



## OUTCOME REPORT

# **Regional Workshop for South East Europe: Detention Monitoring and the Protection of Human Rights While Preventing and Countering Violent Extremism and Radicalization to Terrorism (VERLT) in Prisons**

**Sarajevo, Bosnia and Herzegovina – 13-14 September 2023**

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**Regional Workshop for South East Europe:  
Detention Monitoring and the Protection of Human Rights While  
Preventing and Countering Violent Extremism and Radicalization to  
Terrorism (VERLT) in Prisons**

**Contents**

I. Introduction .....	1
II. Workshop Summary .....	2
Session 1: Setting the framework - Why is independent detention monitoring important in preventing and countering VERLT in prisons?.....	3
Session 2: Practices and approaches - Preventing and countering VERLT in prisons .....	4
Session 3: Principal human rights challenges in preventing and countering VERLT in prisons in South East Europe .....	6
Session 4: Detention monitoring mandates, practices and approaches .....	8
Session 5: Challenges and good practices in monitoring the protection of human rights while preventing and countering VERLT in prisons in South East Europe .....	10
Session 6: Recommendations to strengthen independent detention monitoring for protection of human rights while preventing and countering VERLT in prisons in South East Europe.....	11
III. Conclusions and Key Recommendations .....	12
Annex: Agenda .....	16

## I. INTRODUCTION

On 13-14 September 2023, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), in co-operation with the OSCE Mission to Bosnia and Herzegovina (OMBiH), organized a regional meeting in Sarajevo, Bosnia and Herzegovina, titled '*Detention Monitoring and the Protection of Human Rights While Preventing and Countering Violent Extremism and Radicalization to Terrorism (VERLT) in Prisons: Regional Workshop for South East Europe*'. Representatives of relevant authorities, national human rights structures and civil society from jurisdictions in South East Europe with OSCE field operations as well as experts and partners from the OSCE and other international organizations attended the meeting. They engaged in dialogue and discussed the multiple human rights issues arising when preventing and countering VERLT in a prison context and how these issues might be addressed in practice.

Against this background, the regional workshop underlined the crucial importance of independent detention monitoring and increased oversight as a means of ensuring the enhanced protection of the rights of persons deprived of their liberty while effectively preventing and countering VERLT in prisons. ODIHR also launched at the event the Albanian and Bosnian translations of the ODIHR and Penal Reform International (PRI) publication, *Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors* (hereinafter: ODIHR/PRI Guide for Detention Monitors).<sup>1</sup> The Guide documents how stronger human rights protection in prisons may reduce risks of radicalization to terrorism. It examines in detail a number of specific human rights risk areas in relation to measures that states, or more specifically prison authorities, are taking to manage (*suspected*) violent extremist prisoners<sup>2</sup> and prevent the spreading of VERLT in prisons. Moreover, it provides guidance and support to independent detention monitors for the assessment of the human rights implications of such measures.

As a practical outcome, the regional workshop sought to identify the various national-level and region-wide challenges, which exist in relation to these different areas of discussion, and to formulate key recommendations with the aim of promoting human rights-based strategies and approaches that address the issue of VERLT in prisons. This outcome report provides brief background information about the regional workshop, a summary of main points of discussion in each session as well as an overview of key recommendations, which emerged from the event.

### Background

ODIHR organized the regional workshop within the framework of its ongoing work on human rights and anti-terrorism as well as the prevention of torture and a multi-year project to strengthen

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<sup>1</sup> The publication is available in Albanian, Bosnian, English, French and Russian: ODIHR, *Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors*, 15 July 2021, <https://www.osce.org/odihr/492934>.

<sup>2</sup> The term (*suspected*) violent extremist prisoners is understood in the *ODIHR/PRI Guide* not as a homogenous group but may include prisoners who are suspected or convicted of terrorism-related offences as well as those who are, irrespective of the offences they are imprisoned for, perceived to be affiliated with terrorist or violent extremist groups in prison or are considered to be “at-risk” or vulnerable of being drawn into VERLT. See *ODIHR/PRI Guide for Detention Monitors*, p. 11.

the protection of persons deprived of their liberty in the OSCE region. As part of the project, the Office held two regional workshops in different parts of the OSCE area to promote dialogue between policy makers, practitioners and detention monitors with a view to raising awareness about the importance of independent detention monitoring in the context of preventing and countering VERLT in prisons.<sup>3</sup> Drawing on these workshops, ODIHR developed a practical training for independent detention monitors, on the basis of the *ODIHR/PRI Guide for Detention Monitors*, to build their capacity to systematically analyze and assess the various human rights issues that may arise in preventing and countering radicalization to violence in prisons. So far, ODIHR delivered the training in three dedicated courses for detention monitors from selected countries in Central Asia, South East Europe and the European Union and other states.<sup>4</sup> Further training courses in other OSCE participating States are envisaged in future.

## II. WORKSHOP SUMMARY

The regional workshop in Sarajevo brought together some 71 participants, from jurisdictions in South East Europe with OSCE field operations<sup>5</sup>, encompassing a diversity of professional backgrounds, spanning both the authorities and civil society actors at the domestic level. Participants included representatives from relevant national authorities (including interior, security and justice ministries as well as prison services), different human rights and prison oversight mechanisms, including Ombudspersons' Offices/National Human Rights Institutions (NHRIs) and National Preventive Mechanisms (NPMs) under the Optional Protocol to the UN Convention against Torture (OPCAT), as well as civil society monitors. In view of the global relevance of the topic, various international representatives and other experts also contributed to the exchange. They included representatives from PRI, the United Nations Office on Drugs and Crime (UNODC), International Organization for Migration (IOM), the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), the Council of Europe including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the European Union (EU) as well as OSCE field operations, the OSCE Secretariat and ODIHR.<sup>6</sup>

In order to facilitate an interactive and dynamic discussion, the event comprised six sessions divided into a mixture of plenary and working group segments. The plenary sessions included short presentations by international and national experts, Q&A segments and open debate, while the working group sessions divided the wider audience into smaller collaborative clusters. The defined geographical focus of the event allowed for a vibrant exchange of information and experiences from the South East European region, with inputs from international experts and other

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<sup>3</sup> In addition to the present workshop, see <https://www.osce.org/odihr/547939>. ODIHR, jointly with PRI, also held a webinar for the release of the French translation of the Guide for Detention Monitors for French-speaking participating States, OSCE Partners for Co-operation and beyond, see <https://www.osce.org/odihr/569775>.

<sup>4</sup> See <https://www.osce.org/odihr/556932>, <https://www.osce.org/odihr/563139> and <https://www.osce.org/odihr/570930>.

<sup>5</sup> From Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia, as well as Kosovo (There is no consensus among OSCE participating States on the status of Kosovo and, as such, the Organization does not have a position on this issue. All references to Kosovo, whether to the territory, institutions or population, in this text should be understood in full compliance with United Nations Security Council Resolution 1244).

<sup>6</sup> The representatives of the CoE and UNODC contributed to the event in an online capacity.

contributors. An overview of the agenda of the workshop is included in the Annex of this outcome report. The event took place under the Chatham House Rule<sup>7</sup>, which is similarly respected in this outcome report.

### **Session 1: Setting the framework - Why is independent detention monitoring important in preventing and countering VERLT in prisons?**

The first session of the workshop featured a presentation of the ODIHR/*PRI Guide for Detention Monitors* to introduce the participants to the publication and to set the stage for the workshop. Following the Guide's two-part structure, it stressed the relevance of independent detention monitoring and the main human rights issues related to VERLT in prisons. Moreover, it outlined the Guide's four 'human rights risk areas' in this context, including (1) the classification, risk and needs assessments of prisoners; (2) the prison regime; (3) rehabilitation and reintegration programmes; and (4) institutional and staff issues.

The subsequent discussion acknowledged that the protection of human rights, both inside and outside prisons, appeared to be frequently subordinated to security concerns, particularly with regard to countering terrorism. The terminological shift in focus from terrorism to violent extremism, and the elusiveness of the VERLT concept, additionally had an impact on the human rights of the people deprived of their liberty.<sup>8</sup> Therefore, (suspected) violent extremist prisoners were at increased vulnerability of human rights violations. Several participants also noted that a lack of respect for the human rights of prisoners would also more broadly create conditions conducive to VERLT. Other interlinked or closely related conditions contributing to VERLT in the prison environment included prison corruption; lack of prison security; torture and other cruel, inhuman or degrading treatment or punishment; poor prison conditions and overcrowding; and grievances from the disproportionate, discriminatory or arbitrary use of restraints and other security measures in prison.

Furthermore, several participants noted that the protection of human rights in preventing and combating VERLT in prisons should be addressed holistically in the broader context of the criminal justice system, including before detention or conviction, during imprisonment and after release. In particular, the importance and necessity of human rights-compliant approaches to the rehabilitation and reintegration of (suspected) violent extremist prisoners were emphasized

In the discussion, the essential role of detention monitors, including NHRIs, NPMs and civil society organisations (CSO), with regard to the meaningful oversight of measures and programmes to prevent and counter terrorism and VERLT in prisons was thus underlined. External scrutiny through the work of detention monitors could ensure that measures to prevent and combat terrorism and VERLT do not violate the rights of detainees and prisoners. It was additionally noted that detention monitors are of central importance when it comes to informing the general public

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<sup>7</sup> When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

<sup>8</sup> For the conceptual challenges related to a lack of universally accepted definitions of terrorism and violent extremism and the difference between "extremism" as a legal concept in the context of criminal legislation and VERLT as a policy concept, see *ODIHR/PRI Guide for Detention Monitors*, pp. 8 and 16-17.

about such measures in prisons and about the impact of these measures on the rights of prisoners. Importantly, dialogue between detention monitors and authorities could support the human rights-compliant design of measures that can both strengthen prisoners' rights and help to more effectively address the risk of radicalization to terrorism and recruitment to violent extremist groups in prison. These key points were reiterated throughout the two-day workshop.

## **Session 2: Practices and approaches - Preventing and countering VERLT in prisons**

During the second session, various experts shared their professional experiences regarding the practices and approaches to preventing and countering VERLT in prisons employed in the region. The session opened with three international speakers followed by four presenters from South East Europe. Several key themes emerged from this discussion, which have been clustered by topic.

In general, it was noted that (suspected) violent extremist prisoners did not appear to make up a large proportion of the total prison population in South East Europe. At the same time, it was acknowledged that prison populations in the region were very diverse, including with regard to the nature of their sentences, which underlined the importance of individualized risk and needs assessment for the appropriate classification and allocation of (suspected) violent extremist prisoners in specific security regimes and the protection of their human rights.

Good prison management was identified as essential to countering radicalization to terrorism in prisons, including by reducing overcrowding, tackling corruption, ensuring adequate staffing levels and regular training as well as improving the working conditions of prison staff, as also set out by the *ODIHR/PRI Guide for Detention Monitors*. Likewise, participants highlighted that prison authorities needed to address other potential grievances in prison which may further radicalization to terrorism. They also noted that a multi-stakeholder approach to preventing and countering VERLT in prisons has proven to be the most effective. Activities should therefore involve various governmental, non-governmental and international actors as required.

Appropriate classification and risk and needs assessments of prisoners were deemed imperative during these discussions in order to avoid unnecessary or excessively restrictive security regimes. Furthermore, proper classification of individuals could support the most efficient allocation and placement in prison, e.g., in terms of prison management, to ensure that prisoners have access to prison-based deradicalization and disengagement measures and their specific needs – such as social, legal, health, rehabilitation and reintegration needs – are met. Comprehensive and individualized risk and needs assessments were considered essential particularly for (suspected) violent extremist prisoners. According to participants from the region, prison services in several countries have developed assessment tools and held trainings for staff on their use, often with the support of international organizations. Despite these developments, participants pointed out that more effective and individualized screening of prisoners was required to identify persons who are vulnerable to VERLT or who may actively radicalize others to terrorism.

According to the discussion, the rehabilitation and reintegration of (suspected) violent extremist prisoners remained a challenge in most countries of the region. Existing programmes of activities comprised work, training, education, sports and recreation, although their scope and availability considerably varied from one country to another. In some cases, programs for the prison population

in general or for violent extremist prisoners in particular were completely lacking or limited to basic interventions. It was noted that there needed to be a greater focus on comprehensive short-, mid- and long-term rehabilitation and reintegration programmes. These should include early preparation for release, immediate support thereafter, as well as longer-term follow-up including for violent extremist prisoners and so-called “foreign terrorist fighters” (FTFs). Participants stated that appropriate risk and needs assessments should form the basis of whether and what kind of rehabilitation and reintegration programmes in the context of VERLT should be offered to prisoners. A further emphasis was placed on the need for voluntary participation in such interventions and on a holistic and multidisciplinary approach to their implementation, involving a wide range of disciplines and professionals.

Within rehabilitation and reintegration, it was noted that targeted interventions for (suspected) violent extremist prisoners played an essential role and could generally be divided into deradicalization or disengagement programmes.<sup>9</sup> During the session, the respective merits of disengagement and deradicalization interventions in prison and whether one approach was preferable to the other were discussed. The concern was expressed by several participants that deradicalization interventions that seek to change specific religious beliefs of prisoners could infringe on internationally protected human rights of freedom of religion or belief as well as freedom of opinion and expression.<sup>10</sup> In comparison, disengagement programs were regarded as seeking to prevent or change a person's relationship with a particular group, cause or ideology that sees violence as justified to achieve its goals, rather than changing someone's beliefs. This issue resurfaced on several occasions during the event.

Moreover, the importance of non-custodial responses to VERLT and alternatives to imprisonment were underscored to avoid imprisonment in the first place, where possible. It was also noted by participants that early or conditional release and probation services had an important role to play to support rehabilitation and reintegration. Nevertheless, such instruments generally appeared to be under-developed and under-utilized in the region.

Training programs for prison and probation staff on VERLT have been rolled out in several jurisdictions covering a diversity of topics. These have included training on indicators relating to so-called ‘early signs of radicalization’<sup>11</sup> and ‘push’ and ‘pull’ factors of VERLT, as well as the overall prevention of the phenomenon in prisons. Training programs have also been developed for prison and probation staff in relation to the rehabilitation and reintegration of prisoners, albeit not

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<sup>9</sup> The terms are not always applied consistently in practice, and there is an ongoing debate as to whether interventions should focus on one or the other, or instead include elements of both, which raises profound human rights issues. For further information and a brief description of the concepts, see for example *ODIHR/PRI Guide for Detention Monitors*, pp. 77-80.

<sup>10</sup> Deradicalization programmes typically counter specific interpretations, positions or arguments (based on political, religious or other ideologies) that inform beliefs and attitudes used to justify the use of extremist violence. If such measures coerce prisoners into changing their beliefs or religion, they are contrary to human rights law.

<sup>11</sup> Across the OSCE area, there appears to be an increasing reliance on early signs or indicators of VERLT as a basis for risk and needs assessments. Authorities should be cautioned against the use of simplistic models and be aware of their potential impact on human rights. A prisoner who meets one or more indicators may be a sign that they are radicalised to some degree to violence, but this does not mean that they will engage in violent extremism. See for example, *ODIHR/PRI Guide for Detention Monitors*, p. 37.

as yet on a sufficiently systematic basis. It was stressed that greater investment in staff training, including with regard to human rights implications of preventing and countering VERLT and the use of risk and needs assessments, was required in the region.

With regard to FTFs, participants reported that some programs in the region have been implemented, or were in the process of being developed, to facilitate the return of them and their family members. These have consisted of different components including the preparation for their return, prosecution and sentencing of FTFs in certain cases, as well as the reintegration of associated family members into society. Participants emphasized the need to provide convicted FTFs with meaningful activities in prison to promote their rehabilitation and reintegration into society. They further underscored that national-level programs should take care to avoid the societal stigmatization of returning FTFs and their family members.

Various other issues were discussed during session 2. Several speakers underscored the key point that country responses to violent extremism and terrorism should always be in line with their international human rights obligations. They emphasized that national anti-terrorism legislation should not be overly broad and measures to prevent and counter VERLT must not infringe on internationally protected rights of freedom of religion or belief as well as freedom of opinion and expression and other rights. In addition, participants reported that national strategies and action plans on combatting violent extremism and terrorism have been developed and adopted throughout the region and corresponding coordination bodies have been established. Concern was expressed that most of these documents and mechanisms had a focus on violent extremism and terrorism conducted in the name of religion (e.g., Islam) and not on other manifestations of the phenomenon (such as far right-wing extremism).

### **Session 3: Principal human rights challenges in preventing and countering VERLT in prisons in South East Europe**

The third session of the workshop represented one of the workshop's two main interactive working sessions. It aimed to identify the principal human rights challenges in preventing and countering VERLT in prisons in South East Europe. Following an overview of the subject matter by an introductory speaker, participants split into working groups. Each group focussed on selected challenges and good practices in their countries or the region.

#### *The identification of prisoners "vulnerable" to VERLT - classification, risk and needs assessments*

Working group discussions noted that several initiatives have been undertaken in the region – often with support of international organizations – to screen groups of vulnerable prisoners including (suspected) violent extremist prisoners upon their admission to prison with the aim of classifying them in accordance with their risks and needs. These projects have sought to develop specific screening and risk and needs assessment tools and to train prison and other criminal justice staff on the prevention of VERLT. Participants identified varying degrees of development, with one country piloting a risk and needs assessment tool, while in another jurisdiction a risk and needs assessment tool has been developed but not yet tested in practice. In other settings, the prison authorities employed different indicators, often in the form of a questionnaire, to ascertain a prisoner's general risk and needs.



Some determining factors of such tools were considered problematic, as they included not only the offence committed and any perceived changes in lifestyle or behaviour, but also the prisoners' approach to religion, which could interfere with their right to freedom of religion or belief. In addition, some participants noted that the risk and needs assessment lacked gender- and age-appropriate indicators and emphasised that such an assessment should be carried out on an individual basis. Concerns were also raised by participants that prisoners did not routinely have access to their risk and needs assessment files and did not know how to challenge decisions. Another problem was the lack of specialized prison departments and qualified prison staff to carry out the risk and needs assessments as well as shortfalls in specialized staff training.

#### *Specific prison regimes and security measures for (suspected) violent extremist prisoners*

Working group discussions found that there were different penal practices in the countries and jurisdictions in South East Europe as to the separation and integration of (suspected) violent extremist prisoners from and into the wider prison population. In some countries, (suspected) violent extremist prisoners were not specifically separated but mixed in with the general prison population. Where separation was used, prisoners were concentrated in one or more penal institutions. In certain cases, prisoners were reportedly subjected to far-reaching security measures, including 24-hour audiovisual surveillance and tight restrictions on and complete monitoring of their contact with the outside world, raising concerns among the participants. No specific restrictions on a prisoner's ability to communicate with their legal counsel or with NPMs or international detention monitoring bodies were reported, however.

Furthermore, participants discussed the importance of ensuring that prisoners in high-security settings had a possibility to evolve towards less restrictive regimes, as required by best penal practice. While some participants described a few cases of violent extremist prisoners where step-by-step progression to less restrictive prison settings took place, there was concern that in some countries in the region this possibility only appeared to exist on paper.

#### *The availability of rehabilitation and reintegration measures for (suspected) violent extremist prisoners*

Group discussions revealed both similarities and differences with regard to rehabilitation and reintegration measures in the region. In certain countries, targeted programs for violent extremist prisoners did not exist, or were only partially developed. In these cases, CSOs remained the key actors for implementing such programs. In other contexts, programs had been developed with the support of an international organization, which included specific policies for the pre- and post-release of violent extremist prisoners. In countries where general rehabilitation and reintegration programs were already in place, they were carried out in cooperation with social workers and CSOs. However, the overall lack of adequate financial resources and trained staff in this regard were noted as some of the main challenges. The groups generally recognized that more efforts were required to rehabilitate prisoners and prepare them for release.

Where available, prison-based rehabilitation and reintegration measures for (suspected) violent extremist prisoners included, among other things, recreational and vocational training opportunities, employment and psychological counselling, partially with the involvement of vetted

representatives of faith-based organizations (i.e., primarily imams). In some instances, (suspected) violent extremist prisoners were said to have few opportunities in terms of out-of-cell activity, except for limited employment. Some participants expressed concern about the lack of specialized programmes and training for prisoners convicted for offences related to terrorism and violent extremism, which were regarded as important in preparing these prisoners for release. It was emphasized that participation by (suspected) violent extremist prisoners in rehabilitation and reintegration programs should be voluntary and based on their informed consent.

Moreover, the discussion noted that convicted violent extremist prisoners were at times reluctant or refused to engage in interventions. There also few material incentives for taking part in such interventions. Additionally, a fear of being indoctrinated during de-radicalization interventions, of information being used against them by intelligence and law enforcement agencies, and of being perceived as informants in the eyes of other prisoners were cited as the reasons for this unwillingness. The discussions also highlighted the potential infringement of applied deradicalization programmes on the right to freedom of religion or belief and freedom of opinion and expression. They noted that some interventions for (suspected) violent extremism prisoners have been placing an emphasis on changing (religious) beliefs as opposed to altering violent behaviour of prisoners, raising aforementioned human rights concerns also outlined in the *ODIHR/PRI Guide for Detention Monitors*.

Moreover, probation services were said to be under-developed and under-utilized in the region and the early release of convicted violent extremist prisoners was uncommon. A recent initiative by an international organization was mentioned in this regard, which aimed to support countries in the region to improve post-penal support processes and strengthen the role of probation services and related agencies.

During the subsequent plenary discussion, concerns were also expressed about the practice of revoking citizenship of convicted violent extremist prisoners, especially returned FTFs, which seemed to have increased in recent years. Participants noted that national human rights structures and civil society organizations could play a crucial role in addressing this issue by underlining the severe human rights implications of respective laws, policies and practices.

#### **Session 4: Detention monitoring mandates, practices and approaches**

During the fourth session several international and national detention monitors shared their experiences and views in relation to detention monitoring mandates, practices and approaches. International perspectives were provided by representatives of the UN SPT, the Council of Europe CPT<sup>12</sup> and a Western European NPM, while national experiences were offered by representatives of NPMs and CSOs from the region.

With regard to the South East Europe region, it is notable that all countries have ratified the OPCAT and most have established functioning NPMs.<sup>13</sup> In one country represented at the

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<sup>12</sup> The representative of the CoE contributed to the event in an online capacity.

<sup>13</sup> Shortly before the regional workshop in September 2023, the parliament of Bosnia and Herzegovina passed domestic legislation to designate the Human Rights Ombudsman as the country's NPM. Thus, operationalization of the mandate in practice remained the next important step to perform towards a fully functioning NPM.

workshop, the Ombuds Institution applied an ‘NPM-plus model’, in which the mandate was extended to other bodies, in particular selected and accredited CSOs, which were invited to cooperate with the Ombuds Institution in fulfilling the NPM mandate.

In relation to the specific practices and approaches to monitoring the treatment and conditions of detention of (suspected) violent extremist prisoners, different experiences were shared during the session. Some NPMs remarked that either very few or no (suspected) violent extremist prisoners were currently held in their respective prison systems, although such prisoners had been imprisoned previously. Another NPM representative noted that they did not conduct any specific work related to (suspected) violent extremist prisoners due to a lack of resources, but included them in their methodology as vulnerable prisoners. In some countries, the respective NPMs have worked only reactively on the basis of complaints lodged, or limited institutional capacity has hampered their ability to monitor the treatment and conditions of violent extremist prisoners as a specific category of prisoners. In one country, however, the NPM had undertaken repeated monitoring of a specialized high-security prison for persons convicted of organized crime and terrorism-related offences.

It was recognized that, while NPMs had robust mandates in national law to monitor the treatment of prisoners given their OPCAT basis, civil society monitors’ access to places, detainees and information in high-security prison contexts was more restricted due to their more limited powers. CSO representatives reported that their work was dependent on individual agreements (e.g., Memorandum of Understanding) with prison authorities, which generally did not provide for unannounced visits but could include access to filed prisoner documentation. It was also noted that, in the context of detention monitoring, relations between CSOs and national authorities depended on and were influenced by security considerations and political sensitivities. Furthermore, detention monitoring by CSOs was usually carried out based on specific projects and was therefore dependent on sufficient funding for the implementation. Notwithstanding this, the monitoring activities of CSOs were viewed as an important contribution to overall detention monitoring efforts.

Irrespective of the particular mandate, NPM and CSO representatives underlined the importance of building trust with both prisoners and prison authorities for them to conduct their detention monitoring activities.

From the broader international perspective, SPT and CPT experiences were shared regarding counter-terrorism measures that could negatively impact the rights of (suspected) violent extremist prisoners. These included, among other aspects, their specific allocation in prison and related restrictions of rights. Monitoring prisoners in high-security prison settings where (suspected) violent extremist prisoners were held was crucial to prevent human rights violations such as prolonged solitary confinement, which can amount to torture and other cruel, inhuman or degrading treatment. It was further emphasized that detention monitors should be mindful of the potential risks of reprisals that their interviewees may face from other prisoners and prison staff when speaking with them. This could be further exacerbated in the context of prisoners who were

labelled or classified as ‘radicalized’ or terrorist by the prison administration or the courts. The importance of avoiding the stigmatization of (suspected) violent extremist prisoners in their monitoring activities was reiterated in the presentation of the Western European NPM. Further monitoring-related challenges, which could be identified in many countries across the OSCE region and beyond, comprised the need to access and monitor classified and intelligence files on prisoners and to reach prisoners who are unaware that they are classified as "radicalized".

### **Session 5: Challenges and good practices in monitoring the protection of human rights while preventing and countering VERLT in prisons in South East Europe**

The fifth session represented the second of the workshop’s two main interactive working group segments. Following a brief overview of the subject matter by an introductory speaker, participants split into working groups, which focussed on the practical challenges faced by detention monitors in South East Europe and good practices on how such challenges could be addressed. Several main themes emerged from these discussions.

#### *Access to prison facilities and unhindered confidential interviews with prisoners and staff*

According to some participants, NPMs did not generally face barriers in accessing prison facilities (and all parts thereof) or from conducting confidential interviews with (suspected) violent extremist prisoners and staff. NPM limitations in terms of human and financial resources, however, were said to influence the scope of monitoring activities undertaken by several NPMs in the region. One NPM stated that it had repeatedly complained about the insufficient resources made available to it in past annual reports. It was also observed that very few prisoners refused to speak with NPM representatives. However, several NPM representatives remarked that it was necessary to build up trust with prisoners and to be perceived as acting independently and transparently. In this regard, it was also deemed necessary to manage the expectations of prisoners in terms of what an NPM could do for the personal circumstances of prisoners. While no NPM or CSO representatives expressed specific concerns about reprisals against prisoners as a result of their detention monitoring activities, several participants suggested that detention monitors should develop formal policies on reprisals. It was additionally stated that detention monitors had to exercise caution so as not to single out (suspected) violent extremist prisoners to avoid their potential stigmatization by other inmates.

#### *Access to written information relating to deprivation of liberty as well as the availability of general information*

While few issues were reported in relation to access to information by NPMs, CSOs had significantly weaker access to written information. In the discussions, no NPM reported encountering barriers in accessing more general information, such as lists of prisons. However, the monitoring of so-called ‘hidden’ or classified information was mentioned as challenging by several participants. Multiple detention monitors, especially CSOs, reported that they had struggled to access intelligence files pertaining to the classification and risk and needs assessments of (suspected) violent extremist prisoners. One NPM noted that, while in the past it had initially been

denied access to classified information by the prison authorities, this matter was resolved after it referred to its OPCAT mandate anchored in national law.

### *Level of cooperation with the authorities and understanding of the importance of independent detention monitoring*

It was reported by some NPM representatives that cooperation with the prison authorities was generally perceived as positive. In contrast, one NPM representative commented that cooperation with national law enforcement had at times been problematic. The importance of building of trust with the authorities over time was underlined in this regard. Moreover, it was observed that although all detention monitors issued targeted recommendations, the prison authorities did not always sufficiently take them into account. In certain cases, detention monitors had issued the same recommendation repeatedly without any follow-up action being taken by the prison authorities. The limited availability of NPM resources for the purpose of tracking follow-up to recommendations was noted as an additional challenge.

### *Roles of civil society in detention monitoring*

The group discussion revealed that CSO access to prisons was usually based on specific time-bound project agreements, which determined the kind of access to the prison facilities, prisoners and staff, as well as written information. In comparison with NPMs their powers of access were notably more limited. Accordingly, the access of CSOs to prison facilities was generally pre-announced. Regardless of specific challenges, it was generally considered that CSOs had an essential role to play with regard to monitoring the conditions of (suspected) violent extremist prisoners, contributing to the efforts of NPMs and their calls on the prison authorities to protect the rights of prisoners. During the session, it was also reiterated that NPMs should directly involve CSOs in their preventive monitoring activities, as has been done in some countries in the region.

### *Public reporting and public perceptions about the protection of human rights while countering terrorism and preventing VERLT*

No specific restrictions were observed by the participants on public reporting. NPMs in the region routinely issued a range of different public reports (such as annual, thematic and visit reports) and they managed their own relations with the media and wider public. CSO representatives mentioned that they were equally free to publish the findings of their monitoring activities.

In one country, however, an NPM representative stated that the institution's focus on the rights of violent extremist prisoners and the publication of several reports on high-security prisons had generated little public empathy. In several other countries, there was also reportedly little sympathy regarding the overall situation of such prisoners, or public attitudes were even hostile. This posed challenges for the NPMs, which they had to take into account in their work.

## **Session 6: Recommendations to strengthen independent detention monitoring for protection of human rights while preventing and countering VERLT in prisons in South East Europe**

The final session yielded a number of recommendations aimed at strengthening independent detention monitoring for the protection of human rights while preventing and countering VERLT

in prisons in South East Europe. In particular, it was recommended to address the issue holistically encompassing all levels of the criminal justice system before, during and after detention and based on a review of the legal and policy framework on counter-terrorism.<sup>14</sup>

These recommendations are integrated into the consolidated list of recommendations that emerged from the various sessions of the workshop, as set out below. Following the session, the regional workshop was brought to a close with conclusions and final remarks by the organizers.

### **III. CONCLUSIONS AND KEY RECOMMENDATIONS**

#### **To OSCE participating States in South East Europe:**

- States should recognize the essential role that independent detention monitors play in protecting the human rights of prisoners while preventing and countering VERLT in prisons. They should strengthen national human rights frameworks to promote effective and independent monitoring of detention. Recognizing that all OSCE participating States in South East Europe have ratified the OPCAT and designated NPMs, they should ensure that they are independent, operational and adequately resourced to allow them to fully exercise their mandates.
- In particular, states should provide NPMs with access to all written information referring to the treatment of persons deprived of their liberty, including (suspected) violent extremist prisoners, and their conditions of detention, including documents defined as classified, in accordance with international obligations.<sup>15</sup>
- States should also recognize the important contribution of civil society in monitoring states' compliance with human rights in places of detention. States should create an environment that allows civil society to operate freely and facilitate the work of independent civil society monitors, including by providing access to places of detention and information as required.
- States should ensure that (suspected) violent extremist prisoners are not subjected to prison regimes and security measures which violate international human rights standards, particularly prolonged solitary confinement. They should also refrain from imposing prison regimes and security measures that could compromise such prisoners' prospects of successful rehabilitation and reintegration. Prison regimes and security measures that entail rights restrictions may only be imposed on prisoners on the basis of the results of objective and human rights-compliant risk assessments, which should be carried out as soon as

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<sup>14</sup> For ODIHR reviews on the broader counter-terrorism law and policy context, see for example ODIHR, Note on the Proposed Revision of the Definition of Terrorist Offences in Article 1 of the Council Of Europe Convention on the Prevention of Terrorism, 2023, <https://legislationline.org/taxonomy/term/25663>, and Note on the Shanghai Convention on Combating Terrorism, Separatism and Extremism, 2020, [https://legislationline.org/sites/default/files/documents/cf/382\\_TERR\\_BiH\\_21Sept2020\\_en.pdf](https://legislationline.org/sites/default/files/documents/cf/382_TERR_BiH_21Sept2020_en.pdf). All ODIHR legal reviews on counter-terrorism and violent extremism are available at: <https://legislationline.org/legal-reviews>.

<sup>15</sup> See Article 20(b), UN General Assembly, Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, A/RES/57/199, 9 January 2003, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>.

possible at admission, be individualized, and be regularly reviewed and updated in a participatory process.

- States should ensure fair and adequate conditions of employment for prison staff to fulfil their duties. In particular in the VERLT context, states should ensure that the salaries, status and working conditions of prison staff reflect the challenging nature of their tasks. Prison staff should also be adequately trained on VERLT-related issues, where relevant, including on human rights challenges concerning the use of indicators to identify prisoners “vulnerable” to VERLT, risk and needs assessments as well as the reintegration and rehabilitation of prisoners.
- As most prisoners convicted of violent extremist or terrorist offences will eventually return to society, states should invest significantly greater resources in the rehabilitation and reintegration of such prisoners and ensure that targeted interventions and activities are human rights-compliant, gender- and age-appropriate. They should also develop and integrate programmes of disengagement from violence into pre- and post-release programmes for such prisoners and should consider engaging with relevant societal stakeholders in their implementation.
- States should establish and/or further develop the capacity of their probationary services for prisoners convicted of offences related to terrorism and violent extremism. They should consider implementing early release schemes for these prisoners, where appropriate, and ensure that any post-release administrative supervision is fully human rights-compliant.
- States should develop, where appropriate, tailored non-custodial measures to returning “foreign terrorist fighters” and provide necessary rehabilitation and reintegration support for associated family members, especially women and children.
- States should bring national legislation pertaining to anti-terrorism in line with international law, including international human rights law, international humanitarian law and international refugee law. To this end, they should seek ODIHR's legislative assistance and request and use ODIHR reviews to analyze the human rights compliance of draft and existing laws related to terrorism as well as national strategies and action plans to prevent and counter VERLT.<sup>16</sup>

### **To detention monitoring bodies and civil society actors in South East Europe:**

- In pursuing their respective mandates and activities, detention monitoring bodies and civil society actors should carefully consider the human rights implications of measures to prevent and combat VERLT in prisons, including in relation to the application of risk assessments, security restrictions and prisoners' access to rehabilitation and reintegration measures.

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<sup>16</sup> For the ODIHR legislative assistance, see <https://www.osce.org/odihr/407447>.

- NHRIs, NPMs and CSO monitors should closely track and document state progress in implementing their recommendations. For this purpose, they should be allocated necessary resources.
- As CSOs play an important detention monitoring role in relation to the treatment and conditions of (suspected) violent extremist prisoners, NPMs are encouraged to involve them in their monitoring activities, if they have not already done so.
- Detention monitoring bodies and civil society actors should continue their efforts to advocate for the strengthening of independent, adequately resourced and effectively functioning NPMs in the region.
- In carrying out their work, detention monitoring bodies and civil society actors should exercise vigilance to ensure that (suspected) violent extremist prisoners are not subjected to reprisals by the prison administration or other prisoners. In the same vein, they should avoid the stigmatization of prisoners, including (suspected) violent extremist prisoners, as a result of their monitoring activities.
- In particular, detention monitoring bodies should consider developing and implementing policies on reprisals in relation to their visiting mandates. In doing so, they should consider related recommendations issued by UN treaty bodies, such as the UN SPT.<sup>17</sup>
- In accordance with their respective mandates, NHRIs, NPMs and CSO monitors in the region should actively assess and submit proposals and observations concerning legislation, including anti-terrorism laws, as well as national strategies and action plans on the prevention of VERLT, where these impact the treatment and conditions of people deprived of their liberty.

#### **To ODIHR:**

- ODIHR should develop and strengthen training materials based on the *ODIHR/PRI Guide for Detention Monitors* and organize related training activities for detention monitors. These should include regional training events for detention monitors from South East Europe to facilitate the exchange of information from different countries in the region and beyond about detention monitoring practices, methodologies and experiences in relation to the treatment of prisoners and detention conditions in the context of preventing and countering VERLT.
- ODIHR should continue to cooperate with other international organizations and human rights mechanisms to support the effective functioning of independent NPMs and NHRIs in the region.

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<sup>17</sup> For instance, see UN SPT, Policy of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on reprisals in relation to its visiting mandate UN Doc. CAT/OP/6/Rev.1, 31 May 2016, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/OP/6/Rev.1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/OP/6/Rev.1&Lang=en).



- ODIHR should consider translating the *ODIHR/PRI Guide for Detention Monitors* into additional languages to make it more accessible to relevant stakeholders across the South East Europe region.
- ODIHR should consider developing additional practical tools for detention monitors based on the *ODIHR/PRI Guide for Detention Monitors*, such as handy pocket-sized quick tips and guides.

## ANNEX: AGENDA



### **Detention monitoring and the protection of human rights while preventing and countering violent extremism and radicalization to terrorism (VERLT) in prisons**

*Regional workshop for South East Europe*

**13-14 September 2023**

**Sarajevo, Bosnia and Herzegovina**

#### **Agenda Overview**

<b>Day 1</b>	
<b>9:00-9:30</b>	<b><i>Arrival &amp; Registration</i></b>
<b>9:30-9:45</b>	<b><i>Opening &amp; Welcome</i></b>
<b>9:45-10:15</b>	<p><b>Session 1: Setting the scene - Why is independent detention monitoring important in prevention and countering VERLT in prisons?</b></p> <ul style="list-style-type: none"><li>• Introduction, purpose and objectives of the workshop Presentation of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Penal Reform International (PRI) Detention Monitoring Guide and related activities</li></ul> <p><i>Moderator:</i> Representative of ODIHR <i>Speakers:</i> Representatives of PRI and ODIHR <i>Q &amp; A, comments &amp; observations</i></p>
<b>10:15-11:00</b>	<p><b>Session 2: Practices and Approaches - Preventing and countering VERLT in prisons</b></p> <ul style="list-style-type: none"><li>• Taking stock of international, regional and national initiatives and approaches for preventing and countering VERLT in prisons</li></ul> <p><i>Moderator:</i> Representative of ODIHR <i>Speakers:</i></p> <ul style="list-style-type: none"><li>- Representatives of the OSCE Secretariat's Transnational Threats Department, Action against Terrorism Unit (TNTD/ATU), the UN Office on Drugs and Crime (UNODC) and the Violence Prevention Network</li></ul>

11:00-11:20	<i>Coffee Break</i>
11:20-12:45	<p><b>Session 2: continued</b></p> <ul style="list-style-type: none"> <li>• Taking stock of international, regional and national initiatives and approaches for preventing and countering VERLT in prisons</li> </ul> <p><i>Moderator:</i> Representative of ODIHR</p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> <li>- Representatives of the OSCE Presence in Albania, the University of Belgrade (Serbia), the Macedonian Society of Penology (North Macedonia) and the Ministry of Security of Bosnia and Herzegovina</li> </ul> <p><i>Q &amp; A and open debate</i></p>
12:45-14:00	<i>Lunch Break</i>
14:00-15:00	<p><b>Session 3: Principle human rights challenges in preventing and countering VERLT in prisons in South East Europe</b></p> <ul style="list-style-type: none"> <li>• Overview of main human rights challenges, including in relation to classification, risks and needs assessments; prison regimes and security measures; as well as rehabilitation and integration measures for (suspected) violent extremist prisoners.</li> <li>• Brainstorming on principle human rights challenges in preventing/countering VERLT in prisons in South East Europe (in Working Groups)</li> </ul> <p><i>Moderator:</i> Representative of the OSCE Mission to Bosnia and Herzegovina</p> <p><i>Introducer:</i> ODIHR consultant on detention monitoring/counter-terrorism</p> <p><i>Followed by discussion in working groups</i></p>
15:00-15:20	<i>Coffee Break</i>
15:20-16:20	<p><b>Session 3: continued</b></p> <ul style="list-style-type: none"> <li>• Plenary Report back by Rapporteurs of Working Groups</li> <li>• Q &amp; A and open debate</li> </ul> <p><i>Moderator:</i> Representative of the OSCE Mission to Bosnia and Herzegovina</p>
16:20-16:50	<p><b>Session 4: Detention monitoring mandates, practices and approaches (part 1)</b></p> <ul style="list-style-type: none"> <li>• Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to the protection of human rights while preventing and countering VERLT in prisons in South East Europe</li> </ul> <p><i>Moderator:</i> Representative of ODIHR</p> <p><i>Speaker:</i></p> <ul style="list-style-type: none"> <li>- Representatives of the UN Subcommittee on Prevention of Torture (SPT) and the European Committee for the Prevention of Torture (CPT) (online presentation)</li> </ul>

	<p><i>Presentation on international monitoring mandates, practices and experiences in assessing human rights implications of measures to prevent and counter VERLT in prisons.</i></p> <p><i>Q &amp; A</i></p>
<b>16:50-17:00</b>	<b>Conclusion of Day 1</b>
from 17:15	<i>Small reception for all workshop participants</i>

<b>Day 2</b>	
<b>9:15-9:40</b>	<p><b>Introduction to Day 2</b></p> <p><i>Moderator:</i> Representative of ODIHR</p> <p><i>Speaker:</i> Representative of the Council of Europe (online presentation)</p> <p><i>Q &amp; A</i></p>
<b>9:40-10:40</b>	<p><b>Session 4: Detention monitoring mandates, practices and approaches (part 2)</b></p> <ul style="list-style-type: none"> <li>• Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to South East Europe. Experiences and lessons learnt in monitoring detention conditions, human rights implications of VERLT-related risk and needs assessments well as prison regimes and security measures of (suspected) violent extremist prisoners</li> </ul> <p><i>Moderator:</i> Representative of ODIHR</p> <p><i>International detention monitoring expert:</i></p> <ul style="list-style-type: none"> <li>- Representative of the French NPM</li> </ul> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> <li>- Representatives of the Ombudsman of Montenegro, the Protector of Citizens and NPM in Serbia and the Ombudsperson for Proclaiming the Rights of Persons Deprived of Liberty of Bosnia and Herzegovina</li> </ul> <p><i>Q &amp; A and open debate</i></p>
<i>10:40-11:00</i>	<i>Coffee Break</i>
<b>11:00-11:45</b>	<p><b>Session 4: continued</b></p> <ul style="list-style-type: none"> <li>• Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to South East Europe</li> </ul> <p><i>Moderator:</i> Representative of ODIHR</p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> <li>- Representatives of the non-governmental organisation Institute for Activism and Social Change (Albania) and the Helsinki Committee for Human Rights (North Macedonia)</li> </ul> <p><i>Q&amp;A and open debate</i></p>

<b>11:45-12:45</b>	<p><b>Session 5: Challenges and good practices in monitoring the protection of human rights while preventing and countering VERLT in prisons in South East Europe</b></p> <ul style="list-style-type: none"> <li>• Exchange of experiences and views on practical challenges detention monitors face in assessing the human rights implications of practices and policies to prevent and counter VERLT in prisons, how challenges can be addressed and existing good practices.</li> </ul> <p><i>Moderator:</i> Representative of the OSCE Mission to Bosnia and Herzegovina  <i>Introducer:</i> ODIHR consultant on detention monitoring/counter-terrorism  <i>Followed by discussion in working groups</i></p>
<i>12:45-14:00</i>	<i>Lunch Break</i>
<b>14:00-15:15</b>	<p><b>Session 5: continued</b></p> <ul style="list-style-type: none"> <li>• Plenary Report back by Rapporteurs of Working Groups</li> <li>• Q &amp; A and open debate</li> </ul> <p><i>Moderator:</i> Representative of the OSCE Mission to Bosnia and Herzegovina</p>
<i>15:15-15:45</i>	<i>Coffee Break</i>
<b>15:45-16:30</b>	<p><b>Session 6: Recommendations to strengthen independent detention monitoring for protection of human rights while preventing and countering VERLT in prisons in South East Europe</b></p> <ul style="list-style-type: none"> <li>• Open debate for identification of recommendations to OSCE participating States, the OSCE and other international actors as well as detention monitors and civil society.</li> </ul> <p><i>Moderator:</i> Representative of ODIHR</p>
<b>16:30-16:45</b>	<b>Conclusions &amp; Wrap-up</b>