

Rehabilitating Juvenile Violent Extremist Offenders in Detention

Advancing a Juvenile Justice Approach

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“Working with Juveniles and Young Adult Offenders”
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Junko Maria Nozawa

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for a more secure world

Introduction to the Global Center

The Global Center on Cooperative Security works with

- governments, international organizations, and civil society
- to develop and implement comprehensive and sustainable responses to complex international security challenges
- through collaborative policy research, context-sensitive programming, and capacity development.

Introduction to the Global Center (cont'd)

Four Pillars of Work:

1. Multilateral Security Policy
2. Financial Inclusion & Integrity
3. Countering Violent Extremism
4. Criminal Justice & the Rule of Law

Our work with prisons and corrections officials falls under our CVE and CJ&RoL programming.

Our report

- Prison services across the world presented with challenge of a younger population of violent extremist offenders (VEOs)
- Draws from good practices in international juvenile justice, national surveys of existing regimes and approaches, the emerging body of principles and practices in the detention of adult VEOs, and experiences in demobilizing and reintegrating child combatants
- Puts forward guiding principles, recommendations, and considerations for the detention, rehabilitation, and reintegration of JVEOs for authorities responsible for the care of detained JVEOs.
- Policy Brief published in December 2016, larger research report to be released soon
- Funded by the Government of Australia, adopted by the Global Counterterrorism Forum, and prepared by the Global Center & ICCT – The Hague



Presentation outline

1. Who are JVEOs?
2. International frameworks and principles
3. Policy recommendations: *applying juvenile justice principles to JVEOs in detention*
4. Interventions for JVEOs

1. Who are Juvenile Violent Extremist Offenders (JVEOs)?

Who are Juvenile Violent Extremist Offenders (JVEOs)?

The Beijing Rules define a *juvenile* as

“a child or young person who, under the respective legal systems, may be dealt with for an offence in a manner which is different from an adult”.

&

The Council of Europe defines *violent extremism* as

“promoting, supporting or committing acts which may lead to terrorism and which are aimed at defending an ideology advocating racial, national, ethnic or religious supremacy and opposing the core democratic principles and values”.

Who are JVEOs?

- No universal definition, but for the purposes of the research, JVEOs are defined as:
 1. Those above the national age of criminal responsibility who, by law, are distinguished from adult offenders in the criminal justice system on account of their age, who have
 2. Engaged in terrorism or terrorism-related criminal activities, and are
 3. Being held in post-conviction detention, either in a juvenile detention facility or prison.

Who are JVEOs?

- Children in conflict with the law are a distinct class of offenders in the criminal justice system on account of their mental, intellectual, and physical maturity
- JVEOs are a special-needs offender category within this group, one that is in no way homogenous given differences in:
 - Motivations and ideologies
 - Pathways to criminality
 - Severity of crimes
 - Demographics

Limitations

- Severely understudied
- Sealed records
- Variances in definitions of juveniles/youth/children amongst jurisdictions
- Violent extremists not always charged with violent extremism-related offenses

JVEOs play different roles



One study of former FARC child soldiers from Columbia found that of the 1363 demobilized children:

- 489 were used as soldiers,
- 74 as explosives experts,
- 65 negotiated arms deals,
- 47 were involved in kidnappings,
- 26 of the children admitted to having killed someone.

ISIL's "lion cubs of the Caliphate" are trained for positions such as porters, spies and for suicide missions.



Several ISIL videos feature young children such as the video that emerged in early 2015 which showed a young boy executing two alleged Russian spies followed by a video in July of the same year showing a child beheading a captive.

Crimes committed by juveniles don't only occur on the battlefield.

In October 2015, the British court sentenced a 15-year old boy to life imprisonment for inciting an alleged Australian jihadist to commit a massacre in Melbourne.

The court ruled that the boy would be imprisoned for a minimum term of five years, after which risk assessments should indicate whether he might be susceptible to 'deradicalization', before being transferred into the adult prison system.





- Indoctrinated at home
- Self-radicalized online



- Juveniles between the age of 15-18 comprise around 20 percent of all suicide missions worldwide.
- The number of children used by Boko Haram in suicide bombing operations increased from 4 to 44 from 2014 to 2015. Between Jan. 2014 and Feb. 2016, 75% of child suicide bombers were girls.
- Often, youth are targeted by terrorist organizations and cannot leave the group.

(Often)

Dual status

Victim & Perpetrator



2. International Frameworks and Principles

National counterterrorism responses:

- Security interests of the state
- Anti-terrorism laws
 - EU Counterterrorism Framework: Framework Decision 2002/475/JHA and amending decision 2008/919/JHA of 2008
- Administrative detention

Juvenile justice:

- Best interest of the child
- Rehabilitative potential
- Alternatives to incarceration



Juvenile Justice: Key Documents

Key documents that prescribe international rules and regulations regarding juvenile justice:

- ICCPR
- Convention on the Rights of the Child
- Declaration of the Rights of the Child

UN Minimum Standards and Norms of Juvenile Justice:

- UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)
- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)
- Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines)

Regional instrument:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms

Violent Extremist Offenders

- The Global Counterterrorism Forum's (GCTF) **Rome Memorandum** on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders
- GCTF's **Neuchatel Memorandum** on Good Practices for Juvenile Justice in a Counterterrorism Context
- The Council of Europe's **Guidelines for Prison and Probation Services Regarding Radicalisation and Violent Extremism**
- The Radicalization Awareness Network's **Dealing with Radicalisation in a Prison and Probation Context**

3. Policy considerations

- A. Intake & risk assessment of JVEOs
- B. The role of operational management in creating a rehabilitative environment
- C. Interventions for JVEOs that support rehabilitation and reintegration

Intake and Risk Assessments

- The intake interview helps authorities better understand the underlying drivers,
- degree and nature of the juvenile's criminality,
- extent of radicalization to violent extremism, and
- gain more insights into the circumstances that contributed to their initial offending.
- The initial intake is an opportunity to set the tone of future interviews, observations, and interaction with the juvenile.
- Should be reassessed periodically to mitigate effects of labeling.

Underlying drivers

- **Push factors** are generally considered underlying causes that push vulnerable individuals onto the path of violence. These include economic incentives, encouragement by family and friends.
- **Pull factors** relate to the personal rewards which membership in a group or movement, and participation in its activities, may confer, including: respect, material advances, a sense-of-belonging, and empowerment.

Underlying Drivers: Push Factors

- **Economic incentives:**
 - Youth tend to take more risks for less pay than an adult, making this a useful recruitment technique.
- Examples:
 - Iraq
 - Boko Haram
 - al-Shabab



Underlying Drivers: Push Factors

- **Level of education:** Youth with varying degrees of education are pulled into violent extremists groups.
- **Encouragement by family and friends:** Strongest sense when parents and family members are already members of VE organizations.
 - Examples: youth born into the Mafia, the Taliban, or right-wing families.
- **Protection from violence:** Youth may join to avoid marginalization from a community or prove (wo)manhood. Engagement in VE organizations also to get away from violence in the family/community.

Underlying Drivers: Pull Factors

- **Non-Pecuniary rewards**
 - Sense of honor and duty
 - Social status
 - Sense of belonging.
 - Examples:
 - In Afghanistan, ‘being honorable’ gave juveniles a greater meaning in life, fulfilling their duty to actively participate in the fight against occupying forces.
 - “When the government and society in general fail to channel this energy into positive actions, young people look for other sources of purpose.”
- **Charismatic leadership**

Intake and Risk Assessments

- No risk assessment tools have been developed that focus specifically on JVEOs. However, the criminological field of risk assessment and classification for general juveniles has been well-developed.
- Some tools have been developed that aim to assess violent extremism and radicalization among adult VEOs:
 - Extremist Risk Guidance 22+ (ERG22+), developed by the British National Offender Management Service
 - Violent Extremist Risk Assessment version 2
 - Multi-Level Guidelines

Operational management principles

- Implementing operating philosophies
- Designing safe facilities and making allocation decisions:
 - Juveniles must be separated from adults
 - Dispersal vs. concentration
 - Radicalization concerns



Regime	Potential advantages	Potential disadvantages
Dispersed	<ul style="list-style-type: none"> Prisoners less likely to regard themselves as marginalized because of their beliefs. Prisoners might be positively influenced because of being around different groups of prisoners /mindsets. 	<ul style="list-style-type: none"> Generalist staff Risk of radicalizing others Close monitoring Risk of mingling with criminal networks
Concentrated	<ul style="list-style-type: none"> Can be completely monitored in their contacts within the wing. Limited opportunity to influence others. Individual and group work with prisoners on derad/disengagement and other interventions. Staff on a terrorist wing become experts because they work with radicalized prisoners on a daily basis; only a small group of staff members must be trained. 	<ul style="list-style-type: none"> Terrorist wing can facilitate further radicalization/extremist acts inside the prison and when they leave prison. Lack of contact can cause difficulties when socializing someone after their release. Perceptions of unfairness could lead to further radicalization of the prisoner, but also of supporters outside the prison. Expensive facilities Stigma or raised credibility as an extremist. Risks establishing a group with great symbolic power.
Combined	<ul style="list-style-type: none"> Tailor-made approach that fits and needs of the prisoner. After screening and assessment, the detainee can be placed in the most appropriate regime. 	<ul style="list-style-type: none"> Both regimes need to be available Need for robust assessment tools

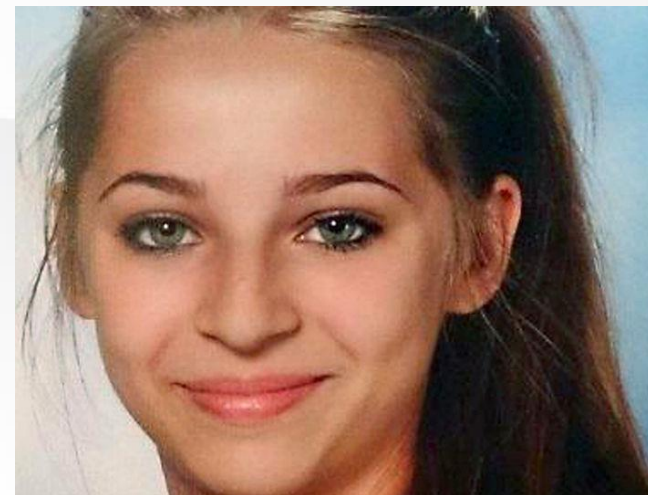
Selecting and Training Corrections Officers

- Juvenile facilities should place a strong emphasis on promoting positive interactions between staff and detained juveniles through prosocial rehabilitative interventions.
- Staff may need to deal with JVEOs' issues of acute trauma, radicalization, and rejection of government authority.
- Qualities (Beijing Rules):
 - Linguistic abilities
 - Cultural sensibilities
 - Gender balance
 - Racial diversity



Special Considerations for Female JVEOs

- Misconceptions about women playing a passive role in conflict have long dominated the gender and security narrative; however, women and girls play an increasing and diverse role in violent extremism and terrorism.
- Several factors present compelling reasons to focus on female juvenile offenders in prison:
 - the role women play in VE orgs.,
 - their standing in society,
 - their vulnerability to gender-based violence and abuse



Special Considerations for Female JVEOs (cont'd)

- Implications on the management of female JVEOs:
 - Girls often experience specific mistrust, discrimination and persecution by their communities upon their return. The mistrust stems from the fear of women and girls being radicalized during their time with the terrorist group, especially when they had or are expecting a child from a terrorist fighter.
 - Rehabilitation programs may offer corresponding psychosocial programs to address future risk of victimhood and teach coping mechanisms for dealing with trauma.

Family and Community engagement

- **Family and community** play an especially important role for juveniles who are still dependent on this network. Visitation and communication contribute to the juveniles successful R&R.
- There are difficult cases where the family may be a harmful influence raising difficult questions around the best interest of the child.

Calabrian mafia example



Issue: breaking the mafia cycle and preventing the children from taking up illicit activities family members regularly engage in— primarily drug trafficking and corruption.

Calabrian mafia example (cont'd)

- Since 2012, about forty 12-16 year old sons and daughters of mafia members from Calabria were placed with volunteer families or in youth facilities, sometimes as far away as northern Italy.
- The court considered factors such as indoctrination and deeply-held family feuds when deciding that relocation might be the child's best and only option to exit the toxic environment held to be conducive to organized crime and instigated by family ties.

4. Interventions for JVEOs

Theoretical models

- **Risk-Need-Responsivity ('RNR') model** of crime prevention and correctional rehabilitation (Andrews & Bonta, 1994).
- **Strength- and desistance-based approaches**
 - The role of family and friends, including involvement in violent extremism (Demant, et al., 2008; Garfinkel, 2007; Horgan, 2009; Jacobson, 2008; Noricks, 2009)
 - Solidarity between group members might deter leaving (Abuza, 2009)
 - Role of identity in the process of engagement, offending, and disengagement of VEOs (Borum, 2015)

Factors for VEO disengagement:

Push factors	Pull factors
<ul style="list-style-type: none">• Unmet expectations• Disillusionment with strategy/actions of terrorist group• Disillusionment with personnel• Difficulty adapting to a clandestine lifestyle• Inability to cope with physiological/psychological effects of violence• Loss of faith in ideology• Burnout	<ul style="list-style-type: none">• Competing loyalties to new cause or person/family• Positive interactions with moderates• Employment/educational demands and opportunities• Desire to marry/establish a family or family demands• Financial incentives• Amnesty

Source: Beth Altier et al., “Turning away from terrorism: Lessons from psychology, sociology, and criminology”, Journal of Peace Research, 2014, Vol. 51(5), 647-661 at 649.

Rehabilitation Programs for JVEOs

Commonly used components of rehabilitation programs :

- **Psychosocial counseling & mentorship**
- **Vocational training & educational programs**
- **Arts & recreational activities**
- **Religious counseling**
- **Community and family engagement**
- **Post-release support**

Deradicalization programs

- **Deradicalization:**
A process of disavowing support for and/or commitment to violence on behalf of a group, cause, or ideology advocating political or social change.
- Not necessarily accompanied by behavioral move from violence (disengagement)
- Theological dialogue
 - Singapore's Religious Rehabilitation Group (RRG)
 - Mauritanian Committee of Ulama



Deradicalization programs – cautions:

- Many programs lack scientific rigor
- Commonly focuses on reforming perceived “wrong” (often religious) beliefs, and may emphasize this feature rather than identifying and positively influencing the impetus behind the offending behavior
- Religious liberty
- Credible interlocutors
 - Former VEOs

Violence Prevention Network in Germany

- Deradicalization and disengagement programs on right-wing extremism and Islamist fundamentalism.
- “The basic premise of Verantwortungspädagogik® (education of responsibility) and of the anti-violence and competency training... consists in drawing upon cooperation to facilitate people’s learning of specific competencies that make it possible for them to distance themselves from inhuman ideologies. This occurs in an environment that accords respect to the person concerned and deploys a method that critically scrutinises the ideology.”



- Mentorship program
 - Group training (23 meetings) and individual consulting sessions for 4-6 months (115 hours total)
 - Traditional management
 - Stabilization coaching
- During detention and after release
- Voluntary participation into the program

Conclusions

- When policymakers and corrections authorities align policies affecting JVEOs to the principles of juvenile justice, they contribute positively towards national counterterrorism and countering violent extremism strategies. The imperatives of security and reform are thus compatible and mutually reinforcing when the principles of juvenile justice are upheld.
- The judicial system, together with the correctional and probations services and the community at large, play a critical role in the rehabilitation and eventual reintegration of a child in conflict with the law. The realization of the objectives of juvenile justice depends upon their collaborative and coordinated efforts.

Bibliography

Abuza, Zachary. 2009. "The rehabilitation of Jemaah Islamiyah detainees in South East Asia." In: Bjorgo & Horgan, eds. 2009. "Leaving Terrorism Behind: Individual and Collective Disengagement." New York: Routledge, 193-211.

Altier, et al., "Turning away from terrorism: Lessons from psychology, sociology, and criminology", Journal of Peace Research, 2014, Vol. 51(5) 647-661.

Andrews, D.A. & Bonta, James. 1994. "The Psychology of Criminal Conduct". Cincinnati: Anderson Publishing, 199.

Borum, R. 2015. "Assessing Risk for Terrorism Involvement," Journal of Threat Assessment and Management, 2.

Demant, et al., 2008. "Decline and Disengagement: An Analysis of Processes of Deradicalisation". Amsterdam: IMES Amsterdam.

Garfinkel, Rene. 2007. "Personal transformation: Moving from violence to peace." United States Institute of Peace Special Report 186, available at:
<http://www.usip.org/sites/default/files/sr186.pdf>.

Jacobson, Michael. 2008. "Why terrorists quit: Gaining from Al Qaeda's losses." CTC Sentinel 1(8): 1-4.

Noricks, Darcy. 2009. "The root causes of terrorism. In: Paul Davis & Kim Cragin (eds.) "Social Science for Counterterrorism: Putting the Pieces Together." Santa Monica, CA: RAND. 11-70.

Radicalisation Awareness Network, "Dealing with radicalization in a prison and probation context", RAN P&P Practitioners working Paper.

Thank you!

JNozawa@globalcenter.org



Building stronger partnerships
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WASHINGTON DC OFFICE
1101 14th Street, NW
Suite 900
Washington, DC 20005
USA

NEW YORK OFFICE
747 Third Avenue
4th Floor
New York, NY 10017
USA

LONDON OFFICE
11–12 Tokenhouse Yard
London EC2R 7AS
United Kingdom

GOSHEN INDIANA OFFICE
129 South Main Street
Suite 1
Goshen, IN 46526
USA

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