DeRadicalisation
in Europe and Beyond: Detect, Resolve, Reintegrate

De-radicalisation and Integration Legal and Policy Framework

D.Rad- WP4 Comparative Report

D 4.2

May 2022

Veronica Federico, Alessandro Rosanò, Giovanna Spanò – University of Florence

Reference: D.RAD [D4]

This research was conducted under the Horizon 2020 project 'De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate' (959198).
The sole responsibility of this publication lies with the author. The European Union is not responsible for any use that may be made of the information contained therein

Any enquiries regarding this publication should be sent to us at: veronica.federico@unifi.it

This document is available for download at https://dradproject.com.

Horizon 2020
De-Radicalisation in Europe and Beyond: Detect, Resolve, Re-integrate
959198

Co-funded by the Horizon 2020 programme of the European Union

Table of Contents

Acknowledgements

This comparative report is based on D.Rad findings elaborated in the frame of WP4 by national teams and published in the deliverable D 4.1. We owe every single researcher a debt of gratitude not solely for much of our knowledge and the bulk of information required to conceive the present report, but also for the interesting and critical insights generated in the continuous exchanges that characterised the first months of D.Rad activity.

We would like to thank Professor Silvia Sassi, Professor Chiara Favilli, Professor Cecilia Corsi, and Professor Giovanni Tarli Barbieri at the University of Florence for their invaluable guidance and support. We also thank Professor Umut Korkut and GCU Team for their suggestions and ideas and for their kind leadership, which has steadily conducted D.Rad research across the troubled waters of the hard and dystopic times we are living in. A special mention goes to Dr Maria Moulin-Stozek, co-leader of WP4, who has been busy in the past months with her newly born second son. To her and her family our warmest congratulations and the sincerest wish of a happy life to the baby boy.

About the Project

D.Rad is a comparative study of radicalisation and polarisation in Europe and beyond. It aims to identify the actors, networks, and broader social contexts driving radicalisation, particularly among young people in urban and peri-urban areas. D.Rad conceptualises this through the I-GAP spectrum (injustice-grievance-alienation-polarisation) so as to move towards measurable evaluations of de-radicalisation programmes. Our intention is to identify the building blocks of radicalisation, which include a sense of being victimised; a sense of being thwarted or lacking agency in established legal and political structures; and coming under the influence of “us vs them” identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts, including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion and de-radicalisation.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation-states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalisation often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analysing, and devising solutions to online radicalisation will be central to the project’s aims.

1. Introduction and methodology

The countries considered in the D.Rad project are the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia and Herzegovina, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia and Austria. Therefore, the national frameworks taken into consideration are quite diverse from a number of points of view.

From a geographical point of view, the area considered spans from Western Europe to the Middle East and the Caucasus.

From a political point of view, the analysis concerns consolidated democracies, countries where the democratisation process has only recently begun and countries where democracy has been facing a backsliding in recent years. Furthermore, from a political standpoint, one should consider that the majority of the countries considered here are Member States of the European Union (EU) and the Council of Europe (CoE), as well as Contracting Parties to the European Convention on Human Rights (ECHR). These factors are of key importance, as being members of the EU and the CoE and contracting parties to the ECHR implies that the States must respect and promote some core values, such as democracy, the rule of law and fundamental rights.

From an economic point of view, the majority of the countries have developed market economies. Thus, decisions regarding what and how to produce and distribute are left to economic operators according to the law of supply and demand. States play a limited role in this regard. While in some cases the choice in favour of a market economy dates back at least to the end of World War II, in others this is something that happened in the Nineties and implied a transition from communist systems.

From a socio-cultural point of view, it is interesting to note that the countries selected represent different traditions of thought and religions.

These features explain why the comparative analysis of the legal systems involved in the D.Rad research shows quite a multifaceted picture[1], especially regarding tools and strategies to counter radicalism at the level of both preventive measures and de-radicalisation programmes.

The construction of a micro-comparative taxonomy based on strict similarities or relevant divergences would have unduly involved a case selection among all the different legal and policy frameworks of de-radicalisation. Thus, a macro-comparative approach seems more consistent with the aim of the report. Taking into account the responses towards the complex and ever-changing phenomena related to de-radicalisation, the focus on some 'hegemonic patterns'[2] may well serve the purpose

[1] All the national Country Reports are available at https://dradproject.com/?page_id=870.

[2] The concept of hegemonic pattern can be useful in this analysis in order to cluster together so many different countries. The expression conveys Ugo Mattei's idea that all systems appear as a mixture of several elements and

of showing the multiple dimensions de-radicalisation entails, while at the same time enabling a comprehensive conceptualization of all D.Rad systems.

The general patterns detected can be summarised through three main types of de-radicalisation strategies: repressive, integrative and mixed. In the first case, one can note a strong criminal law apparatus, in which security and intelligence activities embody the core strategy, along with a robust legal framework concerning terrorism and some related offences. In the second approach, by contrast, an excellent integrative policy design can be found. The latter plays a crucial role in preventive strategies, based on the proactive role of institutions and civil society actors in detecting situations at risk or vulnerable groups. In this case, social integration is deemed essential in order to challenge drivers that can lead to radicalisation or foster grievances. Hence, repression and criminal provisions represent an *extrema ratio*, rather than the main and ordinary response. Finally, systems with a mixed pattern appear to have achieved a balanced strategy which combines and merges the aforementioned patterns. Therefore, security measures and active integration policies coexist side by side and shape the response framework. However, many countries involved in the project have emphasised an increasing awareness of institutions and governments about the inadequacy of both the counter-terrorism agenda (*inter alia*, Israel, Bosnia and Herzegovina, Turkey) and repressive tools, and pointed to the need to improve preventive and integrative strategies.

At the same time, some analogies have emerged as well.

They concern recurring patterns in the management of issues related to (de-) radicalisation, as well as major shortcomings shared by several countries of the research consortium. First and foremost, all systems have adapted their legislative framework to their own 'particularistic' grievances, able to exacerbate extremist and radical claims in each national context. Particularistic challenges refer to how legal responses are strongly anchored to historical legacies of ethnic conflicts, political extremisms, authoritarian experiences and socio-political cleavages. As a result, many strategies are aimed at protecting the stability of the (constitutional) framework per se, through provisions targeting precise issues, such as ethno-nationalist, religious and political extremist claims in Bosnia and Herzegovina, in Iraq and in Italy respectively. As already mentioned, the prevailing choice is to pursue an anti-terrorism agenda, with a constant emendation or updating of criminal code provisions in order to address contemporary threats as well. Thus, repressive measures have been strengthened over time, for instance in countries experiencing high influxes of foreign fighters, or in "border" ones due to massive forced migration flows from war-ravaged regions

qualities, but they can be grouped and classified: "according to the hegemony of one certain pattern. In each legal system, where one pattern is hegemonic, other patterns defining their quality do not disappear. They will play a larger or smaller role depending on the […] alternative forms […] left by the hegemonic pattern", see U. Mattei, *Patterns of Law: Taxonomy and Change in the World's Legal Systems*, in *The American Journal of Comparative Law*, 1997, 45.

(Serbia, Bosnia and Herzegovina, Iraq, Jordan). On the other hand, almost all the initiatives to combat extremism and radicalism have stemmed from precise political sentiments and an atmosphere of emergency, which have often led to a widening of the spectrum of "terrorist" offences (Italy). Compliance with the standards required by supranational and international legal frameworks has also affected national legislations.

Almost all of the consortium's research has underlined a specific focus on Islamism – in all its facets – and on jihadism, on some occasions with an evident anti-Muslim bias. Moreover, in almost all cases right-wing extremism is regarded as the most dangerous actual trend of radicalisation, which requires the monitoring of its developments throughout Europe (and beyond) as well as effective legislative tools to tackle the specific features of this form of extremism, especially in online contexts and in off-line socio-political polarisations.

Along with the increasingly authoritarian turns taken by some national governments relying on counter-terrorism tools, a robust control over data and information storage has been introduced. This has had an impact on national surveillance laws, in some cases resulting in a severe violation of sensitive personal data (Serbia). In this regard, it should be borne in mind that personal data protection standards are not the same in all the countries considered in the D.Rad research. As a matter of fact, many of them are EU Member States, but others are not. The former must comply with the rules laid down in the GDPR (General Data Protection Regulation) and more generally, the Charter of Fundamental Rights of the EU. As for the non-EU countries, some of them are members of the Council of Europe and Contracting Parties to the ECHR and, most importantly, to the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. Thus, the relevant standards of protection are the ones resulting from these instruments and, as far as the ECHR is concerned, from the interpretation of its provisions provided by the European Court of Human Rights. In the case of countries that are neither EU Member States, nor Contracting Parties to the Council of Europe instruments, the relevant standards are provided by national law.

Furthermore, several countries have adopted double standards and selectively applied their legislative provisions, making a distinction between "those protected by the law and those punished by the law", with patent discriminatory implications (Bosnia and Herzegovina, Hungary, Jordan, Iraq). As far as hate speech and the protection of minorities' rights are concerned, several D.Rad studies have stressed the presence of a set of laws on the topic. Muslims, LGBTQI+ and Roma people have been the social groups most targeted by feelings of hatred. This finding is of utmost importance if one considers "State hate speech" (Turkey, Hungary, Bosnia and Herzegovina), since in some cases the government's own propaganda stigmatises minorities, portraying them as an enemy to be fought against; as a result the political elites – and the governments themselves – become one of the main drivers of radicalisation

(Hungary). Partially, this also implies a mismanagement of pluralism, due to social differentiations, or to territorial geographies (e.g. the concept of 'constituent people' in Bosnia and Herzegovina), and is also related to inner conflicts in some areas where the very ownership of lands is closely linked to ethnic belonging (Iraq).

Courts, on the other hand, have played a very different role: from proactive and (oftentimes) counter-majoritarian rulings, to strong self-restrained attitudes (Italy), in some cases embedded in political choices (Israel), in others reflecting a lack of independence or involvement in governmental agenda (Hungary, Turkey). A selective justiciability of the fundamental rights at stake – again, those protected and those discriminated by the law – has been observed as well. Almost all courts, however, have balanced security needs with the protection of human rights and though they have sometimes proved to be effective in detecting asymmetries, as shown in their case law, legislative interventions have rarely followed (Turkey, Bosnia and Herzegovina).

Associations and NGOs play a pivotal role too. Their action sometimes gains governmental endorsement (Jordan, Serbia), whereas in some countries they are ostracised or targeted as being a threat for the establishment (Hungary, Turkey). Major critical issues have emerged regarding the institutional vacuum (Italy) and the lack of both appropriate and proportionate funding for the third sector and a regulatory framework for their activities.

In most cases, good practices and de-radicalisation programs have concerned the prison environment. However, staff training has been reported to be insufficient, completely lacking, or in need of improvement. At the same time, as far as prevention activities aimed at youth are concerned, and despite programs and projects capable of combining entertainment and educational aspects, many obstacles have been encountered when it comes to involving young people, who are often reluctant to take part and to withdraw their support for some extremist ideologies.

In the end, due also to trends of strong dissent towards governments' management of the Covid-19 pandemic, new kind of extremist attitudes are on the rise in almost all D.Rad Countries. In several systems, in fact, grievances towards general lockdowns and curfews have resulted in anti-establishment propaganda, in some cases leading to violent actions targeting institutions as well. Additionally, pro-vax campaigns launched by governments have gained quite strong opposition, also stimulating the development of anti-vax narratives and trends, strengthened as a result of the legal requirement of a 'COVID certificate' in workplaces or for specific social activities.

The report will assess the legal and policy framework of the systems involved in the D.Rad consortium along two main lines: first, it will focus on the three types of approach, thoroughly appraising the strategies implemented in each national context. Secondly, a selection of case studies will be presented, in order to encompass the substantive features of counter-actions in school education, in prisons and in the on-

line context. Lastly, some conclusive remarks will highlight outcomes worthy of dissemination, as well as major shortcomings in the approach to de-radicalisation.

2. The legal and policy framework: towards a classification

The heterogeneous legal, social and political background of D.Rad countries and their responses concerning de-radicalisation are shaped in accordance with the challenges each national context has to individually face. As a result, a methodology focused on particularistic data would have involved a 'selective' comparative conceptualisation, instead of a general theoretical assessment. Therefore, the methodology follows a reverse approach, based on macro categories able to include all systems on the basis of some recurrent, prevailing, 'hegemonic' patterns. In fact, stressing the presence of shared approaches may help to portray general features while still not assimilating inner differences between systems. Indeed, notwithstanding similarities, national frameworks show different intensities vis-à-vis the abovementioned hegemonic patterns themselves. The indexes chosen in order to gain a comprehensive overview of legal measures and policies concern: the role of preventive measures based on social inclusion and integration strategies; the (more or less decisive) reliance on criminal provisions, especially in pursuit of a counter-terrorism agenda; the presence of governmental plans devoted to de-radicalisation; the main actors involved in the management of the phenomenon (security forces, intelligence, courts, third sector and NGOs); and the operational outcomes of the *law in books*, from a *law in action* perspective. Obviously, these elements are not static, since in each framework this 'set' of indexes can merge in quite different dynamic ways.

Additionally, the following typology has been framed taking into account the constitutional set of laws and fundamental principles envisaged therein; the legislative apparatus concerning the topic of de-radicalisation and the institutional responses.

2.1. The repressive approach: features and patterns

The repressive approach concerns a vast category in which criminal law is at the very core of counter-radicalisation responses. However, the prevalence and extent of repression may vary considerably among the systems involved in the analysis. In fact, the spectrum can range from (legal) counter-terrorism tools to detect radicalisation processes at a very early stage, to a focus on the pathological phase, where an unlawful action has already been committed, i.e. prisons or courts. Moreover, security-oriented prevention may equally involve intelligence and police, other law enforcement agencies and (the activities of) their specialised departments. Each actor can thus play

different roles in tackling radicalisation phenomena, with ever-changing geometries throughout the analysed countries.

In **Italy**, the national framework does not devote any specific legislation to (de-) radicalisation. Amendments to criminal law on terrorist associations and organized crime activities dating back to the 1970s constitute the core of the Italian repressive response to radicalisation. Thus, the related legislation has developed from the repressive framework outlined to deal with internal political terrorism. An “urgency” rhetoric, oftentimes in connection with a precise political agenda based on “security”, has led to a focus on criminal responses encompassing a counter-terrorism strategy, with some insights dedicated to foreign fighters and the actions of so-called “lone actors”. Nevertheless, in Italy radical religious “intentions” have never turned into violent actions or incidents.
When reconstructing the legislative background, one finds, not surprisingly, that the first act dates back to 2001, as it was adopted as a reaction to the 9/11 terrorist attacks in the USA. Massive reforms have been carried out since and new types of offences have been introduced in compliance with the supranational and international framework (such as the Framework Decision 2002/475/JHA on combating terrorism, repealed by Directive 2017/541). These include engaging in conduct for terrorist purposes, enlistment, training, the organisation of transfers and the provision of financial support (in response to which preventive seizures may be ordered). Moreover, a bill aimed at providing detailed and comprehensive regulations on radicalisation(s) and jihadist extremism was drafted in 2017. In it, solutions regarding de-radicalisation strategies were envisaged as well; however, this bill has never been approved nor enacted.

As far as hate crimes are concerned, racial, ethnic, and religious discrimination and propaganda about the superiority of the race, as well as the incitement to commit violence on racial, ethnic, or religious grounds were made criminal offences and an aggravating circumstance, owing to the lack of a clear definition of “hate speech”.
Due to the decentralized structure of the state, regional interventions are worth mentioning, but they provide only generic tools for dealing with violence and hatred and lay down plans of *restorative justice* in support of victims suffering from violent actions. In these cases, no reference is made to categories such as “extremism” or “radicalisation”, whereas “security” constitutes their common theme. Moreover, the abovementioned decentralised structure has brought forth asymmetries in the efforts to define viable de-radicalisation strategies, since regional autonomy often leads to extremely diversified actions at the subnational and local levels as well.

In Italy there is no national plan addressing radicalisation or extremisms in a broader sense. The management of these issues is entrusted to the actors involved in counter-terrorism activities, such as governmental departments and security forces.

Additionally, a substantive role is played by the third sector and NGOs, which often work in support of public authorities. Good practices have been developed in prisons, though the focus is on a case-by-case approach rather than a structured system. The policy framework lacks specific counteractions aimed exclusively at radicalisation phenomena and a legal basis for coordinated activities, beyond the counter-terrorism agenda.

Israel primarily focuses on security, being a militaristic society, marked on the one hand by the need to balance this feature with fundamental rights, and on the other characterised by the principles of ethnicity, nationality and religion. This implies that the society is segmented into those perceived as ‘ordinary’ citizens and others regarded as a ‘threat’. The existing divisions, moreover, have given birth to specific claims, identarian struggles, in most cases also misused as political leverage. Against this backdrop, the historical heritage and the collective trauma of the Jewish history has been decisive, affecting the management of de-radicalisation and the protection of minorities, as well as the equality of all citizens. In fact, the aforementioned guiding principles characterise the regulatory, policy and institutional framework as well, leaving Israel in a perpetual state of war. Furthermore, the lack of "stability" of the Israeli Constitution allows a constantly changing set of laws, resulting in enduring socio-political cleavages and the lack of trust in public institutions. In addition to international and domestic terrorist attacks, the Palestinian issue is at the very core of the Israeli security agenda. Following the establishment of the Hamas government in 2006, the Israeli government issued resolution no. 4780 in the same year, declaring Israel's (firm) policy toward the Palestinian Authority. Jewish and Palestinian extremisms are however addressed in a parallel way. Along with criminal provisions targeting terrorism activities, the Israeli legal framework takes into account actions to combat the financial infrastructure of terror organisations, terrorist operatives and entities involved in terrorist financing (resolution no. 273/2018).
Intelligence activities and the actors involved in internal security are primarily responsible for de-radicalisation strategies. Courts also play a fundamental role. However, the absence of a structured constitutional framework makes their work uncertain. However, delegating the issue to courts does not solve the background conflict between security and human rights. Moreover, courts judgments are likewise marked by nationalist, ethnic and religious principles, which are also abused at the State level as a leverage to endanger a fragile social cohesion.
Notwithstanding its main repressive and punitive approach, Israel is also engaging in integrative-oriented policies aimed at managing pluralism through new strategies and tools. The latter will hopefully give rise to new trajectories in dealing with divisive issues, through dedicated programmes to tackle extremism and radicalisation at the preventive level as well.

Turkey similarly shows a repressive pattern related to the counter-terrorism agenda, and no legal framework devoted to radicalisation per se can be found. In this case, too, provisions to counteract extremisms are embedded in criminal provisions against terrorist activities. Additionally, Articles 216 and 122 of the Turkish Penal Code embody the main legal framework related to radicalisation and are especially aimed at tackling hatred and discrimination on the ground of language, race, colour, sex, political view, philosophical belief, religion and so forth. However, the legal framework does not devote effective strategies or responses for the online context.
As a means of filling this legislative vacuum, the courts have proved decisive, as in the Italian case; however, like the Israeli courts, they have often strengthened majority claims, prioritising, in this case, Turkishness and Sunni Islam, also to the detriment of (historically) already neglected minorities (Armenians, Kurds and Alevi). Court decisions other than those of the Constitutional Court are not public, nor are they published. The Selendi Case (Uşak 2. Civil Court of First Instance, 2015) seems to be an exception and a milestone towards ensuring protection for the heavily discriminated Roma communities. Unfortunately, no effective legislative protection or dedicated policies have followed. Furthermore, from another perspective, the punitive approach oftentimes appears biased itself. The most significant de-radicalisation interventions have addressed jihadists, whereas right-wing and leftist extremism have gained quite modest attention. Following the centralisation of power by the (new) presidential regime, there have been strong limitations on freedom of expression – including intimidations against the media – and an increase in hate speech addressed to minorities. This situation may well fuel further divisions and polarisations between "those protected by the law and those punished by the law", which is apt to strengthen already severe grievances. Most of the de-radicalisation activities take place in prisons, as in other cases investigated for this research. The approach is mainly oriented towards religious counselling – quite similar to the Italian case – in spite of the principle of Turkish *laiklik,* involving a strict separation of religion from the public sphere, as the legacy of the Kemalist secular revolution, which also led to the final abolition of the caliphate. This strategy has proved insufficient – for instance, vis-à-vis former members of ISIS – and unsuccessful due to criticism regarding religious mentors not felt to be 'legitimate'. Nonetheless, awareness-raising as a preventive strategy has been gaining greater attention, especially as far as security actors are concerned. Indeed, the Turkish national police hold meetings in schools and are engaged in detecting at-risk situations so as to intervene before radical attitudes can turn into violent actions. Moreover, the General Directorate of Prisons and Detention Houses actively cooperates in EU projects, whereas the Presidency of Religious Affairs, in coordination with the Ministry of Justice and police officers, specifically addresses issues related to jihadism.

Hungary provides for a particularly repressive framework, which is misused in order to strengthen governmental and majoritarian ideologies. In 2010, a Counter-Terrorism

Centre was established by the Fidesz government. The State itself appears to be the first significant driver of radicalisation, also as a result of biased legislative measures fostering divisions and encouraging radical views within an already polarized society. Owing to a prominently anti-European, anti-LGBT and anti-liberal propaganda, racist, homophobic, nationalist and supremacist sentiments have considerably increased. In this context there is no effective framework for tackling radicalisation or devising counteractions. The latter are delegated to civil society by political choice. The anti-terrorism legislation appears robust and harsh and the Criminal Code covers terrorism-related offences with sentences ranging from a minimum of ten years to life imprisonment. In the Hungarian criminal system, moreover, prejudice and racist motives represent an aggravating circumstance. Notwithstanding the Equal Treatment Act, the legislation in itself and in the way it is implemented fosters double standards, both at the level of the anti-terrorism agenda, and with regard to hate speech and discrimination. In the Hungarian case, for instance, the jihadist phenomenon similarly remains at the core of the issues related to de-radicalisation, whereas far-right extremism – empowered by the government itself – is voluntarily underrated. Additionally, on the one hand, the state circulates hate speech while remaining substantially unpunished; on the other hand, it renders dissident opinions (almost always) punishable. Additionally, hate crimes against minorities are infrequently prosecuted, also implying that they are underreported, as was ruled by the ECtHR in the case of RB v Hungary, which found that Hungarian authorities had failed to investigate hate crime with racist motives. A new bill, modelled on the Russian anti-paedophilia provisions, is currently being debated as a tool for further targeting the LGBTQI+ community, already severely discriminated against and lacking support in the public arena. Despite the declared freedom of religion, Islamophobic and anti-Semitic discourse is very prevalent too.
In this context, the judiciary does not seem independent and since the authoritarian shift began, the Constitutional Court has barely been active. However, it should be noted that in decision No. 38/2012 it declared the unconstitutionality of the Seventh Amendment of the Fundamental Law criminalizing homelessness. Minorities and vulnerable people seem to be the first scapegoat of government-led hate narratives, instead of becoming a priority target of social inclusion and anti-discrimination policies. The government also seems insensitive towards de-radicalisation strategies, as it normalises radical views as ordinary opinions, strengthening their “authority” in the public sphere. Moreover, there is a noticeable lack of policies and dedicated programmes, including in prisons, the main place in which de-radicalisation initiatives have been envisaged among the research consortium countries.

Jordan’s legal framework focuses on a counter-terrorism agenda, not involving radicalism or extremism specifically. In particular, it lies on three main foundations: security, militarism and governmental ideology, which consequently affects the tools and approaches for managing de-radicalisation. Indeed, Jordan represents a

repressive ‘hybrid’ type, since the security aspect massively (and officially) relies upon the resilience of civil society and its active backing. The latter not only plays a supporting role in the context of de-radicalisation, but it is also deemed as a key element by the public authorities, especially following the 9/11 events in the USA and the escalation of domestic terrorist bombings of different hotels in Amman in 2005. The response to these attacks represented a turning point in Jordan’s strategy towards radicalism in general, since it had been shown that centralised policies and securitarian strategies were insufficient without substantive support from society as a whole. In fact, third sector actors and activities are strongly linked to and guided by governmental political choices and top-down strategies. However, non-state actors working freely, independently and beyond governmental trajectories can be found too.
The anti-terrorism regulatory framework is quite robust: Jordan has ratified many international agreements, also at a regional level, such as the Arab Convention on Combating Terrorism, the International Convention for the Suppression and Financing of Terrorism of 2003 and the Convention on Offences and Certain Other Acts Committed on Board Aircraft. Anti-Terrorism Law no. 55/2006 was incorporated into the Jordanian Penal Code of 1960 and criminalises the invocation of extremist ideology or the use of weapons. In addition, the freezing of assets can also be provided for at the government's request whenever money laundering suspicions arise.
Some criticisms concern, in this case as well, the selective application of the legal framework, notwithstanding “formal” compliance with Jordanian constitutional provisions regarding human rights and liberties. According to lawyers and activists, misunderstandings surround the detection of offences related to ‘terrorism’, which is used as an umbrella term that includes extremism and radicalism as well. Moreover, in practical application, the law criminalises ideas in themselves without any basis in the legal text, or beyond the scope of the latter. No conceptual difference has emerged in courts’ rulings either. The definitions of criminal offences were further broadened in 2014 and in 2016 with the aim of strengthening the powers of the central authorities, authorities or government and security and military agencies, under the pretext of tightening anti-terrorism measures.
As far as the Jordanian policy framework is concerned, a national plan dealing with counteractions against all facets (political, cultural, social, educational, religious) of extremism was drafted by the government in 2014. In addition to the pivotal role that the armed forces play, Jordanian strategy envisages intelligence activity and a bi- and multi-lateral cooperation with Interpol and other countries, while adding an ‘ideological’ dimension to the management of extremist phenomena. In this context, workshops and awareness-raising programs have mainly been organised in a prisons, notwithstanding a lack of adequate funding, the need for improvement in staff training, as well as a substantially centralised management of activities linked to de-radicalisation processes.

Iraq shows quite a repressive approach too. In Iraq highly heterogeneous cultures coexist, with a pluralist society from an ethnic and religious point of view. All minorities have always lived peacefully, but the balance has shifted over time due to historical and political events. Iraq has become a country increasingly exposed to trends of social polarisation, which has resulted in high rates of extremism and radicalism. The 2005 Constitution is not perceived as a fundamental charter protecting 'everyone' and is not considered to reflect Iraqi identity. Indeed, the Constitution seems to promote specific social groups and majoritarian stances, as in the Israeli case. It is also perceived as foreign, as it was introduced during the American occupation of the area. Corruption and clientelism are rampant both in national and regional institutions and land ownership reflects ethnically-defined geographies which foster inequalities at a local level as well. Undoubtedly, a fundamental role in further exacerbating tensions within the country was played by the ISIS invasion, followed by brutal persecutions against ethnic and religious minorities.

The legal framework rests upon Anti-Terrorism Law No. 13/2005, especially Article 4. It contains two criminal clauses whereby perpetrators or co-perpetrators of terrorist acts listed in the same law are punishable by death, as is anyone who instigates, plans, finances or enables the commission of the same crimes. Concealment is punished with life imprisonment. This provision is quite broad in its interpretation, leading to the application of Article 4 in several circumstances not strictly relatable to terrorism, to the extent that it has become notoriously known as the "Law 4 Terrorism". Due to its vague wording, it has been misused to threaten public freedoms and thousands of innocent people have been convicted for just dissenting against the 'system'.

Armed Militia and Iraqi security forces seem likewise to have abused the content of anti-terrorism laws to charge opponents, as well as journalists and activists, for criticising the post-2003 regime.

Thus, like in other D.Rad cases, the existing legislation has been misused by the authorities, jeopardizing citizens' freedom of expression. These overlapping dynamics have created a fuzzy framework when it comes to confronting radicalisation, in addition to a mismanagement of political transitions. Although Law No. 36 of 2015, regulating the work of political parties, tried to enhance political pluralism in order to gain broader participation in public affairs, the ban against the Baathist party and all its members has raised additional grievances, nurturing the already fertile ground for radical, extremist and anti-establishment attitudes.

As for the **Slovenian** legal system, there are no laws specifically tackling radicalisation or promoting de-radicalisation, as there have not been any problems related to these issues so far. Therefore, systemic preventive measures against radicalisation have been neither adopted nor implemented, except in the prison system, where potential radicalisation indicators are regularly monitored. However, punitive measures are present. Slovenian law provides for the punishment of a series of crimes, such as

terrorism, travel abroad for the purpose of terrorism, financing of terrorist activities, incitement and public glorification of terrorist activities, recruitment and training for terrorist activities, as well as endangering the constitutional order.
Furthermore, Article 297 of the Criminal Code prohibits public incitement to hatred, violence, or intolerance and provides the legal basis for prosecuting hate speech. For a long time, however, the complaints founded on that article were rejected. This is because the article provides that the act must have been committed in a manner such as to jeopardise or disturb public law and order, and it could prove difficult to demonstrate that the act had endangered public order and peace. Following a Supreme Court judgment issued in September 2019, the determination of that condition is no longer necessary. As a consequence, prosecuting this kind of crime has become easier.
In addition, the Slovenian Protection against Discrimination Act protects individuals and groups against harassment and sexual harassment, instructions to discriminate, incitement to discrimination, victimisation, and other severe forms of discrimination.

2.2. The preventive approach: features and patterns

As already explained, the majority of D.Rad countries have opted for a securitarian agenda in their counteractions against radicalisation. This explains why a single case related to a preventive pattern may be found. The latter includes strategies prioritising integrative measures relying on social inclusion and anti-discrimination policies designed to inhibit marginalisation, alienation and (potential) ensuing grievances. However, we are in no way suggesting that a 'pure' preventive approach may actually exist and work in the absence of repressive tools, but rather that securitarian approaches, in the case of *mainly* preventive strategies, are deemed as *extrema ratio*. Criminal law patterns come into the picture just in the event that integration or inclusion efforts have failed their aims. Additionally, this equally implies a greater involvement of civil society and horizontal dynamics of cooperation in the broader framework shaped by governmental policies. Hence, strategies to counter radicalisation as well as their implementation do not follow top-down trajectories, relying instead on a multiagency paradigm.

Finland is the only country considered in this research that seems to have developed a mainly preventive approach based on social 'safety' rather than 'security'. Thus, schools promote inclusiveness, open discussion, and critical thinking. The aim is to tackle the background factors of criminality such as marginalisation. The welfare state and social policies have a central position in crime prevention and in preventing radicalisation. Currently, the main efforts focus on young people; thus, schools play a key role.

A project regarding hate speech (called Facts against Hate) has been coordinated by the Ministry of Justice and has seen the involvement of the police and minorities. The purpose is to improve cooperation between these actors and build trust among them. The National Bureau of Investigation is responsible for exit work programmes in prisons, which may regard people who are already relatively radicalised.
Undoubtedly, as clarified before, the preventive approach does not mean that no repressive measures are provided for under national law, but rather that the emphasis is on integrative measures. As for the repressive side, Finnish law provides for the repression of criminal acts related to radicalisation, as is confirmed by the disbandment of the Nordic Resistance Movement, a violent far-right, neo-Nazi movement, ordered by the part of the Finnish Supreme Court in 2020. Members of that organisation were also charged with ethnic agitation.[3]

2.3. The mixed approach: features and patterns

In these countries one can see the abovementioned patterns merging in more complex 'hegemonies'. In fact, the systems included in this category combine a legislative framework characterised by a counter-terrorism agenda with preventive measures aimed at balancing securitarian responses. Thus, the two patterns both contribute to shaping each strategy through the hybridisation between their essential traits. In these cases, moreover, the national context further shapes the responses through different approaches.

.

The **Austrian** Criminal Code, for instance, provides for the punishment of membership of a terrorist organisation, financing of terrorist activities, training for terrorist purposes and instructions to commit a terrorist offence. Since 2014, the use and dissemination of symbols of the Islamic State, Al-Qaeda, and organisations associated with these groups has been prohibited. It is worth mentioning that Austrian legislation provides for the electronic monitoring of extremists even after their conditional release. Furthermore, in 2018, the so-called Security Package was adopted, which provides for the introduction of State spyware and IMSI catchers. In 2019, the Austrian Constitutional Court clarified that spyware was only permissible within extremely narrow limits.
Primary prevention measures are implemented at the local level, with NGOs playing a pivotal role by promoting activities in schools and youth associations, data collection, documentation, and the raising of awareness.

[3] Under Finnish law, someone who gives, spreads or upholds information, opinions or other messages to the public that threaten, speak ill of or insult some group on the grounds of race, skin colour, national or ethnic origin, religion or conviction, sexual orientation or disability or any other equivalent reason may be punished.

In **Bosnia and Herzegovina** the historical legacy paradigmatically still affects contemporary dynamics through the myth of the past, nurturing feelings of identitarian belonging and cleavages within society. The strong ethno-nationalist rhetoric is fuelled by mainstream political discourse and political elites. These divisions have also led to processes of homogenisation of the population on an ethnic basis, through the principle of "constituent people" (i.e. Bosniaks, Serbs and Croats), also taking into account that in Bosnia and Herzegovina ethnicity and religion are closely tied. Moreover, autonomous entities and cantons strengthen their own individual identity and belonging narratives: from 'ethnic-coloured' and 'segregated' education at school, to political propaganda and influenced media. Thus, pluralism mismanagement as well as the marginalisation of minorities may well be a fertile breeding ground for extremist attitudes and thoughts.
The legal approach to radicalisation is mixed: a set of anti-terrorism laws is combined with a good base of policies, including preventive ones. The Criminal Code of Bosnia and Herzegovina criminalises terrorism and terrorism-related acts in Articles 201 and 202.The Criminal Codes of both entities, the Federation of Bosnia and Herzegovina and the Republic of Srpska and Brčko, are applied according to a territorial principle. However, they are aligned with the Criminal Code of Bosnia and Herzegovina as far as terrorism offences are concerned.
At the same time, in 2015 Bosnia and Herzegovina adopted a "Strategy for Preventing and Combating Terrorism 2015-2020" and an Action Plan on the same topic. They are based on prevention, protection, investigation and criminal prosecution and response/reaction to terrorist attacks. The Program for preventing unacceptable forms of behaviour and protection of students in primary schools of Sarajevo Canton issued by the government of Sarajevo Canton and its Ministry for Education, deserves a mention at the local level. In fact, this strategy seems effective and successful in helping children at risk of radicalisation at an early stage, through a coordinated effort between them, their parents, their caregivers and educational personnel.
Courts have played a pivotal role, especially in rulings concerning anti-terrorism and with a main focus on jihadism, despite the spread of other forms of (political) radicalism, in addition to the aforementioned ethno-nationalist issues. For instance, in January 2021 the Court of Bosnia and Herzegovina ruled on charges of inciting ethnic and religious hatred brought against three members of the Chetnik movement – a radical Serbian ethno-nationalistic organisation founded on the myth of the past – who paraded through Višegrad, where several crimes occurred during WWII.

As for **France**, in July 2015, a reform of the French intelligence apparatus was passed, which allowed intelligence services to employ information gathering techniques that were previously authorised only for judicial investigations (e.g. targeted telephone and Internet wiretaps, access to metadata, geotagging of records and computer hacking). These provisions were made permanent in July 2021. Furthermore, under French law, it is permitted to initiate administrative investigations against civil servants in positions

of authority who pose a risk of radicalisation and, when appropriate, they may be transferred, suspended or removed.
As for the preventive measures, the French Counter-Terrorism Action Plan (PACT) is worth mentioning as it includes four key elements: strengthening the coordination of intelligence services; dealing with individuals released from prison after serving sentences for terrorism-related offences and financing of terrorism; raising social awareness on the topic; and the creation of a National Anti-Terrorist Prosecution Office.
This strategy focuses exclusively on jihadist terrorism, although in recent years both the French President and the French Minister of the Interior have clarified that the aim is not to oppose Islam, but Islamism, labelled as an anti-democratic and anti-republican political movement.
A specific part of the PACT focuses on schools, with the objective of preventing violent radicalisation. It is up to the Ministry of National Education to implement it, by promoting, inter alia, the principle of *laïcité*, media and information education and the development of critical thinking. Relevant measures include: civics classes, staff training to identify students at risk of radicalisation, inter-governmental bodies in charge of assessing the reports on students, monitoring units in schools consisting of school officials together with social services providers and medical professionals. As for prisons, the first de-radicalisation programmes in France were developed after the 2015 Paris attacks. Radicalised individuals had to be isolated and grouped in “units for radicalisation prevention” in four prisons across the country. These units hosted people imprisoned for acts of terrorism linked to violent radical Islamism, as well as those identified in detention as radicalised, or in the process of being radicalised, and advocating the use of violent action. De-radicalisation was previously promoted through an assessment of the level of radicalisation and referral to an ad-hoc treatment programme. However, the programme was terminated after two correctional officers were assaulted by a detainee in one of the special units. The new strategy prioritises security and safety in prisons. Treatment and de-radicalisation are not prioritised.

The **German** legal system seems to focus on the idea of State protection, which means protecting the democratic nature of the State. Therefore, extremist activities must be prevented. The endangering of the democratic State is prohibited, as are communication offences (incitement to hatred, insult, threatening to commit a felony) and organisational offences (violation of a ban on an association, dissemination of propaganda materials of unconstitutional organisations, forming criminal organisations). Furthermore, the denial, downplaying, or approval of the National Socialist genocide is punishable. A major issue concerns insults and threats over social networks. Since a reform was passed in Germany in 2021, it has been easier to prosecute insults and threats on the Internet and penalties have been raised. For instance, threats to commit acts against sexual self-determination, physical integrity, personal freedom, or property of significant value are now punishable by up to two

years' imprisonment if the act is committed publicly on the Internet, while a public threat to commit a crime – for instance, a threat of murder or rape on the Internet – is punishable by up to three years' imprisonment.
Furthermore, social networks are under the obligation to report posts containing hate speech to the Federal Criminal Police Office and to delete them.
As for the preventive aspects, primary prevention addresses the general population through civic or political education at schools, youth clubs and in other social settings, while secondary prevention targets individuals with initial signs of radicalisation through social work. Tertiary prevention includes exit programmes, mainly in detention centres, focused on individuals who have shown to be ready to use or have already used violence.

The **Kosovar** Criminal Code provides for the punishment of terrorist acts, assistance in the commission of terrorism, facilitation and financing of the commission of terrorism, recruitment and training for terrorism, incitement to commit a terrorist offence, concealment or failure to report terrorists or terrorist groups, traveling for the purpose of terrorism, preparation of terrorist offences or criminal offences against the constitutional order and security, and inciting discord and intolerance. Sanctions may be quite harsh, ranging from 15 years to life-long imprisonment.
Under Kosovar legislation, in order to tackle the foreign fighter phenomenon, joining armed conflicts outside the national territory has been made a criminal offence, punishable with up to 15 years in prison.
As regards prevention, the focus in Kosovo has been on returnees. Individual plans provide for, inter alia, psychological services, faith-based or ideology-based re-education, vocational training, medical assistance and support for receiving communities. Furthermore, research studies, vocational training for women returnees, mental health support, recreational activities for children and public awareness campaigns are promoted.

In **Poland**, the Polish Internal Security Agency established a special unit – the Terrorism Prevention Centre of Excellence – that coordinates the exchange of information among competent authorities and works towards the prevention of terrorism. The Centre runs some de-radicalisation programs aimed at strengthening the competences and skills of state security services, employees of public administration, research and development centres, social workers, education workers, representatives of law enforcement agencies, prison services, probation officers and decision-makers.
Regarding prevention, the relevant Polish legislation provides for all inmates to be involved in rehabilitation activities, such as work, cultural and social activities, education, and sports. Specialised therapeutic help, such as alcohol or drug therapy or psychiatric treatment, is provided as well. Prisoners may also take part in workshops designed to help them with their mental health. Group programmes and individual

consultations may be arranged. However, no specific programmes regarding de-radicalisation have been set up.

Serbia is a rather interesting case study, since though the punitive-repressive approach prevails, structured plans, policies and innovative programs for de-radicalisation are envisaged as well. The 2005 Criminal Code, after the introduction of several amendments in 2012, 2017 and 2019, criminalises acts of terrorism in Article 391 and subsequent provisions, which deal with public incitement to the commission of terrorist offences (Art. 391a), recruitment and training to commit acts of terrorism (Art. 391b), the use of a lethal device (Art. 391c), destruction and damage to a nuclear facility (Art. 391d), financing of terrorism (Art. 393), and terrorist association (Art. 393a). Legislation aimed at tackling other activities linked to terrorism has been enacted from 2009 onward, including the Law on Money Laundering and Terrorist Financing, the Law on Freezing of Assets (with the Aim of Preventing Terrorism and Proliferation of Weapons of Mass Destruction), the Law on Border Control and the Law on Foreigners. Moreover, bearing in mind the phenomenon of foreign fighters, in 2014 participation in war or armed conflict in a foreign country (Art. 386a) and organising participation in war or armed conflict in a foreign state also for non-Serbian citizens (art. 386b) became punishable conducts as well. Soon afterwards, in 2016, the Law on Competence of State Authorities in Suppression of Organised Crime, Terrorism and Corruption was issued. Serbia shows a quite structured legal framework devoted to the protection of the rights and freedom of national minorities, and all forms of direct and indirect discrimination are prohibited under a comprehensive law (2009), which also encompasses protective procedures against them. Active non-discrimination measures prove to be crucial tools to fight against the phenomena generating the I_GAP spectrum.
Manifestations of neo-Nazi or Fascist organisations and associations are prohibited and the use of neo-Nazi or Fascist symbols and insignia are deemed criminal offences. In the Serbian case, a selective use of legislation is to be found. This has partially hindered the important supportive work carried out by NGOs and civil society, also affecting media independence and freedom of expression. In particular, where critiques to governmental policies vis-à-vis sensitive issues have come into the picture, they have often been resisted, also through the creation of GONGOs to simulate fake support for state strategies[4]. Additionally, social tensions deriving from historical conflicts still threaten national stability. In this context, courts have been active both in a positive and in a negative way. For instance, as far as the counter-terrorism framework is concerned, asymmetries have occurred in judgments related to people

[4] GONGOs (i.e., government-organised non-governmental organisations) are NGOs set up or supported by governments – generally speaking, in authoritarian contexts – to express support to the governments' actions in a politically sensitive field (for instance, protection of migrants or freedom of education). For an introduction, see M. Naím, *What is a GONGO?*, in *Foreign Policy*, May/June 2007, 96 ff. and L.S. Cumming, *GONGOs*, in *International Encyclopedia of Civil Society*, 2010, 779 ff.

who fought in Ukraine, who were prosecuted under the provisions of the Code regulating foreign fighters, and those convicting people who fought in the Middle East, who were prosecuted on terrorism charges (Viši sud u Beogradu, 2018). In contrast, in 2018 the Belgrade First Basic Court issued a landmark ruling concerning domestic violence, granting protection to a person who suffered violence from his father due to his sexual orientation under hate crime provisions.

Additionally, in response to the government's banning of the Pride Parade in 2001 and 2009, in patent violation of citizens' freedom of assembly, the Constitutional Court had previously shown a sensitive approach in promoting minorities' rights and anti-discrimination policies, ruling that the government's choice to cancel these events had been illegitimate.

Soon after the transition phase, since the 2000s, Serbia has shown an ever-increasing commitment to the integration and the promotion of minorities, providing dedicated national strategies in order to raise awareness about pluralism, cultures and multiethnicity, on an educational level as well. Specific initiatives in schools aimed at enhancing an inclusive civic awareness (2020 and 2015-2025) should also be mentioned. However, the security pattern somehow affects policies as well. A comprehensive intervention was implemented in 2017-2021, merging together measures related to extremism and terrorism through an "umbrella strategy", and a focus on the online context followed shortly thereafter. Moreover, a special plan relating to religious radicalisation was created in 2019, also bearing in mind the ongoing migration crisis. Several associations have questioned some institutional approaches, claiming them to be biased, since the authorities seem to disregard not only far-right extremist movements, but also the historical importance of hooliganism in Serbia, as demonstrated by the existence of an Act on Prevention of Violence and Misconduct at Sports Events dating back to 2003. At the same time, governmental commitment seems weak, while NGOs play a crucial and essential role. An increasing improvement of preventive tools is still a priority. In this regard, the national project *Development of Capacities for the Prevention of Violent Extremism through Education in Secondary Schools in the Republic of Serbia*, carried out during the school year 2019/2020 together with UNESCO, certainly warrants mention, since it is the first project addressing radicalisation and ideologically driven violence envisaged by the Ministry of Education, Science and Technological Development. A specific focus has also been placed on hate speech with the national campaign *Say No to Hate Speech on the Internet* inspired by the CoE's *No Hate Speech Movement*, joined by Serbia.

Current **UK** legislation criminalises terrorist-related offences, such as organisations directly or indirectly involved in the commission or support of terrorism, publication or dissemination of material promoting or supporting terrorism, fundraising, possession of an article likely to be used in order to promote and cause terrorism, glorification of terrorism, and offences related to incitement of terrorism and disseminating terrorist

publications in the online world. The competent authorities have the power to seize terrorists' property and deport them if immigrants.
The relevant UK legislation provides for wider community involvement by obliging individuals who possess information that may help prevent an act of terrorism or may assist in securing the apprehension, prosecution, or conviction of a person involved in the commission, preparation, or instigation of an act of terrorism to disclose that information to the authorities.
The Secretary of State may impose a number of restrictions on suspected individuals, such as an obligation to reside at a specific residence, a restriction on obtaining travel documents or leaving the UK, a restriction on entering a specific area or a place, a restriction on using or accessing – without prior permission of the Secretary of State – financial services, a restriction on possessing or using an electronic communication device, and a restriction on associating or communicating – without prior permission – with a specified person.
The UK Prevent Programme, launched in 2006 following the suicide attacks that took place in 2005 on London's public transport system, provides guidance to senior managers or officers in charge of the affairs of the local authorities, schools and universities, health organisations, police, prisons and probation, and private sector organisations in order to establish mechanisms for understanding the risk of radicalisation in their organisations, ensure staff understand the risk, report suspected behaviours, form a local panel in consultation with the police and other relevant authorities to assess the individual's level of vulnerability and allocate appropriate support. The UK Prevent Programme is the only UK state programme which centres on de-radicalisation. It aims to support individuals vulnerable to radicalisation or who are (or have been) of interest to law enforcement agencies due to their possible links to terrorist-related activities. Furthermore, it aims to support the rehabilitation and disengagement of offenders on probation.

3. The operational framework: towards a strategy

3.1. Case studies

As previously mentioned in the introduction, one aim of this comparative analysis is to also provide a substantive perspective on de-radicalisation approaches, through the operational measures envisaged in some D.Rad systems. Therefore, some examples of successful case studies will follow the theoretical discussion, in order to highlight how the law in books can actually function 'in action'. The case selection has been based on the choice to include diverse places, actors and strategies involved in de-radicalisation activities. Hence, schools, prisons and the online forum have proved to be important spaces for concretely challenging radicalisation. In addition, the case studies stress the cooperation among several actors, such as institutions, security officers, prison staff, educational personnel, teachers and counsellors, in an effort towards a holistic approach. As for strategies, awareness-raising programmes and

preventive actions to address ‘at risk’ situations are promoted in several D.Rad countries; such actions include the spread of counter-narratives and dedicated governmental integration plans, as well as the launching of programmes with urban and peri-urban youth.

3.1.1. Programmes in schools/education

Schools are places in which sources of discomfort, marginalisation and grievances can be detected at a very early stage, making them the space *par excellence* for effectively designing and implementing programmes addressing radicalisation in all its facets. Consequently, many D.Rad systems have laid down specific education plans devoted to promoting social integration and fostering plural and inclusive school environments to prevent feelings of alienation and inequalities from becoming drivers of extremism in a broader sense.

In **Serbia** two projects deserve mention, “Youth for Change” and “Promoting Tolerance”, carried out at a regional level (Belgrade and Sandžak) and at a local level (three cities of the Sandžak region— Sjenica, Tutin, and Novi Pazar) respectively. The former was addressed to young people aged 15-18 in regions at high risk of radicalisation and extremism, due to social, economic and religious as well as political factors. With a focus on education and community engagement, the main objectives were to develop skills tailored on youth resilience, to challenge stereotypes, prejudice, and intolerance, and to promote inclusiveness, also by stressing majority-minority dynamics.
The second project was focused on improving the early identification of radicalisation and extremism among young people and encouraging their resilience towards these phenomena. Carried out through a multi-sectoral and holistic approach, it also involved parents, school educators, and religious leaders, the aim being to help them to better detect the early signs of radicalisation and to effectively confront its drivers.
Bosnia and Herzegovina run an interesting educational project called “Strengthening Resilience of the Youth against Radicalisation in the Western Balkans”; the goal is to assess at-risk situations and contexts likely to foster radicalism and extremism among youth. Raising awareness, promoting shared values and fostering social cohesion through interfaith, inter-ethnic, and intercultural dialogues were among the objectives of a regional initiative undertaken by the international NGO *Humanity in Action* in Bosnia and Herzegovina in 2018 with the aim of empowering young people, increasing their knowledge about radicalisations and better equipping them to tackle extremist attitudes, especially among their friends and peers. Focus groups and interviews were arranged, in addition to creative educational content, such as short promo videos. Another innovative approach concerned communication about radicalisation in communities via trained young leaders, who provided recommendations for local stakeholders. The project led to the construction of a network of young people,

enabling the circulation of the ideas and goals of the project in order to support and actively interact with the official policy framework.
As for **Italy**, a school programme against radicalisation carried out at the regional level (Marche Region) should be mentioned. It aimed to provide teachers with basic awareness by focusing on recurrent features and monitoring strategies. Modelled on a multi-agency approach, the programme envisaged two main levels, depending on the school staff it was addressed to. Different kinds of topics were assessed: from radicalisation and its ideological core, beyond mainstream narratives and stereotypes about culture and religion, to the knowledge of preventive methods already implemented in other European systems. This "comparative" approach also in school education is quite innovative, valuable and worthy of dissemination. The programme has led to the elaboration of an "observation" grid, the so-called "GREG-4D model" based on a "quantitative and qualitative" assessment of specific radicalisation "indicators" and which has since been used in other regional projects as well.

3.1.2. Programmes in prison settings

Especially in the case of systems which have relied on a repressive approach, prisons have been deemed decisive for preventing against further exacerbation of sources of grievances. In fact, asymmetries in the management of prison settings – due *inter alia* to regional decentralisation or institutional inefficiencies – may well become places at high risk of (second level) radicalisation. Thus, criminal repression should also be supported by inclusion strategies for inmates, through their active and individually shaped participation.

As regards **France**, it is worth mentioning the Programmes of Individualised Support and Social Reaffiliation (PAIRS), which are run by Groupe SOS, a voluntary association specialising in social entrepreneurship. The purpose is to disengage persons convicted of terrorism and ordinary detainees suspected of being radicalised. Since the end of September 2020, it has hosted 120 individuals, including some ranking high on the radicalisation spectrum.
Each of the PAIRS centres is required to employ a multidisciplinary professional team of educators, social service assistants, professional integration counsellors, clinical psychologists, a temporary psychiatrist, and "specialists in contemporary Islam". To date, none of the participants has engaged in terrorism, but one of them was re-incarcerated for having issued threats to commit a terrorist act and nine others were returned to prison due to other criminal activities.
Rehabilitation programmes are run by the **Kosovo** Correctional Service; they include courses to support completion of high school, vocational training in areas such as carpentry, water supply systems and welding, and anger management training. In 2018 a specific program devoted to de-radicalisation was launched in cooperation with the Islamic Community of Kosovo.

In **Turkey**, the “Multi-level In-prison Radicalisation Prevention Approach” (R2PRIS) project focused on training of frontline personnel in prisons and provided a methodological framework and radicalisation screening tools for the detection of indicators of radicalisation. The project was also aimed at developing response strategies specifically addressing vulnerable individuals. Moreover, it provided a platform for on-site best practices and exchanges between country teams were constantly arranged. The latter led to the publication of a handbook and an online repository of best practices on radicalisation prevention in prisons, which could serve as a good blueprint to be further developed in prison settings in general and for staff training in particular.

3.1.3. Programmes in the online context

The online context is the ‘virtual’ public arena in which polarised narratives and hate speech may grow uncontrolled. Additionally, its insidious transnational and acephalous network is able to reach extremely diverse targets, as well providing multiple tools to spread and circulate extremist ideas and propaganda (*inter alia*, websites, social networks, forums, messaging apps and channels). The internet capability to remove barriers and reduce (physical) distances, in addition to the huge amount of available data and information, can significantly speed up radicalisation processes as well.

In **Austria**, the Jamal al-Khatib – My Way project led to the production and online distribution of short films in which a fictional character (Jamal) talks about the experiences that led him to radicalisation and how he changed his life. Youth with a Muslim background were involved in the project, including some who were part of the jihadist scene.
In **Finland**, the National Institute for Health and Welfare (a research and development institute under the Ministry of Social Affairs and Health) runs Radik, a project on violent radicalisation prevention, which aims to develop a web-based training programme and a tool to help social and health care sector workers to recognise radicalisation.

4. Conclusion: best practices, shortcomings, further recommendations

From the above analysis, at least one fact is clear: the choice of whether or not to intervene in the field of de-radicalisation and the specific measures adopted in this area are strongly conditioned by the national context. Elements such as institutional stability, democratic maturity, decentralisation of legislative and administrative functions, and the presence of minorities are preconditions that have an impact on

whether and how the issues related to radicalisation are tackled in the various legal systems.

This leads to the first consequence: at present, it does not seem possible to identify a single model applicable in all States with regard to de-radicalisation. The political, economic, and social differences between states such as (for example) Finland on the one hand and Iraq or Jordan on the other make it clear that the responses given in one State to radicalisation will not necessarily lead to the same results in another State.

This also explains why, at the international level, legislation or treaties specifically dedicated to de-radicalisation have not been adopted. National specificities are such that it is not possible to develop a model that is valid for all situations and thus automatically replicable. This makes it possible to understand why international organisations such as the UN, the Council of Europe, and the European Union have adopted instruments that concern aspects which are more or less directly linked to de-radicalisation, but do not focus expressly on this problem. The issues at stake concern, for example, the social reintegration of prisoners by transferring them to the country where they are rooted, the limitation of hate speech or the prevention of the dissemination of terrorist content online.

However, the overall trend confirms that the countries considered in the framework of the D.Rad research have opted for a repressive approach. Thus, radicalisation is read as a public security, criminal-law type of issue. The reason behind this choice may vary from country to country depending on the political, economic and social context. In some cases (for instance Iraq and Jordan) this may be linked to the lack of a welfare state tradition. However, as far as European countries (especially those that may be regarded as consolidated democracies) are concerned, the choice in favour of a repressive approach is quite striking, as in those countries the welfare state is a key part of the national socio-political system. Thus, it is natural to wonder why these countries rely on a repressive approach rather than a preventive one. This could of course be linked to the crisis the welfare state has been going through since the end of the Eighties. However, considering the number of countries that have opted for this approach, it may be that repression conveys the idea of a better capacity to protect the national society from a threat that is considered extremely dangerous on the part of European electorates.

In this regard, it must be stressed that the focus of this repressive approach has been on Islamist radicalisation, while other forms of radicalisation (far-right radicalisation, far-left radicalisation, ethnic radicalisation) have not been taken into consideration until recently. This fact raises at least two issues.

First, this kind of biased approach does not seem to be consistent with the very idea of the rule of law. In democratic countries – and in countries that are aiming to become democracies – the rule of law forms part of the basic value system, as it expresses the idea that all individuals and institutions are accountable to the same law. The principle of non-discrimination is a key component of the rule of law, as it makes it

mandatory to treat similar situations in the same way. Thus, the repressive approach, as biased as it is against Islamist radicalisation, seems to contradict those basic assumptions. Furthermore, repression may lead to a surge in radicalisation, as the Muslim components of society might feel discriminated against.

Secondly, one should consider the tension between national security and fundamental freedoms, especially as far as freedom of speech is concerned. States have criminalised some forms of speech as they convey radical ideas that may lead to violence. While the reasons for enacting laws prohibiting hate speech are comprehensible and may be willingly embraced, one should be aware of the risks these laws carry with them when enacted in authoritarian contexts. While not falling in the category of authoritarian regimes, the case of Hungary may provide insight into this issue, as it presents aspects of the above-mentioned tension. Far-right extremism, supported by the party in power, is not considered a real problem, while dissident opinions are repressed. Thus, lacking the proper checks and balances, those laws may be distorted and could turn into a tool for oppression.

Notwithstanding this, another significant trend emerges from the consideration of the different national experiences, as well as soft law instruments adopted by the international organisations mentioned above. In fact, it is clear that, in general, there are three key areas of intervention as far as the fight against radicalisation is concerned: schools, prisons and the Internet. The reason for this is linked to empirical evidence. Young people in schools and prisoners find themselves – clearly for different reasons – in situations of vulnerability that make them the ideal recipients of extremist messages that favour their radicalisation, while the pervasive presence of the Internet in daily life makes it the ideal instrument for spreading messages of that kind.

Therefore, on the one hand, it is certainly necessary to foresee specific crimes that will involve individuals who are responsible for acts related to radicalisation. On the other hand, however, the need for interventions geared both to prevention and to rehabilitation and reintegration is clear. The former should be focused on preventing certain individuals becoming radicalised, whereas the latter should have the objective of favouring the de-radicalisation of previously radicalised individuals.

Thus, as far as schools are concerned, there is a need to promote democratic values and intercultural dialogue and to clarify issues related to the misuse of religion for radicalisation purposes. In this respect, the examples provided by Bosnia and Herzegovina and Serbia are very interesting.

As regards prisons, prison and probation services must be able to prevent and deal with radicalisation. However, a focus on proselytism and religious tolerance as a tool to counterbalance States' securitisation strategy (and part of a mixed integrative approach, for instance) can prove to be partially effective. Shortcomings may follow, since a state-guided choice on 'religion' may reveal to be inconsistent with a secular constitutional framework and, from a different perspective, it may lack legitimacy in the eyes of extremists. Support through 'civic counselling' could also be an effective strategy vis-à-vis the rule of law, pluralism and fundamental rights. Programmes aimed

at promoting good prison management, mentoring, preparation for release, work in prison, and post-release supervision can achieve good results, as the experience of Turkey confirms.

With regard to the Internet, the enormous difficulty of controlling this world should probably lead to a reality check and encourage the concentration of efforts, in this case as well, on the most vulnerable individuals, such as young people, as has been done in Austria and Finland.

An effective de-radicalisation strategy should aim to enhance equality, dignity and an inclusive concept of citizenship. Individuals should be encouraged to play an active role and educated to take (human) rights “seriously”. From a de-radicalisation perspective, a balance should be sought among all the fundamental principles at stake. As Amartya Sen suggests the risk, otherwise, is that “identity and violence” can dangerously intertwine, when marginalization, discrimination and alienation are exacerbated by State ‘neutrality’ or by non-intervention attitudes.

Bibliography:

Bartlett J., Miller C., *The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization*, Terrorism and Political Violence, 24 (1), 2012.

Bjørgo T., *Dreams and disillusionment: engagement in and disengagement from militant extremist groups*, Crime, Law and Social Change, 55:4, 2011.

Clemmow C., Schumann S., L. Salman N.L., Gill P., *The Base Rate Study: Developing Base Rates for Risk Factors and Indicators for Engagement in Violent Extremism*, Journal of Forensic Sciences, 65:3, 2020.

Dalgaard-Nielsen A., *Violent Radicalization in Europe: What We Know and What We Do Not Know*, Studies in Conflict & Terrorism, 33(9), 2010.

Froujke D., Slootman M., Buijs F., Tillie J., *Decline and disengagement. An analysis of processes of deradicalization*, Amsterdam: IMES Report Series, 2008.

Gaudette T., *The Role of the Internet in Facilitating Violent Extremism: Insights from Former Right-Wing Extremists*, Terrorism and Political Violence, 2020.

Gelber K., *Terrorist-Extremist Speech and Hate Speech: Understanding the Similarities and Differences*, Ethical Theory and Moral Practice 22:3, 2019.

Hardy K., *Countering right-wing extremism: lessons from Germany and Norway*, Journal of Policing, Intelligence and Counter Terrorism 14:3, 2019.

Kruglanski A.W., Bélanger J.J, e Gunaratna R., *The Three Pillars of Radicalization Needs, Narratives, and Networks*, Oxford, Oxford University Press, 2019.

Mazerolle L., Cherney A., Eggins E., Higginson A., Hine L., Belton E., *PROTOCOL: Multiagency programmes with police as a partner for reducing radicalisation to violence*, Campbell Systematic Reviews 16:3, 2020.

McCauley C., Moskalenko S., *Mechanisms of Political Radicalization: Pathways toward Terrorism*, Terrorism and Political Violence, 20:415–33, 2008.

Monaghan J., Molnar A., *Radicalisation theories, policing practices, and "the future of terrorism?"*, Critical Studies on Terrorism, 9:3, 2016.

Sageman M., *Understanding Terror Networks; Leaderless Jihad*, Philadelphia, University of Pennsylvania Press, 2008.

Sedgwick M., *The Concept of Radicalization as a Source of Confusion*, Terrorism and Political Violence, 22(4), 2010.

Sen A., *Identity and Violence: the illusion of destiny*, London, Penguin, 2007.

Subedi DB, *Early Warning and Response for Preventing Radicalization and Violent Extremism*, A Journal of Social Justice, 29 (2), 2017.

Walker C., Conway M., *Online terrorism and online laws. Dynamics of Asymmetric Conflict*, 8:2, 2015.

Sedgwick M., *Jihadism, Narrow and Wide: The Dangers of Loose Use of an Important Term*, Perspectives on Terrorism, vol. 9, n. 2, 2015