikalisierung-im-strafvollzug

5.2. ALTERNATIVE PROGRAMMES OR MEASURES AVAILABLE IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

At the moment, there are no alternative programmes in German Prisons.

CONCLUSION

There is a sharp ongoing discussion about radicalisation and extremism in German media and politics. However, on a practical level, especially in the justice system, the discussion is more pragmatic: due to the small number of cases, consequences are more often discussed than actually implemented. The danger and risk of radicalised individuals is now acknowledged, and preventative as well as other measures are being discussed. First activities have been started.

Due to the public discussion there is some ‘spectacularisation’: especially when radicalisation is understood in the context of youth culture, there is a high need to advise and inform the people facing radicalised youths (pupils and teachers, families and relatives and other persons) –many pupils are seen in danger of radicalisation by public opinion. In this way there is substantial funding and many projects on the level of (primary) prevention (often in schools). Target groups are pupils, teachers and parents.

One current topic is young people leaving their homelands to wage Jihad in Syria or Iraq, as well as former jihadist fighters returning home after fighting abroad. For those planning to go, primary prevention measures and advice centres are available. Those returning are (now) seen more or less under a general suspicion (especially by police and intelligence services) of being terrorists planning attacks in Germany. When they come back, they will be charged with terrorist crimes. There is an expectation that due to the current situation in Syria and Iraq there will be more returnees, also juveniles, in the next time. So there is a trend to foster projects of de-radicalisation in Germany.

Another topic that has developed during the last two years is the influx of high numbers of refugees. A policy to not generalise or put all refugees under any kind of general suspicion exists – however, suspicions as well as prejudices in German society are on the rise. A small group of young people, namely the unbegleiteten minderjährigen Flüchtlinge (unaccompanied minor refugees) are currently the main focus of the police, as they are responsible for many offences.

In this way there is a strong development, funding and discussion on preventative measures (as well as on the detection of extremism) in Germany. Due to this public interest, scientific work (evaluation work) is also starting.

There is some discussion taking place in politics, looking for strategies to fight terrorism. This is more of a political discussion than one on legislation.
1. RADICALISATION OF YOUTH IN DETENTION IN YOUR COUNTRY

In Romania, the issue of radicalisation is not particularly widespread. There are some isolated cases of individuals affected by this process (both foreign residents and Romanians), and those involving youngsters are fewer in number. The majority of those radicalised undergo initial and intermediate stages of the radicalisation process, which usually manifests itself verbally or behaviourally.

In relation to the radicalised Romanian citizens, the process usually is accompanied by an inflated attitude to confirm the belonging to the new religion and the absence of a strong religious culture, and it usually coincides with problems of a social nature (poor financial status, lack of work), judicial nature (they are in custody or were deprived of liberty), or psychiatric nature (emotional instability, low intellectual or even medical diagnosed illnesses).

The national legislation does not contain a definition of radicalisation, but the definition widely used by practitioners is the process undertaken towards the appropriation of an ideology or of political, religious or social causes which can lead to violent action taken in its favour.

The reduced cases in this field reflect actions of verbal radicalisation with tendencies to impress and to act recklessly, as it is specific to the age. The prevalence of a difficult parental background (split families, affective deprivation) is also worth highlighting. Young people are fervent users of social networks, where they can find the radicalised element (opinion leaders), as well as the confirmation of ideas.

The Romanian Prison Service does not face a widespread radicalisation issue, but the department responsible for preventing terrorism is currently monitoring various groups within the prison population:

- Inmates who have shown signs of sympathising with terrorist organisations (from Iraq, Palestine, Syria, Turkey, Ireland) or their attempt to possibly recruit other inmates.
- Inmates who might have been exposed to radicalisation in foreign countries (including through detention) and who have changed their religion to Islam.
- Inmates convicted for terrorism-related crimes.

The monitoring of the groups mentioned above does not include an age criterion, so there is no specific data on youth radicalisation that we can provide.

Since 2004, Romania has established a National System for Terrorist Alert (SNAT), whose objective is to efficiently deal with terrorist threats, as regards to both a unitary planning of the antiterrorist activities at
national level, and informing the population about the level of the terrorist threat.

Within SNAT, there are five levels of terrorist threat, marked by different colours:

- **Green** - available information and recent events indicate that a terrorist attack is very unlikely.
- **Blue** - available information and recent events indicate that there is a low risk of terrorist attacks (which is the current alert level).
- **Yellow** - available information and recent events indicate that there is a general risk of terrorist attacks and a terrorist attack is possible.
- **Orange** - available information and recent events indicate that there is a high risk of terrorist attacks and a terrorist attack is probable.
- **Red** - available information and recent events indicate that there is an imminent risk of terrorist attacks.

In order to establish the level of terrorist alert, two categories of indicator are used:

- available information, indicating developments that could change into vulnerabilities/risk factors/threats/states of menace/imminence of a terrorist attack.
- recent events: any type of explicit expressions of a terrorist entity which take place at national/international level.

Since the establishment of SNAT (2004) up until the present day, the terrorist threat level in Romania has been CAUTIOUS (blue alert); with the sole exception of a short period of time, in the context of the NATO Summit held in Bucharest (2008), when national competent authorities approved the raise of the terrorist threat level to MODERATE (yellow alert).

### 2. NATIONAL LEGISLATION ON THE PREVENTION OF RADICALISATION

Romania does not have specific legislation relating to the radicalisation issue.

There is a law and an emergency ordinance concerning prevention and fighting against terrorism. This law, among other things, states clear definitions of terrorism and terrorism-related terms, how prevention of terrorism and counter-terrorism activity is being managed by different authorities at a national level.

Some of the facts stated by Law no. 535/2004 on prevention and combating terrorism:

**Art. 6.** –
(1) At national level, the activity of preventing and combating terrorism shall be organised and shall take place in a unitary manner, according to the present law.
(2) To this end, cooperation in this field shall take the form of the National System for Preventing and Combating Terrorism, further herein referred to as NSPCT, to which the following public authorities and institutions shall partake.
(3) In the structure of the Romanian Intelligence Service – as national authority in this field – there shall be created the Centre for Operative Anti-Terrorist Coordination, further herein referred to as the COAC, through which the Service ensures the technical coordination of NSPCT.

Art. 7. – To prevent and combat terrorist acts and acts assimilated to them, the public authorities and institutions that are members of NSPCT shall perform specific activities, either individually or in cooperation, according to their legal prerogatives and competences and to the General Protocol on the Organisation and Functioning of the National System for Preventing and Combating Terrorism, approved by the Supreme Council of National Defence.

Art. 8. – The ministries and the other public authorities and institutions that have prerogatives to apply the present law shall be obliged to notify the Romanian Intelligence Service with regard to natural and legal persons that are suspected of having committed, or in any way favoured, terrorist acts.

Art. 9. – Institutions and legal persons other than those within the NSPCT, as well as natural persons who have knowledge of data and indications regarding the commission, favouring or financing of terrorist acts, shall have the following obligations:

a. to notify at once the authorities competent in the field.
b. to allow access of their representatives into buildings, and to data and information related to terrorist acts.
c. to provide the required support in view of fulfilment of prerogatives to prevent and combat terrorism, upon request from the competent authorities.

**Art. 10.** – The specific attributions, according to art. 7, for preventing terrorism, consist of:

a. informative-operative activities.
b. activities against flows of supply with human resources to terrorist entities, performed inside and/or outside national territory.
c. activities against flows of supply with specific means of action, and financial, logistical or informational resources to terrorist entities, inside and/or outside national territory.
d. activities of guard, protection and other special forms of discouragement performed by the forces of certain public authorities and institutions within the NSPCT, to secure the main categories of human factors and of national or foreign objectives in our country, and the main Romanian objectives abroad, which are potential targets for terrorist attacks.
e. activities of preparing interventions in civil emergencies, generated by terrorist actions, in view of limit and combat their effects.
f. activities of public information and public relations.
g. activities of international cooperation.
h. activities of professional training and improvement.
i. activities meant to constantly optimise the legislative framework applicable to the categories of missions incumbent upon NSPCT, including on criminal and procedural-criminal aspects.

**Art. 11.** – The specific attributions, according to art. 7, for combating terrorism, consist of:

a. activities of identification and other activities performed according to the prerogatives of public authorities and institutions from NSPCT, with the view of bringing to account, according to the law, the persons who initiate, prepare, commit or favour terrorist acts.
b. anti-terrorist intervention, in cases of imminent terrorist attack and, respectively, counter-terrorist intervention in case terrorist attacks are in progress or have taken place.
c. participating in operations to combat terrorism, through international cooperation.

The national legislation does not consist of specific provisions to incriminate radicalisation.

Law no.535/2004 regarding the prevention and control of terrorism incriminates as an offence, in art.33A2 paragraph 4, the propaganda that may lead to radicalisation:

“Promotion of a message using propaganda by any means, in public, with the intention of instigating the committing of one of the offences stipulated in art.32 paragraph (1) and (3) and art. 33 paragraph (1) and paragraph (2) letter e), regardless of whether the message supports terrorism or not, or whether the offences were committed or not, is punishable with imprisonment from 6 months to 3 years.”

Similarly, there are the provisions of art. 95A1 paragraph 1 lit. d of Law of audio-visual no. 504/2002, according to which “the Council may decide to withdraw the audio-visual licence or the right to provide the
media service, by request, in the case of repetitive action of the media service provider regarding one of
the following acts: [...] d) instigate a terrorist act.”

Without specifically referring to terrorist organisations, the Government Emergency Ordinance no.
31/13.03.2002 forbids organisations, symbols and acts with fascist, legionary, racist or xenophobic nature,
and the promotion of guilty persons who committed genocide offences against humanity or war crimes.

According to this legal act, a fascist, legionary, racist or xenophobic organisation means any group
comprising three or more persons who perform their activity temporarily or permanently in order to
promote fascist, legionary, racist or xenophobic ideas, conceptions or doctrines such as hatred and
violence for ethnic, racial or religious reasons, superiority of some races versus inferiority of others,
antisemitism, xenophobic incitement, violent acts to change constitutional order or democratic institutions,
estremist nationalism.

In this category may be included organisations with or without legal entity, the parties and political
movements, associations and foundations, and societies stipulated in the Law of societies no.31/1990,
with its modifications and subsequent completions, as well as any other juridical persons who meet the
stipulated requirements.

2.1. NATIONAL LEGISLATION CONNECTED TO THE SPECIFIC NEED OF PREVENTION OF RADICALISATION
IN DETENTION

Romania does not have any national legislation connected to the specific need of prevention of
radicalisation in detention.

In the Prison Service, the implementation of the Regulation of the Law regarding the serving of penalties
in Romanian prisons states a number of criteria to take into consideration when including an inmate in a
special category called “inmates at risk”. One of the criteria is the terrorist risk.

The inmates included in this “inmates at risk” category serve their sentence in a maximum security regime,
which involves more restrictive detention measures.

2.2. TRAINING OPTIONS CONNECTED TO THE ISSUE OF RADICALISATION AVAILABLE FOR JUDICIAL
STAFF IN YOUR COUNTRY

Prevention

The EU Project CoPPRa, launched in 2010, focuses on the training of police officers so as to identify cases
of radicalisation in the community. In 2012, officers from the Ministry of Interior, Ministry of Justice and
Romanian Intelligence Service completed this training programme.

Created at EU level in 2011, RAN gathers experts in radicalisation from the intelligence service, the police,
prisons, the academic sphere and NGOs. RAN meetings allow expertise and best practices to be shared
among specialists from the intelligence community and civil society in order to prevent radicalisation.
The grid type tool VERA II assesses the extent to which an individual is radicalised and the associated risk level generated. Relaunched in 2012, the assessment matrix is filled in by people working in the security and intelligence institutions, who keep radicalised individuals under surveillance. A training programme about how to use VERA II was also provided to intelligence officers.

Other areas (education)

PLIR (national programme) was launched in 2014 by the Romanian Intelligence Service in cooperation with the Ministry of Interior, as a training programme for police officers which would allow them to more easily identify radicalised people in the community which is under their responsibility. This common initiative, as well as the CoPPRa project, is continued by the RIS and MI at a national level and is implemented by experts of both institutions who are trained and certified at international level.

The Clean-IT project was launched at European level in 2011, and Romania became part of it in 2012. The goal of Clean-IT was to create a set of principles and good practices in order to prevent and control the ill-intentioned use of the internet for terrorist activities.

3. PRIMARY PREVENTION: JUVENILE RADICALISATION IN DETENTION OR OTHER CLOSED FACILITIES IN YOUR COUNTRY

The Romanian Prison Service did not develop any primary prevention activities specific to juvenile radicalisation. The activities being carried out focus on the general inmate population and not on a specific age category.

General measures

The Romanian Prison Service is currently developing programmes and strategic activities adapted to the specific educational, psychological and social needs of the inmates and boarded persons.

The Romanian Prison Service is carrying out some activities which may also result in reducing the risk of radicalisation and recruitment by violent extremist groups.

The Service pays great attention to the initial period detainees spend when entering prisons. Inmates spend their first 21 days in a special section for quarantine and observation, where special evaluation and initial intervention is carried out, under surveillance.

After this period, inmates about whom there is intelligence regarding extremist beliefs or behaviours are monitored by a special department of the Prison Service responsible for preventing criminality and terrorism. This department relies to a large extent on cooperation with the security department, the reinsertion department, as well as on external specialised counter-terrorism agencies.

The inmates who pose a possible terrorist risk are included in the special category of “inmates at risk” and serve their sentence in a maximum security regime, which involves more restrictive detention measures.
Measures connected to radicalisation

The type of activities developed by the specialised department in the prison units and the exchange of information between the Prison Service and external partners from Romania responsible for fighting against terrorism make a considerable contribution to the identification of those inmates at risk of adopting extremist behaviour.

With regards to staff-training programmes to help identify possible extremists, the Romanian Prison Service has rather limited experience. Nevertheless, the Prison Service has developed some activities to help initiate an organised learning process, by focusing on early prevention as a responsible and realistic way of combating radicalisation.

Starting with 2015, in some prison units, officer teams (from 3 different prison departments: crime and terrorism prevention, security and social reinstatement) have been set up, some of whom have been trained in the main concepts and notions regarding radicalisation (the training was held by an international counter-terrorism expert) and all of them are periodically sent information materials on radicalisation.

Staff members from the headquarters (crime and terrorism prevention as well as security departments) have been trained by specialists of the European Commission (the training was called RAN (Radicalisation Awareness Network) - Train the trainer") and were involved in mentoring sessions held by an international counter-terrorism expert.

Management staff from prison units (whose day-to-day routine involves direct and frequent contact with the inmates and the security and reinsertion departments) have been presented with some facts about the meaning and effects of prison radicalisation and the areas under their responsibility.

At the same time all prison staff are being made aware of prison radicalisation and of the risk factors through the E-learning platform, in which coordinating staff share informative material concerning how to recognise and respond to signs of radicalisation.

The e-learning platform is an online training programme available to all prison staff, in which information is generally shared specifically within the field of activity that the staff belong to. The programme also contains more general educational material – for example, one of the pieces of information generally shared to all the staff consists of analysis concerning radicalisation and recognising its signs among prison inmates (with the aim of raising awareness among frontline staff).

NAP is currently involved in several European funded projects regarding radicalisation:

- The “Radicalisation Prevention in Prisons” (R2PRIS) Project seeks to reduce radicalisation and extremism inside prisons by enhancing the competences of frontline staff (correctional officers, educational staff and psychologists, social workers) to identify, report and interpret signals of radicalisation and respond appropriately.

  Bringing together international experts in the field of radicalisation and national prison
administrations, the R2PRIS project offers an innovative training programme for prison staff on how to recognise and prevent the process of radicalisation inside prisons. The project's target group is composed of 180 prison professionals from 5 different countries (Portugal, Norway, Turkey, Belgium and Romania) who will undergo a training programme with 5 components and 160 sessions of 3 hours per course: class, online, short-term staff training, work-based assignments and coaching/consultancy. An e-learning course will be developed and also a train-the-trainer course. Three short-term staff training events will also be conducted. To disseminate the project's results, 5 national seminars and one international seminar are scheduled to take place.

The immediate results of the project will be that the trainees gain the necessary knowledge and tools to recognise and prevent the process of radicalisation inside prisons. The potential positive and long-lasting impacts of R2PRIS project are the increase of awareness of prison systems in Europe about the issue of radicalisation, and the reduction of radicalisation and violent extremism in the community.

- The project “Strengthening the capacity of the penitentiary system in the area of human capital development at the level of prison staff” was part of the Program RO23 “Correctional services, including non-freedom depriving sanctions”, and was financed by the Norwegian Financial Mechanism 2009–2014.

The purpose of the project was to develop a policy strategy and specific human resources instruments to improve the professional competences and knowledge of the prison staff and the redevelopment/rehabilitation and endowment of the Centre for Training and Specialisation for the National Administration of Penitentiaries Officers–Arad. One curriculum subject was on radicalisation.

- “RASMORAD P&P – Radicalisation Awareness and Staff Mobility in Prison and Probation Service” project (7 partners: Italy, Belgium, Cyprus, France, Portugal, Romania) is due to end by December 2018.

The project seeks to find common de-radicalisation methods and to share the result through an online platform, by taking into account several aspects: the way prison sentences are being applied in every country; the activities that are being held with inmates; the approach as far as de-radicalisation is concerned in every prison system; the way state institutions cooperate to fight against radicalisation.

- “DERAD – Counter Radicalisation through the Rule of Law” project (6 partners: Italy, Spain, Bulgaria, Germany, Czech Republic, Romania) is due to end by the end of June 2018.

The project seeks to: unify existing practice regarding the fight against radicalisation in the EU; train 48 radicalisation experts so as to establish national training centres; set up an e-learning training platform in order to share information about radicalisation, including EU decisions as far as prison and probation are concerned; as well as to develop online practical exercises. The Prison Service is interested as well in cooperating with staff from national agencies outside the country, who are responsible for preventing and fighting against terrorism. Taking part in common events (symposiums, conferences, training sessions) is a way to synchronise efforts and perspectives with a means to develop a unified approach to tackle radical extremism.

Meanwhile, regional cooperation with experts from prison services from different countries helped to develop an extensive and comprehensive view on the phenomenon and created the
premises for designing a pattern of best practice, by sharing experience and interventions in matters related to radicalisation.

4. SECONDARY AND TERTIARY PREVENTION

The national prison system is part of the defence, public order and national security system of Romania, being responsible for enforcing the detention regime and providing recuperative intervention for people in a state of deprivation of liberty, under conditions which ensure respect for human dignity.

A turning point in the development of the Romanian prison system was the entry into force of the new Codes (the Criminal Code and the Criminal Procedure Code) on 1st February 2014, with an emphasis on the non-deprivation and integrative dimension of the actions undertaken by the criminal proceedings.

The New Penal Code has brought significant changes to the criminal liability of minors who commit offenses. Title V, Minority, regulates the liability and the penalties for minors who break the law. As for criminal liability, it remains unchanged, but the penalties applicable to minors have been modified. Thus, children may be punished with two types of educational measures: non-custodial (such as: civic training courses, supervision, weekend’s consignments and daily assisting) and custodial (internment in an educational centre or in a detention centre).

Law no. 254/19 July 2013 concerns the serving of sentences or measures involving deprivation of liberty issued by the court during the penal trial, with its subsequent amendments bringing to the limelight the establishment of institutions specialised in recovering juvenile delinquents. They must have adequate facilities for accommodation, for preparing and serving meals, for school activities and professionalisation, for social and psychological assistance, for religious, cultural, sporting and recreational activities, ensuring medical assistance and receiving visits.

In the Romanian prison system minors and young adults (18 – 21 years old) are considered a special category of inmates for whom the National Administration of Penitentiaries holds two detention centres and two educative centres.

The educational measures involving deprivation of liberty can be enforced in:

- Educational centres.
- Detention centres.

The educational centres and detention centres, which are institutions specialised in the social recovery of confined persons, are set up by a Government decision, have legal personality and are subordinated to the National Administration of Penitentiaries. The educational centres and detention centres are organised and operated based on the regulation approved by the Order of the Minister of Justice. Internal or external sections may be established within the centres, by the Decision of the Director General of the National Administration of Penitentiaries, in relation to the regimes of the educational measures involving
deprivation of liberty, the confined persons’ sex, age, and their needs of protection, education, psychological assistance and social assistance. The minor is sent, as a rule, to the centre nearest to the town of residence.

The educational centre is an institution specialising in the social recovery of confined persons, in cases where they attend school training and vocational training programmes, according to their skills, as well as other activities and programmes intended for social reintegration.

The detention centre is an institution specialising in the social recovery of confined persons, under a guard and surveillance regime, where they attend intensive programmes and activities. The regimes of educational measure involving confinement in a detention centre are:

- Closed regime.
- Open regime.

The centres contain classrooms, libraries, clubs, psychology labs, sports grounds, spaces for outdoor activities, places for religious activities, rooms for legal counselling and for intimate visits.

All minors are assessed on three areas: education, psychological assistance and social assistance. These actions sustain the design of the intervention and specialised assistance during the execution of punishment, in the form of an individualised Plan of Recuperative Intervention. The Plan recommends activities and programs to be conducted for each person, in order to facilitate their social recovery, taking into account the available human and material resources. Periodic assessment of needs and risks and individualised assistance enable a real-time mitigation of possible negative influences over the persons kept in custody.

Every minor has the right to education according to their needs and abilities as well as to a suitable vocational training. Education and vocational training is provided by qualified didactic personnel in classes affiliated to public schools or in the schools located on the centre grounds.

Consequently, training school courses for primary and secondary education are organised in each detention unit, minors being required to attend mandatory public education. Education and professionalisation held in schools inside the centres are part of the special education system and take place in accordance with the provisions of the Education Law. In these centres, the structure of the school year is the same as in mainstream education.

Minors and youngsters (18 – 21 years old), are considered by the Romanian prison system as a special category of inmates and have priority in inclusion in school and vocational training activities.

To develop the recuperative activities, there are psychologists, social workers and educators in each unit, as follows:

- Psycho-social assistance staff: the psychologist organises and carries out psychological care programmes, evaluation and psychological counselling activities; the social worker organises and unfolds social care programmes, evaluation and social counselling activities.
• Educational staff: the educator organises and unfolds educational programmes and activities as well as individual informing interviews; the priest organises and carries out religious and moral counselling activities and celebrates religious services; the sport monitor organises and runs programmes and sporting activities; the technical agent is the manager of radio/TV sets and makes sure the radio/TV studio is in working conditions.

Also, the residents may work, according to the labour law, and according with their physical development, their abilities and knowledge, if their health, development, school instruction and vocational formation are not jeopardised. They may work only if they have a medical approval from the doctor of the educational or detention centre.

Since 2005, the prisoner education and psychosocial assistance has intensified, quantifying in a series of acts and normative documents, aimed at standardising the application of intervention strategies. An important step was represented by the promotion, in the beginning of 2017, of the *Regulation on conditions for organising and conducting educational activities, cultural, therapeutic, psychological and social care in prisons*. Organised in seven titles, the document provides the definition of the main types of activities carried out in the prison: school and professional training, assessment, counselling, semi-structured activities and programs, corresponding to three domains: education, psychological assistance and social assistance.

The regimes of the measure of confinement in a detention centre must be differentiated in relation to the degree of restriction of confined minors' freedom of movement, as well as to the manner and place of organising and conducting activities.

The number of children convicted of committing criminal offences and held in prison facilities has increased (unwillingly) after 2010, reaching 512 minors in December 2013. The entry into force of the New Criminal Code caused a decrease in the number of minors held in prison facilities, to 327 people with ages between 14 and 18 years (312 boys and 15 girls) in January 2018.

The Romanian prison service vision is that it has to acquire the status of a social partner which the community needs so much as prisoners belong to the community and the imprisonment institution provides an essential service to the society. In this context, the institutions and civil society organisations have an essential part in recovering the minors and young people. By maintaining minors’ relationship with their families and, broadly speaking, with the community, it is aimed at decreasing the negative effects of imprisonment on the one hand, and at getting the community involved in prisoners’ social reintegration, on the other hand.

Following these objectives, the juvenile delinquent rehabilitation implies creating a community support framework facilitating their social re-entry by means of public and private partnerships (concluding collaboration protocols with governmental and non-governmental organisations). Within inter-institutional collaborations, the bases of joint social reinsertion projects are decided upon with a view to favouring minor and young inmates’ social reintegration.

The effectiveness of the activities performed in collaboration with civil society lies both in the involvement
of all parties and in the sustainability level reached after the end of the project by diversifying/developing the activity and contacting offer. It is required to provide permanent publicity and promotion to the activities carried out with the support of the social partners in order to ensure visibility and continuity to the proceedings unfolded by the prison system.

In Romania, there is only one specialised court for minors and families – Family and juvenile Court Brasov. It was established by the Order of the Minister of Justice no. 3142/C/22.11.2004. According to the above mentioned Order, the Court began to operate effectively on the 22nd of November 2004.

An educational measure involving deprivation of liberty, during minority age, can be taken against the persons who committed an offence while they were minors in the following cases:

- If they committed another offence for which they were given an educational measure which was served, or began being served prior to committing the crime they are on trial for.
- When the punishment provided by law for the committed offence involves imprisonment for 7 years or longer, or life imprisonment.

Custodial sentences or measures involving deprivation of liberty are enforced in accordance with the provisions of the Criminal Code, the Criminal Procedure Code and the Law.

The grounds for custodial sentences and measures involving deprivation of liberty are:

- The custodial sentences and educational measures involving deprivation of liberty are enforced only pursuant to final judgments.
- The custody is only enforced pursuant to the ordinance which specified this measure, according to the Criminal Procedure Code.
- The house arrest is only enforced pursuant to the conclusion of the judge of rights and liberties, of the preliminary chamber judge or, where appropriate, of the law court, according to the provisions of the Criminal Procedure Code.
- The provisional arrest is performed only under the provisional arrest warrant, issued according to the provisions of the Criminal Procedure Code.

Enforcing custodial sentences or measures involving deprivation of liberty aims at:

- Preventing minors and juveniles from committing new offences.
- Adopting a correct conduct towards the rule of law, the rules of social life and work, in view of detainees or confined persons’ reintegration into society.

In particular, enforcing educational measures involving deprivation of liberty aims at the reintegration into society of confined persons and rendering them more responsible, with a view to being able to account for their own actions and to preventing them from committing new crimes. The educational measures involving deprivation of liberty are enforced in such a way that they do not impede the exercise of the right to privacy more than is inherent to the enforcement.
The main goal of applying an educative measure is to reach moral and social recovery of those who have committed an offence, by restructuring their personality, shaping and developing habits and attitudes necessary for their re-entry into society.

During the educational measures, the maintenance and development of relationships with the family and the community, as well as the involvement in recovery approaches adapted to the psychosomatic particularities and its personal development needs, must be ensured. The confined persons must benefit from protection and assistance in the educational, professional, psychological, social, medical and health matters, according to their age, sex, personality and in the interest of personal development, services provided by specialised personnel.

In the New Penal Code, the legal regulation of arrest and pre-trial detention, and of being a resident in an educational centre or a detention centre, comprises the rules of the Recommendation CM REC (2008) 11 of the Committee of Ministers of the Member States on the European rules for minors subject to penalties or measures ordered by the judicial bodies. Thus, the recommendations formulated by the European Commission through the mechanism for cooperation and verification of progress achieved by Romania in order to attain certain specific benchmarks in the field of judicial reform and the fight against corruption in terms of criminal reform are met.

The new Code of Criminal Procedure provides that the same preventive measures can be ordered against minors as in the case of adults, but detaining and preventive arrest can be taken, in exceptional circumstances, and only if the effects of deprivation of liberty on their personality and personal development are not disproportionate to the aim pursued by the measure. Minors’ detention, which involves a special regime, suitable with age particularities, is provided so as the preventive measures taken against them do not prejudice their physical, mental or moral development.

CONCLUSION

At present, with radicalisation only representing a minor problem in Romania, a national strategy to prevent it has yet to be adopted; still, the phenomenon is mentioned in the National Strategy of Defence of Romania.

Nevertheless, on a general level, Romania has joined the European Union Strategy to control violent radicalisation and the recruitment for terrorist purposes and has adopted the method in which this phenomenon is managed at European level, by participating in different actions that tackle the terrorist phenomenon in general and radicalisation in particular.

The Romanian Prison Service has not focused on prevention programmes or measures in regards to juvenile radicalisation, as the current steps as far as preventing radicalisation is concerned are general and applicable to the inmate population as a whole.
INTRODUCTION

Islamist terrorism and the radicalisation of individuals are not foreign concepts in Spain. While it is true that the situation cannot be compared qualitatively or quantitatively with other European countries, there are two indicators which reveal that the jihadist mobilisation in Spain is not insignificant. On the one hand, more than 150 people have been arrested in Spain because of their links with the Islamic State (IS) and, on the other hand, more than a hundred people have moved out of Spain to fight in countries in which the IS has declared a caliphate (Reinares & García-Calvo, 2016).

This report is part of the PRALT project ‘The Prevention of Juvenile Radicalisation: Promoting the use of alternatives to detention through judicial training’ (JUST/2015/JTRA/EJTR). The objective of the report is to make known the situation of youth radicalisation in Spain. In order to do so, the report is divided into three parts. First of all, the definition of radicalisation in Spain will be discussed, briefly summarising the radicalisation processes, the profile of the persons involved, as well as some statistical data which aims to reveal the size of the phenomenon in the Spanish context. Secondly, a review is made of the legislation and policies which have been adopted in Spain to date to prevent and take action against this phenomenon. Finally, the last part outlines the programmes which are currently being implemented.

1. RADICALISATION OF YOUTH DEPRIVED OF LIBERTY

1.1. SOCIOLOGICAL BACKGROUND AND DEFINITION OF THE CONCEPT OF RADICALISATION

Before analysing the phenomenon of radicalisation in Spain, an explanation of what we are referring to when using this term is needed. Historically, the term ‘radicalisation’ was linked to extreme left and right movements, environmentalists or animal rights groups, as well as movements related to ethnic and religious issues. Nevertheless, after the September 11th attacks in New York, the term ‘radicalisation’ was then used as a central element of terrorism, referring to the process through which members of the Muslim community move towards the acceptance of political violence (Mellón & Parra, 2014).

Whilst multiple definitions of the term ‘radicalisation’ can be identified in scientific literature, none of these are based on “empirical validity” (Ramírez, 2016, p.22). Most of them refer to a process of acceptance of attitudes and beliefs of a violent nature. In this sense, Reinares and García-Calvo (2016) define it as the “process through which an individual ends up acquiring, to a greater or lesser extent, the attitudes and beliefs of the bellicose version of Salafism, a strict and violent way of interpreting the Islamic creed.” Similarly, Jordán (2009) defines jihadist radicalisation as “the process during which the individual embraces...
a system of beliefs which includes the will to use or actively support violence as a means to achieve the objectives of Salafi jihadism” (p.198).

Instead, others highlight within the definition other key concepts such as “terrorism”. Ramírez (2016), for example, maintains that the concept of radicalisation “refers to a the journey of a Muslim person who has, little by little, become radicalised and who perceives the world based only on his exclusive faith and ultimately becomes a supporter or even an actor of the armed or terrorist action” (p.22). However, de la Corte Ibáñez (2016) prefers emphasising the social, biographical and psychological factors, as he understands ‘violent radicalisation’ as a “process of socialisation (and, should be added, of biographical and social change) which can lead, gradually, to violent acts, mainly of a terrorist nature” (p.129).

Indeed, this term is not without controversy. Ramírez (2016) reveals that many of the definitions identify radicalisation as a problem of religious and cultural origin, putting aside other important aspects, such as socio-political issues.

The term ‘radicalisation’ and ‘extreme violence’ should also be differentiated. Both concepts hold different nuances, as holding extremist views is not the same as taking part in violent acts based on a radical ideology (Bjelopera, 2012, quoted in Rodríguez-González & Ceballos-Becerril, n.d.). In fact, not all Islamist radicalisation processes lead to violence (Díaz & Rodríguez, 2015; Melamed, 2016). Generally, violent radicalisation expresses itself as the wish to become Mujahideen and to fight in places such as Iraq, Afghanistan or Syria, rather than to plan and execute terrorist acts in Spain (Jordán, 2009, p.198).

When facing the term ‘radicalisation’, the concept of ‘counter-radicalisation’ arises, referring to the effective mechanisms which need to be implemented in order to “face the radicalisation processes, the flow of combatants and Islamic terrorism” (Melamed, 2016, p.75). According to European policies, counter-radicalisation consists of “preventing people from becoming terrorists, addressing the factors or root causes which can lead to radicalisation and to the recruitment of terrorists in and outside of Europe” (Council of the EU, 2005, p.3).

1.2. MOST COMMON FORMS OF RADICALISATION AND THE PROFILE OF RADICALISED PEOPLE

Islamic radicalisation is not the consequence of a common causal element but quite on the contrary, it is the result of different individual, social and political factors (Rodríguez-González and Ceballos-Becerril, n.d.), which facilitate the adoption of an extremist ideology, in which violence is seen as a tool to achieve “political ends sustained within a context of religious fundamentalism” (Melamed, 2016, p.72). The fact that these risk factors are not systematically the same for all radicalised individuals, confirms that different profiles exist. Even so, experts underline that it is possible to identify certain similar or common features (Melamed, 2016, p.72).

Radicalisation processes do not follow an exact formula, their duration differing from one person to another, during which time people can be influenced by life changing events, provoking in them a change of behaviour. Nevertheless, and generally speaking, four phases or moments during which the individual becomes radicalised can be identified: a) pre-radicalisation, b) conversion and identification, c) conviction
and indoctrination and d) taking action (Precht, 2007, p.33).

The first phase (pre-radicalisation) refers to all of the factors or conditions which can increase the vulnerability of a person to Islamic radicalisation (experiences of discrimination, identity crisis, precarious socioeconomic conditions etc.). The second phase, (conversion and identification) is when the individual changes his/her religious identity or behaviour. This change can take place in three different ways: leaving atheism to adopt a religious identity, going from religious moderation to religious extremism and converting from one religion to another (for example, from Christianity to Islam). The third phase (conviction and indoctrination) is when individuals start to identify with the causes of Islamic radicalisation. Finally, the fourth phase (taking action) is when the individual accepts the obligation to carry out, or help carry out, terrorist attacks and starts the preparatory acts.

Despite the fact that this phenomenon is, without a doubt, giving rise to serious concern, to date there are few studies in which the profile (or profiles) of radicalised persons are detailed. Such information is difficult to access, which hinders the proliferation of more empirical work. Amongst those published, must be highlighted the work carried out by Reinares and García-Calvo (2016) entitled Estado Islámico en España and published by the Royal Institute Elcano. In this study, the authors underline the demographic and social characteristics of those detained in Spain because of terrorist activities linked to the Islamic State (IS) from June 2013 to May 2016. They also analyse the facets of violent radicalisation processes, the motivations and implication within the organisation.

Among the principal results of the study, it should be emphasised that 83.1% of those detained in Spain because of activities related to IS were men, compared with 16.9% who were women. With regards to age, it is important to highlight that most of them were young, although there are some differences within the gender categories. Thereby, the age of the men varied between 16 and 58 years old, with an average of 30.6 years old. When age groups are considered, it is outlined that 5.4% were between 16 and 19 years old, 18.5% between 20 and 24 years old, and 27.2% between 25 and 29 years old. It also shows that women were younger than men. Their ages ranged between 14 and 42 years, the average age being 22.6 years old. Specifically, 89.4% were younger than 30 and were organised in the following manner: 5.3% were younger than 15, 36.8% were between 15 and 19 years old, 36.8% were between 20 and 24 years old and 10.5% between 25 and 29.

Civil status also varied depending on gender, 50% of women were single at the time of arrest whilst 66.7% of men were married.

A high percentage of those arrested in Spain were of Spanish nationality (45.5%), followed by 41.1% of Moroccan nationality and 13.6% of other nationalities. Nevertheless, the country of origin amongst those arrested which appeared the most was Morocco (45.6%), followed by Spain (39.1%), France (3.3%) and less significantly Belgium and Syria (1.6%). The rest were born in Algeria, Argentina, Brazil, Bulgaria, Chile, Italy, Jordan, Pakistan, Paraguay, Portugal and Tunisia. According to the experts, this last figure confirms that jihadist terrorism has changed during the last few years; before 2012 those convicted of terrorism or those who died during acts of suicide terrorism were of foreign nationality or origin; only 4.8% were born in Spain and only 16.7% were of Spanish nationality (Reinares & García-Calvo, 2016).
At the moment of arrest, 90% lived in Spain, of which 51.7% were first generation immigrants, 42.2% were second generation immigrants and successive generations, and only 6.1% were natives with no immigrant background.

Likewise, the jihadist phenomenon linked to ISIS in Spain generally focuses on medium-size urban areas. The second generation immigrants were, for the most part, born in Ceuta (60%), Melilla (27.3%), Barcelona (6.1%), Girona (3%) and Ciudad Real (3%). Nevertheless, at the moment of arrest they were living in other areas (Barcelona 29.8%, Ceuta 22.1%, Madrid 15.3%, Melilla 8.4%, Alicante, 4.3%, Valencia, 2.6%, etc.). As Reinares (2016) stated “we are no longer facing a phenomenon fundamentally related to foreigners. Amongst the more than 140 individuals who have been arrested in our country between 2013 and 2015, almost half of them are Spanish, and were born on the national territory”, which illustrates the emergence of home-grown jihadism in Spain (Reinares, 2016).

Moreover, 13.9% of those arrested were converts to Islam whereas the rest were originally Muslim (86.1%). In this respect, it should be noted that only 11% demonstrated relevant knowledge of Islam and Sharia.

Concerning the level of studies completed, the majority had attended secondary education (59%) whilst 28.2% had completed primary education and 10.3% had had a higher education. On the other hand, 50.1% had a job, 25.5% were out of work, 7.8% were students and 16.6% had no known occupation.

Furthermore, it should be noted that 44.6% had criminal records at time of arrest, mostly concerning ordinary offences.

Also, it was found that around 30.5% of those arrested had begun their radicalisation process before the proclamation of the Islamic State in 2013. However, a large percentage (19.3%) started their process of radicalisation before the beginning of the Syrian civil war in 2011.

It is also important to point out that 73.8% of those arrested became radicalised in Spain, 10% went through the process abroad, principally in Morocco and 16.2% became radicalised both within and outside of Spain.

Furthermore, it was found that most of them began the radicalisation process in their youth, although data on the age bracket fluctuates. In this way, 2.9% had begun this process before the age of 15, 34.2% between the ages of 15 and 19, 20% between the ages of 20 and 24, and another 20% between the ages of 25 and 29.

Concerning the environment in which those arrested became radicalised, in most circumstances this process took place in both online and offline environments. 18.4% became radicalised only through the Internet, and 28.9% in an offline environment. These offline environments are principally private homes and places of worship but also, albeit less common, open air spaces, correctional facilities, study centres and social places. Online environments on the other side are principally social networks (Facebook, YouTube, Twitter, among others) but also forums, blogs, instant messaging applications, etc.
Another important element is that 80.3% became radicalised due to the influence of recruiters who in most cases (90.6%) carried out face to face recruitment processes. Only 19.7% were self-radicalised. The radicalisation agents are usually activists with a previous track record of jihadism (38.3%) but can also be family members (27.7%), friends (31.3%) religious leaders (8.5%) and educators (4.3%), among others. In most cases (62.8%) people who moved to Syria or Iraq or that have had (or currently have) the intention of becoming radicalised, do it for ideological and utilitarian motives. Yet, there are also people who do it for existential and identity reasons (23.5%) and for emotional and sentimental reasons (13.7%).

Finally, the study highlights that only 5.6% of the people arrested carried out activities linked to ISIS on their own (lone wolves). The rest (94.4%) were involved in jihadist organisations in the company of other people, in which they carried out distinct roles: 26.6% dedicated themselves to leadership tasks, coordination and indoctrination, 49.5% were in intermediary circles carrying out diverse activities and half of these people were preparing for their journeys to Syria and Iraq, and finally 23.8% were recruited to become foreign terrorist fighters. This last group is made of young people (23 years of age, on average), mostly students or unemployed individuals, of Moroccan nationality and with poor knowledge of Islam and Sharia.

1.3. GENERAL SITUATION OF THE PHENOMENON OF RADICALISATION IN SPAIN

The first arrest which took place in Spain linked to jihadist terrorism was of a member of the Armed Islamic Group (AIG), and was made in 1995. From then on, more and more arrests were carried out. Between 1995 and 2003, there was an average of 12 arrests per year, which brought the number up to more than a hundred arrests during this time period. Nevertheless, following the attack in Madrid on the 11th March 2004, the number of arrests substantially multiplied, with around 500 people being arrested (Reinares, 2016). In spite of the significant volume of people arrested which, according to experts, has prevented many terrorist attacks, only 54 people have been convicted due to the procedural difficulties involved in these cases.

The last Activities Report of the Public Prosecutor’s Office (2016), based on 2015 data, reveals that the Audiencia Nacional[^101] (the Spanish judicial body responsible for matters involving terrorism) increased its activities concerning jihadist terrorism. In 2014, they opened 106 proceedings in the adult jurisdiction, and 179 in 2015. When the data was published, in 2016, there were 186 open proceedings, involving 363 persons under investigation.

Between 2014 and 2015, a total of 143 arrests were carried out. The majority of them took place on Spanish territory (104 people, 72.7%) and the rest were carried out on foreign soil through joint operations with the police forces of other countries. Many of the arrests which took place in 2015 were due to the fact that the people arrested were associated with recruitment networks, indoctrination, and the sending of jihadists into the ranks of Islamic State. The other arrests took place through their relationship with other terrorist organisations which operate in Africa, such as AQIM, ANSAR DINE and AL-MORABITOUN.

[^101]: The Audiencia Nacional is a Spanish judicial body that operates across the national territory and has jurisdiction over the most serious crimes and social relevance (terrorism, organised crime, drug trafficking, crimes against the Crown and economic crimes that cause serious damage to the national economy).
Table 1. Number of arrests in Spain linked to jihadist terrorism

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ARRESTS IN SPAIN</th>
<th>ARRESTS ABROAD</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>36</td>
<td>13</td>
<td>49</td>
</tr>
<tr>
<td>2015</td>
<td>68</td>
<td>26</td>
<td>94</td>
</tr>
</tbody>
</table>

The number of prisoners linked to Islamic terrorism has also increased during the past year. There are currently 20 people in prison completing sentences for terrorist crimes (10 of them for the attacks of March 2004 in Madrid). Eighty-one people are also in pre-trial detention, 24 of whom are linked to Al-Qaeda and 57 linked to the Islamic State.

Moreover, it has been estimated that around 150 people moved to conflict areas, 25 of whom have died or have been identified as part of the 20 people who returned and who are now in pre-trial detention.

Another situation highlighted by the Spanish judicial authorities is the increase of minors linked to Islamic terrorism. Particular attention is drawn to the case of “underage girls who have been recruited through social networks and indoctrinated to fight in Syria” (Audiencia Nacional, 2015, p.60). In its 2015 Annual Report (relative to 2014 data), the General Prosecutor’s Office indicated that cases of women and girls who claimed to be travelling to Syria and Iraq in order to integrate “women’s brigades” of the Islamic State had been detected. In fact, during that year (2014), there were three records of minors involved with jihadist terrorism. The first of them was 12 years old when he was imposed a protection measure. The other two cases concerned two girls, of twelve and seventeen years old, who had been indoctrinated and who claimed to be travelling to Syria to perform jihad.

The number of cases increased during the following year. In the Annual Report of 2016, it was indicated that in 2015 there were 21 proceedings for crimes regarding forming part of a terrorist group and the glorification of jihadist terrorism, of which 12 cases continued with judicial proceedings. The rest of the proceedings were not pursued further because the facts did not constitute criminal offences or because the minors involved were under 14 years of age102.

It is important to highlight that it is very difficult to access information regarding minors in conflict with the law, especially when it concerns very sensitive data, such as that concerning minors linked to terrorist organisations. Nevertheless, some of the cases which have been published to date have been listed below:

- Operation Tebas (1) in 2015: 2 minors involved.
- Sentence no. 3/16 of the Central Juvenile Court. Two minors were convicted under the charges of forming part of a jihadist terrorist organisation. Both were arrested when they were preparing to go to Syria to fight for DAESH. They were ordered to serve their sentence in confinement in a juvenile detention centre for 18 months, followed by two years of probation and three years of general disqualification.

102 The minimum age of criminal responsibility in Spain is 14 years old.
• Sentence XX/2015 of the Central Juvenile Court (Juzgado Central de Menores). On this occasion, two brothers were sentenced to serve 10 months of socio-educative tasks for a crime involving glorification of terrorism. They used Facebook in order to send out support messages for jihadist acts (including those of the Charlie Hebdo attack)

• Sentence XX/2015 of the Central Juvenile Court (Juzgado Central de Menores). A minor was sentenced to 3 years of detention for membership in a terrorist organisation, followed by three years of probation. In this case the minor underwent a radicalisation process by assisting the local mosque with a group who called themselves “Islamic Fraternity”, supporter of DAESH.

• Sentence no. 23/2015 of the Audiencia Nacional. In this case, 11 adults between the ages of 27 and 43 were tried for their membership in terrorist organisations and for being in illegal possession of weapons. This ruling is mentioned because it contains details concerning the involvement of a child, who travelled to Syria to fight with ISIS and eventually died.

• Overview 5/2016 of the Central Court of Instruction (Juzgado Central de Instrucción). This proceeding, which is still open, is about two women, one of whom was a minor, who were arrested when they tried to cross the Moroccan border in order to meet with members of a recruitment network. Their objective was to move to Iraq to join DAESH.

Finally, it must be noted that the significant increase in judicial proceedings is not only due to a greater presence of the phenomenon observed in Spain, but is also a consequence of the legislative reforms which were implemented in 2015, which are explained in the following section.

2. NATIONAL LEGISLATION

2.1. THE EVOLUTION OF LEGISLATION IN THE AREA OF RADICALISATION

Spanish legislation has undergone several modifications in the last few years in order to respond to a new form of terrorism. Spanish legislation was designed to deal with a type of national terrorism, like ETA and GRAPO, which was characterised by cohesive groups surrounding leaders, with a clear organic organisational structure and explicitly defined roles. Not only was this legislation not prepared for terrorism of a transnational nature, with a different organisational structure, different acts of violence and an unprecedented operational capacity (Cano, 2015), but it also had to confront new forms of individual terrorism (lone wolves) (Explanatory Statement LO 2/2015).

The legislative changes may be grouped into two categories. On the one hand, all of the changes were carried out under the Ley de Enjuiciamiento Criminal (Law of Criminal Prosecution) to facilitate the prosecution of certain cases through the incorporation of new investigative tools. On the other hand, changes in the Spanish Penal Code were introduced in order to classify behaviours associated with jihadist terrorism. With these changes, efforts have been made to provide the judiciary systems with the necessary tools to respond in a preventative or anticipatory manner, criminalising the activities which facilitate the expansion of jihadist terrorism and the risk of committing terrorist attacks, such as recruitment processes, indoctrination, radicalisation, enlistment, training and support activities, providing support and coverage to terrorist cells, groups or people who act in the name of jihadist ideology (General State Prosecutor, 2016).
Starting with the legislative changes linked to the Penal Code, it should be noted that, since the coming into force of the existing code in 1995, two relative modifications regarding terrorism crimes have been made. The first one took place in 2010 through the Organic Law 5/2010 of the 22nd June, and came into force in 2011. The second one, with a much more profound reform, took place in 2015 and was articulated with the LO 2/2015.

The first reform of the Penal Code (LO 5/2010) was implemented in order to give a judicial response that was better adapted to the new forms of terrorism, but also to fulfil legislative obligations derived from the Framework Decision 2008/919/JHA, which called on Member States to include the typical behaviours included in provoking terrorist crimes, terrorist recruitment and terrorist training. In this way, the reform of the Spanish Penal Code was principally focused on expanding collaboration lines and preparatory acts, as well as including other penal responses such as probation.

After the attacks which took place in Paris (the Charlie Hebdo shooting) and in Copenhagen, the two predominant political groups in Spain at that time (the PP and PSOE) signed an agreement to fight terrorism. Likewise, another legislative reform from the LO 2/2015 was implemented regarding terrorism. In the explanatory statement for this law, Spanish legislators make reference to the Resolution 2178 of the United Nations Security Council of 24th September 2014, where Member States were urged to ensure “the criminal prosecution of all individuals participating in the financing, planning or terrorist acts themselves” (p. 27.177).

The changes which were introduced by the new law are the following (Cano, 2015; Ponte, 2015):

- The definition of terrorism was amended in order to include new terrorist “purposes”.
- The sentences were toughened and the most serious punishment included in the Penal Code, the revisable permanent imprisonment, could now be applied (Ponte, 2015).
- Computer-related crimes were included, being treated as terrorist crimes when committed for terrorist purposes (Art. 573.2 CP).
- Now, crimes of public disorder, of sedition and rebellion are considered to be terrorist offences when they are carried out within a terrorist group or organisation, or when they are carried out individually but supported by a terrorist organisation (Art. 573.4 CP).
- Being indoctrinated, receiving military or combat training, or being taught how to develop or elaborate any kind of weapons and explosives have also been included as terrorist offences (Art. 575.1 CP).
- Passive indoctrination, which is to say, the self indoctrination or self-training, has also been included as a crime. This offence will be considered as such if a person possesses, or accesses in a regular way through electronic systems (including the Internet), documents which, because of their content, encourage the incorporation into a terrorist organization or group, or collaboration with either of them (Art. 575.2 CP). The objective is to fight “lone wolves” who are “individuals who become radicalised and carry out terrorist acts without being part of any group or organisation” (Cano, 2015, p. 25).

103 It constitutes a terrorist offense when acts are carried out for any of the following purposes: 1. Subverting the Constitutional order, or seriously suppressing or destabilising the functioning of political institutions or the economic or social structures of the State, or obliging public authorities to perform an act or refrain from doing so; 2. Seriously altering public peace; 3. Seriously destabilising the functioning of an international organisation; 4. Provoking a state of terror in the population or in a part of it (Art. 573 CP).
• Is included as a terrorist crime, the act of moving to a foreign territory controlled by a terrorist group or organisation in order to train or collaborate with them (Art. 575.3 CP).

• The inventory of behaviours considered as a collaboration crime has been extended. Now, the support provided to a terrorist group or organisation, as well as the intention of committing terrorist acts, are considered collaboration.

• Glorification and victim humiliation crimes, as well as the dissemination of terrorist ideas which might encourage others to commit crimes were also added to the list. Concerning the classification of these behaviours, special consideration is given to them when using media such as the internet. Furthermore, the possibility of withdrawing this content before the trial has been included as a precautionary measure.

• Finally, in addition to the sentences planned in every article, the possibility of exercising special disqualification for professional or educational professions in the educational, sports and leisure fields was introduced as a sentence.

This comprehensive reform, which was applauded by a sector of society, has also been the centre of much criticism. Experts from the United Nations reported that “the definition of terrorist offences and provisions relating to the criminalisation of acts of ‘incitement and glorification’ or ‘justification’ of terrorism’ contained in the reform project [...] are too broad and vague”. They furthermore indicate that “the anti-terror law could criminalise behaviours that would not otherwise constitute terrorism and could result in disproportionate restrictions on the exercise of freedom of expression” (EFE, 2015). Some academics shared the same view (Cano, 2015, p.10), and went as far as saying that it “restricted some fundamental rights to an excessive degree” (Galán, 2016, p.51).

Regarding the reforms in procedural matters, the Law of Criminal Prosecution has undergone various modifications in 2015 (LO 1/2015; LO 5/2015; LO 13/2015; Law 4/2015; Law 23/2014; Law 41/2015). Whilst these modifications answer different questions regarding the phenomenon of radicalisation, they have also had an effect on investigation and prosecution of people for crimes of this nature, due to the inclusion of new investigation tools, such as undercover agents, the interception of telephone and online communications, the recording of oral communication and images through electronic devices, the use of technical tracking devices, location trackers and image recording, as well as mass information storage devices.

The two regulations specified, the Penal Code and the Law of Criminal Prosecution, are applicable on a general level to the judicial proceedings of people who have committed crimes related to radicalisation. Nevertheless, it should be pointed out that when minors are involved, the applicable law is the Organic Law 5/2000 of 12th January, regarding the criminal responsibility of minors.

Since the adoption of this law in 2000, it has undergone 3 different modifications (LO 7/2000; LO 15/2003; LO 8/2006). Among these modifications, particular attention should be drawn to the last reform, operated with LO 8/2006, in which the penal response is (more severely) extended for “crimes which are committed in a group or when the minor belongs or acts on behalf of a group, organisation or association, even if it is of transitional nature, which is dedicated to the accomplishment of such activities” (Explanatory Statement LO 8/2006, p. 290).
2.2. NATIONAL LEGISLATION RELATED TO THE PREVENTION OF RADICALISATION IN CORRECTIONAL INSTITUTIONS

There is currently no specific legislation to prevent radicalisation within centres for minors or prisons. Nevertheless, several intervention measures have been taken, as discussed below.

Throughout the history of the fight against terrorism in Spain, and specifically in relation to the experience regarding the ETA terrorist group, two penitentiary models have been implemented regarding the destination of inmates convicted for those crimes. On one hand, the model which was present at the start of intervention programmes and which favours the concentration of prisoners, and on the other hand, a dispersion model, which is still in force to this day and which is applied in the decision making process regarding the classification and destination of Islamist inmates, as shown by Instruction I-02/2016 of the General Secretariat of Penitentiary Institutions.

In the Spanish prison system, it is possible to use the dispersion model, which consists of dividing up the inmates serving time for terrorist offences within all the correctional centres situated throughout national territory for the enforcement of the sentences, since the legislation does not rule on the right to serve a sentence near the place of residence or origin of the convict. In this way, the Organic Law 1/1979 of September 26th, General Penitenciaria, only refers to this aspect in Article 12.1, which establishes that “the location of the institutions will be set by the Penitentiary Administration within designated territorial areas. In all cases, it will be made sure that every institution has enough places to meet the penitentiary needs and avoid the uprooting of the inmates.”

Despite the controversy caused over the use of this model, which has become a cornerstone of the Spanish enforcement regime, the scientific doctrine now firmly considers that this article does not imply a subjective right regarding the obligation to serve a sentence near the residence of the inmate (Díaz, 2016).

For this, the General Secretariat of Penitentiary Institutions, and more specifically the Secretary General, as the only body capable of making decisions regarding the classification and destination of the inmates, maintains the dispersion model of Islamist inmates as a useful tool for the treatment of convicts destined to “overcome the violent and fundamentalist approaches or their harmful transmission to other inmates, recruiting them to their cause.” (General Secretariat of Penitentiary Institutions, 2016).

A similar thing happens with the treatment minors receive when they are imposed with a detention measure in a centre. Generally speaking, the law of criminal responsibility of minors (LO 5/2000) sets out that they should serve their sentence in the most appropriate centre amongst those closest to their homes, unless it is considered better for them to be away from their family and social environments. Nevertheless, the norm specifies that when it comes to minors belonging to a group, organisation or association (as would be the case if they belonged to a terrorist group) “they will not serve their sentence in the same centre, and will be allocated a specific centre, even if that means that they will be living away from their family and social environment” (Art. 46.3 LORPM).
2.3. NATIONAL POLICY REGARDING RADICALISATION

The 36/2015 Law of September 28th regarding national security (Seguridad Nacional), indicates in Article 4 that the National Security Policies should be understood as the public policy designed to, under the supervision of the government along with the active participation of all Public Administrations, address the needs of national security. Similarly, it details in the quoted article that the basic principles which orientate said policy are the unity of action, anticipation, prevention, efficiency, resource sustainability, resistance and recovery capacity, coordination and collaboration.

As a strategic policy framework for the Policy of National Security, the National Security Strategy has been developed, bringing together the principal lines of action regarding national security policy, and contains the risks to national security and the recommended guidelines to follow in order to tackle them and thus to guarantee the security of the Nation.

Focusing on the field of radicalisation, the 2013 Strategy of National Security (ESN-2013) considers the phenomenon as one of the main threats to national security. In this way, the risks derived from terrorism are made explicit (with special emphasis on jihadist terrorism) and the strategic lines of action are stipulated in order to confront this phenomenon.

Attention is drawn to the fact that the treatment of radicalisation needs to be addressed from a comprehensive perspective which, applying safety criteria, involves different areas which shape society (social, political, economic and legislative), establishing that the main lines of action against this phenomenon need to be directed towards prevention, protection, persecution and response preparation.

In the last Annual Report of National Security of the Department of National Security of Spain regarding the year 2015, the actions which have been carried out within the lines of action to combat terrorism contained in the ESN-2013 have been detailed:

**Prevention**

The report highlights the importance of political consensus as one of the main pillars to combat terrorism, pointing out the following actions which have been carried out in 2015:

- The Organisation of the Special Meeting of the Counter-Terrorism Committee of the United Nations Security Council in July 2015 which led to the “Principios rectores de Madrid” (Guiding principles of Madrid).
- Greater control of arms trafficking.
- Advances made in the elaboration of an action plan to combat the financing of terrorism.
- Development of the “Stop Radicalismos” project, website dedicated to the collaboration of citizens in the fight against radicalisation.
- Implementation of the Intervention programme with jihadists inmates in correctional centres.
- Approval and implementation of the National Strategic Plan on Combating Violent Radicalisation.
Protection

Within the actions which fall within the area of protection, an increase of the threat level to a level four, as stipulated in the Prevention and Anti-Terrorist Protection Plan, has been highlighted, as well as:

- The development of specific measures in cyber-security
- In the area of air transport, the implementation of the obligatory use of explosive trace detectors during the screening procedures of passengers and hand luggage.
- In Spain, the incorporation of international work groups focused on airspace security risk control.

Persecution

As mentioned above, the reform of the Penal Code which took place in 2015 constituted an important increase in the tools in the fight against terrorism, facilitating both the arrests and prosecutions. Moreover, the report highlights the quality of the collaboration between different autonomous and international security forces, as an important pillar in the localisation and arrest of radicalised people.

Response preparation

In the first instance, the focus is on the active participation of the Spanish state in different groups and international forums fighting against terrorism, ending with a special mention of the developed measures in the area of attention to the victims of terrorism:

- The building of a memorial centre for victims of terrorism.
- The coming into force of the 4/2015 law of the 27th of April of the Estatuto de la víctima del delito (Standing of the victims of crime).
- Entry into force of the Royal Decree 1109/2015, of December 11th, which develops Law 4/2015, of the 27th of April, regarding the Estatuto de la víctima del delito (Standing of the victims of crime), and regulates the Offices for Assistance to Victims of Crime.

Amongst the measures mentioned above, due to its importance, the National Strategic Plan in the Fight against Radicalisation (PEN-LCRV) should be highlighted given that it mentions the different actions designed to eradicate radicalisation which need to be developed. The plan was implemented in 2015, with technical help and the counselling of the social, political, economic and legislative fields.

The PEN-LCRV is responsible for implementing the measures in Public Administration, in groups at risk of radicalisation and in civil society as a whole, and affects the early detection and elimination of radicalisation by defining three different areas of operation: internal, external and cyberspace, highlighting the activities which need to be developed in each field through three functional areas (prevention, vigilance and action).

Thus, within the areas of internal action are stipulated the measures elaborated to achieve social integration through the development of outreach programmes designed for civil society as a whole and the implementation of educational programmes based on the values and respect for diversity, as well as
measures designed for the early detection, control and intervention with special reference to correctional institutions.

As far as the measures to be developed from external policy areas are concerned, the PEN-LCRV underlines the need to implement the actions planned in international agreements to which the Government has adhered, collaborating in an active way with the United Nations and the European Union, as well as with other organisations and European and international Institutions such as the Radicalisation Awareness Network (RAN), the Community Policing Preventing Radicalisation and Terrorism (COPPRA) and the Global Forum against Terrorism (GCTF), among others.

Finally, the measures established within the cyberspace realm are designed to avoid the use of internet as a way to support violent extremism, as well as to monitor and dismantle the processes which have already been established. For that purpose, the PEN-LCRV highlights the need to produce periodic reports on the current situation and to implement counter-narrative strategies in cyberspace.

In short, it is a coherent and structured strategy which develops different actions of a general nature which include primary as well as secondary and tertiary prevention, and which involves all areas which shape society in order to offer a comprehensive and efficient response to such a complex issue as radicalisation.

2.4. ALTERNATIVES TO THE DETENTION OF RADICALISED YOUNG PEOPLE

The alternative measures to detention which can be applied to minors who have committed a crime related to radicalisation are the same as the ones which can be applied to minors who commit any other type of crimes. There is no specific legislation regarding alternatives to the detention of radicalised young people.

These measures are illustrated in Article 7 of the LO 5/2000:

- Outpatient treatment. People subjected to this measure will have to attend the designated centre as often as required by the doctors and will have to follow the established guidelines for the adequate treatment of psychic anomalies or mental disturbance, addiction to the consumption of alcoholic drinks, toxic drugs or psychotropic substances, or of perception alterations which they may suffer.
- Attending a day centre. People subject to this measure will remain at their usual place of residence and will go to a centre, fully integrated into the community, for support, educational, training, work-related or leisure activities.
- Probation. This measure involves a follow-up of the person's activities and attendance to school, to a professional training centre or to work, according to the cases, helping them to overcome the reasons which brought about the offence.
- Prohibiting communication and close contact with the victim, members of the victim's family or such other persons as the Judge may determine. This measure will prevent the minor from reaching out to them, wherever they may be, such as at their home, educational centre, in their workplaces or in any other place they regularly visit.
• Living with another person, family or educational group. In this case, the person lives with another person, a family other than their own or an educational group, appropriately selected to guide them during their socialisation process, for a period of time established by the Judge.
• Community Service. Under this measure, the person will have to carry out, with their express consent, unpaid activities of social interest or for the benefit of people in precarious situation.
• Carrying out socio-educational tasks. Under this measure, the person will have to carry out specific educationally-orientated activities in order to facilitate the development of their social competency.
• Warning. This measure consists of the reprimand of the person in question. It will be carried out by a Judge in order to make the person understand the seriousness of the acts committed and the consequences that they had, or could have had, urging them not to commit the same acts in the future.
• Deprivation of the right to drive motorcycles and motor vehicles, of the right to obtain a driving licence, or the right to obtain administrative licences for hunting or for the use of any type of weaponry. This measure may be enforced as a secondary measure when the crime or misdemeanour has been committed respectively using a motorcycle, motor vehicle or a firearm.
• Perpetual disqualification. The perpetual disqualification measure consists of the definitive deprivation of all honours, jobs and public positions which the offender may have held, even if conferred by popular election. It also prohibits the capacity to obtain the same or other public positions, a public employment or honours and that of being elected for a public position during the time of this measure.

Similarly, there is no fixed list of the alternative measures to prison for young radicalised adults. The non-custodial measures provided for in the Penal Code in Articles 39 to 50 can be applied to them, making no distinction regarding the type of crime committed.

2.5. TRAINING OPTIONS RELATED TO THE ISSUE OF RADICALISATION FOR JUDICIAL PROFESSIONALS

Regarding the training of professionals in the field of radicalisation, the PEN-LCRV, within its domain of action, devotes a specific section to the training/education of both the Public Administration and the vulnerable groups and civil society as a whole. Similarly, given the need for all administrations, entities and groups responsible for the implementation of the plan to receive appropriate training, the focus is on the importance of designing specific training actions for the different departments and Public Administration bodies, for the state security forces and for vulnerable groups etc. attributing responsibility for the elaboration and implementation of training to all ministerial departments involved. Nevertheless, the PEN-LCRV does not specify which specific training the professionals need to receive in order to develop their work in the judicial field.

In Spain on the other hand, the organisations responsible for the training of the judiciary field professionals are the General Council of the Judiciary, through its Judicial School, for judges and the Centre for Legal Studies of the Attorney General's Office, for members pursuing a career in prosecution and officials belonging to lawyers associations of the Administration of Justice, forensic doctors and other personnel of said administration. Both organisations, the Judicial School and the Centre for Legal Studies, rely on
initial training and continuous training which are based on a theoretical and practical learning methodology. Nevertheless, the contents of the specific or continual training plans are not available to the general public, as it has not been verified whether or not training measures relating to radicalisation exist.

Lastly, there are university degrees and specialised courses which, although not specifically designed for professionals who work in the judicial field, constitute a specific training programme in the field of radicalisation. These actions are usually taught to university graduates (in political sciences, sociology, criminology, law, humanities, and communication sciences), members of the Armed Forces and Security Forces of the State, political positions and diplomats, etc. Below are the main courses which are currently being developed:

- **Master’s Degree in Strategic Studies and International Security**, initiative of the Group of Studies in International Security, which was developed at the University of Granada. With online methodology and a teaching load worth 60 credits, it contains a specific module on public defence policies and international security strategies.
- **Official Master’s degree on terrorist phenomenology**, an initiative of the Fundación General UGR-Empresa, Manager of Postgraduate degrees at the University of Granada. With online methodology and a teaching load worth 60 credits, it has modules in: Terrorism as a global threat, Cyberterrorism, Narcoterrorism, Bioterrorism and epidemiology, NRBQ Threats, Psychology of Terror and Victimology, Financing of Terrorism and Terrorism as an asymmetrical conflict.
- **Specialist certificate on Jihadist terrorism analysis, insurgence and radical movements**, developed by the Pablo de Olavide University of Seville. Using online methodology and with a teaching load of 30 credits, it focuses its learning modules on the following areas: Jihadist insurgency (dynamics, actors, and scenarios), Jihadist terrorism (ideological basis, actors, organisation structure and radicalisation processes) and radical religious movements in Spain (actors and processes).

To conclude, specific educational courses in radicalisation are still at an early-development stage, the offer needs to increase and activities addressing specific thematic areas need to be expanded.

### 3. INTERVENTION OR PREVENTION PROGRAMMES

As previously mentioned, the General State Administration, the responsible institution implementing PEN-LCRV, has carried out important legislative modifications in order to prevent and eradicate radicalisation, and has established coordination channels, different organisms and institutions to appropriately carry out the implementation of ESN-2013. Early detection systems, as well as management and monitoring systems, have been developed for people at risk of radicalisation or for people already radicalised.

However, it is important to mention that there is a lack of development regarding specific prevention and intervention programmes. The first pilot programmes and response protocols for schools, communities and penitentiary systems are currently being implemented.

Different factors might influence the scarcity of structured programs, and the absence of a concrete
budget allocation should be highlighted. In this sense, the PEN-LCRV mentions that the different initiatives it contains need to be implemented within the available budget of each competent administration. Taking into account that our first pilot programmes are currently being implemented and consequently are still in the testing phase, and that therefore none of them has been assessed, it is highly risky to conclude that any of these actions are “good practices” in the field of radicalisation prevention.

However, while awaiting the first results on the effectiveness of these programmes, we started describing these activities which are starting to be developed with young people deprived of liberty (in juvenile detention centres as well as in correctional facilities).

3.1. PROGRAMMES FOR THE PREVENTION OF RADICALISATION IN CORRECTIONAL FACILITIES

A description of the programme run by the Spanish Ministry of the Interior for the prevention of radicalisation in correctional facilities can be found in Volume IV, section 6.4.

3.2. FRAMEWORK PROGRAMME OF INTERVENTION FOR VIOLENT RADICALISATION WITH ISLAMIST INMATES

A description of the framework programme of intervention for violent radicalisation with Islamist inmates in correctional facilities (PEN-LCRV), run by the Spanish Ministry of the Interior, can be found in Volume IV, section 6.5.

3.3. PRODERAI: DETECTION PROCESSES OF ISLAMIST RADICALISATION

A description of the PRODERAI programme on detection of Islamist radicalisation in correctional centres, centres for the execution of non-custodial measures for adults and juvenile detention centres of Catalonia, can be found on Volume IV, section 6.6.

CONCLUSIONS

As this report stated in the beginning, the phenomenon of radicalisation is emerging in Spain, although there are only a few known cases of minors and young people linked to Islamist terrorist groups, especially when compared quantitatively with other forms of crime. Nevertheless, these first cases have alerted the judicial, police and political authorities, who have been making an effort to develop operations whose aim during the past few years has been to prevent and confront radicalisation.

Initial studies have been made regarding the demographic and social characteristics of those convicted in Spain but there is no information relating to the psychosocial profile of the young people and minors belonging to these groups. Therefore, there is a need for additional research in this field, through different strategies such as funding and facilitating the access to information.

The lack of information hinders the development of structured programmes for this group, principally
focused on reducing risk factors and increasing protective factors. As explained earlier, very few initiatives have been carried out in Spain to prevent and intervene with radicalised young people, beyond the actions which are usually carried out with other young people in conflict with the law. Currently, some programmes and protocols are being implemented which fundamentally focus on the detection of radicalised persons within the penitentiary environment. Furthermore, other initiatives are being implemented in the community but no data has yet been published.

The fact that the strategies which have been carried out to date are still at an emergent phase, complicates their evaluation, preventing their effectiveness and efficiency from being assessed. Nevertheless, it is fundamental that within a short period of time, the first results are systematically evaluated in order to validate or redirect the programmes if necessary.

The penal legislation as well as the procedural legislation have undergone great changes, with no prior empirical study regarding the need for these reforms. These reforms, which have been criticised by some academic sectors, could be the cause for an increase of investigation and prosecution regarding cases related to radicalisation and Islamist terrorism, according to the judicial authorities. In quantitative terms, the number of judicial cases related to this phenomenon surpasses that of those pertaining to other forms of political violence. But regardless, it is equally necessary to carry out a rigorous analysis on the effectiveness and the consequences of these legislative reforms.

Furthermore, it should be noted that no specific legislation has been developed for the prevention of radicalisation of young people within detention centres. No specific alternative measures to detention for this group have been developed either, as measures for minors who have committed offences of a different nature can also be applied to them.

Finally, it can be concluded that few initiatives have been identified in relation to training, for both judicial personnel and for other agents involved, such as the police or the staff of detention centres. It may therefore be advisable to promote the training of these groups, as well as of other professionals in the community, such as teachers, social workers etc. who, after all, have the most direct contact with the population at risk and who can develop prevention activities.
BIBLIOGRAPHY


Rodríguez-González, J.M., & Ceballos-Beceril, M.P. (s.f.). Aproximación psicológica al proceso de la radicalización.

This manual provides the concepts as well as the legal and policy instruments needed to understand the context in which radicalisation particularly affects young people. It focuses on topics relating to the prevention of juvenile radicalisation, and particularly within the detention context. It gives professionals and practitioners the concepts and the instruments needed to understand the often vulnerable situation of children and young people in detention, particularly with regards to the risks of them being radicalised.

This publication also examines alternatives to detention and community measures in the context of juvenile radicalisation. It provides an understanding of the different types of community sanctions and measures, their legal framework and their characteristics, along with examples of programmes in Europe that are working to prevent and tackle the radicalisation of children. Finally, the last volume presents national reports on juvenile radicalisation from Belgium, France, Germany, Romania and Spain.

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