

**PRE-RIGHTS PROJECT:**

Assessing impact and performance
of preventive measures
on EU Directives and Framework Decisions.

D.2.4

Baseline report

PARTNERS



GRAPHIC DESIGN
Studio Mark, Trieste

2021

Project

ACRONYM	PRE-RIGHTS
TITLE	Assessing impact and performance of preventive measures on EU Directives and Framework Decisions
COORDINATOR	InCE Iniziativa Centro Europea – Segretariato Esecutivo
REFERENCE	831616
CALL	JUST-JCOO-AG-2018
TYPE OF ACTION	JUST-AG
CONSORTIUM	<ol style="list-style-type: none">1. InCE Iniziativa Centro Europea – Segretariato Esecutivo (InCE-SE), Italy2. Center for the Study of Democracy (CSD), Bulgaria3. Agenfor International Foundation (AGENFOR), Italy4. Università TA Malta (UOM), Malta5. Qualify Just - IT Solutions and Consulting LDA (IPS), Portugal6. Bremen Senate of Justice and Constitution (Bremen MoJ), Germany7. Kentro Meleton Asfaleias (KEMEA), Greece8. Universitatea Romano Americana Asociatie (RAU), Romania

Deliverable

NUMBER	Deliverable 2.4
TITLE	Baseline Report
LEAD BENEFICIARY	CSD_Center for the Study of Democracy
WORK PACKAGE	2
DISSEMINATION LEVEL	PU
DUE DATE	April 2021
AUTHORS	Tatyana Novossiolova (CSD)

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1. Introduction

Radicalisation is a complex phenomenon that requires a multifaceted approach for preventing and countering its violent manifestations. Such an approach encompasses a wide array of measures that can broadly be characterized as 'soft' and 'hard'. 'Soft' measures include promoting awareness-raising, education, and outreach of radicalisation-related risks among vulnerable social groups (i.e. groups considered at risk) and front-line practitioners; fostering dialogue, inclusion, and interaction among relevant stakeholders; and enhancing social cohesion and supporting the integration of vulnerable social groups. 'Hard' measures refer to security-related measures and may include surveillance and detention, provided that there are reasonable grounds to justify the application of such measures. By and large, radicalisation *per se* (also known as 'cognitive radicalisation') is not criminalised. For one thing, it is difficult to establish with certainty whether an individual has been radicalised prior to an attack. Radicalisation usually becomes apparent in retrospect, i.e. after an extremist incident has taken place, it is possible to trace the activities and circumstances of the perpetrator and establish the push and pull factors that had contributed to violent behaviour. Moreover, even if an individual may be showing behavioural signs that could be attributed to radicalisation, these may not necessarily result from cognitive radicalisation – regardless of whether such signs amount to criminal activity or not. Against this backdrop, striking a balance between 'soft' and 'hard' preventive measures for countering radicalisation becomes challenging. Overreliance on soft measures may not be sufficient; and applying hard measures may result in infringement of fundamental rights and freedoms. Thus, there is a need for developing flexible integrated frameworks based on public-private partnerships that

provide effective cooperation, data exchange, and risk identification, assessment, and management, in order to promote public safety without unnecessary limiting individual freedoms.

To examine the application of preventive measures for countering radicalisation within the EU, the PRE-RIGHTS initiative, *Assessing Impact and Performance of Preventive Measures on EU Directives and Framework Decisions* focuses on a set of EU instruments that are to be examined. These include Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;¹ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions;² and Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.³ In addition, the project also looks into the application and use of the European Investigation Order (Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal

¹ [Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.](#)

² [Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.](#)

³ [Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.](#)

matters)⁴ and the European Arrest Warrant (Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States)⁵ in the prevention of radicalisation and violent extremism.

The preliminary (background) study on preventive measures envisaged a two-part EU-wide survey. The survey was conducted using mixed research methods and featured both quantitative and qualitative data analysis. As regards quantitative research methods, the survey used an online questionnaire targeted at a broad range of stakeholders across judicial and law enforcement sectors (e.g. judges, prosecutors, lawyers, staff and officers within the penitentiary system, police officers, intelligence services, etc.), as well as civil society organisations and experts specialising in preventing and countering radicalisation and violent extremism. The questionnaire was distributed among stakeholders in all EU Member States. Its purpose was to elicit general views and perceptions regarding the application of the identified EU instruments outlined above. The questionnaire comprised multiple-choice closed questions.

In terms of qualitative research methods, the study used facilitated focus groups with relevant practitioners. Due to the COVID-19 pandemic, the focus groups were conducted online. The purpose of the focus groups was to develop an in-depth understanding of key trends, strengths and weaknesses, challenges and opportunities, and best practices regarding the application and use of preventive measures for preventing and countering radicalisation and violent extremism. The participant sample for the focus groups included stakeholders from different EU Member States. Each focus group comprised two sessions. During the first session, participants were asked to discuss the initial results of the questionnaire, whereas the second session focused on experience sharing

⁴ [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.](#)

⁵ [2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision.](#)

and exchange of good practices. A total of 5 two-part focus groups were held. The maximum number of participants for each focus group was set at 16 and the maximum duration of each focus group session was 3 hours.

The results of the questionnaire and the focus groups have been combined and analysed within the framework of three core themes:

- Legitimacy and power of different agencies involved in the prevention of radicalisation.
- Preventive measures for countering radicalisation in prison.
- The role of civil society in the prevention of radicalisation and violent extremism.

In summarising the results under each of these three themes, attention is given to the following cross-cutting sub-themes that have been addressed during Part 2 of the focus groups:

- Examples pre- and post-trial preventive measures for countering radicalisation that are currently in place in surveyed EU Member States.
- Advantages and disadvantages of the identified pre- and post-trial preventive strategies for countering radicalisation.
- Room for improvement of the existing preventive practices for countering radicalisation.
- Correlation between the identified preventive practices for countering radicalisation and the European Investigation Order (EIO) and European Arrest Warrant (EAW).

The purpose of this report is to present the results of the EU-wide survey. Section 2 of the report provides an overview of the research focus area by looking into the need for preventing and countering radicalisation and the five EU instruments that have been analysed. Section 3 of the report outlines the methodology for the EU-wide survey. This

section discusses the value of adopting a mixed-method approach and summarises the design and implementation of the questionnaire and focus groups. Section 4 of the report presents the main results of the EU-wide survey. The report concludes in Section 5.

2. Overview of the Research Focus Area

Radicalisation is a complex and multi-faceted socio-psychological phenomenon; it is generally defined as the process by which an individual gradually adopts a mindset that supports a one-sided, often extremist view of the world. The drivers of this process are multiple and sometimes may not even be immediately evident. In other words, radicalisation is the result of the synergistic activity of various push and pull factors of different kind: psychological, socio-economic, political, and ideological.

Some commentators define radicalisation as the ‘process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect social change.’⁶ Radicalisation is underpinned by a multitude of factors which are largely tied up to individual cognition and perception but which get operationalised under certain external conditions and within a favourable environment. It is ‘both a mental and emotional process’⁷ of personal transformation that an individual goes through in response to contextual grievances: a transformation that is marked by a personal crisis in search for a role and meaning, whereby an individual eventually finds a justification for supporting the use of violence against state actors and civilians as a

⁶ Charles Allen, *Threat of Islamic Radicalisation to the Homeland*, Testimony before the US Senate Committee on Homeland Security and Governmental Affairs, 14 March 2007, available at <https://www.investigativeproject.org/documents/testimony/270.pdf>.

⁷ Alex Wilner and Claire-Jehanne Dubolouz, Homegrown Terrorism and Transformative Learning: An Interdisciplinary Approach to Understanding Radicalization, *Canadian Political Science Association Conference*, May 2009, available at <https://www.cpsa-acsp.ca/papers-2009/Wilner-Dubouloz.pdf>.

way of bringing about an ideologically-defined social and political order.⁸ Not all radicalised individuals necessarily engage in direct violence but they are likely to support its deployment for achieving the desired objectives.⁹ The latter point matters, insofar as terrorist groups and organisations, regardless of their structure (e.g. hierarchy, network) are, by and large, reliant upon the pool of radicalised individuals for ensuring their own survival.¹⁰

According to Richardson, ‘the causes of terrorism are not to be found in objective conditions of poverty or privation, or in a ruthless quest for domination but rather in a lethal cocktail that combines a disaffected individual, an enabling community, and a legitimising ideology.’¹¹ This point is also relevant as far as radicalisation is concerned (Figure 1).

⁸ Neven Bondokji et al. *Understanding Radicalisation: A Literature Review of Models and Drivers*, August 2016, WANA Institute, available at <http://wanainstitute.org/en/publication/understanding-radicalisation-literature-review-models-and-drivers>.

⁹ Neven Bondokji et al. *Understanding Radicalisation: A Literature Review of Models and Drivers*, August 2016, WANA Institute, available at <http://wanainstitute.org/en/publication/understanding-radicalisation-literature-review-models-and-drivers>.

¹⁰ Lee Hamilton, ‘Terrorist Organisational Models’ in US Army TRADOC, *A Military Guide to Terrorism in the Twenty-First Century*, 15 August 2007, available at <https://fas.org/irp/threat/terrorism/guide.pdf>.

¹¹ Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat*, Random House Trade Paperbacks: 2007.

Figure 1: Causes of Radicalisation and Terrorism



Source: Authors, based on Richardson 2007¹²

This formulation probes deeper into the three-level model of the causes of radicalisation put forward by Schmid.¹³ Schmid’s typology underscores that ideology plays a primary role in justifying anger and an inclination toward violence, in order to rectify perceived unfairness and grievances:

1. Micro-level, i.e. the individual level, involving e.g. identity problems, failed integration, feelings of alienation, marginalisation, discrimination, relative deprivation, humiliation (direct or by proxy), stigmatisation and rejection,

¹² Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat*, Random House Trade Paperbacks: 2007.

¹³ Alex Schmid, *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review*, ICCT Research Paper, March 2013, available at <https://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf>.

often combined with moral outrage and feelings of (vicarious) revenge;

1. Meso-level, i.e. the wider radical milieu – the supportive or even complicit social surround – which serves as a rallying point and is the ‘missing link’ with the terrorists’ broader constituency or reference group that is aggrieved and suffering injustices which, in turn, can radicalise parts of a youth cohort and lead to the formation of terrorist organisations;
1. Macro-level, i.e. role of government and society at home and abroad, the radicalisation of public opinion and party politics, tense majority – minority relationships, especially when it comes to foreign diasporas, and the role of lacking socio-economic opportunities for whole sectors of society which leads to mobilisation and radicalisation of the discontented, some of which might take the form of terrorism.¹⁴

An additional conceptual tool for understanding the complex interplay between individual grievances, social conditions, and ideological framing is offered by Ted Gurr’s theory of relative deprivation.¹⁵ According to this theory, individuals of one group assess their welfare status by comparing their access to public goods with that of the members of another particular group. That is to say, although the former may not appear to suffer severe misery and impoverishment, they may still see themselves in a worse position than the latter which in turn may give rise to discontent and outburst of violence.¹⁶ A generic list of potential factors leading to radicalisation is presented in Table 1.

¹⁴ Alex Schmid, *Radicalisation, De-Radicalisation, Counter-Radicalisation: A Conceptual Discussion and Literature Review*, ICCT Research Paper, March 2013, available at <https://www.icct.nl/download/file/ICCT-Schmid-Radicalisation-De-Radicalisation-Counter-Radicalisation-March-2013.pdf>.

¹⁵ Ted Gurr, *Why Men Rebel*, Princeton University Press: 1970, Princeton, New Jersey, USA.

¹⁶ Ted Gurr, *Why Men Rebel*, Princeton University Press: 1970, Princeton, New Jersey, USA.

Table 1: Observed Factors Leading to Radicalisation

POLITICAL	RELIGIOUS
<ul style="list-style-type: none"> • Perceived wrongs committed against one’s group • State oppression • Perceived humiliation or oppression by an outside country or force • A desire for recognition of an identity group • Strong feelings of solidarity with other struggle 	<ul style="list-style-type: none"> • A desire to spread one’s religion to create a supranational community, or to bring about an apocalyptic event • A desire to purify and renew a religious society • Anger that the government fails to respect the religion • Animosity toward other religious group
SOCIOECONOMIC	PERSONAL AND IDENTITY
<ul style="list-style-type: none"> • Poverty and lack of education • Perceptions of inequality, either within or between countries • Need for social services from extremist groups • Lack of opportunities and hopelessness for the future 	<ul style="list-style-type: none"> • Searching for a sense of personal purpose and fulfilment, a sense of adventure, a sense of respect, or a feeling of belonging • A desire to find protection from domestic abuse • Response to gendered motivations, such as a desire to fulfil a vision of masculinity

Source: UN Women 2016¹⁷

Because of its complex nature, radicalisation may at times be difficult to identify, prevent, and counter. This is particularly challenging, given the many different avenues through which extremist ideas can spread, including online. Preventing violent radicalisation is also complicated by the fact that the point at which individuals transform from passive radicalised supporters of violent ideologies into perpetrators of violence is far from clear-cut. Hence, taking measures for preventing radicalisation requires striking a fine balance between ‘hard’ and ‘soft’ approaches, i.e. approaches that rely on the implementation of security measures and approaches that are based on promoting social integration, dialogue, and cohesion.

¹⁷ UN Women, *Women and Violent Radicalisation in Jordan*, Technical Report, 2016, available at <http://www.unwomen.org/en/digital-library/publications/2016/7/women-and-violent-radicalization-in-jordan>.

The PRE-RIGHTS initiative focuses on the application of 'hard' approaches for preventing and countering radicalisation and violent extremism. In particular, the initiative looks into the use of law enforcement and other security-related measures. To this end, a set of EU instruments are being examined.

The first of these instruments is Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.¹⁸ This Council Decision concerns the situation of individuals who have been sentenced for criminal offences punishable by custodial measures in one Member State but who are to serve their prison sentence in another Member State. It is relevant to the prevention of radicalisation in the context of prisons, regardless of whether an individual has been sentenced for a terror-related crime or not. In practical terms, the effective application of the provisions of this Council Decision in the context of preventing and countering radicalisation would require that the issuing State (Member State in which a judgment is delivered) and the executing State (the Member State to which a judgment is forwarded for the purpose of its recognition and enforcement) have mechanisms for judicial and security cooperation which allow information sharing regarding the risk of radicalisation posed by the sentenced individual. Relevant information would entail data about previous engagement in violent extremism, behaviours indicating violent radicalisation, involvement in incitement, recruitment, or financing of terrorism or violent extremism, etc. Also, in case the individual has been placed under security surveillance on suspicion of extremist activities, that information should be shared with the counterpart security and intelligence services of the executing State. Additional measures that should be in place in the executing State include the use of radicalisation risk

¹⁸ [Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.](#)

assessment tools and the administration of de-radicalisation and dis-engagement programmes in prisons. If an individual has been sentenced for a terror-related crime, attention should be given to the process of their rehabilitation in the executing State after the end of the sentence.

The second instrument is Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.¹⁹ This Council Decision lays down rules according to which Member States recognise judgments and probation decisions issued in another Member State and supervise probation measures imposed on the basis of such a judgment, or alternative sanctions contained in such a judgment. It is relevant to the prevention of radicalisation in the context of application of probation measures, or alternative sanctions, regardless of whether an individual has been sentenced for a terror-related crime or not. The aspects that deserve attention include international judicial and security cooperation for intelligence sharing and data exchange in case the sentenced individual has been monitored for violent extremist activities in the issuing State; the type of mechanisms that are available for assessing and managing radicalisation-related risks within the probation services of the executing State; and the type of mechanisms that are available to support the rehabilitation of individuals in probation or under other form of alternative sanctions in case a risk of radicalisation has been identified.

The third instrument is the Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.²⁰ This Council Decision lays

¹⁹ [Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.](#)

²⁰ [Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.](#)

down rules according to which Member State recognises a decision on supervision measures issued in another Member State as an alternative to provisional detention, monitor the supervision measures imposed on a natural person and surrender the person concerned to the issuing State in case of breach of these measures. It is relevant to prevention of radicalisation in the context of criminal proceedings, regardless of whether an individual is suspected or accused of terror-related offence or involvement thereof. Once again, there are three main aspects that need to be considered. The first concerns international judicial and security cooperation to ensure that any information that may indicate that a suspect or an accused person has been monitored for links to violent extremist groups, or for showing behavioural signs of radicalisation is communicated by the competent authorities of the issuing State to their counterparts in the executing State. Second, the executing State should have in place mechanisms for identifying, assessing, and managing radicalisation-related risks in the context of criminal proceedings, irrespective of whether a suspect or an accused person is placed in provisional detention, or whether alternative supervision measures are applied. Third, if the suspect or accused person exhibits signs of radicalisation in the course of criminal proceedings, mechanisms should be in place to ensure that these are addressed in a timely and effective manner. For example, measures such as counselling and other type of psychological and social support mechanism should be available. Depending on the outcome of criminal proceedings, it is necessary to ensure that the individual would continue to receive support and, if required, will be monitored to prevent their violent radicalisation. This entails the establishment of mechanisms for radicalisation risk assessment and management and de-radicalisation and dis-engagement within the penitentiary system (should an individual be sentenced) and mechanisms for monitoring and if required, security surveillance, if they are found innocent but still showing signs of radicalisation.

As any EU Member State can be in the position of either an issuing or executing State, there is a need for an integrated EU-wide system for preventing and countering radicalisation. This includes the development and implementation of approaches and mechanisms for the early identification of radicalisation risks, international data exchange and coopera-

tion among competent authorities, and management of radicalisation-related concerns and threats posed by violent extremism.

Two additional EU instruments that are examined as part of the PRE-RIGHTS initiative include the European Investigation Order (EIO)²¹ and European Arrest Warrant (EAW).²² EIO is a judicial decision which has been issued or validated by a judicial authority of a Member State to have investigative measures carried out in another Member State to obtain evidence with regard to an ongoing investigation. Directive 2014/41/EU regarding the European Investigation Order in criminal matters specifies the types of proceedings for which an EIO can be issued. These include:

- criminal proceedings that are brought by, or that may be brought before, a judicial authority in respect of a criminal offence under the national law of the issuing State;
- proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law and where the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters;
- proceedings brought by judicial authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters;
- any of these three types of proceedings which relate to offences or infringements for which a legal person may be held liable or punished in the issuing State.²³

²¹ [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.](#)

²² [2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision.](#)

²³ [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters.](#)

The EAW may be issued for acts punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least 12 months or, where a sentence has been passed or a detention order has been made, for sentences of at least four months.²⁴

²⁴ [2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision.](#)

3. Methodology

The PRE-RIGHTS EU-wide survey was carried out using a mixed-method approach. As originally designed, the survey comprised two components: a quantitative study and a qualitative study. The mixed-method approach has allowed collecting both preliminary data and more in-depth views and reflections. It has also made it possible to engage a broader range of stakeholders across EU Member States.

The quantitative component of the study took the form of an online questionnaire. The questionnaire comprised 12 closed questions designed to elicit views and perspectives regarding national experience with the application of preventive measures for countering radicalisation and violent extremism. The questionnaire was anonymous. For the purposes of the data analysis, participants were asked to provide information about their nationality (the assumption being that this will generally coincide with their country of occupation) and professional domain. Data related to the professional background of respondents are presented in Figure 2 and the geographic distribution of responses to the online questionnaire is presented in Figure 3.

Figure 2: Professional Background of Respondents to the Online Questionnaire

ANSWER CHOICES	RESPONSES	
Judge	16.72%	98
Court staff	4.10%	24
Investigative judge	0.17%	1
Public prosecutor	9.73%	57
Lawyer	25.09%	147
Law enforcement agent (e.g. Police, Protection of the Constitution and others)	15.19%	89
Prison officer	5.12%	30
Prison staff	4.27%	25
Surveillance judge / court staff	0.85%	5
Private expert	18.77%	110
TOTAL		586

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Figure 3: Geographic Distribution of Responses to the Online Questionnaire

ANSWER CHOICES	RESPONSES	
Austria	0.51%	3
Belgium	0.34%	2
Bulgaria	4.61%	27
Croatia	14.51%	85
Republic of Cyprus	1.54%	9
Czechia	0.17%	1
Denmark	0.17%	1
Estonia	0.34%	2
Finland	0.34%	2
France	1.37%	8
Germany	17.24%	101
Greece	4.95%	29
Hungary	5.29%	31

Ireland	1.37%	8
Italy	4.10%	24
Latvia	0.17%	1
Lithuania	0.17%	1
Luxembourg	0.17%	1
Malta	2.39%	14
Netherlands	0.17%	1
Poland	9.56%	56
Portugal	9.90%	58
Romania	12.12%	71
Slovakia	1.88%	11
Slovenia	2.05%	12
Spain	2.73%	16
Sweden	0.34%	2
united Kingdom	0.17%	1
Other (please specify)	1.37%	8
TOTAL		586

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

The questionnaire was hosted on the PRE-RIGHTS project website. Partners distributed the link to the questionnaire through their professional networks. In addition, participants in the qualitative component of the survey were also requested to promote the link to the online questionnaire through their own networks. The survey was closed on 19 March 2021 with a total of 586 responses. The qualitative component of the survey comprised focus groups. The focus groups were conducted in January – February 2021. Due to the COVID-19 pandemic, they were held online. All focus groups were multinational featuring participants from different EU Member States. The geographic distribution of focus group participants is presented in Table 2.

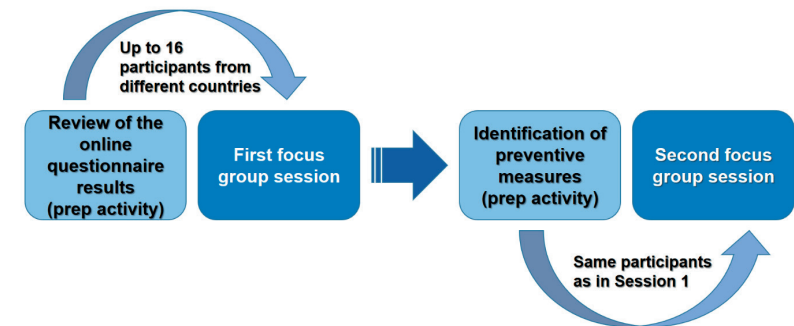
Table 2: Geographic Distribution of Focus Group Participants

COUNTRY NAME	NUMBER OF PARTICIPANTS
Belgium	1
Bulgaria	5
Croatia	8
Cyprus	1
France	2
Germany	4
Greece	5
Ireland	3
Italy	4
Lithuania	1
Malta	2
Poland	4
Portugal	4
Romania	4
Slovakia	3
Slovenia	2
Spain	4
international development law organisation (IDLO)	2
TOTAL	59

Source: Deliverable 2.3, Qualitative Analysis

The maximum number of participants in each of the focus groups was 16 (excluding facilitators). The working language of all focus groups was English. The focus groups were designed as a two-part activity, each comprising two sessions. The two sessions brought together the same participants. Participants were asked to complete tasks prior to each of the two sessions (Figure 4). The first focus group session examined the results of the online questionnaire. To this end, prior to the first focus group session participants were provided with a copy of the survey and the most recent survey results. The aim of the second focus

group session was to review and discuss different types of preventive measures for countering radicalisation and violent extremism. To this end, prior to the second focus group session participants were asked to conduct a quick offline search and identify examples of preventive measures that are implemented in their countries.

Figure 4: Focus Group Model

Source: Author

As regards the recruitment of focus group participants, project partners were required to identify and recruit up to four participants from their own countries. In addition, each project partner was provided with a list of three EU Member States and asked to recruit up to four participants from each of these countries. As identifying and recruiting participants from some EU Member States was not possible, five two-session focus groups were carried out in total.

4. Results

This section presents the outcomes of the quantitative and qualitative studies that make up the EU-wide survey. The results of the quantitative and qualitative analysis are analysed under three core themes:

- Legitimacy and power of different agencies involved in the prevention of radicalisation.
- Preventive measures for countering radicalisation in prison.
- Role of civil society in the prevention of radicalisation and violent extremism.

Four relevant cross-cutting sub-themes have been addressed during the qualitative study and these will be considered as part of the present analysis:

- Examples pre- and post-trial preventive measures for countering radicalisation that are currently in place in surveyed EU Member States.
- Advantages and disadvantages of the identified pre- and post-trial preventive strategies for countering radicalisation.
- Room for improvement of the existing preventive practices for countering radicalisation.
- Correlation between the identified preventive practices for countering radicalisation and the European Investigation Order (EIO) and European Arrest Warrant (EAW).

Legitimacy and Power of Different Agencies Involved in the Prevention of Radicalisation

To elicit views and opinions regarding the legitimacy and power of different agencies that are involved in the prevention of radicalisation at national level, the online questionnaire contained three specific questions (Box 1). The original file with the results of the online questionnaire is provided in Annex I to this report.

Box 1: Key Questions of the Online Questionnaire on the Issue of Legitimacy and Power

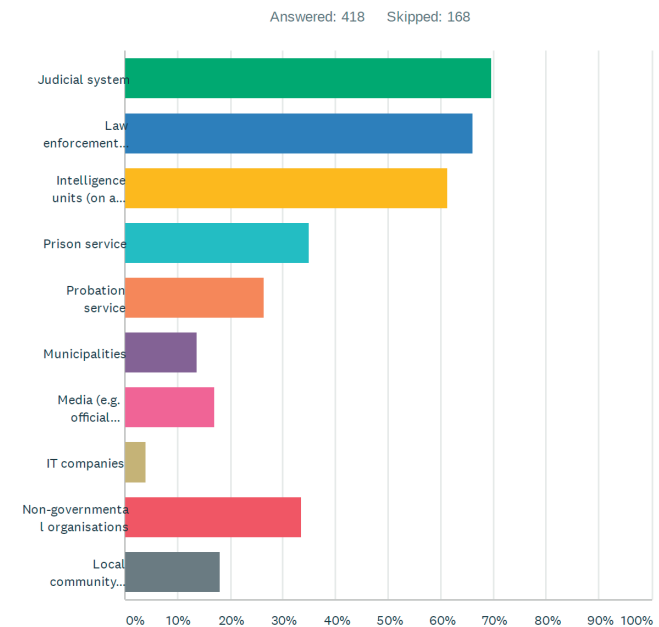
Q.3 In Your Country, Which Of The Following Entities Are Connected To Legal Preventive Measures In The Case Of Radicalisation And Extremism Leading To Violence? (More Than One Answer Is Possible)	Q.4 To which extent do law enforcement agents in your country enforce legal preventive measures in cases of radicalisation and extremism leading to violence, based on intelligence-led activities?	Q.5 In the case of intelligence led police investigations, to which extent are law enforcement agents allowed to carry investigations without the supervision of judicial entities?
<ul style="list-style-type: none"> Judicial system Law enforcement agencies Intelligence units (on a state, region or province level) Prison service Probation service Municipalities Media (e.g. official channels, social media) IT companies Non-governmental organisations Local community structures (e.g. ludic, youth, religious centres) 	<ul style="list-style-type: none"> Always Usually Sometimes Rarely Never 	<ul style="list-style-type: none"> Always Usually Sometimes Rarely Never

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 3 received 418 responses (Figure 5). Among the most popular answers were: the judicial system (291 votes), law enforcement agencies

(276 votes), intelligence units (265 votes), prison service (146 votes), non-governmental organisations (140 votes), and probation service (110 votes). Local community structures (75 votes), the media (71 votes), and municipalities (57 votes) were not widely selected and the IT companies (17 votes) seemed to be only marginally involved in the prevention of radicalisation. However, it should be noted that the way the question has been phrased presupposes that respondents should consider only 'legal measures' for preventing radicalisation, i.e. measures that are codified in existing national legislation, regulations, or other binding instruments. The trend in responses is consistent with the fact that such measures usually fall within the compass of the judiciary, law enforcement services, intelligence, and the penitentiary system.

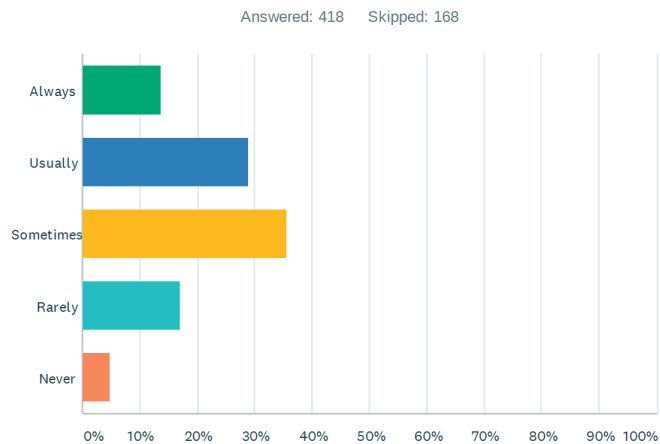
Figure 5: Breakdown of Responses to Question 3



Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 4 received 418 responses (Figure 6). 149 respondents indicated that law enforcement **sometimes** enforce legal preventive measures in cases of radicalisation and extremism leading to violence based on intelligence-led activities. Some 121 respondents selected the option **'usually'**, whereas other options received fewer than hundred votes (**'rarely'** – 71 votes; **'always'** – 57 votes; **'never'** – 18 votes). Several trends could account for the differences in opinion that respondents have expressed. These include the issue of how “radicalisation and extremism leading to violence” are defined under national legislation, the types of measures that could be applied for addressing related security concerns, and the circumstances under which preventive legal measures could be applied.

Figure 6: Breakdown of Responses to Question 4

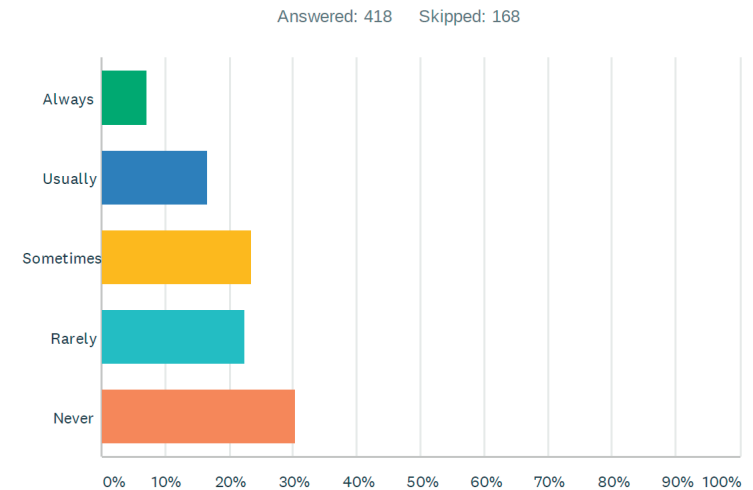


Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 5 received 418 responses (Figure 7). 127 participants indicated that law enforcement agencies are **never** allowed to carry out intelligence-led investigations without judicial supervision. Some 98 respondents indicated **'sometimes'** and another 94 respondents selected **'rarely'**. About a fourth of respondents indicated that law enforcement

usually (69 votes) or **always** (30 votes) carry out such investigations without judicial supervision. Once again, the differences in opinion most likely reflect national differences in terms of applicable legal procedures.

Figure 7: Breakdown of Responses to Question 5



Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

When considering the issue of legitimacy and power of different agencies involved in the prevention of radicalisation during the focus group discussions participants noted that the complexity of the phenomenon of radicalisation requires the engagement of a variety of actors, including: police, intelligence, judicial authorities, private enterprises, NGOs, prison and probation services.²⁵ An indicative overview of the roles that different stakeholders play in the prevention of violent radicalisation

²⁵ The discussion of the results of the focus groups that were carried out as part Work Package 2, EU-Wide Survey is based on Deliverable 2.3, Qualitative Analysis.

and extremism is provided in Box 2. This overview draws upon the views and opinions expressed by focus group participants.

Box 2: Indicative Overview of the Roles of Stakeholders Involved in the Prevention of Violent Radicalisation and Extremism

The **police** have a leading role in the detection of radicalised individuals as part of their area patrolling duties, as well as during formal investigation processes.

During the pre-trial phase of criminal proceedings, **judges** may give authorisation for the execution of preventive measures (e.g. pre-trial detention). They also oversee the investigation process.

Lawyers represent the linkage between suspects and accused of violent radicalisation and extremism, on the one hand, and the judicial authority, on the other. They are also the bridge between convicted individuals and public prosecutors.

Health services in prison (e.g. psychologists and psychiatric professionals) are key actors who are involved in the initial assessment of newcomer inmates. As such, they are in a position to identify early signs of radicalisation and susceptibility to violence, as well as to recommend suitable de-radicalisation and disengagement measures for inmates that have been convicted for terror-related crimes.

Probation services have been identified as the actors who are involved in the re-integration and rehabilitation of inmates. As such, they support the implementation of ongoing de-radicalisation and disengagement programming regarding interns that have been convicted for terror-related crimes and are about to be released.

Non-governmental organisations (NGOs) are key actors in detecting first signs of radicalisation in communities, as well as in engaging with former prison inmates.

Intelligence agencies and the **army** play a key role in the process of ensuring national security and defence which includes the prevention of violent radicalisation and home-grown, 'imported', or international terrorism.

As far as the application of legal preventive measures is concerned, the judicial system is the only responsible and legitimate actor. The judicial system is also required to ensure a balance between the necessary legal measures of prevention and the respect for human rights. Even during a pending criminal procedure, there always should be a judge to act a guardian of fundamental rights and freedoms of any citizen – before and after a criminal charge.

If a serious crime is committed, the police are the main actor to be involved in the investigation process. The organisation of police forces and the powers allocated to them along with the distribution of respon-

sibilities varies from one country to another. This is particularly true with regard to the initiation of an investigation and the extent of judicial oversight over the ways in which the investigation is carried out. It has been noted that in some EU countries criminal investigative bodies and intelligence services are one single body, in the form of fusion centres that combine all respective duties and powers. In those cases, actors work closely together, and intelligence-led investigations are the norm. Other than these fusion centres, in general, law enforcement and intelligence services cooperate in sharing information (even if not in its totality) and leveraging it for their activities and work. The police are scrutinised at two different levels – by the judiciary and by public administration representatives. Though this oversight can be at times bureaucratic and frustrating, it is still a very important safeguard especially from a human rights point of view.

Data sharing between different agencies may at times be a challenge. This is to an extent due to the different perceptions of risks that relevant agencies may operate with, as well as to the lack of standardised procedures for threat assessment. A linear procedure for information sharing between stakeholders rarely exists. Information is often fragmented and there is no clear communication line that links together police officers, the judicial system, probation services, and non-state actors. It has further been suggested that as regards the legal exchange of information during an investigation, a differentiation should be drawn between a criminal investigation and a preventive investigation. In this sense, some focus group participants differentiated between the investigation of concrete suspects and the investigation of the families of suspects. The latter investigations were characterised as 'secret investigations' that aim to understand the links and involvement of a suspected individual in terror-related crimes. Evidence that is gathered as part of such an investigation cannot be used in court and cannot serve as a basis for initiating criminal proceedings.

Some focus group participants pointed out the role that the media could play during terror-related criminal proceedings. In particular, the need for ensuring the privacy of suspects and accused individuals was high-

lighted, in order to uphold the presumption of innocence and avoid stigmatisation.

With regard to the possible application of the European Investigation Order (EIO) and the European Arrest Warrant (EAW) in case related to violent radicalisation and extremism, experts generally agreed that these are reactive tools that could facilitate judicial cooperation in the context of criminal proceedings. Some experts have noted that the procedures for applying these two instruments vary from a country to country and highlighted that in some cases such procedures could be time consuming and administratively burdensome.

Preventive Measures for Countering Radicalisation in Prison

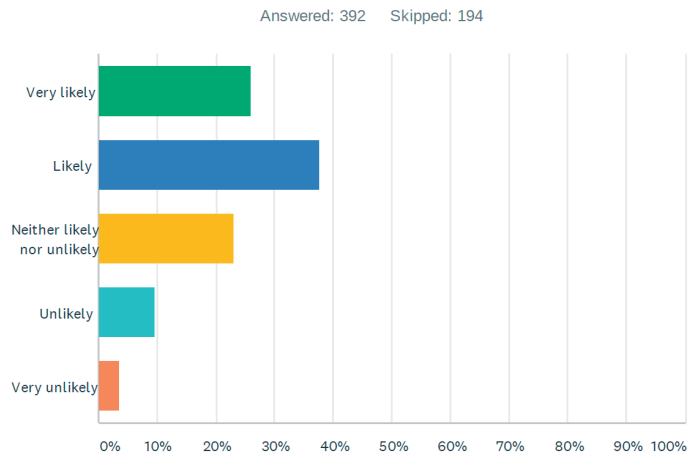
To elicit views and opinions regarding the application of preventive measures for countering radicalisation in prison, the online questionnaire contained four specific questions. These are presented in Box 3.

Box 3: Key Questions of the Online Questionnaire on the Issue of Radicalisation Prevention in Prisons

<p>Q.6 If a prisoner is suspected of being a radical or an extremist that may commit violent acts (e.g. terrorist acts), to which extent are intelligence units in your country entitled to investigate their family members, or fellow convicts?</p> <ul style="list-style-type: none"> • Very likely • Likely • Neither likely nor unlikely • Unlikely • Very unlikely 	<p>Q.7 What is your professional opinion on the collection of information on prisoners suspected of being radicals or extremists that may commit violent acts (e.g. terrorist acts), which will not be available to actors such as judges or lawyers?</p> <ul style="list-style-type: none"> • Very positive • Positive • Neutral • Negative • Very negative
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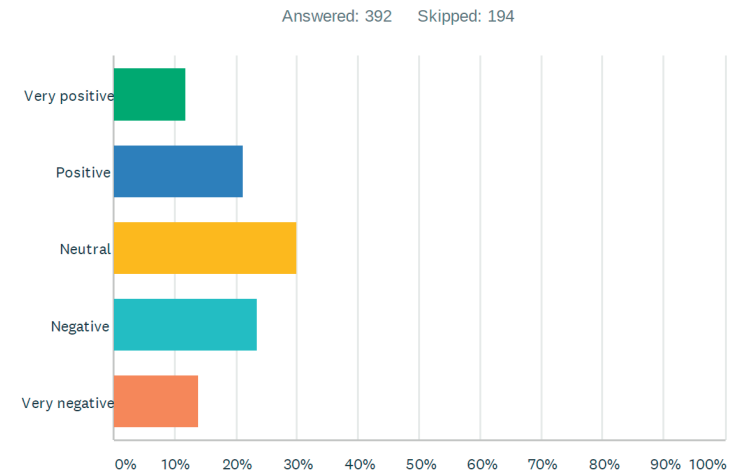
<p>Q.8 In your professional opinion, to which extent are international human rights standards respected during the application of preventive measures, such as classification and security regimes (restrictions on the contacts of prisoners with the outside world)?</p> <ul style="list-style-type: none"> • Definitely respected • Mostly respected • Maybe not respected • Somewhat respected • Not at all respected 	<p>Q.9 Do independent detention monitors equipped with knowledge and tools necessary to scrutinise the impact of preventive measures on prisoners' human rights exist in your country?</p> <ul style="list-style-type: none"> • Yes • No • I don't know
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Question 6 has received 392 responses (Figure 8). About 40% of respondents (148) indicated that if a prisoner is suspected of being a radical or an extremist that may commit violent acts, it is **likely** that intelligence units are entitled to investigate their family members, or fellow convicts. Another 102 respondents indicated that it is **very likely** that intelligence units are entitled to investigate third parties and 90 respondents indicated that it is **neither likely, nor unlikely**. A relatively small number of respondents (38) indicated that it is **unlikely** that intelligence units are entitled to investigate third parties and only 14 respondents noted that this is **very unlikely**. From the way the question is phrased, it is difficult to distil if respondents' reactions reflect knowledge of established legal procedures, or speculations of what the state of affairs might or should be.

Figure 8: Breakdown of Responses to Question 6

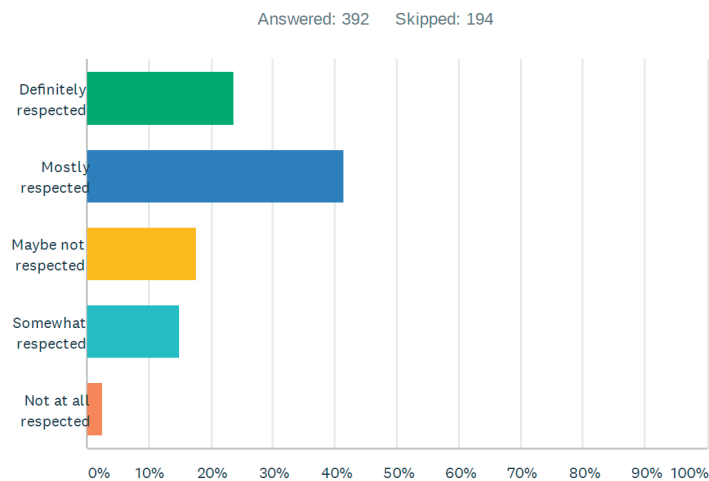
Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 7 has received 392 responses (Figure 9). About 30% of respondents indicated that are **neutral** toward the practice of collecting information on prisoners suspected of being radicals or extremists that may commit violent acts (e.g. terrorist acts) without making such information available to judges or lawyers. Some 92 respondents had a **negative** view on the issue and 83 respondents had a **positive** view. 54 respondents indicated a **very negative** view on the application of such practice and 46 respondents were **very positive** about it. When combined, the negative vote shows that about 40% of respondents (146) opposed to the use of secret surveillance in prisons.

Figure 9: Breakdown of Responses to Question 7

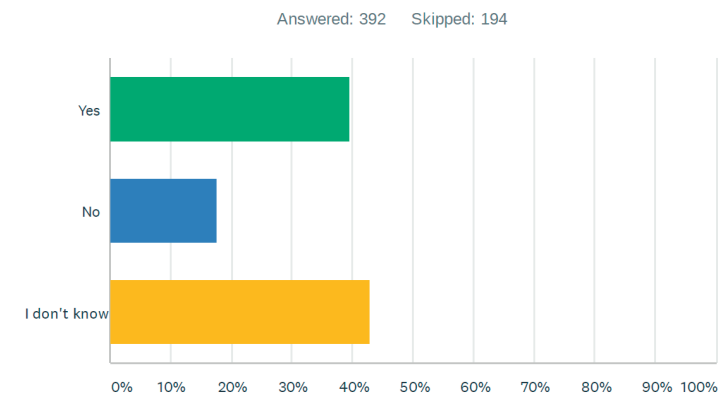
Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 8 has received 392 responses (Figure 10). Over 40% of respondents (162) indicated that international human rights standards are **mostly respected** during the application of preventive measures, such as classification and security regimes (restrictions on the contacts of prisoners with the outside world) and another 24% (93) indicated that such standards are **definitely respected**. 58 respondents noted that human rights standards are **somewhat respected** and 69 respondents indicated that such standards **maybe are not respected**. 10 respondents indicated that human rights standards are **not respected at all**. From the way the question is phrased, it is not immediately straightforward to discern if the goal is to elicit views on how certain preventive measures are applied, e.g. whether isolation measures are applied only when these are strictly necessary to guarantee security, or on a matter of principle, i.e. whether the application of isolation measures is at all consistent with international human rights standards. This aspect merits attention, as the latter meaning presupposes that the application of isolation measures in prison could happen indiscriminately.

Figure 10: Breakdown of Responses to Question 8

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 9 has received 392 responses (Figure 11). About 43% of respondents (168) indicated that they **were not aware** if independent detention monitors for assessing the impact of preventive measures on prisoners' human rights exist in their country. An almost equal proportion of respondents – 155 – indicated that such monitors **exist** in their countries. Some 69 respondents answered **negatively**.

Figure 11: Breakdown of Responses to Question 9

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

When considering the topic of preventive measures for countering radicalisation in prisons, participants in the focus groups have discussed the ways in which prison environment may provide a context for the spread of extremist ideas and narrative among inmates, as well as the types of measures and approaches that could be leveraged for preventing violent extremism in prisons.²⁶ It was noted that on the one hand, prisons could be seen as 'safe places' because inmates are monitored in a closed environment which makes it possible to intervene in case there are security concerns; on the other hand, in prisons individuals who have committed different types of criminal offences have the opportunity to mingle and interact relatively freely. The latter characteristic of the prison environment needs to be taken into account with regard to the risk of radicalisation, not least because it may facilitate the spread of extremist narratives among individuals who have not been sentenced for terror-related crimes. Besides prisons, some participants have also

²⁶ The discussion of the results of the focus groups that were carried out as part Work Package 2, EU-Wide Survey is based on Deliverable 2.3, Qualitative Analysis.

noted the importance of tackling the risk of radicalisation at immigration detention centres, particularly as regards the possibility of returning foreign fighters being placed at such centres.

When it comes to the types of preventive measures that are and can be applied in correctional settings, participants observed that such measures could significantly differ from country to country, mainly because of the particular circumstances of national legal systems and the way in which relevant regulatory structures have evolved. For example, inmates could be allocated to high-security prisons based on a set of criteria that are laid down in national law. In other cases, if an inmate is identified as being radicalised, they could be placed under observation by a specialised intelligence unit within the prison. Such observation may include wiretappings of prisoners' communications and gathering information about the inmate. The main purpose of such an observation is to allow for data collection which could possibly be used for pre-empting violent acts. Intelligence units within the prison are not in charge of carrying out investigations. They need to inform the police and then the police can investigate suspicious case.

At the same time, it has been noted that protocols for data sharing between prison services, probation services and public entities should be aimed not only at mitigating security concerns but also facilitating the de-radicalisation of inmates. Therefore, it is important that inter-agency data sharing needs to take place in line with the established legal rules and procedures, including any specific requirements for judicial oversight and data protection.

Some participants have stressed that overreliance on the application of security measures for dealing with radicalised inmates may be counterproductive and even lead inmates to violence and aggressive behaviour. Prison and probation staff training for identifying early signs of radicalisation is key. Any such training should acknowledge the fact that radicalisation is a process that can be underpinned by different ideologies. In addition, there is no single profile of radicalised individuals. The implementation of dynamic security approaches and multi-stakeholder en-

agement are crucial for promoting a prison culture that allows the early identification of extremism. The establishment of a designated taskforce within the prison could also help in the implementation of more flexible preventive measures that support the implementation of disengagement activities and help maximise their impact.

The relationship between correctional services and the convicted individual's family and social circle is important for ensuring the successful resettlement and reintegration of inmates upon their release. It has been noted that whilst investigating inmates' family under certain conditions may be required on security grounds, the overall interaction with inmates' family members should not be based only on control and supervision measures. Family members need to be actively involved in the process of re-integration and they can also play a fundamental role in supporting the implementation of de-radicalisation and disengagement programming.

Role of civil society in the prevention of radicalisation and violent extremism

To elicit views and opinions regarding the role of civil society in the prevention of radicalisation and violent extremism, the online questionnaire contained three specific questions. These are presented in Box 4.

Box 4: Key Questions of the Online Questionnaire

Q.10 In your professional opinion, to which extent should any of the following entities be considered responsible for sharing their information with law enforcement agencies or intelligence units, in the absence of judicial orders, in potential cases of radical/extremist individuals that may commit violent acts (e.g. terrorist acts)?

- Social services system
- Health professionals (e.g. psychiatrists, psychologists)
- Social networks
- Non-governmental organisations
- Local community structures (e.g. ludic, youth, religious centres)

Q.11 What is your professional opinion on strategies such as promoting the diffusion of counter/alternative narratives to fight radical and extremist points of view, as well as media and information literacy (e.g. fostering critical thinking, checking information sources), as prevention means?

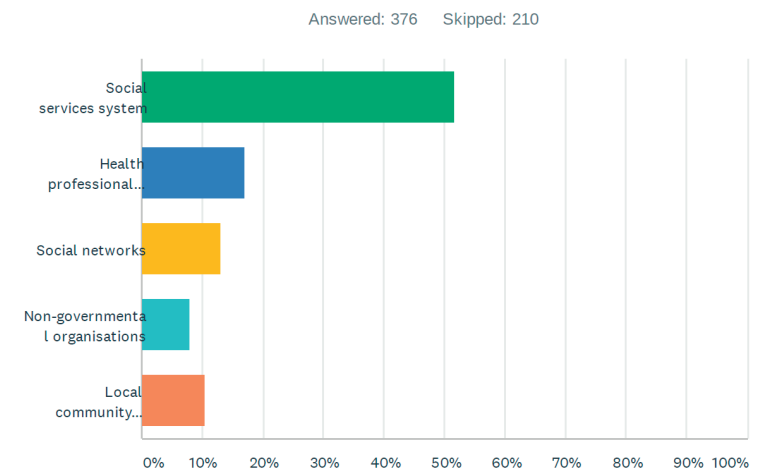
- Extremely effective
- Very effective
- Somewhat effective
- Not so effective
- Not at all effective

Q.12 In what concerns the area of radicalisation and extremism leading to violence, to which extent is the prevention system in place in your country prepared to efficiently process and sustain cooperation efforts between civil society actors, law enforcement agents and the judicial system?

- Definitely prepared
- Mostly prepared
- The process is underway
- Somewhat prepared
- Not at all prepared

Question 10 has received 376 responses (Figure 12). Over 50% of respondents (194) indicated that the **social services system** should be involved in data sharing with law enforcement agencies or intelligence units without judicial orders regarding cases of radicalised individuals that may commit violent acts. 64 respondents have indicated that **health professionals (e.g. psychiatrists, psychologists)** should be involved in such data sharing and 49 respondents have indicated that such responsibility should be vested in **social networks**. Relatively low number of respondents – 39 – have indicated that **local community structures (e.g. youth and religious centres)** should provide data to law enforcement and intelligence units, and 30 respondents have indicated that this should be done by **non-governmental organisations**. One issue that needs to be acknowledged here is the need for clear criteria regarding the circumstances under which law enforcement and intelligence units could request information from the entities on the list in the absence of a judicial order. The lack of clear criteria may open up possibilities for security overreach and infringement of privacy. For precision, the question could have included an option

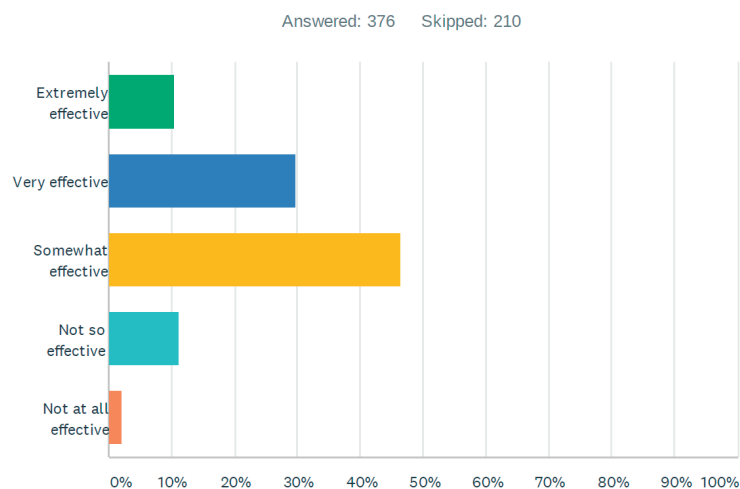
“none of the above” allowing participants to indicate that none of the listed entities should be under responsibility to share information in the absence of a judicial order. Such opinions have been voiced during the focus group discussions, as some experts noted that none of the listed entities would share personal information in the absence of a judicial warrant.

Figure 12: Breakdown of Responses to Question 10

Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 11 has received 376 responses (Figure 13). Nearly a half of the respondents (175) have indicated that the diffusion of counter/alternative narratives to fight radical and extremist ideas and enhancing media literacy are **somewhat effective** in the prevention of radicalisation. About 30% of respondents (112) find such measures **very effective** and 39 respondents think that they are **extremely effective**. By contrast, 42 respondents think that such measures are **not so effective** and 8 respondents have indicated that they are **not effective at all**. Generally, respondents seem to be positive about the effectiveness of the diffusion of counter-narratives and enhancing media literacy in the process of preventing radicalisation.

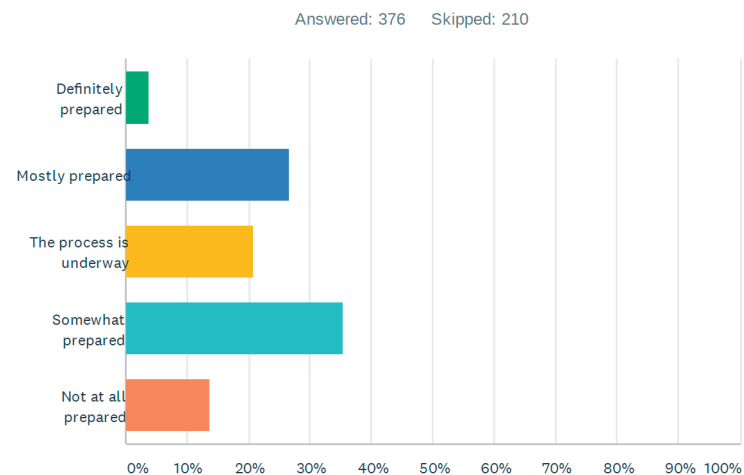
Figure 13: Breakdown of Responses to Question 11



Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

Question 12 has received 376 responses (Figure 14). 35% of respondents (133) have indicated that the national system in their country is **somewhat prepared** to process and sustain cooperation efforts between civil society actors, law enforcement agents, and the judicial system. 100 respondents have indicated that the system in their country is **mostly prepared** and about 21% of respondents have indicated that **the process is underway**. 51 respondents have indicated that the system in their country is **not at all prepared** in comparison with only 14 who have indicated that the system in their country is **definitely prepared**.

Figure 14: Breakdown of Responses to Question 12



Source: PRE-RIGHTS online questionnaire final results file – March 2021 (Annex I)

When considering the role of civil society in the prevention of radicalisation and violent extremism participants in the focus group discussions addressed different ways in which non-governmental entities could support the implementation of ‘soft’ preventive measures, as well as possible options for promoting and strengthening public-private partnerships in this area.

It has been noted that civil society organisations can facilitate awareness-raising of radicalisation risks and the need for dealing with related trends, including the use of hate speech and discrimination tendencies among different stakeholders. Examples of such activities have been shared. These include the work of NGOs with groups that are considered at risk, including ethnic minorities, refugees, and migrants. Relevant activities typically focus on engagement and awareness-raising with the goal of fostering inclusion, cross-cultural dialogue, and tolerance and strengthening respect for human rights. NGOs can also play an active part in policy monitoring and evaluation, in order to ensure that regulatory measures that are being implemented at the national level

are proportionate and in line with the established fundamental rights standards. With regard to the efforts to promote alternative narratives to counter the spread of extremist ideas, some experts have highlighted the importance of developing means of assessing the impact of such programmes.

Some experts have noted that civil society organisations can act as a key intermediary in cases where radicalisation risks are present but no crime has yet been committed. In such cases, NGOs instead of the police could intervene and assist with the implementation of de-escalation measures for crisis management. Likewise, civil society organisations can support the efforts to prevent radicalisation in correctional services. Education at all levels is considered key, in order to foster a shared perspective and understanding of the risk of radicalisation and violent extremism. Relevant strategies for raising awareness among different target groups have been noted. One such example entails the involvement of individuals who have previously been engaged with violent ideologies and are using their own stories to discourage others to go down this road.

Online radicalisation has been indicated as presenting a particular challenge that requires a multi-faceted approach for prevention and countering. Some experts have noted that individuals and well-organised groups aim to use modern communication and information technologies for spreading violent ideologies. As major internet companies have taken proactive steps toward curbing such activities, extremist groups have moved their activities from conventional social networks and communication platforms to less conspicuous online portals and parts of the Darknet. Prevention of radicalisation in such circumstances requires significant investments in modern technologies and tools for enhancing cybersecurity.

The role of the media has been noted with regard to the ways in which terror incidents are being broadcasted and reported on. In particular, the importance of responsible journalist conduct has been flagged up, in order to ensure that such incidents are presented in a dispassionate and objective manner.

Participants have generally agreed on the need for strengthening cooperation between civil society organisations and government agencies. Some countries have taken steps to develop national strategies for promoting greater public-private cooperation. Specific issues that have been highlighted include a need for better communication and for setting common goals. Informational sharing at times may be challenging, particularly as national security considerations need to be taken into account. Building trust-based relationships between law enforcement agencies and civil society organisations is a crucial factor for strengthening the implementation of national counter-terrorism policies and measures, as well as for promoting a balanced approach to the risks posed by radicalisation and violent extremism.

5. Conclusion

This report has provided an overview of the EU-wide survey that has been carried out within the framework of the PRE-RIGHTS initiative and summarised the results of the quantitative and qualitative research that was conducted as part of the survey. The outlined survey methodology could serve as a model of combining qualitative and quantitative research methods for large-scale enquiries. Mixed-method studies could be of particular utility for eliciting views and opinions on complex issues, as they provide stakeholders with opportunities for interaction and reflection. To enhance rigour, it is essential that the questions used in quantitative questionnaires are formulated with precision to avoid ambiguity and misinterpretation.

PRE-RIGHTS



This project is co-funded
by the European Union's
Justice Programme (2014-2020)