A POCKET GUIDE FOR DETENTION MONITORS

Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence



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Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Pocket Guide for Detention Monitors

Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR)
ul. Miodowa 10
00-251 Warsaw
Poland
www.odihr.osce.org

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ISBN: 978-92-9271-594-6

Design: Filip Andronik

This Pocket Guide is derived from *Protecting Human Rights in Prisons, Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors*, published by ODIHR and Penal Reform International in 2021.

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About the Pocket Guide

What is the purpose of the Guide?

This Pocket Guide gives detention monitors a concise overview of the key human rights issues that arise when states implement measures to prevent and counter violent extremism and radicalization leading to terrorism (VERLT) in places of detention. These include the prevention of torture and other ill-treatment, as well as gender considerations.

Who is the Guide for?

Independent detention monitors mandated with or involved in preventing, addressing or reporting on human rights violations. These include national preventive mechanisms (NPMs), ombudspersons offices, national human rights institutions (NHRIs), internal inspection mechanisms, and civil society organizations (CSOs) from across the OSCE region.

How to use the Guide?

The Guide summarizes the human rights risks that may arise when preventing and countering terrorism and VERLT in prisons, and how monitors can address them. It covers four key areas:

- *Classification, risk and needs assessments*
- *The prison regime*
- *Rehabilitation and reintegration programmes*
- *Institutional and staff issues*

	The Guide includes suggested questions specifically related to terrorism and VERLT in prisons for each area, as well as practical advice for detention monitors on how to prepare for, conduct and follow up on their monitoring work.
Where can I find more information?	For a more in-depth analysis and further resources, see ODIHR's 2021 *Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors*.

Terminology matters

Individuals targeted or affected by prison-based measures to prevent or counter VERLT are not a homogenous group. They may include individuals suspected or convicted of terrorism-related offences; those suspected or convicted of other offences who are perceived, rightly or wrongly, to be affiliated with terrorist or violent groups; and those whom authorities consider 'at risk' of, or 'vulnerable' to, being drawn into VERLT. This Guide refers to these individuals as '(suspected) violent extremist prisoners'.

Why should detention monitors consider VERLT-related measures in their work?

Security concerns related to terrorism and VERLT are increasingly cited by authorities as justification for safety and security measures that may restrict prisoners' rights. As legislation expands to criminalize a wider range of conduct related to terrorism and national security, detention monitors may encounter more individuals suspected or convicted of such offences. They may also visit facilities holding individuals convicted of other offences who are involved to varying degrees in violent extremist groups, or whom prison authorities consider 'vulnerable' to, or 'at risk' of, VERLT and subject to specific measures.

At the same time, failure to respect human rights in the prison management and efforts to address VERLT may contribute to increased radicalization leading to terrorism or violence. Measures to prevent and counter terrorism and VERLT in places of detention should therefore be subject to meaningful oversight by independent and effective national mechanisms monitoring human rights. Detention monitors, including NPMs and CSOs, can help ensure that measures designed to prevent and counter terrorism and VERLT do not violate the rights of people in places of detention by:

- Assessing risk factors that may be overlooked for specific groups, including women, pre-trial detainees, children and foreign nationals who are held on terrorism-related charges or considered 'at risk' or 'vulnerable' to VERLT;
- Raising public awareness of prison-based measures to prevent and counter terrorism and VERLT, and their impact on human rights;

- Promoting the design of more human rights-compliant measures through dialogue with authorities. This can both help to protect prisoners' rights and more effectively support efforts to reduce the risk of radicalization to terrorism and recruitment into violent extremist groups in prison.

Important: Detention monitors addressing VERLT may face particular challenges in accessing facilities, detainees and information. They may also face close scrutiny or criticism when making recommendations to state authorities.

Background on VERLT in places of detention

When monitoring VERLT-related measures and their impact on detention conditions and detainees, independent monitors should keep the following in mind:

- **Violent extremism and radicalization leading to terrorism are distinct from so-called 'extremism' and 'radicalization' alone.** Expressing radical and extreme views, however radical, should not in itself be considered a crime.
- **Radicalization is no threat to society unless it is linked to violence or other unlawful acts**, such as incitement to hatred, as defined by international human rights law. All legislation, policies and procedures to counter terrorism and prevent VERLT in places of detention must respect human rights and the rule of law.
- **There is no single pathway to terrorism or profile of a terrorist or violent extremist.** VERLT is driven by various push and pull factors that combine differently in each case. These factors may also differ for men and women, and boys and girls.
- **Human rights violations may contribute to VERLT.** In prisons, contributing factors may include torture and other ill-treatment, poor detention conditions, overcrowding, lack of safety and security, discrimination, ineffective complaint mechanisms, poor prison management and corruption.
- **The risk of radicalization to terrorism or violence in detention should be recognized, but not overstated.**

Risk area 1

Classification, risk and needs assessments



Key considerations

When monitoring classification systems and risk and needs assessments for (suspected) violent extremist prisoners, detention monitors should consider that:

- **'Indicators' of VERLT used in classification and risk assessments by prison authorities may raise human rights concerns and can be difficult to apply in practice.** They are hard to define, as there is no single profile or clear pathway to terrorism or violence. When authorities use such indicators, they should not be considered in isolation, nor defined or applied in ways that discriminate against particular groups of prisoners.
- **Detainees accused or convicted of terrorism- and violent extremism-related offences, or deemed 'at risk' of VERLT, may face a greater risk of discriminatory or arbitrary risk and needs assessments and classification.** Risk and needs assessments should be individualized, evidence-based and regularly reviewed by trained professionals. Automatic classification and categorization based solely on criminal charges or offences, nationality, ethnicity, religion, political affiliation or travel history are arbitrary, discriminatory and ineffective.
- **Assessments should not only determine risks, placement and security regimes, but also guide the best rehabilitation pathway for each individual**.

Questions

- ❑ What indicators are used to identify potential violent radicalization? Do they, in policy or practice, discriminate against particular (groups of) prisoners or otherwise infringe on prisoners' rights? Are they evidence-based and updated regularly to reflect the latest scientific advice?
- ❑ Are there clear guidelines, policies and regulations on conducting risk and needs assessments? Are prison staff trained to carry them out?
- ❑ What risk and needs assessment tools are used? Are they specific to VERLT? When and how often are assessments conducted for (suspected) violent extremist prisoners?
- ❑ Are risk and needs assessments gender- and age-sensitive?
- ❑ Are pre-trial detainees subject to risk and needs assessments? If so, how are these conducted to safeguard the presumption of innocence?
- ❑ How are the mental health needs of (suspected) violent extremist prisoners considered in the assessments?
- ❑ Are specific considerations in place for:
  - ○ Women;
  - ○ Children;
  - ○ Pre-trial detainees; and
  - ○ 'Foreign terrorist fighters'?

- ❑ What criteria are used in risk and needs assessments? To what extent do they take into account the detainees' charges and offences, nationality, ethnicity, religion, beliefs, political views and travel history? Are blanket rules applied?

- ❑ Can detainees move to less restrictive prison regimes based on regular reassessments of risks and needs? Are there procedures in place, in law and practice, for detainees to challenge their classification and placement decisions? Are the criteria for progression clearly defined, transparent, accessible and understandable to detainees?

- ❑ Are there control or accountability mechanisms in place to prevent arbitrary risk and needs assessments and classification decisions?

- ❑ Is the information from risk and needs assessments properly recorded in prisoners' files? How is its security and confidentiality ensured? Who can record, access and use this information?

- ❑ Do prisoners have the right to be heard as part of the assessment process? Do they have access to information related to their risk and needs assessments? Are they informed of decisions based on the assessments? Are there processes for challenging such decisions?

- ❑ Are there clear rules and protocols governing information-sharing between the prison administration and other agencies, including intelligence agencies, to protect privacy and personal data? How is the confidentiality of medical records protected in line with medical ethics?

- ❑ How are prison staff trained to use assessment tools, and how are the risks of personal bias and discrimination mitigated? Do staff feel more pressure when assessing (suspected) violent extremist prisoners, because of the perceived risks or sensitivity involved? If so, does this negatively affect the detainees' human rights?



Suggestions:
Planning and preparing VERLT-focused visits

Adequate planning and preparation are essential before visiting a place of detention. This includes defining the visit's goals and scope (in terms of time and subject matter) and allocating tasks among team members.

Depending on the mandate of the monitoring body and the scope of the visit, detention monitors could consider the following approaches:

- **Investigate individual complaints**, to examine alleged rights violations arising from measures to prevent and counter VERLT in prisons.
- **Use the investigation of individual detainees' complaints to identify systemic problems and make recommendations to address them.**
    - *Example:* In 2015, the French NPM published a report on how 'Islamist radicalization' was addressed in prisons, following up on complaints it had received.
- **Conduct preventive visits** to identify risks and systemic issues that lead or could lead to torture or other ill-treatment, report publicly on risk factors and recommend measures to address them.
    - *Example:* Under its preventive mandate, the Norwegian NPM examined and reported on the detention regime in the highest-security section of Telemark prison's Skien branch, where one person was held on terrorism-related offences.
- **Publish thematic reports or opinion pieces** focused on the impact of VERLT-related measures on the detention conditions and the treatment of prisoners across multiple institutions.

- *Example*: In 2016, the French NPM published a follow-up to its 2015 report, examining 'dedicated units' for prisoners convicted of terrorism-related offences and those considered to be radicalizing towards violence or advocating violent actions. The report was published shortly after these units were established.

- **Include findings and recommendations on VERLT-related issues in regular monitoring visits and annual reports.** Where relevant, monitoring bodies could systematically examine the impact of measures to prevent and counter VERLT on detention conditions and the treatment of prisoners, and dedicate part of their reports to these issues.

- **Include analysis of how detention-related issues apply in the context of VERLT in prisons in *broader* thematic reports.**

  - *Example*: The prison inspectorate for England and Wales published a report on the experience of Muslim prisoners, including the negative impact of measures to prevent violent extremism.



Suggestions:
Finding information about VERLT

In addition to general preparatory research, detention monitors may gather information to:

- **Understand the possible VERLT-related threat** in their country;
- **Be aware of the local push and pull factors** related to VERLT in prisons; and
- **Assess the national legal and policy framework** on VERLT in prisons, including measures already in place or planned.

Information gathering should be systematic and draw on multiple sources to identify both risks and safeguards, without relying too heavily on any single or unverified source.

Type of document	Potential sources
Information collected by other monitoring bodies that have covered VERLT-related issues inside and outside prisons, at the national and international level	NPMs; NHRIs; CSOs; reports of the CPT, the SPT, and the UN Special Rapporteur on Human Rights and Counter-Terrorism
National legal framework regulating the prison system and laws criminalizing terrorism-related offences, including: • legislation on "foreign terrorist fighters" • legislation on so-called "extremism" • legal reviews of applicable laws	State ministries and officials. For legal reviews, NHRIs; oversight bodies; ODIHR legal opinions (Legislationline); Council of Europe Venice Commission
National policy framework on terrorism and VERLT • e.g., action plans on preventing VERLT that may include a component on prisons	State ministries and officials; detention authorities; prison administrations
Past and current policies to prevent and counter terrorism and VERLT in prisons • e.g., separation or integration approach • e.g., detention regimes (the capacity of dedicated units or facilities; if applicable, the number of detainees, their status, nationality, gender and age)	State ministries and officials, detention authorities; prison administrations; statutory and social service providers involved in VERLT prevention programmes in prisons
Information on governmental bodies and agencies involved in the prevention of VERLT in prisons	NHRIs; oversight bodies; CSOs; think tanks; research and academic institutions; international organizations (e.g., OSCE/ODIHR, UN agencies, UN Special Rapporteur on Human Rights and Counter-Terrorism, Council of Europe, EU)
Data on the nature and extent of VERLT in prisons in the country and any known or alleged problems, including from individual complaints and other reports	NHRIs; NPMs; independent oversight and complaints bodies; research and academic institutions; CSOs; think tanks; journalists and the media

Risk area 2

The prison regime



Key considerations

When scrutinizing the regimes applied to (suspected) violent extremist prisoners, detention monitors should consider that:

- **(Suspected) violent extremist prisoners are held in various regimes.** One approach is to separate them from the general prison population (*separation*), either by holding them apart from one another (*isolation*), together in one place (*concentration*) or dispersed across a small number of facilities, most often high-security wings within regular prisons (*dispersal*). Another approach is to integrate them into the general prison population (*integration*). Some OSCE participating States use a combination of these approaches. There is ongoing debate about the most appropriate approach.
- **All prisoners, including (suspected) violent extremist prisoners, are entitled to adequate living conditions.** In accordance with international standards, prison authorities must, without exception, provide sufficient nutrition and water, access to the open air, physical exercise opportunities and adequate personal space.
- **(Suspected) violent extremist prisoners often face more stringent control measures than other prisoners**. These must not result in human rights violations, including torture or other ill-treatment (including prolonged or indefinite solitary confinement) or inadequate health care.

- **Security regimes that separate prisoners from the general prison population generally carry a heightened risk of torture and other ill-treatment.**
- **All restrictions must be based in law, and be strictly necessary, proportionate and non-discriminatory.** This applies to the use of force and instruments of restraint, disciplinary measures, transfers, body and cell searches, restrictions on prisoners' right to family life, limitations on confidential access to, meetings and communications with a lawyer, medical confidentiality and surveillance or other interference with the right to privacy.
- **The arbitrary, discriminatory or systematic imposition of strict security regimes in the absence of individual risk and needs assessments is contrary to international human rights standards.**

Questions

- ❑ Is there a general problem of overcrowding and, in particular, in facilities housing (suspected) violent extremist prisoners?

- ❑ Are (suspected) violent extremist prisoners denied contact with the outside world? Are restrictions or security measures imposed on visitors that could impede their visits (e.g., removing headscarves, body searches)?

- ❑ What is the permitted daily out-of-cell time? What is the nature, quality and frequency of human contact?

- ❑ What are conditions like in solitary confinement (including indefinite and prolonged solitary confinement)?
  - ○ Is the use of solitary confinement monitored, documented and regularly reviewed by the prison administration and internal and external monitoring bodies, in line with established international standards?
  - ○ Do prisoners have the right to challenge decisions to impose or extend solitary confinement before an independent mechanism? Can they do so effectively?
  - ○ Is solitary confinement used in a way that appears discriminatory towards certain individuals and groups?
  - ○ How is its use documented in individual prisoner files?
  - ○ Do prisoners in solitary confinement receive a daily visit from healthcare personnel?
  - ○ Is the purpose of visits from healthcare personnel clear, and properly upheld? (i.e., such visits must not be used to endorse or legitimize the decision to place a prisoner in solitary confinement or to keep them there)

- ❑ Are decisions to isolate, quarantine or confine detainees for medical reasons (e.g., during a pandemic) made by healthcare staff and reviewed regularly, in line with the latest scientific advice?

- ❑ Are measures in place to mitigate the impact of isolation?

- ❑ Are security measures — including the use of force and instruments of restraint, cell and body searches — necessary, proportionate and non-discriminatory? Are contacts with the outside world, lawyers, healthcare or other personnel restricted? If so, are these restrictions necessary, proportionate and non-discriminatory, and based on individual risk assessments?
  - ○ Do the security related practices raise systemic concerns because they are imposed frequently or arbitrarily, or because of the cumulative impact of multiple measures?
  - ○ Is the legal framework governing the imposition of security measures adequate?

- ❑ How frequently are (suspected) violent extremist prisoners transferred? Do transfers disrupt the continuity of legal representation, family contact or rehabilitation programming?

- ❑ Could the cumulative impact of all security measures amount to any human rights violations?

- ❑ Do the detention conditions amount to torture or other ill-treatment?

- ❑ Is there an effective complaints or appeals mechanism? Can prisoners make complaints and requests confidentially, without fear of reprisals?

Suggestions:
Conducting interviews

In addition to prisoners, prison staff and other professionals working in prisons, monitors may consider interviewing others stakeholders outside the detention facility:

- Representatives of ministries and other agencies, prosecutors, judges
- Defence lawyers and legal aid providers involved in terrorism- and violent extremism-related cases
- Oversight bodies, CSOs working on counter-terrorism issues or prisoners' rights, support groups
- External stakeholders involved in disengagement programmes (e.g., social workers, faith-based representatives, CSOs, associations of victims of terrorism)
- Experts on counter-terrorism and VERLT
- Former violent extremist prisoners and others previously subject to VERLT-related measures
- Detainees' families

Given the sensitivity of VERLT and the specific vulnerabilities and risks some interviewees may face, monitors should carefully consider where and under what conditions interviews should take place:

- Consider how to ensure confidentiality.
- Obtain the interviewee's informed consent before the interview.
- Try to interview people privately, at a suitable location.

- Avoid speaking only to those who ask for interviews or are suggested by detention staff.
- Take a gender- and age-sensitive approach.
- Use interpreters when needed and ensure they understand their confidentiality obligations.
- Protect the privacy and personal data of all interviewees:
    - Recognize that disclosing a person's identity in the context of VERLT can have severe consequences, including stigmatization and reprisals.
    - Limit access to personal information in print and electronic formats only to those who absolutely need it.
    - Do not share or publish information or personal data without informed consent.
    - Take particular care to protect children's identities, especially in dealings with the media. Avoid disclosing anything that could directly or indirectly reveal the child's identity, including images, detailed descriptions of the child or their family, names and addresses, or audio, photo and video recordings.
    - Obscure faces in photographs intended for publication.
- Be aware of the potential risks of reprisals interviewees might face from other detainees or prison staff for talking to detention monitors.

On reprisals

Article 21(2) of the Optional Protocol to the Convention Against Torture explicitly states that no authority or official "shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false".

Detention monitoring bodies should:

- Develop a strategy to prevent reprisals and threats by detention facility staff or fellow detainees against people interviewed during visits, as well as others who may provide sensitive or critical information before or after a visit; and
- Include in this strategy measures to prevent and address threats of reprisal against their own members and staff.

For further information, see *Analytical assessment tool for national preventive mechanisms*, UN Subcommittee on Prevention of Torture, 2016, para. 37 (a)-(h).

Risk area 3

Rehabilitation and reintegration programmes



Key considerations

Depending on their specific mandate, detention monitors may not be responsible for assessing the quality or effectiveness of VERLT-related rehabilitation and reintegration programmes, or their contribution to preventing VERLT in prisons. They nevertheless have a role in monitoring and evaluating access to individualized interventions and identifying human rights concerns relating to participation, and the content of, such programmes.

Detention monitors should consider the following:

- Where specific VERLT-related reintegration and rehabilitation programmes are provided (in addition to general rehabilitative programmes), these should not be limited to a single form of VERLT. **Rehabilitative programmes should address all forms of VERLT** (e.g., religious, extreme political and ethno-nationalist motivations and manifestations).
- **Targeted interventions should aim to change an individual's violent or otherwise unlawful behaviour *(disengagement)* and should not be focused on changing an offender's religion, political stance, beliefs or ideology *(de-radicalization)*.**
- **Individuals charged with, or convicted of, terrorism and (suspected) violent extremist prisoners should not be denied their right to participate in rehabilitative and work programmes while in prison.**

- **Access to rehabilitation and reintegration programmes must not be discriminatory.** There should be gender-sensitive and gender-appropriate programmes for women available that do not reinforce gender stereotypes.
- **Participation in disengagement programmes should not be dependent on the individual's assigned risk profile.**
- **Participation in disengagement programmes must be strictly voluntary and provided on the basis of informed consent.** Individuals must not be coerced; refusal to participate should not result in punitive actions, including harsher detention conditions, ill-treatment or torture.
- **To facilitate reintegration, detainees convicted of terrorism- and violent extremism-related offences should be moved progressively to less restrictive prison settings**, based on periodic risk and needs assessments. They should be supported to maintain or re-establish contact with supportive family members, friends and communities before release.

Questions

Types of targeted programmes on offer

- ❑ Are de-radicalization or disengagement programmes implemented in prisons?
  - What kind of programmes are on offer?
  - Who delivers them?
  - How are they supervised?

- ❑ Does the content or approach of these programmes interfere with the prisoner's freedoms of expression, opinion, thought, conscience, religion or belief?

- ❑ Is implementation encouraged and what kind of support do they get from state/prison authorities?

- ❑ Does the placement and security regime affect prisoners' access to targeted programmes?

- ❑ Is participation voluntary and based on informed consent? Do (suspected) violent extremist prisoners who refuse to take part face any restrictions of their rights?

- ❑ Are there specific regulations on confidentiality, and are they applied in practice? How are prisoners informed of these regulations?

- ❑ What kind of psychological counselling is offered, including for prisoners with trauma or mental health conditions?

- ❑ What are the main challenges faced by prison staff (and potential external intervenors and service providers) in delivering these programmes?

- ❑ How are these programmes perceived by prisoners — not only those taking part, but also the general prison population?

Types of educational work, vocational training and recreational activities on offer

- ❑ What activities are offered to (suspected) violent extremist prisoners, and how often?
  - ○ Are these different activities than what is offered to the general prison population? If yes, how?
  - ○ Is there equal access to work programmes?
  - ○ Does the placement and security regime affect prisoners' access to activities such as sport, education and work?

- ❑ Are activities gender- and age-appropriate?

- ❑ Do men, women and children have equal access to these activities?

- ❑ What arrangements are in place to encourage foreign nationals to participate?

- ❑ Are long-term sentenced prisoners offered the same range of activities?

- ❑ What criteria determine prisoners' access to these activities?

- ❑ Are there limitations to access and participation (e.g., limited number of prisoners at the same time, limited duration)?

- ❑ Do any factors (e.g., security concerns or operational constraints) impede prisoners' access to these activities?

- ❑ Does the prison have dedicated facilities? If so, what condition are they in?

Reintegration programmes

- ❑ What kind of reintegration support is provided to (suspected) violent extremist prisoners?
  - ○ Does it differ from that provided to other prisoners?
  - ○ Are there clear and transparent regulations/policies on reintegration support?

- ❑ What are the main obstacles to the successful implementation of reintegration programmes?

- ❑ Are prisoners satisfied with the support provided?

- ❑ Are post-release and transitional protective measures put in place in consultation with those affected? Are plans put in place for women, children and other vulnerable individuals to ensure their protection and safety when they are released from detention?

Suggestions:
The composition of the detention monitoring team

Given the challenges and complexity of VERLT-related issues, detention monitoring may require expertise from a range of professionals. When monitoring such issues, detention monitoring bodies may consider establishing a multidisciplinary and gender-balanced team that includes, as appropriate:

- **Health professionals**, including doctors, forensic medical specialists, nurses, child health specialists, psychiatrists, psychologists and other mental health professionals
    - Gender representation is essential: Female detainees who have experienced violence may only be willing to speak about this experience with a woman.
- **Social workers**
- **Educators**
- **Representatives of different communities and faith groups**
- **Civic education experts**
- **Experts on different forms and manifestations of VERLT**, including religiously motivated, extreme political and ethno-nationalist violent extremism
- **Legal professionals**, including lawyers with expertise in counter-terrorism and other relevant areas of law
- **Language specialists or interpreters**, particularly where detainees are foreign nationals or speak different languages

When monitoring the specific situation of returned 'foreign terrorist fighters', the monitoring team may also require specialized experts:

- On post-traumatic stress disorder
- On child care and psychology
- On sexual and gender-based violence (e.g., for women returnees)

For more information, Guidelines on National Preventive Mechanisms, UN Subcommittee on Prevention of Torture, 2010, para. 20.

Risk area 4

Institutional and staff issues



Key considerations

Examining institutional and staff issues (e.g., recruitment, training and working conditions) in the VERLT context is an important part of detention monitors' work. This should include:

- Gathering background information on staff issues;
- Interviewing prison staff (individually and in focus groups), prison management, trade union representatives and training academies, as relevant; and
- Assessing staff (dis)satisfaction with recruitment policies, training opportunities and working conditions.

When examining institutional and staff issues in the VERLT context, detention monitors should bear in mind:

- **Staff require specific skills and preparation.** Working with (suspected) violent extremist prisoners requires a specific skillset. Adequate recruitment strategies and training are essential to equipping prison staff to perform their duties effectively and maintaining good prison management at all times, based on principles of dynamic security (see text box below).
- **All staff working within facilities holding (suspected) violent extremist prisoners should be adequately trained on VERLT-related issues** before taking up their duties and throughout their service. Training should cover human rights challenges in each of

the following areas: indicators, risk and needs assessments, rehabilitation, and reintegration.

- **Working conditions should reflect the demands of the role.** Working with (suspected) violent extremist prisoners may place additional demands on staff compared with other detention settings. Working hours, remuneration, professional status and staff well-being should reflect these demands, and appropriate support should be provided.
- **Staff safety must be safeguarded.** The risks to the safety of prison staff are real, and appropriate measures need to be in place to ensure their safety at all times.

Dynamic security

Dynamic security relies on professional, positive and respectful relationships between prison staff and prisoners. Together with fair treatment and purposeful activities, these relationships support rehabilitation and reintegration upon release, while enabling staff to better anticipate problems and security risks. Good relationships also help reduce tensions within prisons, thereby lowering the risk of violence and ill-treatment.

For more information, see UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rule 76. For a detailed analysis of staff recruitment and training requirements under the UN Nelson Mandela Rules, see ODIHR & PRI, Guidance Document on the Nelson Mandela Rules, Chapter 3.

Questions

Recruitment

- ❑ Does the recruitment of prison staff working with (suspected) violent extremist prisoners ensure diversity and gender balance?
- ❑ What are the procedures for selection? Do they include clear criteria?
- ❑ Do prison administrations attract staff with the necessary skills for these duties?

Training and ongoing professional development

- ❑ Does staff training include training on
  - ○ Dynamic security?
  - ○ Human rights, including on equality and non-discrimination and the impact of implicit biases and stereotypes?
  - ○ How to recognize and address manifestations of intolerance, such as racial discrimination, extreme political and ethno-nationalist views? Does it also include examples of specific protection measures for detainees facing societal discrimination?
  - ○ How to promote intercultural, interfaith understanding, for example, as part of efforts to prevent and counter VERLT?
  - ○ Approaches required for certain prisoners because of their religious or belief convictions, for example, through reasonable accommodation arrangements (dietary requirements, access to religious literature, etc.)?
  - ○ Other human rights, gender and child protection components?

- ❑ Do staff working in specialized units or facilities housing (suspected) violent extremist prisoners receive specific training and ongoing support to upgrade their knowledge and skills?
  - ○ Does this cover conditions conducive to VERLT in prisons and the human rights risks associated with preventing and countering VERLT in prisons?
  - ○ Does this include the dynamics and drivers of VERLT, as well as the difficulties inherent in, and the potential human rights impact of, VERLT-related indicators and risk assessment tools (especially for those who regularly apply such tools)?

- ❑ How do the prison staff rate the range and quality of training on offer?

Salary, status and working conditions

- ❑ How is the challenging nature of staff supervision of (suspected) violent extremist prisoners recognized (e.g., in salary and benefits packages)? How does the package compare with that of other prison staff working mainly with the general prison population?

- ❑ Is staff turnover high among prison staff working with (suspected) violent extremist prisoners?

- ❑ What do prison staff perceive as the best and most difficult aspects of their work? How does prison management support them in carrying out their duties, including in coping with work-related stress and duress? What feedback do prison staff give about this support?

- ❑ What is the staff-to-prisoner ratio? How frequently do incidents (violent and non-violent) involving staff occur? How are these responded to and addressed? Are there attacks against prison staff involving (suspected) violent extremist prisoners? If so, how many, and how does this number compare to that for assaults perpetrated by the general prison population?

- ❑ Are female staff given the same opportunities to work with these prisoners, the same roles as male staff and the same support and working conditions (including salaries and career advancement)?

- ❑ Are there indications of corruption or unprofessional conduct among staff? What actions are taken by prison administration to address such behaviour?



Suggestions: **Communication, reporting and co-operation**

Public perceptions of human rights and counter-terrorism shift rapidly, particularly after a terrorist attack. This makes additional scrutiny by detention monitors particularly important. However, the charged public debate can expose monitors to heightened public criticism and risk of attack. Detention monitors may have to:

- Confront political and public discourse that undermines human rights;
- Address misconceptions about the protection of prisoners' rights in the context of VERLT;
- Emphasize that preventing and countering terrorism and VERLT does not justify denying the human rights of people in detention; and
- Demonstrate how failure to respect and protect human rights undermines effective action to prevent and counter terrorism and VERLT.

Monitors need to consider carefully how and when to communicate with the public on issues related to VERLT in prisons, and how best to present their findings.

Given the sensitivity of the topic, detention monitors should:

- **Tailor their messaging carefully**, including in press releases, on websites and social media or through dedicated media interventions, without compromising on their work and findings;
- **Strictly abide by their confidentiality rules** in their communications;
- **Ensure their interventions do no harm** to detainees, prison staff or the prison administration;
- **Engage constructively with state authorities** in line with established practices, missions and mandates, including on the implementation of recommendations;
- **Harness international and regional networks and platforms** to pool experiences, share good practices, strengthen their knowledge and capacities on human rights risks in preventing and countering VERLT in prisons, and co-ordinate responses to measures that may spread across prison systems;
    - *Example:* NPMs could make use of the regular NPM and CSO meetings organized by ODIHR and the Association for the Prevention of Torture (APT), the Council of Europe NPM Forum and Newsletter, the EU NPM Network, the South-Eastern European NPM Network and the Nordic Network.
- **Explore ways to reinforce co-operation with international human rights bodies**, such as UN Treaty Bodies and Special Procedures, including the SPT, the UN Committee Against Torture and the Special Rapporteur on Torture and Special Rapporteur on Human Rights and Counter-Terrorism, as well as the CPT; and
- **Consider partnerships with other, national level bodies** involved in promoting the respect of human rights that may have more experience on the topic, to support preparatory and follow-up work, to identify synergies, share solutions, avoid duplication and deliver a co-ordinated human rights message with greater impact.

Background

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been tasked by participating States to offer technical assistance and advice on the implementation of anti-terrorism policies, in line with their international human rights obligations and commitments (2001 OSCE Bucharest Plan of Action Bucharest; 2012 OSCE Consolidated Framework for the Fight against Terrorism; 2015 Ministerial Council Declaration on Preventing and Countering Violent Extremism and Radicalization that Lead to Terrorism). ODIHR provides expert advice on human rights issues arising in preventing and countering terrorism and violent extremism and radicalization that lead to terrorism (VERLT) as well as related capacity building for counter-terrorism practitioners, independent oversight bodies and civil society.

Within the framework of its work on human rights and anti-terrorism issues and on the prevention of torture to strengthen the protection of persons deprived of liberty in the OSCE region, ODIHR published jointly with Penal Reform International (PRI) a practical tool for independent detention monitors titled Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors.

On the basis of this publication, ODIHR promotes independent detention monitoring and increased oversight for the enhanced protection of the rights of persons deprived of liberty while preventing and countering VERLT in prisons effectively. Across the OSCE region, ODIHR held several events to promote dialogue between policy makers, practitioners and detention monitors and raise awareness about the importance of independent detention monitoring in this context. These were complemented by tailored training for detention monitors to build their capacity to independently assess the human rights challenges arising in this field and address them in their detention monitoring work.

The analysis, questions to ask and suggestions for monitors were drawn from extensive work with independent detention monitors, civil society, academic researchers, as well as national authorities and practitioners involved in preventing and countering terrorism and VERLT.

Acronyms

CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSOs	Civil society organizations
NHRIs	National human rights institutions
NPMs	National Preventive Mechanisms
SPT	UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
VERLT	Violent extremism and radicalization leading to terrorism




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