

# Rehabilitating Juvenile Violent Extremist Offenders in Detention

## Advancing a Juvenile Justice Approach

Juvenile justice standards and norms are the foundational basis for detaining, rehabilitating, and reintegrating juvenile violent extremist offenders (JVEOs).<sup>1</sup> Children in conflict with the law are recognized as a distinct class of offender in the criminal justice process on account of their mental, intellectual, and physical maturity.<sup>2</sup> International juvenile justice standards and norms<sup>3</sup> accordingly prioritize

rehabilitative measures<sup>4</sup> and extend special oversight and protection to incarcerated children, given their particular vulnerabilities and risk of abuse in custodial environments. These principles call for juveniles to be housed and treated separately from adults<sup>5</sup> and to use incarceration as a measure of last resort, among other considerations.<sup>6</sup> The standards should be upheld for all

<sup>1</sup> In this policy brief, the terms *child*, *youth*, and *juvenile* refer to 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. This brief does not exclude the possibility that some considerations or recommendations may apply to those older than 18. For instance, the United Nations (UN) Convention on the Rights of the Child defines the term “youth” as a “child until 18”, whereas the UN Habitat designates an age range between 15 to 32 years. For further discussion on the definition of youth in the UN system, see UN Department of Economic and Social Affairs, “Definition of Youth,” Factsheet, <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-definition.pdf> (accessed 28 November 2016).

<sup>2</sup> Declaration of the Rights of the Child (1953), G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354, in the preamble, states “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.” See also UN Committee on the Rights of the Child, *General Comment No. 10: Children’s Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, para. 10.

<sup>3</sup> The core UN documents relating to the treatment of juvenile offenders include the International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, 999 U.N.T.S. 171; UN Convention on the Rights of the Child (CRC), 20 November 1989, 1577 U.N.T.S. 3; Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), 14 December 1990, A/RES/45/113; UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 29 November 1985, A/RES/40/33; UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 15 December 1990, A/RES.45/112; Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines), 21 July 1997, ECOSOC Res. 1997/30.

<sup>4</sup> Punitive approaches and the poor conditions of juvenile detention systems around the world have resulted in high rates of recidivism. For example, see Ian Lambie and Isabel Randell, “The Impact of Incarceration on Juvenile Offenders,” *Clinical Psychological Review* 33, no. 3 (April 2013): 448–459; and R. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, Annie E. Casey Foundation, 2011.

<sup>5</sup> Beijing Rules, Rule 3.3; UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) 17 December 2015, A/RES/70/175, Rule 11(d); CRC, art. 37(c). See also UN Committee on the Rights of the Child, *General Comment No. 10: Children’s Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, para. 85.

<sup>6</sup> CRC, art. 37(b); Beijing Rules, Rule 19; Havana Rules, Rule 2.

children, regardless of the nature or severity of their offense.<sup>7</sup>

Within this class, JVEOs, like adult violent extremist offenders (VEOs), are a special-needs offender category who make up a heterogeneous group; their pathways to criminality vary widely, as do the severity of their crimes. Societal bias, sensationalism, and exceptionalism often associated with terrorism and violent extremism-related offenders compound the risk of maltreatment for JVEOs. For this reason, authorities should pay special attention to ensure protections for juveniles extend to JVEOs and take steps towards their rehabilitation and reintegration.

JVEOs include youth who engage in terrorism and related crimes across a broad spectrum of ideological agendas. Though underlying drivers<sup>8</sup> may be similar to those of adults, they also differ on account of the particular vulnerabilities associated with the stage in their development. A child's relative immaturity of judgment, diminished sense of self-control, and propensity to act impulsively without a full understanding of the consequences distinguishes juvenile from adult offenders. Terrorist groups have actively targeted youth for recruitment.<sup>9</sup>

The severity of JVEOs' crimes also vary. Although the terms "violent" and "extremist" appear in the designation, JVEOs may not have partaken in any violent act nor have they necessarily been radicalized. For instance, the transfer of funds or serving as a courier for a terrorist group are non-violent crimes which a JVEO may be convicted of. Other JVEOs may be motivated by financial rewards or were forced to join a violent extremist organization and have not necessarily been radicalized. Juveniles perpetrating terrorism-related crimes are often characterized by a

duality of circumstance: they are both victimizers and victims.

This policy brief provides guidance for authorities responsible for JVEOs being held in post-conviction detention, either in a juvenile detention facility or prison. Consistent with due regard to the dignity and rights of the child, JVEOs subject to correctional measures should be treated effectively, fairly, and humanely.<sup>10</sup> Management practices must take into account the special needs of JVEOs in the design and implementation of juvenile rehabilitation and reintegration interventions. This responsibility falls most heavily on the various actors in the prison and juvenile justice system.

This policy brief was prepared within the context of the Managing Juveniles in Detention Initiative established by the Global Counterterrorism Forum's Detention and Reintegration Working Group and expands on the Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context to address the needs of children engaged in terrorism-related activity. This brief puts forth guiding principles, recommendations, and considerations that advance a juvenile justice approach for authorities responsible for the care of detained JVEOs. It draws heavily from good practices in international juvenile justice, the emerging body of principles and practices in the detention of JVEOs and VEOs,<sup>11</sup> and from national experiences in demobilizing and reintegrating child combatants.

Variances in the age of criminal responsibility under national law, the range of resources, programs, facilities, and professional capacities, as well as cultural norms for juvenile treatment all inform policy and management decisions. The findings presented here derive from a larger research report to be published in

<sup>7</sup> Rule 5.1 of the Beijing Rules states that the criminal justice response to juvenile offenders should "always be in proportion to the circumstances of both the offenders and the offence."

<sup>8</sup> See Guilain Denoeux and Lynn Carter, "Guide to the drivers of violent extremism," USAID, February 2009, p.iii, [http://pdf.usaid.gov/pdf\\_docs/Pnadt978.pdf](http://pdf.usaid.gov/pdf_docs/Pnadt978.pdf).

<sup>9</sup> For example, see Kumar Ramakrishna, "Understanding Youth Radicalization in the Age of ISIS: A Psychosocial Analysis," E-International Relations, 11 February 2016, <http://www.e-ir.info/2016/02/11/understanding-youth-radicalization-in-the-age-of-isis-a-psychosocial-analysis/>; Jessica Stern and J.M. Berger, *ISIS: The State of Terror* (New York: Ecco, 2015), 210.

<sup>10</sup> ICCPR, art. 10; Beijing Rules, Rule 1.3.

<sup>11</sup> See for instance the recently released UN Office on Drugs and Crime (UNODC), *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons* (New York: UN, 2016); Global Counterterrorism Forum (GCTF), "Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context", n.d., <https://toolkit.thegctf.org/node/21>.

early 2017 that will elaborate on these issues and present examples of policies and practices employed around the world.<sup>12</sup>

## CONDUCTING INDIVIDUALIZED INTAKE AND RISK ASSESSMENTS TO INFORM MANAGEMENT DECISIONS AND INTERVENTION PLANNING

Prison authorities often have little information about offenders being transferred into their custody. In some cases, an officer will have no indication of judicial deliberations pertaining to alleged engagement in violent extremism-related criminality, particularly in jurisdictions with less developed legislation. These challenges underscore the importance of maintaining open channels of communication between the correctional systems and other judicial actors in the management of sentences. A thorough, individualized intake and risk assessment is a critical first step for officials taking up legal and physical custody of juvenile offenders.

### Building a Holistic View of the JVEO Starting with the Intake Interview

When a juvenile offender is taken into custody, a qualified professional should conduct an intake assessment to acquaint new arrivals with the staff and facilities, identify medical and other special needs, and determine the proper level of custody, supervision, and placement. Ideally, staff should interview new arrivals individually in a relaxed and informal setting to allay fears or apprehensions and to establish, together with the juvenile, preliminary goals to be achieved through rehabilitation programs, set expectations, and begin

building the rapport necessary to secure their trust and willing participation. The intake interview is the first opportunity to set the tone for future interviews, observations, and interactions with the authorities in general, consistent with a dynamic security approach.<sup>13</sup> These processes should be transparent. The child should be granted an opportunity to contest being categorized as a violent extremist offender and have a voice in the content of their treatment plans.

### Assessing Risk and Classifying JVEOs

A number of juvenile specific methodologies may be suitable for assessing a JVEO's risk, though careful consideration should be made in their application. There are no examples of violent extremism risk-assessment tools designed to take into account the mental, intellectual, and emotional maturity of juveniles. Such a tool would require more context-specific research on JVEOs. Violent extremism risk-assessment tools such as the Extremism Risk Guidance 22+ (ERG 22+),<sup>14</sup> the Multi-level Guidelines (MLG),<sup>15</sup> and the Violent Extremism Risk Assessment Version 2 (VERA 2),<sup>16</sup> primarily, but not exclusively, developed for adults, may offer some guidance, but their utility for assessing juveniles should be rigorously reviewed. Particular care should be taken to not arbitrarily categorize children as violent extremists based on the nature of their offense, their religion, or their travel history.<sup>17</sup> Authorities should set clear guidelines on when to conduct a risk assessment of violent extremism tendencies, based on judicial reasoning. Risk assessments should be responsive to whether the JVEO's participation in or attempts to engage in extremist violence stems from indoctrination, criminal opportunism, coercion, or other factors in order to

<sup>12</sup> Global Center on Cooperative Security and International Centre for Counter-Terrorism – The Hague (ICCT) (forthcoming, 2017).

<sup>13</sup> Dynamic security is “the concept of prison staff actively and frequently observing and interacting with prisoners to gain a better understanding and awareness of prisoners and assessing the risks that they represent.” UN Department of Peacekeeping Operations, “Prison Incident Management Handbook,” 2013, [https://www.un.org/ruleoflaw/files/Prison\\_Incident\\_Management\\_Handbook\\_OROLSI\\_Mar2013.pdf](https://www.un.org/ruleoflaw/files/Prison_Incident_Management_Handbook_OROLSI_Mar2013.pdf), p. 10. This approach differs from physical and procedural security approaches because it is based on the development of positive, consistent, and regular interactions between offenders and prison officers and the timely sharing and analysis of information in order to improve a safe working and living environment and enhance and better monitor offender behaviour and progress. See UN Office on Drugs and Crime, *Handbook on Dynamic Security and Prison Intelligence* (New York: UN, 2015).

<sup>14</sup> See Chris Dean, “Intervening Effectively with Terrorist Offenders,” *Prison Service Journal* 203 (September 2012): 31–36.

<sup>15</sup> See Alana N. Cook, “Risk Assessment and Management of Group-Based Violence (PhD thesis, Simon Fraser University, 2014), [http://summit.sfu.ca/system/files/iritems1/14289/etd8437\\_ACook.pdf](http://summit.sfu.ca/system/files/iritems1/14289/etd8437_ACook.pdf).

<sup>16</sup> See Elaine Pressman and John Flockton, “Calibrating Risk for Violent Extremists and Terrorists: The VERA 2 Structured Assessment,” *British Journal of Forensic Practice* 14, no. 4 (2012): 237–251.

<sup>17</sup> From the perspective of the International Committee of the Red Cross (ICRC), “[w]ithout clear and specific criteria under which a person is designated as ‘radicalised’ or at risk of ‘radicalisation’ it is also hard for the responsible authority to exercise oversight over the legality of detention, including determining where the criteria are no longer met and where restrictions should be lifted.” ICRC, “Radicalization in Detention—the ICRC’s perspective,” 11 July 2016, <https://www.icrc.org/en/document/responding-radicalization-detention-icrc-perspective>.

inform the design of appropriate custodial supervision, rehabilitation, and reintegration plans. Regularly scheduled risk assessments provide vital information regarding both positive and negative changes in the juvenile's thinking and behavior, which should help inform adjustments to management and intervention approaches for the duration of custody.

On the basis of intake and risk assessments and an accompanying medical report, staff can begin to formulate appropriate and proportionate programming to support the educational, mental, physical, emotional, and social development needs of the juvenile. This first stage presents an important opportunity to build trust and establish a collaborative relationship with the youth. Their participation in the planning process should be strongly encouraged, especially where their engagement in violent extremist activities may stem from a distrust of governmental authorities.

### Record Keeping to Support Continuity of Care

An individual, confidential, and secure case file should accompany the juvenile throughout placement in custody and be maintained during probation periods. Upon the juvenile's release, the records should be sealed, and, when appropriate, expunged.<sup>18</sup> Procedures should be established on the juvenile and their legal counsel's access the contents of the case file.

## THE ROLE OF OPERATIONAL MANAGEMENT IN CREATING A REHABILITATIVE ENVIRONMENT

Prison authorities are responsible for creating an environment that is conducive to the prosocial engagement and rehabilitation of juveniles while ensuring the safety of inmates, staff, community members, and visitors. Inadequately resourced, overcrowded places of detention and poorly trained staff not only increase the risk of maltreatment but undermine the rehabilitative potential of detained children. Many juvenile facilities house multiple

categories of juvenile offenders, with JVEOs rarely constituting a significant portion of the population. Effective leadership and operational management, along with suitable infrastructure, are critical for the JVEO's successful rehabilitation and reintegration and ultimately protect the public from future acts of violence. Well considered operational management can and should support rehabilitation. Such considerations are especially important for authorities who, due to resource constraints limiting rehabilitative program offerings, may rely on operational management as a principle means to promote rehabilitation.

### Maintaining High Ethical Standards

Corrections officers should be cognizant of their role in national juvenile justice strategies, and of the particular vulnerabilities of youth in detention. Senior staff must supervise the conduct of subordinates and strategically allocate assignments to match the skills of personnel with the needs of the JVEOs under their charge. Staff should adhere to strict codes of ethics and operating procedures. Where juveniles are housed with adults, corrections officers must safeguard juveniles from violence committed against them by adult offenders, notably sexual violence, bullying, extortion, and torture.<sup>19</sup> Abuse should be treated with zero tolerance. Mistreatment in detention may not only heighten the risk of JVEO recidivism but increases the recidivism risk of all offenders and may incline them toward militancy against the state. Other forms of institutionalized checks and balances should be in place to identify, investigate, and penalize misconduct, including effective internal and external monitoring mechanisms.<sup>20</sup> Safe avenues of complaint submission and redress for the juvenile population, along with measures guaranteeing their safety from reprisal, are equally important.

<sup>18</sup> Havana Rules, Rule 19.

<sup>19</sup> UN, "Fact Sheets on Youth" <http://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf> ("Violence, including sexual violence, bullying, extortion and torture have been found to be the most typical forms of mistreatment and abuse inflicted on young people by adult inmates, and sometimes also staff.")

<sup>20</sup> For example, "[e]very child should have the right to make requests or complaints, without censorship as to the substance, to the central administration, the judicial authority or other proper independent authority." UN Committee on the Rights of the Child, *General Comment No. 10: Children's Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, art. 89.

## Ensuring Facilities Balance Prosocial and Security Measures

International standards state that juveniles should be housed and treated separately from adults.<sup>21</sup> However, the justice systems of many countries suffer from limited resources and infrastructure, and juvenile offenders are often detained in facilities inappropriate for their age and developmental needs. To support rehabilitation, juvenile facilities should house small numbers of offenders to ensure they receive individualized attention from staff. While the facilities are ideally minimal security environments, security measures must be attentive to ensuring the safety of offenders, staff, and the community. Facilities that house high-risk offenders may require more robust containment and supervision standards. JVEOs should not be placed in a maximum security facility solely on the basis of the JVEO-label. Enhanced security measures or restrictions imposed on them must derive from an individual determination, subject to regular review and evaluation and be proportionate to the objectives sought. Regardless of the level of security, juvenile facilities should ensure due respect for privacy, provide sensory stimuli, promote association with peers, and offer ample opportunities for education, exercise, and other recreational activities.<sup>22</sup>

## Prohibiting torture and other forms of cruel, inhuman and degrading punishment

International human rights law prohibits life imprisonment without parole and capital punishment for those who commit their crimes before age 18.<sup>23</sup> Corporal punishment, closed or solitary confinement, and any other punishment that may compromise the physical or mental health of the child are strictly prohibited.<sup>24</sup> These measures may also increase the risk and motivations to engage in violent extremism by

developing or aggravating existing grievances against the state.

## Deciding on a Dispersal or Separation Strategy for JVEOs

The dispersal or separation of offenders is a recurring topic of debate in relation to VEOs. This debate has been driven by concerns that violent extremists housed among general prison populations place fellow inmates and staff at risk of radicalization or recruitment to violent extremism.<sup>25</sup> While the extent of this risk is contested with regard to adults,<sup>26</sup> there is no evidence to support a claim that JVEOs should be categorically separated from other juvenile offenders because of a risk of radicalizing or recruiting those offenders to violent extremism. Separation is commonly made between violent youth and nonviolent or vulnerable youth, males and females, levels of temperament and maturity, as well as social and psychological needs.

## Recruiting and Training Corrections Officers

The relationship and power dynamics between a juvenile offender and adult corrections officials differ from those of an adult offender.<sup>27</sup> Prison staff may take on specialized duties pertaining to the protection, mentorship, education, and guidance of juvenile offenders. Corrections personnel should be qualified to work with youth, motivated, skilled in rapport building, and patient in temperament.<sup>28</sup> The professional composition of staff should be tailored to the rehabilitative needs of the offender population. Prison staff should, as much as possible, reflect the diversity of the juvenile population in aspects such as

<sup>21</sup> Beijing Rules, Rule 3.3; Mandela Rules, Rule 11(d); CRC, art. 37(c). See also UN Committee on the Rights of the Child, *General Comment No. 10: Children's Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, para. 85.

<sup>22</sup> Havana Rules, Rule 32.

<sup>23</sup> CRC, art. 37(a).

<sup>24</sup> *Ibid.*, art. 67. All international human rights laws, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, apply to children in equal or greater measure.

<sup>25</sup> From al-Qaida leader Ayman al-Zawahiri to perpetrators of acts of terrorism like the November 2015 coordinated attacks in Paris, the January 2016 Jakarta attacks, and the Brussels bombings in March 2016, many suspected perpetrators have either been imprisoned or have had contact with jailed terrorists, allegedly fueling their radicalization to violent extremism and in certain cases facilitating the execution of these attacks.

<sup>26</sup> See Tinka Veldhuis and Eelco Kessels, "Asking the Right Questions to Optimize Detention and Rehabilitation Policies for Violent Extremist Offenders," *Canadian Diversity* 9, no. 4 (2012): 33–37.

<sup>27</sup> See *supra*, n. 22 (noting the potential for abuse by staff in juvenile detention centers).

<sup>28</sup> Beijing Rules, Rules 1.6 and 22 (recommending a minimum training in law, sociology, psychology, criminology, and behavioral sciences to ensure the professional competence of all personnel dealing with juvenile cases).



race, ethnicity, gender, language, and religion, and have an understanding of cross-cultural differences.<sup>29</sup>

### Embedding a Dynamic Security Approach

A dynamic security approach increases prison safety based on positive relationships, communication, and interaction between juveniles and prison staff.

Establishing this dynamic can be challenging where juveniles have cultivated an acute distrust of authority, and where corrections officers may harbor prejudicial or even dehumanizing attitudes toward JVEOs.

Dynamic security fosters an environment necessary for effective rehabilitation while ensuring that staff are positioned to anticipate and prevent incidents and identify offenders who may require additional attention or support.

### Ensuring Visitation and Communication Rights of JVEOs and Permissible Restrictions

Proximity to and positive involvement of family, friends, and community members through visitation and other permissible forms of communication are generally considered important contributing factors to the successful rehabilitation and reintegration of juvenile offenders. Parents or designated legal guardians should be contacted on every admission, transfer, or release of the juvenile in custody and notified in the event of an emergency and kept informed of the child's progress. Authorities should encourage and facilitate these relationships where they are in the best interest of the child and contribute positively to rehabilitation. This is especially important in the case of JVEOs whose families reject ideological violence.

On the other hand, a JVEO may come from a home in which family members support violent extremist activity or may have been strongly influenced to offend

by certain community members. Relocation of the juvenile to a facility removed from harmful influences raises difficult questions around the best interest of the child. Such measures may prove particularly counterproductive in the context of JVEOs who will need to confront those who encourage reengagement in violence. Restrictions must be used in exceptional circumstances, clearly articulated in law rather than subject to the discretion of the corrections authorities.<sup>30</sup> Restrictive measures should adhere to the principles of proportionality and necessity and always observe the broader objectives of maintaining a healthy prison environment grounded in the principles of fairness, legitimacy, and humanity.

### Establishing Gender-Sensitive Strategies

Female JVEOs require the same degree of individualized care, protection, assistance, treatment, and interventions as their male counterparts.<sup>31</sup> The often subordinate and oppressed status of women in society and the frequency of their abuse in corrections systems worldwide calls for gender-sensitive strategies for their care in detention. JVEOs, and girls in particular, are frequently victims of gender-based violence and require specialized support, counseling, and health care for their proper rehabilitation.<sup>32</sup> Facilities housing girls and boys that have been subjected to gender-based violence or other traumatic experiences should ensure management approaches and programming interventions that are appropriately sensitized and be staffed by professionals qualified and motivated to work with children suffering from trauma. Female staff should be recruited and trained, and their advancement facilitated, in juvenile administration.<sup>33</sup> Female JVEOs should have access to a woman physician or nurse or be able to request a female staff member be present during an examination.<sup>34</sup> Policymakers may also consider creating

<sup>29</sup> Beijing Rules, Rule 22.2.

<sup>30</sup> UN Committee on the Rights of the Child, *General Comment No. 10: Children's Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, para. 87.

<sup>31</sup> Beijing Rules, Rule 26.4.

<sup>32</sup> Boys are also victims of these crimes, which are overwhelmingly underreported. See Office of the Special Representative of the Secretary-General for Children and Armed Conflict, "Sexual Violence Against Children", November 2013, <https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/sexual-violence/>. For more information on principles of psychosocial interventions for child survivors of sexual abuse in humanitarian settings, see International Rescue Committee, UN International Children's Emergency Fund (UNICEF), "Caring for child survivors of sexual abuse" 2012, <http://gbvresponders.org/response/caring-child-survivors/>.

<sup>33</sup> The Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders recommended that special measures should be taken to recruit, train, and facilitate the advancement of female personnel in juvenile justice administration, as cited in the Beijing Rules, Commentary under Rule 22.

<sup>34</sup> Bangkok Rules, Rule 10.

systems for female juvenile offenders who are pregnant or who have young children. Here, international law has a strong preference for alternatives to institutional confinement that observe these standards.<sup>35</sup>

## DESIGNING INTERVENTIONS THAT SUPPORT REHABILITATION AND REINTEGRATION

Facilitated by a management approach that supports rehabilitation and informed by individual assessments, JVEOs should benefit from tailored interventions aimed at reducing risks associated with violent extremism and supporting successful rehabilitation and reintegration. These interventions include psychosocial and religious counselling, educational programs and vocational training. The overarching goals of a JVEO's rehabilitation plan and subsequent programming should be informed by the underlying drivers of the juvenile's engagement in criminality, interest, and involvement in violent extremist activities, past offending, custodial behavior, personal strengths and ambitions, and pathways to desistance.

### Advancing Evidence-Based Approaches in Rehabilitating JVEOs

Evidence-based approaches to rehabilitation, such as the dominant risk-need-responsivity (RNR) model of crime prevention and correctional rehabilitation, have been found to be effective for a broad class of offenders.<sup>36</sup> Risk refers to the principle that treatment intensity should be adjusted according to risk of reoffending. The need principle asserts that correctional programs should address criminogenic needs, or, the characteristics, traits, and behaviors that have shown to be directly related to criminal offending. The responsivity principle suggests that interventions should match an offender's profile, be tailored to his or her abilities and strengths, as well as motivation to engage in treatment. Programs that incorporate the

RNR model have been found to have a positive impact on reducing reoffending rates among juveniles.<sup>37</sup>

Strength- and desistance-based approaches focus on protective factors over risk factors, promoting an individual's positive attributes to manage or reduce risk. Strength-based approaches focus on empowering and equipping individuals to meet their needs in more adaptive, prosocial ways that are inherently positive and engaging, and counter the stigmatization of JVEOs. Desistance-based approaches focus on factors that enable individuals to cease offending and that create an enabling environment through intervention efforts, such as group counselling to help youth divorce themselves from negative social associations. These approaches offer promising possibilities for JVEO interventions and can complement RNR-based models even though they are philosophically grounded in different perspectives.

### Setting Clear Objectives and Metrics for Interventions

The existence of complex individual factors that may have driven violent extremist offending behavior demands a holistic programmatic response. At the outset, officials involved in the design and oversight of a JVEO's treatment plan should carefully consider the programmatic logic and theory of change to set objectives and benchmarks for progress, anticipate challenges, and define success.<sup>38</sup> A JVEO that is not ideologically radicalized to use violence may benefit less from a program focused on deradicalization as opposed to disengagement approaches. Intervention planning must also anticipate the duration of rehabilitation efforts and consider how to handle interruptions to or breaks in the interventions. Decision-makers must also consider the complementarity of interventions, how experts communicate and share insights and assessments of the

<sup>35</sup> Bangkok Rules, Preamble, para. 9 and Rule 64.

<sup>36</sup> D. A. Andrews and James Bonta, *The Psychology of Criminal Conduct* (Cincinnati: Anderson Publishing, 199, 1994), 45–77.

<sup>37</sup> Gina M. Vincent et al., "Risk Assessment in Juvenile Justice: A Guidebook for Implementation", Models for Change (November 2012), [http://njjn.org/uploads/digital-library/Risk\\_Assessment\\_in\\_Juvenile\\_Justice\\_A\\_Guidebook\\_for\\_Implementation.pdf](http://njjn.org/uploads/digital-library/Risk_Assessment_in_Juvenile_Justice_A_Guidebook_for_Implementation.pdf), p. 23.

<sup>38</sup> See for more information Tinka Veldhuis, "Designing Rehabilitation and Reintegration Programmes for Violent Extremist Offenders: A Realist Approach," ICCT–The Hague, March 2012, p. 16, <https://www.icct.nl/download/file/ICCT-Veldhuis-Designing-Rehabilitation-Reintegration-Programmes-March-2012.pdf>.

juvenile, and whether sequencing would make these interventions more effective.

Where possible, prison staff should work directly with JVEOs together with their parents or legal guardians to collaboratively formulate the rehabilitative approach and ensure consistency in expectations and transparency for those being treated. The involvement of a parent or guardian may also inform post-release planning, as in the case where a parent negatively impacts rehabilitative efforts. As with other juveniles, consideration of a JVEO's potential dual status as a victim and perpetrator, and issues specific to the age, gender, and disposition of the child, should be considered.

## DELIVERING REHABILITATIVE INTERVENTIONS FOR JVEOS

Juvenile rehabilitation interventions generally include elements of psychosocial counseling and mentoring, educational and vocational programs, arts, sports and recreational activities, and community and family engagement. These interventions also form the core components of custodial and non-custodial rehabilitation programming that have been applied to child combatants and juveniles who have defected from violent extremist activity.<sup>39</sup>

### Psychosocial Knowledge, Understanding, and Applied Approaches

Psychosocial interventions provide the basis for individuals to understand their involvement and offending and to cultivate skills and techniques to facilitate personal change (including emotional management, critical thinking, and coping mechanisms). Ongoing monitoring and evaluation of the juvenile's psychosocial development and behavior are crucial for measuring progress against his or her initial intake and ongoing risk assessment findings.

Mental health issues may precede or develop as a result of a JVEO's involvement in violent extremist activities or trauma due to abuse inflicted on them prior to or during their incarceration. Qualified mental health professionals are best placed to conduct counseling sessions, which may involve strength- and desistance-based approaches to help understand and address thoughts, feelings, and actions that may have contributed to offending behavior. This includes supporting children in developing alternative, prosocial ways of thinking and behaving that will enable them to desist from criminal conduct and decrease their likelihood of recidivism. Staff should also coordinate and maintain communication with religious counselors, therapists, or mentors who may also be providing social and psychological counseling and therapies. Youth suffering from acute mental illness should not be incarcerated but treated in appropriate mental health facilities.<sup>40</sup>

### Providing Mentorship by Credible and Competent Figures

Mentors deemed to be credible, competent, and compassionate can help support JVEO desistance by cultivating a positive relationship providing youth with a sense of meaning, purpose, structure, guidance and control over their future.<sup>41</sup> External mentors, properly screened to work with juveniles, can prove especially helpful because they may be perceived as neutral interlocutors unaffiliated with the prison system or government. Mentors may be drawn from across civil society, such as in local community organizations, schools, or faith-based groups. Former VEOs have also stepped into the roles of mentors to troubled youth. Able to speak to juveniles from their own firsthand experience, such mentors can be well placed to provoke JVEOs to reflect on their worldviews. Under certain circumstances, former VEOs may act as role models, demonstrating that successful rehabilitation is possible and desirable.

<sup>39</sup> For examples of programs that have been developed for adolescents, including former combatants, in conflict and post-conflict situations, see UNICEF, "Map of Programmes for Adolescent Participation During Conflict and Post-Conflict Situations", September 2003, [https://www.unicef.org/emerg/files/Map\\_of\\_Programmes.pdf](https://www.unicef.org/emerg/files/Map_of_Programmes.pdf).

<sup>40</sup> Havana Rules, art. 53.

<sup>41</sup> UN Interregional Crime and Justice Research Institute, *Building on the GCTF's Rome Memorandum: Additional Guidance on the Role of Religious Scholars and Other Ideological Experts in Rehabilitation and Reintegration Programmes*, n.d. [http://www.unicri.it/topics/counter\\_terrorism/UNICRI\\_SPAIN\\_Religious\\_Scholars\\_in\\_Rehab.pdf](http://www.unicri.it/topics/counter_terrorism/UNICRI_SPAIN_Religious_Scholars_in_Rehab.pdf).



## Conducting Effective and Rights-Compliant Deradicalization Programs

Some countries provide counseling to VEOs and JVEOs through deradicalization programs that specifically target the content of violent extremist ideologies. While not necessarily applicable to all VEOs and JVEOs, such counseling may provide poignant counternarratives to challenge violent extremist perspectives among those whose indoctrination encouraged offending behavior. Care should be taken to ensure that these efforts are not just a means to replace one form of indoctrination with another, however, and should be combined with other forms of education to strengthen a juvenile's decision-making and critical thinking skills. Deradicalization programs, particularly when pertaining to religious doctrines, should also avoid infringing on the child's right to practice his or her religion and customs. Mentors and counselors should be trained in strength- and desistance-based approaches to protect mentees from negative influences and guide them through constructive changes, rather than having a single focus on correcting beliefs viewed as wrong. There are potential advantages and disadvantages to counseling being delivered in groups or in one-to-one settings. Careful consideration should be given to these depending on the purpose and intended outcomes of the counseling.

## Ensuring Regular Access to Educational Programs and Vocational Training

Educational programs and vocational training are common interventions offered to juveniles as part of rehabilitation programs in both open and closed custodial settings. Juvenile offenders have the right to an education and opportunities for personal development under international law. For juvenile offenders, educational programs improve prospects of employment, can promote community engagement, and foster a sense of personal empowerment.<sup>42</sup>

Although certain restrictions may be placed on JVEOs due to their risk classification, access to these programs should be maintained where possible. Comprehensive programs that provide vocational training and subsequent job search and placement support, as well as continuing education programs, are important for fostering inclusion, providing a stable basis for reentry into society, and reducing the risk of recidivism.<sup>43</sup>

## Stimulating JVEOs through Arts and Recreational Activities

The arts, such as writing, the humanities, theater, or music, can provide a useful medium for JVEOs to explore inner conceptions of self and to develop a greater conscientiousness of the world they live in.<sup>44</sup> Creative therapies can support a stronger sense of social responsibility, foster comradeship among participating peers, and provide an effective means for young people to more meaningfully express their thoughts and feelings. Exercise is also an essential component for the mental and physical development of children. Sports and recreational activities offer more than an outlet for energy or aggression: they can also help build self-esteem and engender discipline and teamwork.<sup>45</sup>

## TRANSITIONING JVEOS OUT OF A JUVENILE FACILITY

The systematic continuity of care for juveniles should be ensured throughout the phases of custody and reentry or transfer to adult facilities. Some countries integrate prison and probation services under the same ministry or as part of the same unified agency. In other countries, these responsibilities are under separate ministries or outsourced to nongovernmental organizations or local authorities. A comprehensive and unified approach that leverages the support of local actors, external probationary authorities, and prison staff is ideal to maintain consistency in the case

<sup>42</sup> See Havana Rules, art. 45; GCTF, "The Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders," n.d., <https://www.thegctf.org/Portals/1/Documents/Framework%20Documents/A/GCTF-Rome-Memorandum-ENG.pdf> (hereinafter Rome Memorandum); good practice 16. See also UN Committee on the Rights of the Child, *General Comment No. 1: The Aims of Education (article 29)*, CRC/GC/2001/1, 17 April 2001, para. 2.

<sup>43</sup> See Havana Rules, art. 39, Beijing Rules, arts. 1.2 and 26.1; Council of Europe, "Guidelines for Prison and Probation Services Regarding Radicalisation and Violent Extremism," 2 March 2016, <http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/PCCP%20documents%202016/Guidelines%20for%20prison%20and%20probation%20services%20regarding%20radicalisation%20and%20violent%20extremism.pdf>, art. III (d)(15) (hereinafter Council of Europe Guidelines).

<sup>44</sup> See CRC, art. 31(2).

<sup>45</sup> See CRC, art. 47, Havana Rules, art. 32.

management, particularly where trust has been developed with the corrections staff.

### Postrelease Support

A successful transition from detention to the community requires planning prior to the juvenile's timely release. Postplacement support in accordance with the young person's needs such as housing, financial assistance, health care, education, and employment are critical for a successful reintegration process. JVEOs can face social integration issues upon their release, including ostracism and stigmatization, which can increase the risk of recidivism. Postrelease planning for JVEOs should seek to leverage positive ties with community resources and strengthen prosocial bonds around the individual's family and peers; social, cultural, and religious institutions; and other relevant community networks.

On the other hand, a JVEO may come from a family that is involved in violent extremist activity or have been strongly influenced to offend by certain family or community members. In these circumstances, difficult questions arise as to the best interest of the child: approaches include the placement of the juvenile in the care of a foster family, another family member or guardian, or a relocation to a group home removed from harmful influences. Such a measure may prove counterproductive in the context of JVEOs who will need the capacity to confront those that encourage reengagement in violence.

Juveniles, together with parents and community members, must learn to navigate and manage relationships in a healthy and constructive manner throughout the reentry process. Where possible, support and training should be provided to members of the juvenile's positive social network to prepare them to assist their loved one when his or her custody formally ends. For JVEOs in particular, overly restrictive or punitive restrictions on their liberty upon release may provoke noncompliance, and potentially

push them to reoffend. Probationary periods, monitoring and/or informal check-ins should be undertaken where possible, and progress should be recorded in the juvenile's postrelease records.

### Transition to Adult Facilities

JVEOs who "age out" of juvenile facilities may be diverted to the home or to care providers in the community, or they may serve the remainder of their sentences at adult facilities. A juvenile who turns 18 does not need to be moved to an adult facility in the scenario where continuing in the juvenile facility is in his or her best interest and not contrary to the best interests of the younger children in the facility.<sup>46</sup> For those individuals transferred to adult facilities, their reclassification as adult offenders should not mark an automatic shift toward guidelines pertaining to adult offenders or VEOs<sup>47</sup>. Rather, careful planning is required to ensure continuity of care following transition to an adult facility and is consistent with the best practice in case management.

The transition from a juvenile system to an adult prison can have far-reaching implications for the transferred youth. The transition can mark a disruption in the personal development of young offenders with potential negative implications for their identity formation, relationships, and progress made in their rehabilitation plan. Institutionally, transfers may present a shift from the more rehabilitative and individualized principles of juvenile justice to a corrections environment that is all too often premised on retribution and confinement.

## CONCLUSIONS

The juvenile justice system's treatment of children in conflict with the law is anchored on their reformative potential. Authorities entrusted with the management and rehabilitation of JVEOs in detention may at times lose sight of this potential, attributable in part to the assumptions attached to the "VEO" label and where the exigencies of national security may place strains on

<sup>46</sup> UN Committee on the Rights of the Child, *General Comment No. 10: Children's Rights in Juvenile Justice*, CRC/C/GC/10, 25 April 2007, para. 86. Whereas national law may dictate the age of legal adulthood, such demarcations are unsupported by neurological evidence of maturity or do not constitute a naturally occurring break in offending behavior. Offenders 18 to 24 years old may be more similar to juveniles than to adults in their offending, maturation, and life circumstances. National Institute of Justice, "From Juvenile Delinquency to Young Adult Offending," modified March 11, 2014, <http://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>.

<sup>47</sup> For examples of guidelines developed specifically for VEOs, see Rome Memorandum and Council of Europe Guidelines.

the justice system. Rather than exceptionalizing JVEOs, this brief presents management approaches and interventions tailored to this group that must be viewed primarily through the prism of juvenile justice.

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. 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 reform and security are compatible and mutually reinforcing when the principles of juvenile justice are upheld.

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