'Prevention of radicalization' and 'de-radicalization' programmes in detention

Background and the ICRC's role

The International Committee of the Red Cross (ICRC) has been closely observing the efforts made by the international community to counter violent extremism. Because of its activities around the world in favour of persons deprived of their liberty the ICRC is particularly aware of existing and developing policies that are described as aiming at 'prevention of radicalization', and 'de-radicalization'[1] in places of detention.

The ICRC is well-placed to observe the challenges linked to the implementation of such policies in detention and regularly raises them in its confidential dialogue with relevant authorities. As a neutral and independent humanitarian institution, it is not involved in defining or initiating programmes that target detained individuals perceived as a threat to domestic or international security. It does, however, recognize the need for greater investment in the systems responsible for the treatment of detainees. These systems require appropriate resources for accompanying individuals away from criminalized behaviour towards reintegration into society while respecting human dignity.

While recognising that there are promising examples of preventive or 'de-radicalization' programmes, and that practice is still developing in this area, the ICRC is also aware that detention authorities are encountering significant challenges in translating ambitious and complex policies into practice, often without the necessary means.

In this document the ICRC wishes to highlight fundamental principles and safeguards which should be respected when implementing programmes in a detention environment, including those aimed at 'de-radicalization'. Against this background, the ICRC wishes to draw the attention of States, and other parties active in such programmes, to the gaps in, and problematic features of, some current initiatives. It wishes also to point out that some measures can have perverse consequences not only for the detainees targeted, but for the general detained population, and society as a whole. These consequences risk contradicting the ultimate aim of the measures, which is to protect the public from acts of a violent nature.

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[1] There is no clear or unanimous definition of the terms used in the current debate around the phenomenon of violent extremism and in particular the threat posed by acts of terrorism. International Humanitarian Law does not define terrorism, but expressly prohibits 'acts of terrorism', whichever party to a conflict commits such acts. The terms '*Countering violent extremism*' refer commonly to a range of measures adopted in reaction to the violence used by some to achieve ideological, religious or political goals.
The ICRC uses the following definitions when referring to the phenomenon of 'radicalization' in a detention setting and to the measures deployed to counter violent extremism:
 '*Radicalization*' is used to describe the process by which an individual acquires extremist beliefs contrary to the generally-accepted, mainstream ideology and opinion in a given context, and which may or may not lead to the incitement or perpetration of acts of a violent nature including terrorism.
'*Prevention of radicalization*' in a detention setting refers to the package of measures which seek to prevent individual detainees who have not acquired, or who may be in the process of acquiring, extremist beliefs that could lead to violent behaviour, from doing so.
'*De-radicalization*' refers to the process by which the State aims to suppress or 'correct' in relation to an individual or group what it considers to be extremist ideology as well as the criminalized behaviour that this ideology may have provoked, supported or facilitated.

Above all the ICRC is firmly convinced, on the basis of its experience, that inhumane conditions of detention and treatment not only contradict State obligations but are highly counterproductive to any efforts to prevent 'radicalization' and violent extremism.

Fundamental safeguards and principles to observe

- ### Humane treatment of detainees and respect for the rule of law

Respect for the dignity, and protection of the physical and psychological integrity of all persons deprived of their freedom is the basis for any successful treatment and programmes in detention.

- ### Informed individual risk and needs assessment

Central to the management of all detainees is an individualised and ongoing approach to assessment and categorisation, coupled with an appropriately informed response and follow-up.

- ### Restrictions that are legally based, necessary and proportionate

Any differential treatment should be based on internationally compliant laws or regulations and should be the minimum necessary to ensure safety, good order and security. Furthermore, any restrictions or enhanced security measures imposed on individuals must be regularly reviewed and evaluated to ensure continued relevance and proportionality to the goal sought as well as to prevent, or detect and remedy, any abuses or perverse effects. The degree of supervision of contacts by detainees with the outside world should also be directly proportionate to the risk assessed as being posed by this contact.

All detainees have the right to essential services and goods. Daily access to the open air; water; food; sanitation facilities; health care; and meaningful human interaction, including contact with the family are basic rights for every person deprived of their liberty.

- ### High quality, trained and supervised detention staff

The detention staff working with detainees subjected to targeted security measures, restrictions or programmes should be properly recruited, trained and supported and know how to interact constructively with the detainees. Their motivation, skill and attitude, both as individuals and as a group, is of the utmost importance in engaging detainees positively.

- ### Legality of detention, preparation for release and aftercare

The legality of detention, including pre-trial detention (and in some cases, internment for security reasons), must be supervised by the competent authority. The detainees must be granted all necessary means to construct a defence. The availability in law and application of measures for release, conditional release, pardon and commutation of sentence are all widely recognized as providing an incentive for detainees and a constructive tool for managing the time in detention with a view to the return to society. If the detaining authorities deem that certain categories of detainees cannot follow the same reinsertion process as others, this must be transparent and clearly explained. Alternative measures that correspond to the individual's risk and needs classification should be identified.

Prison and probation-type services should not work in isolation, but actively cooperate and communicate, establishing links with other organizations active in the community in order to ensure, where this is necessary, continuity after release, or after probation supervision ends, with special programmes put in place during imprisonment.

- Good order and security in detention for all detainees

Focusing on, and investing in one group of detainees should not divert attention from other individuals or groups who have specific needs or may present a different threat to society. Any additional material or financial support for detention should benefit the whole system if it is to have a sustainably positive impact and avoid negative discrimination. This applies also to external interventions, such as bilateral and intergovernmental cooperation initiatives.

Potential Humanitarian problems and gaps

- *Arbitrary categorisation*

Effective categorisation of a person as 'radicalised' or 'at risk of radicalisation' requires an individual assessment of risk which then allows the individual to understand why (s)he is being considered as someone believed to be 'radicalised' or 'at risk of radicalisation' and to appeal against that categorization if contested. It also explains to them the reason for selection into specific programmes and the goals they are expected to attain, and therefore makes this allocation and expectations clearer to the individual concerned.

It would be arbitrary to categorize as 'radicalized' or at risk of 'radicalization' all detainees facing certain charges, professing a certain religion or having a similar history, such as having travelled, or planned to travel, to certain places of conflict abroad. It would equally be arbitrary to subject them all to restrictive and highly secure detention measures. Without clear and specific criteria under which a person is designated as 'radicalised' or at risk of 'radicalisation' it is also hard for the responsible authority to exercise oversight over the legality of detention, including determining where the criteria are no longer met and where restrictions should be lifted.

- *Excessive restrictions and constraints*

Detainees deemed to be 'radicalized' or at risk of becoming so are often subject to targeted measures. These measures include placement in isolation cells; grouping together in special wings or special establishments under strict security regimes; and frequent/repeated transfers between facilities. Such measures often result in detainees being deprived of the programmes made available to the general detained population, such as educational, vocational and employment opportunities. These programmes are provided with the aim of mitigating the negative impacts of deprivation of liberty, fostering a positive detention environment and facilitating reintegration, all of which factors are essential in the detention of 'radicalized' detainees or those at risk of becoming 'radicalized'.

Certain restrictive regimes may even amount to ill-treatment.

This would be the case if 'radicalized' detainees, or those deemed at risk of 'radicalization' are deprived of essential services and goods such as daily access to the open air; water; food; sanitation facilities; health care; and meaningful human interaction, including contact with the family, as part of a regime, or as a form of disciplinary punishment should they refuse to participate in programmes.

When the measures applied to detainees associated with 'radicalization' include severely limiting contacts and restricting the movement of individuals within a place of detention, this runs the risk of becoming prolonged and indefinite solitary confinement[2]. This should be prohibited in all circumstance and is associated with a highly negative impact in terms of creating or aggravating previous mental health conditions, inducing stress, aggression, and violent or anti-social behaviours.

The application of solitary confinement or other highly restrictive regimes in the long term or throughout the sentence *de facto* excludes the detainee from social interaction and positive activities. This goes against widely-accepted good practice that deprivation of liberty should include gradually engaging detainees in interventions aimed at their return to society with a lower risk of resorting to criminal acts.

Close monitoring of private and family life for intelligence and security purposes where there is no demonstrable necessity may unnecessarily undermine the right to privacy and family life and the usually positive role which family life can play in the detainee's existence and reintegration. Even measures deployed in the community may involve restrictions that amount to deprivation of liberty and place family life under intolerable strain.

- *Misplaced focus on ideology and on modifying beliefs*

'De-radicalization' programmes typically include features aimed at reforming perceived 'wrong' (often religious) beliefs, and may lay more weight on this than on identifying and positively influencing the impetus behind illegal behaviours.

When applied in a confined setting as part of the sentence imposed on a detainee, and by religious or community representatives who have neither legitimacy nor credibility in the eyes of the detainees, a focus on modifying ideology can also be perceived merely as an attempt at brainwashing in the interests of the State. There is a risk too of infringing the basic right of detainees to practice their religion and customs.

- *Under-investment in detention and probation-type services' capacity, expertise, and legitimacy*

Prisons often remain the neglected public service, and budget, staffing, identity and purpose crises affect many detention contexts. Policy makers and the public may call for professional, individual accompaniment throughout detention and beyond, with the ultimate goal of effective rehabilitation and reinsertion for the detainee, but it remains a myth in many detention contexts. The society which detainees face on release is therefore often fearful and unwelcoming, which further undermines integration.

- *Insufficiently trained and supervised staff in an insufficiently professional prison service*

The positive or counterproductive impact of any approach in detention is highly dependent on the knowledge, beliefs, attitudes and behaviour of managers and staff. The management of long-term detention is a distinct profession, a fundamental goal of which is reintegration of detainees to society. Managers without the specific knowledge and skills cannot administer rehabilitation programmes successfully. Unskilled staff lack the capacity and credibility to address questions of religion or any other ideology. In addition, staff who are insufficiently

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[2] On 17 December 2015 the UN General Assembly adopted the revised Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules. Solitary confinement is defined here as 'confinement of prisoners for 22 hours or more a day without meaningful human contact'. Indefinite and prolonged solitary confinement, the latter defined as confinement which lasts longer than 15 days, is prohibited.

aware of cross-cultural perspectives or whose prejudices or discriminatory attitudes towards certain ideologies or religions are uncurbed, undermine 'de-radicalization' efforts and are met with suspicion and rejection. This can lead to entrenching detainees in negative or violent attitudes.

- *Discriminatory practices within detention systems*

The specific attention paid to detainees perceived as 'radicalized', or detained in relation to terrorist acts sometimes results in other groups of detainees receiving neither the humane and dignified minimum, nor the necessary management and staff attention. This is particularly the case in situations where penitentiary systems already face serious problems (for example, where there is severe and chronic overcrowding and a high level of violence). This can create new threats to safety and security.

The ICRC will continue to engage constructively on these matters in the many different fora where they are debated, with the aim of ensuring respect for the life and dignity of all detainees.

Geneva, 10 June 2016