



DESCRIPTION OF THE ACTIVITY FOR CREDIT RECOGNITION IN UNDERGRADUATE STUDIES

Course: La radicalización en la sociedad actual: conceptos, procesos y soluciones.

Course 2023/2024 (1 credit by 25 hours students' activity)

1. Contents of the course. Venue

The training course is organized by the Vice-Rectorate for Mobility and International Cooperation. The training proposal will provide students with a knowledge base on different topics related to radicalization and hate messages, a highly topical issue given the spread of religious extremism. The analysis of the concepts, processes and solutions in Spanish and international society will be the main focus of the training blocks.

The hybrid course, with an initial face-to-face part followed by an online phase, is fundamentally practical and dynamic. Registration will be open to the university community in general, especially to students in the field of Social Sciences such as Education, Law, Social Work, Communication, among others. The interest can be very varied as it is a hot topic and of relevant current relevance in today's world.

The continuous participation of the students will be manifested in the interventions in the different forums and debates arising in the development of the course and through the virtual platform created for this purpose.

The training will be divided into 4 blocks, taught by the expert in the field, Dr. Ana María Salinas. A gender and human rights approach will be ensured in the presentations and subjects taught.

Relevant information:

- The training proposal is made in the framework of a European Erasmus+ project in which the University of Malaga participates through the Vice-Rectorate for Mobility and International

Cooperation: Project AURORA, Alliance of Universities to Reinforce teacher training curricula and Outcast Radicalism and promote equality in Asian societies.

- In order to pass the course, it will be necessary to attend 80% of the sessions and successfully complete a competency assessment at the end of the training.
- The course will be held over two weeks, in two afternoon sessions of three hours each, including a total of 12 hours of classroom training, plus 13 hours of online work, with a final evaluation session and conclusions, which means 25 hours of training.

The thematic modules are summarized below. The speaker will be Professor Ana María Salinas, Professor of the Department of Political Science, International Law and Procedural Law at the University of Malaga:

TRAINING MODULES:

MODULE 1 (3h): Introduction and general concepts

The aim is to situate the student before the phenomenon of radicalization, addressing:

- Key social actors
- Key legal actors
- Vulnerable communities and groups
- Key concepts of the radicalization process
- Key principles in the treatment of radicalization and violent extremism
- Potential definition

MODULE 2 (3h): Study of the Radicalization Process

This module deals with concrete examples of radicalization processes that have ended either in the commission of terrorist attacks or in participation in the activities of terrorist groups, emphasizing

the aspects with close connection to education and training. Emphasis will be placed on both psychosocial and legal aspects. Potential connections with other criminal activities and the role of radicalization as a process will also be studied.

MODULE 3 (3h): Case Studies and related law

In the action against radicalization it is obligatory to observe due respect for human rights. In this sense, numerous jurisprudence produced by the ECtHR on multiple aspects of this obligation are composing the minimum content of respect for these rights in this framework, so it is especially useful to study key cases to understand how to act in practice in accordance with this obligation.

MODULO 4 (2h + 1h evaluation): Radicalization of third parties

The process of radicalization can be their own, including in recent years in a very significant way the phenomenon of self-radicalization, especially online, or be episodes of radicalization of third parties, which have also suffered in recent years a volition in the methods that trainers and educators should know.

The last hour of this module will be dedicated to the evaluation of the course contents.

COMPETENCIES THAT STUDENTS WILL ACQUIRE WITH THE COMPLETION OF THE COURSE:

1. Identify the key elements of the radicalization process.
2. Understand the general principles governing action against radicalization.
3. Be aware of the new challenges affecting the radicalization process and the obligation to respect human rights in such action and the difficulties this entails.
4. Understand the differences in the radicalization processes of men and women.
5. To be aware of the existing gaps in combating this phenomenon and the current difficulties.
6. To understand the key and privileged role of education professionals in the processes of de-radicalization.

7. To understand the importance and usefulness of a global approach to the phenomenon of radicalization and violent extremism and the measures to combat them.
8. To know the international instruments on radicalization.
9. To understand the overall impact of rehabilitation measures adapted by education professionals and their effects on the social rights of the person concerned and his family.

Criterios de selección de alumnos/as si las solicitudes superan el número de plazas:

Las plazas se asignarán por orden de inscripción online al alumnado de la Universidad de Málaga que justifique su interés en participar. La inscripción es gratuita.

1. Responsible of the activity

Susana Cabrera Yeto. Vicerrectorado de Movilidad y Cooperación Internacional de la Universidad de Málaga.

Email: vrinternacional@uma.es

Telephone: 952 13 32 03

2. Schedules

The training course will be held on Tuesdays, October 17 and 24, and Thursdays, October 19 and 26, 2023 from 15:00 to 18:00 at the Teatinos Campus. The last session will take place in the second week of November 2023.

3. Evaluation

For the evaluation of the activity it is specified: Students must answer questionnaires that are planned after the completion of the training course on the acquisition of competencies.

Once the information has been collated, the interested party is issued a document signed by the Head of the International Relations Service of the UMA in which the name of the interested party and the number of hours spent in the training course are specified.

**RADICALISATION PREVENTION: IMPROVING
THE CRIMINAL JUSTICE RESPONSE IN EUROPE TO
PREVENT RADICALISATION LEADING TO TERRORISM AND
VIOLENT EXTREMISM
MODULE I**



INTRODUCTION & PREMILINARY REMARKS

•**Radicalisation** and violent extremism **undermine** collective efforts towards enjoying **peace and security**, fostering **sustainable development**, respecting and promoting the **rule of law**, protecting **human rights** and achieving **fair societies** with more opportunities for everyone. Violent extremism **aggravates** perceptions of **insecurity** and so compromises economic growth, threatening to reverse much of the development progress made in recent decades in some regions of the world and perpetuating social, political en economic instability and conflict all over the world.

•Impunity and injustice create an environment of insecutirty and helpness. Terrorist organizations have much benefited from this situation. Therefore it is **urgent to end impunity** for all those committing terrorist offences and fostering radicalisation conducive to terrorism and violent extremism, as it is likewise urgent to bringing them to justice.



INTRODUCTION & PRELIMINARY REMARKS

•**EU Council of Justice and Home Affairs** of November 2015 focused on **criminal justice aspects** concerning radicalisation conducive to terrorism, underpinning the prominent role played by radicalisation either in prisons and through the internet. The **GCTF** also addressed new problems for criminal justice posed by new technologies in The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon, reiterated later on in its Addendum to the said document. Also the **UN Secretary General** presented an Action Plan to Prevent Violent Extremism in December 2015.

•Quality research has been done concerning the drivers of violent extremism and radicalisation conducive to terrorism; however no authoritative statistical data on the pathways towards individual radicalisation exist. There are some recognizable patterns that include “**push**” and “**pull**” factors. Amongst them it is worthy quoting the following: lack of socioeconomic opportunities, marginalization and discrimination; poor governance, corruption, violations of human rights and the rule of law; and prolonged unresolved conflicts.

“Push factors”: conditions conducive to violent extremism and the structural context from which it emerges

“Pull factors”: individual motivations and processes which play a key role in transforming ideas and grievances into violent extremism action

INTRODUCTION & PRELIMINARY REMARKS

- New challenges have been added to those created by new forms of committing terrorist attacks and also new technologies used by terrorist organisations. **UNSC Resolution 2178** underscores the importance of law enforcement tools in countering radicalisation and threats posed by FTF, homegrown terrorism and returnees (RTTF).
- States must adopt a **comprehensive approach** based on a combination of preventative, security, criminal and rehabilitative measures addressed to the repression of terrorist acts, the prevention of further radicalisation and, ultimately, the reintegration of radicalised individuals or terrorist offenders into society.
- Investigating, prosecuting and detaining RTTFs who have committed serious crimes; identification, detection, prosecution and rehabilitation of RTTF; tracking and timely detecting of their travel; accurately evaluating the risk posed by such individuals; mastering risk-assessment tools are but **some of the main worries and responsibilities taken over by justice professionals.**

UNSC Resolution 2178:

<https://www.un.org/sc/suborg/en/s/res/2178-%282014%29>

UN Secretary General Plan of Action to Prevent Violent Extremism:

<https://www.un.org/sc/suborg/en/s/res/2178-%282014%29>

INTRODUCTION & PRELIMINARY REMARKS

- According to the aforementioned **new challenges and lacunae** this course aims at **improving the criminal justice response in the EU to prevent radicalisation leading to terrorism** by increasing the capacities and mutual trust of primarily justice practitioners dealing with radicalisation prevention through training, inter-agency and cross-border co-operation
- Overall structure of this course includes: Module I concerning introductory issues, general view and main concepts; Module II on International and European Legal framework of the action against radicalisation; Module III addressed to judges and prosecutors concerning a number of issues related to criminal procedure; Module IV addressed to judges and prosecutors concerning special investigative techniques; Module V on detainees and foreign detainees; Module VI on basic questions concerning prison and probation services; Module VII particularly focused on prisons; Module VIII specifically devoted to radicalisation and prisons and a specialized module on probation and radicalisation. Therefore, main contents split into two main fields: issues related to judges' and prosecutors' procedural worries (Modules II, III & IV) and prison and probation officers (Modules V, VI, VII & VIII).

- Additional resource can be:
1. **More text** (big data / write in "notes")
 2. External info

Add here all media to be used

Key legal authorities/actors

Countering radicalisation involves a **co-operative work** on the side of **involved key legal actors** through a **inter-agency methodology**, fostering fast, deep and consistent direct cooperation mechanisms, making recourse to **established networks** and benefiting from **shared data bases and resources**, joint investigative teams and direct contacts grounded on **mutual trust** and mutual legal assistance legal instruments.

EUROJUST

www.eurojust.europa.eu

EUROPOL

www.europol.europa.eu

EUROPEAN JUDICIAL
NETWORK

www.ejn-crimjust.europa.eu

NATIONAL FOCAL
POINTS

LIAISON
MAGISTRATES
www.eur-lex.europa.eu

POLICE & LAW
ENFORCEMENT
OFFICERS

PRISON &
PROBATION
OFFICERS

INTELLIGENCE
AGENCIES

LAWYERS



Visual description, image, or sketch:

Key social/ community peers

Action against radicalisation and violent extremist conducive to terrorism has demonstrated that only a cooperative and constructive **dialogue between civil society and governmental actors** (agencies, institutions) can be successful. While the government’s role is central in this task, involving civil society and social and community actors can produce **more effective results**. Efficiently and effectively addressing conditions conducive to radicalisation, violent extremism and ultimately terrorism needs the **cooperation of a broader range of actors**, in particular relevant local actors having a strong ties with relevant local communities (see modules III, V & VIII)

MENTORS

NGOs

REPENTEES

PSYCHOSOCIAL
WORKERS

RELIGIOUS LEADERS

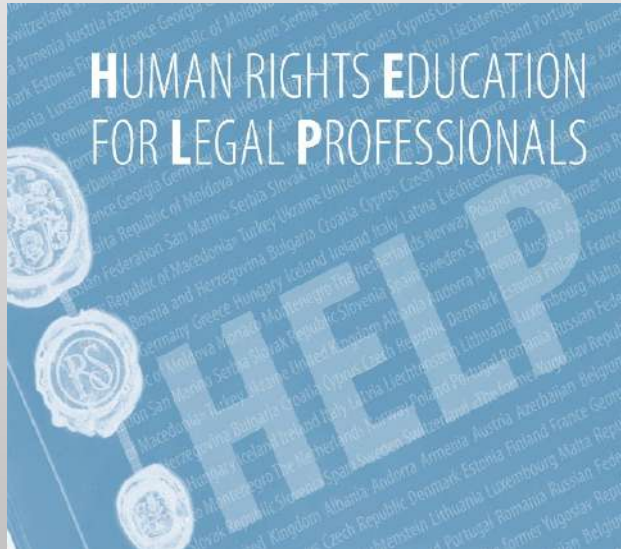
INTERCULTURAL
MEDIATORS

WOMEN AS FIRST
CAREGIVERS

FAMILY

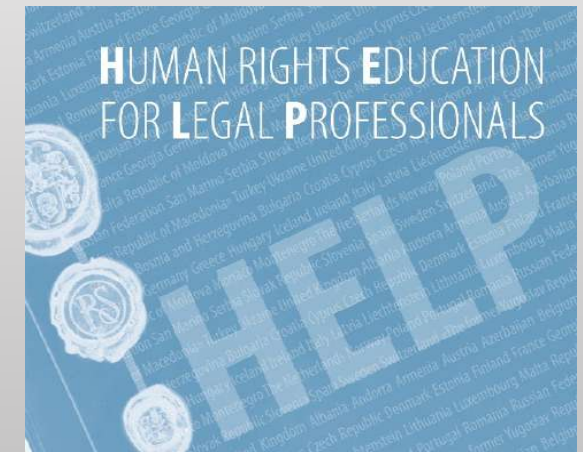
SCHOOL

Voiceover and/or other audio:



SECTION I: LEARNING OBJECTIVES

- To understand the concept of radicalisation in its dynamic dimension
- To understand its particular nature far from a clear legal concept
- To be aware of different approaches to the radicalization concept, consequences of choosing any of them and of current existing definitions
- To learn about radicalisation key elements
- To grasp general principles ruling action against radicalisation
- To be aware of new challenges concerning the radicalisation process
- To be aware of existing lacunae for legal professionals in this regard



OVERVIEW AND CONCEPTS

- **Radicalisation** runs counter **international peace and security**, undermines **sustainable development** and results in breach of **human rights**. Additionally, the spread of violent extremism has aggravated an **unprecedented humanitarian crises**.
- The **rise of radicalization leading individuals to violent extremism** or somehow contributing to the organization, planning, financing or materially carrying out terrorist attacks has alarmingly increased nowadays.
- **New forms** of perpetrating terrorist attacks with a global impact; joint action of **terrorism and transnational organised crime (TOC)**; the criminal use of **new technologies**; Foreign Terrorist Fighters (**FTF**) returning their home (**returnees**); **home-grown terrorism**; or the fact of the boundaries between the two being blurred nowadays are but some of the factors playing a leading role in this regard.



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OVERVIEW AND CONCEPTS

- A **preventative approach** has now proved to be crucial in an efficient and fruitful action against terrorism.
- Radicalisation **has been faced** along the last two decades **from a sole securitarian perspective** by security-based counter-terrorism measures that have finally proven to be insufficient.
- Facing radicalization from a human rights and rule of law perspective, by means of a **preventative approach is most needed** and constitutes one of the most effective ways of combating terrorism.



OVERVIEW AND CONCEPTS

Action against radicalization should serve **two main purposes**:

- a) **to reinforce the legal framework** against terrorism and violent extremism;
- b) **to prevent radicalization** in places where it is currently taking place: schools, prisons and on the internet.

A **preemptive approach** has proved to be **crucial** in an efficient and fruitful action against terrorism. Facing radicalization and the best form to combat it is one of the most important preemptive means to fight terrorism.

Conclusion: combating radicalization means preventing terrorism and requires close international cooperation



RADICALISATION: KEY CONCEPTS

Not a legal
concept

Rather a
process

Relates to a
deep print

Absent from
criminal laws

Radicalization is **not *per se* a legal concept**, but it is something that has much more to do with motivation, frustration, deprivation, manipulation, discrimination etc.

It is something that, first, **relates to a process**: it is not a single fact or event, but a path that somebody follows for a long or short time.

Second, something that **has much to do with external factor** leaving a deep print on human soul and, therefore, something very difficult to understand, to grasp and to counter using the law as the sole weapon.

Third, radicalization is **hardly dealt with in domestic criminal laws** or penal codes; it sometimes appears as an aspect related to terrorist offences

CONCLUSION

Deepening our knowledge on radicalisation is working in preventing terrorism



BUTTON 1: “In the cause of terrorist violence, the process leading to engagement with extremist organizations came to be referred to as radicalisation, a loose and vague term that accounts for the means by which an individual comes to support, engage with or carry out a terrorist act in support of or as a member of a terrorist movement” (...)

“The actions of terrorist actors are not necessarily the result of some clear-cut pathway that starts with social activism or radical politics and ends in violent extremism; it is vital that we take evidence-based approach when attempting to understand terrorism” (...)

“for the criminal justice professionals acting within the confines of a particular legal system, the terrorist actor must be understood and considered in his/her local context in conjunction with the entirety of their social network, personal background, ideological affiliations and offending history”.

Lynch, O., Understanding Radicalisation: Implications for Criminal Justice Practitioners, Irish Probation Journal, vol. 14, Oct. 2017.



Interaction, branching, etc:

BUTTON 2: Stages in the radicalisation process:

1º: PERSONAL CONCERN

There are victims of Occident's actions. These situations evolve quickly from "they" ("They are victims of...") to "we" (We are victims of...")

2º: VICTIMISING

There is a dilemma: the person that does not identify himself/herself with the victims and that does no "help" spreading in the Web this "terrible situation" is a bad mate (a bad Muslim if it is about jihadist terrorism)

3º: SOLUTION

The dilemma is solved: the radicalised individual shows him/herself clearly prone to and start supporting terrorist groups in different ways; he/she shares the organisation's ideology and looks for his/her membership or for contacting their members through the Internet or via social networks.

4º: ACTIVISM

Violence is justified; the individual starts preparing him/herself for martyrdom. He/she collects specific information about DAESH or any other terrorist group and helps to its divulgation; direct threats are published and loyalty oaths are also published, so that they make evident that death has been assumed and is wished.

Radicalisation is an evolutive process ending in violent action



BUTTON 3: People engage in terrorism for many reasons: peer pressure, opportunity, economic profit, family history, boredom, politics, ideology, poverty, oppression, disenfranchisement, etc.

Separating the process of embracing radical ideas and/or engaging in radical behaviour from the motive for doing so is much needed. Radicalisation takes place as a result of a change in the cognitive sphere of the individual (mind) or as a result of a change in the behavioural sphere of the individual (action); therefore, ideology is not the sole reason explaining a process ending in radicalisation conducive to terrorism.

There are multiple, diverse and even competing processes that lead to engagement in terrorist activity or with a terrorist group.



BUTTON 4: “Mechanisms that underlie radicalisation and terrorism are built on our understanding of individual and group behaviours. Radicalisation is a phenomenon only to be understood from a multidisciplinary approach that includes pathways into crime from the discipline of criminology; group dynamics from the field of psychology; and social movements from sociology”

Practitioners’ focus must be dominated by a holistic approach to understanding the person and his/her personal individual and collective experience.



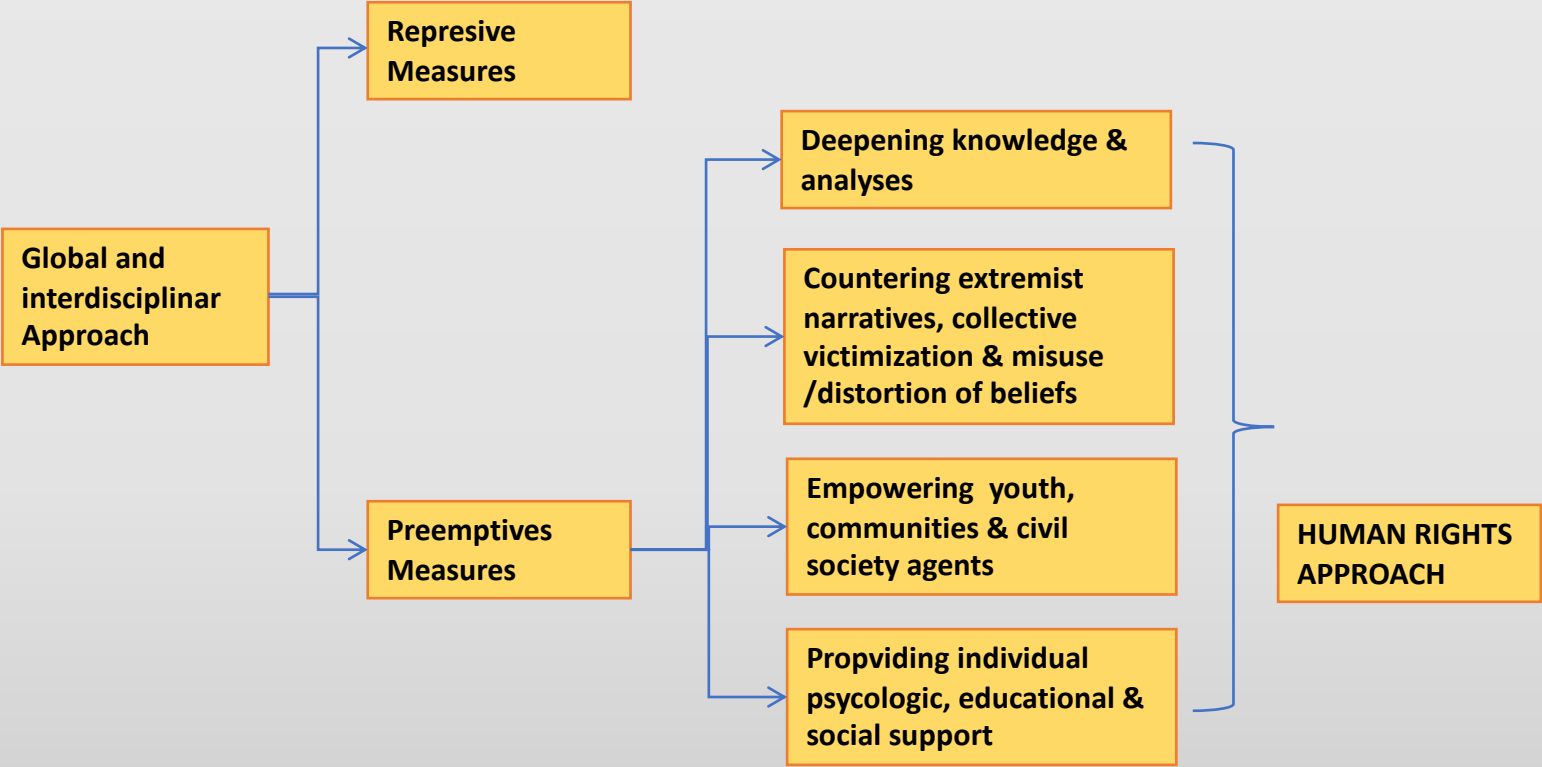
POTENTIAL DEFINITION

According to the CoE Guidelines for Prison and Probation Services regarding Radicalisation and Violent Extremism:

“radicalization represents a dynamic process whereby an individual increasingly accepts and supports violent extremism. The reasons behind this process can be ideological, political, religious, social economic or personal”



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COUNTERING RADICALISATION IN MOTION

RADICALISATION KEY ELEMENTS

The terrorism threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts including those motivated by intolerance or extremism: **determination to combat this threat (UN Res. 2148)**

BUT:

Respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures, and are an essential part of a successful counter-terrorism effort

Failure to comply with these international obligations is one of the factor contributing to increased radicalization and fosters a sense of IMPUNITY

Conclusion: fighting radicalisation without respecting human rights runs counter International Law and is counter productive



RADICALISATION KEY ELEMENTS

- **Terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, or civilization.**
- **Searching for the root causes of radicalization must be a priority;** in this regard full respect of economic, social and cultural rights are a key factor.
- **Democracy and the rule of law must be respected** when preventing radicalization.



Conclusion: fighting radicalisation is only possible by means of a human rights approach

RADICALISATION GENERAL PRINCIPLES I

CoE Action Plan against violent extremism and radicalization

leading to terrorism clarifies the **cornerstone principles** of the action against radicalization conducive to terrorism:

1. **Respect for human rights:** interference with some human rights and some fundamental freedoms might occur, e.g., freedom of speech or right to information. Law enforcement agents cannot lose sight of this main pillar. Most of domestic strategies for countering radicalization do not mention this key element. In many cases they include a list of potentially dangerous people creating in so doing targeted groups.
2. **Respect of obligation under International Humanitarian Law and under International Refugee Law.**



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Conclusion: Action against radicalisation must respect Human Rights Law, Refugee Law and Humanitarian Law

RADICALISATION GENERAL PRINCIPLES II

3. **Democracy and the rule of law** must be respected when preventing radicalization. Provisions not sufficiently acute (e.g. when regulating intelligence services), may endanger human rights and fuel too restrictive measures. How far can we go in protecting democracy without jeopardizing the rights and freedoms that we intend to protect; the rule of law?

In this regard, the **ECtHR** has set up that: “It is a natural consequence of the forms taken by present-day terrorism that governments resort to technologies in pre-empting terrorist attacks (...) Governments can acquire a detailed profile of the most intimate aspect of citizens’ lives causing deep invasive interferences with private life” (Ahmet Yildirim v. Turkey).



Conclusion: *It is mandatory for States’ law enforcement agents to comply with general principles*

RADICALISATION GENERAL PRINCIPLES III

4. **Searching for the root causes** of radicalization must be a priority; in this regard full respect of economic, social and cultural rights are a key factor.

5. **Cooperative action** is welcomed as a more fruitful one than individual state action. Need to reinforce states international cooperation in criminal matters. A preventive approach should be prioritized rather a repressive approach.

6. Action against radicalization should **serve two main purposes**: a) to reinforce the legal framework against terrorism and violent extremism; b) to prevent radicalization in places where it is currently taking place: schools, prisons and on the internet.

7. Terrorism and violent extremism conducive to terrorism cannot and **should not be associated with** any religion, nationality, ethnic group, race, culture or civilization



Conclusion: Only States' action in compliance with this principles has proven to be effective against radicalisation

Main rights and liberties being dealt with by the ECtHR adjudicating on situations somehow related to terrorism :

- **Right to life**
- **Prohibition of torture & inhuman or ill treatment**
- **Prohibition of arbitrary detention**
- **Right to a fair trial and to due procedural guarantees**
- **Legality Principle**
- **Right to private and family life, private correspondence detainee/lawyer**
- **Freedom of association, religion, beliefs, information, expression**
- **Right to a legal remedy, prohibition of discrimination**

ACTION AGAINST RADICALISATION & LIMITS: HUMAN RIGHTS

Even if the European Court of Human Rights (ECtHR) has no particular competence or power to adjudicate on terrorism offences *per se*, the way in which a State Party to the European Convention on Human Rights fights against terrorism can result in breach of a human right or a fundamental liberty enshrined in the ECHR. According to this, **hundred of cases have been decided by the ECtHR concerning terrorist attacks or States counter-attacks responses**, strategies and policies where the ECtHR has had the opportunity to **settle down some crucial principles on how to counter terrorism** and preparatory offences **while respecting human rights and the rule of law** (see Module II).

ECHR most affected provisions

- Article 2
- Article 3
- Article 5
- Article 6
- Article 7
- Article 8
- Articles 9, 10 & 11
- Article 12
- Article 13



RADICALISATION: NEW CHALLENGES/LOOP HOLES

- **New technologies** have a crucial role in modern terrorism:
 1. In order to **disseminate** terrorist propaganda mainly through the Internet;
 2. For **recruiting** sympathisers;
 3. **Training** on how to contribute to terrorist actions, groups, etc
 4. For the purposes of **self-radicalisation**
 5. As a **barrier for collecting evidence** or using it
- T'aqya is used as a form of hiding radicalisation



Conclusion: a global interdisciplinary approach is most needed

RADICALISATION PREVENTION

MODULE II: INTERNATIONAL & EUROPEAN LEGAL FRAMEWORK



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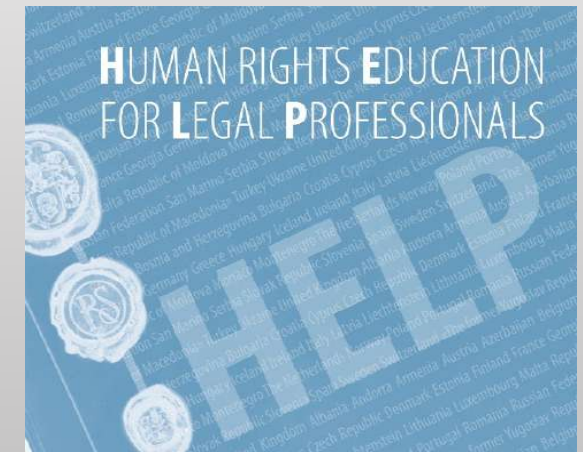
INTERNATIONAL LEGAL FRAMEWORK

INTRODUCTION

- Radicalisation is not a legal concept, therefore **international legal instruments only make a reference to it when dealing with root causes conducive to terrorism or other forms of violence.**
- This means that when such a concept appears on an international treaty it is mentioned in its **preamble**, but at the international level **there does not exist a single legal instrument singularly devoted to** or focused on radicalisation. In any case the preamble of a treaty has the same legally binding effects for States parties to it as its provisions have.
- Nevertheless **UN organs have progressively paid more attention** to radicalisation because of its connection with terrorism, particularly UN Security Council once terrorism has been considered as a threat to international peace and security under Chapter VII of the UN Charter.



Interaction, branching, etc:



A. UN LEGAL INSTRUMENTS

UNSC
Documents

UNGA
Documents

UN Secretary
G. Documents

UN
Conventions

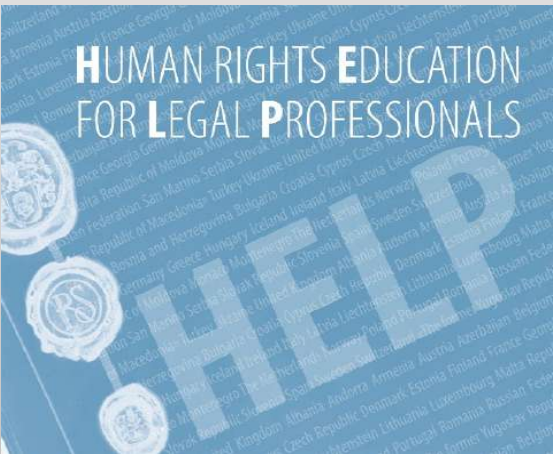
UN Security Council has dealt with terrorism since the first terrorist attacks took place. However, only in the 80' has the SC considered **terrorism as a threat to international peace and security**, which means that it is one of the gravest menaces that the international community can suffer from. It means also that the UNSC can use its enlarged powers under **Chapter VII**:

“Countering violent extremism, which can be conducive to terrorism, including preventing radicalization, recruitment, and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters is an essential element of addressing the threat to international peace and security posed by foreign terrorist fighters, and calls upon Member States to enhance efforts to counter this kind of violent extremism”
(UNSC 2178)

Conclusion: Preventing radicalisation crucially contributes to preventing terrorism and also to peace and security



Interaction, branching, etc:



B. EUROPEAN LEGAL FRAMEWORK

At the European level different organizations are active in this field. In this course special attention will be paid to the two most important ones as far as their capacity for producing legal instruments is concerned, the **Council of Europe**, composed of 47 member states, including those belonging to the EU, and the **EU**. Meanwhile the Council of Europe is a international organization for **state intergovernmental cooperation**, the European Union is an **integration organization**. Therefore, **legal instruments emanating from both instances are different**: international conventions in the case of the former, own legal instruments (regulations, directives, framework decisions) in the case of the latter. **All of them are legally binding instruments** for states parties to such organizations. Additionally, there are **also other inspiring instruments** for setting up national standards on the issue, in particular in the Council of Europe, being very helpful for legal professionals that we'll be also taken into account.

CONCLUSION: *European legal practitioners count on two main different kind of instruments: 1. legally binding instruments: here EU and CoE have a privileged role; 2. guidelines, good practices and informative resources.*



Interaction, branching, etc:



1. COUNCIL OF EUROPE INSTRUMENTS/LEGAL FRAMEWORK

The Council of Europe is an international organisation composed of 47 member States, including 28 member States of the EU. According to its statute, the CoE has as one of its main power **to enhance intergovernmental cooperation amongst its member states** in a number of areas. They include **cooperation against terrorism, common action against radicalisation and violent extremism leading to terrorism** and **capacity for standard setting** as far as human rights and fundamental freedoms are concern with regard to the action of member states in those areas. The main source of obligations for CoE member states in this regard are international treaties adopted in its framework. Rights and duties set up thereby can embrace individual rights being brought before the ECtHR in case of violation. **Respect for the Rule of Law and human rights** are the cornerstone of CoE action in this field.

European Convention of Human Rights (ECHR)

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

Convention on Cybercrime

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185>

Additional Protocol on criminalisation of acts of a racist and xenophobic nature committed through computer systems

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189>

European Convention for the Prevention of Torture

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/126>

Additional Protocols 1&2

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/151>

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/152>

European Convention on the Suppression of Terrorism

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/090>

Additional Protocol

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/190>

Council of Europe Convention on the Prevention of Terrorism

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/196>

Additional protocol

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/217>



Visual description, image, or sketch:

The ECHR enshrines a number of fundamental rights and freedoms that can be breached by states' action against terrorism. The ECtHR is the most experienced international court on terrorism matters, having decided more than 600 cases on the issue. Radicalisation per se is not covered by the ECtHR case law as this is not a criminal offence nor is it included anyhow in the ECHR. However, any action on the side of States parties to it that disregards the protection of certain human rights can contribute to an individual's radicalisation. Although no terrorist action can be justified the Court has found certain States parties policies, strategies and actions when combatting terrorism in violation of some of the rights enshrined in the Convention and it has firmly so adjudicated.

The **Court** has refused to strike a balance between the so-called "national security" imperative and the basic rights of the suspected offender, or to accept exceptional circumstances as justification for an exceptional, derogatory or emergency interpretation of the Convention provisions in terrorism-related cases. To the contrary, it has **repeatedly ruled that respect for human rights, even of persons suspected of having committed terrorist acts, is an essential element to any democratic society and a precondition for the rule of law.** It can be firmly argued that the spurious arguments calling for an abandonment of human rights guarantees and for the granting of unlimited powers to the executive are rejected.

Voiceover and/or other audio:

European Convention of Human Rights (ECHR)

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

For the case law of the ECtHR :
<https://hudoc.echr.coe.int/eng>

Interaction, branching, etc:



The **Cybercrime Convention** is the first international treaty on **crimes committed via the Internet and other computer networks**, dealing particularly with computer-related offences and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception. Its main objective, set out in the preamble, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation. As far as radicalisation is concerned the Convention has a leading role to play according to the crucial position enjoyed by the world wide net and social networks when used for terrorist purposes. They have become the most effective way in order to facilitate massive and anonymous radicalisation. Moreover, the use of cyberspace for the spread of radical ideology, extremism, violence and terror has been countered by the additional protocol to this Convention, setting up limits to the freedom of expression and speech.

The case law of the ECtHR has been decisive and very clear in this point. An increasing number of judgements concerns public invitation to commit terrorist offences or terrorist propaganda as well as hate speech issues. Some clear guidelines are set up:

1. Freedom of expression plays an essential role in the overall fairness of counter-terrorism operations, constitutes one of the foundations of a democratic society and is one basic condition of its progress. It allows a healthy exchange of ideas and information.

2. This right is applicable also to ideas that offend, shock or disturb or may be divisive, as an inherent requisite of a democratic society. The Court has accepted a States' margin of appreciation. The national law restricting this right has to be a quality law, public, accessible and compatible with the rule of law; and necessary (a pressing social need must exist).

Case of Kasymakhunov v. Russia

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22Saybatalov%20v.%20Russia%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-117127%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22Saybatalov%20v.%20Russia%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-117127%22]})

Case of Ahmet Yildirim v. Turkey

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22ahmet%20yildirim%20v.%20turkey%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-115705%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22ahmet%20yildirim%20v.%20turkey%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-115705%22]})

Case of Vissy & Szabo v. Hungary

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22vissy%20v.%20Hungary%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-160020%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22vissy%20v.%20Hungary%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-160020%22]})



Visual description, image, or sketch:

Torture runs counter most basic human rights of any person. That's why **the prohibition of torture**, according to the ECtHR case law, **is absolute** and no circumstances, even a new dimension of terrorism and difficulties in fighting it, can justify any derogation of this principle, as stated in Art. 15 ECHR. **Prohibition of torture constitutes one of the fundamental values of a democratic society.** The fact that the offence might be a terrorist offence can not be an element taken into account in order to infringe or limit this right, even if the Court is aware of difficulties that may arise in cases such as questioning detainees suspected of terrorist acts who may put up exceptional resistance. The same rejection of any exception to the prohibition of torture has been extended to cruel, inhuman or degrading treatment.

Grievances related to torture suffered by detainees or prison inmates accused of terrorist acts have demonstrated to play a crucial role in spreading terrorist ideology and extremism and has proven to be one of the most powerful radicalising factor.



Voiceover and/or other audio:

Case of El-Masri v. The Former Yugoslav Republic of Macedonia

<http://hudoc.echr.coe.int/eng?i=001-115621>

Case of Kurt v. Turkey

<http://hudoc.echr.coe.int/eng?i=001-58198>

Case of Husayn (Abu Zubaydah) v. Poland

<http://hudoc.echr.coe.int/eng?i=001-146047>

Case of Al Nashiri v. Romania

<http://hudoc.echr.coe.int/eng?i=001-183685>



Visual description, image, or sketch:

The Convention is **designed to facilitate the extradition of persons having committed acts of terrorism**. It lists the offences that Parties undertake not to consider as political offences, or as offences connected with political offences, or as offences inspired by political motives, namely acts of particular gravity. Moreover, the **Convention empowers Parties not to consider as a political offence any act of violence against the life, physical integrity or liberty of a person**.

It is expressly provided that nothing in the Convention shall be interpreted as imposing an obligation upon a Party to extradite a person who might then be prosecuted or punished solely on the grounds of race, religion, nationality or political opinion.

The Amending Protocol has considerably extended the list of offences to be "depoliticised" to cover all the offences described in the relevant UN anti-terrorist Conventions and Protocols. The classical discrimination clause has been expanded to include a clause authorising the refusal to extradite to a country where there is a risk of applying a death sentence, or a risk of being subject to torture or life imprisonment without parole.



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Voiceover and/or other audio:



Interaction, branching, etc:



CoE **Convention on the prevention of terrorism** is a legal instrument searching for increasing the effectiveness of existing international texts on the fight against terrorism by means of **punishing terrorist preparatory acts**. It aims to strengthen member States' efforts **to prevent terrorism** in two different ways: a. **by establishing as criminal offences certain acts that may lead to the commission of terrorist offences**, namely: **public provocation, recruitment and training**; and b. **by reinforcing co-operation on prevention** both internally (national prevention policies), and internationally (modification of existing extradition and mutual assistance arrangements and additional means).

As for radicalisation, Art. 3 rules that each Party shall promote tolerance by encouraging interreligious and cross cultural dialogue involving, where appropriate, non-governmental organisations and other elements of civil society with a view to preventing tensions that might contribute to the commission of terrorist offences.

The **Protocol to the Council of Europe Convention on the Prevention of Terrorism** makes a number of acts, including taking part in an association or group for the purpose of terrorism, receiving terrorist training, travelling abroad for the purposes of terrorism and financing or organising travel for this purpose, a criminal offence. The Protocol also provides for a network of 24-hour-a-day national contact points facilitating the rapid exchange of information.

It **continues criminalising preparatory offences, in this case new ones directly related with the Foreign Terrorist Fighters (FTF)** phenomenon. In this regard radicalisation is not directly addressed by the Protocol but many of the behaviours described in the offences being criminalised show a direct and close connection with it.



2. OTHER COUNCIL OF EUROPE INSTRUMENTS

The **Council of Europe** counts on a powerful and well fuelled machinery ready to produce also **non-legally binding instruments**. They are nonetheless **crucial** as far as **standard setting** in a huge number of areas is concerned, almost all of them very sensitive areas in close connection with human rights respect and protection. In this regard it is worthy mentioning those which show a narrow relationship with radicalisation. From a formal point of view **they are not legally binding instruments**, but taking into account that most of those instruments have to do with a convention to which most states members are parties; that **they have been adopted by consensus** within the Committee of Ministers of the CoE (CM), the organisation's highest political organ; and the fact that many of them result from the work of the monitoring bodies established by those conventions, **they enjoy a privileged status from a legal point of view** and states feel themselves constrained by the recommendations so agreed upon.

DIRECTLY RELATED INSTRUMENTS

CoE Action Plan on The fight against violent extremism and radicalisation leading to terrorism

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c3576

Guidelines for prison and probation services regarding radicalisation and violent extremism

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806f3d51>

OTHER SIDE INSTRUMENTS RELATED TO RADICALISATION

European Rules on community sanctions and measures

https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680700a5a

Council of Europe Compendium of conventions, recommendations and resolutions relating to prisons and community sanctions and measures

<https://rm.coe.int/compendium-e-2018/16808ae2cf>

[Recommendation CM/Rec\(2014\)3 concerning dangerous offenders](#)

[Recommendation CM/Rec\(2012\)12 concerning foreign prisoners](#) +

[Commentary to Recommendation CM/Rec\(2012\)12](#)

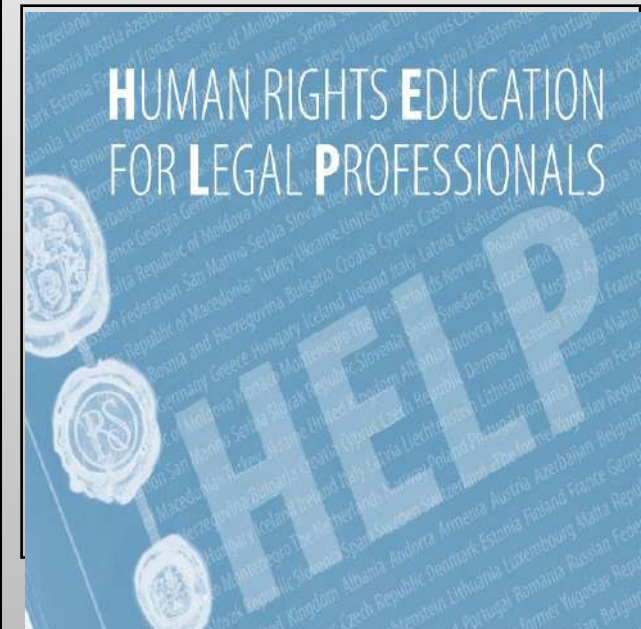
[Rec. R \(2003\) 22 concerning conditional release](#)

[Rec. R \(2003\) 20 concerning new ways of dealing with juvenile delinquency and the role of juvenile justice](#)

[Rec.](#)

[R \(2000\) 20 on the role of early psychosocial intervention in the prevention of criminality](#)

[Rec. R \(89\) 12 on education in prison](#)



4. EUROPEAN UNION INSTRUMENTS/LEGAL FRAMEWORK

Many terrorist suspects were radicalised EU nationals often subverted by externally-driven, ideological influences employing potent and nimble technological means of recruitment and inducement in addition to face-to-face methods. According to the EU, the **human social conditions which provide fertile ground for radicalisation**, particularly in young people, although complex and multifaceted, **may include**

A PROFOUND SENSE
OF PERSONAL
AND/OR CULTURAL
ALIENATION

REAL AND/OR
PRECEIVED
GRIEVANCES

XENOPHOBIA AND
DISCRIMINATION

UNSTRUCTURED
FAMILY TIES

SOCIAL
MARGINALISATION,
URBAN AND RURAL
DEGRADATION

DISTORTED
IDEOLOGICAL AND
RELIGIOUS BELIEFS

LIMITED EDUCATION,
TRAINING OR EMPLOYMENT
OPPORTUNITIES

PERSONAL TRAUMA
OR MENTAL HEALTH
ISSUES

GEO-POLITICAL
INTERESTS



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4. EUROPEAN UNION INSTRUMENTS/LEGAL FRAMEWORK

THEREFORE...

- **Education** and formal, non-formal and informal **training** are powerful tools for promoting common values.
- Youth **work, grassroots sports and cultural activities** can be very effective in reaching young people at risk of radicalisation (individual approach is essential).
- While cognitive **skills** remain essential, social, civic and intercultural competences; communication and conflict resolution skills; empathy; responsibility; critical thinking and media literacy, **need to be developed** in the learning process too.

CONCLUSION: Education, values and cognitive skills are crucial when combating radicalisation





Black List

5. RADICALISATION & LIMITS: HUMAN RIGHTS & ECJ

The Court of Justice of the EU (ECJ) has scarcely had the opportunity to adjudicate on cases somehow related to terrorism, and never directly related to radicalization. This is the more so as the individual has a very limited *locus standi* before the ECJ and, additionally because the ECJ only has the power to adjudicate on cases related to the interpretation of the EU treaties and secondary law derived from them. In this regard most of those judgments have to do with the adoption of restrictive measures with a view to combating terrorism within the CFSP and regulations adopted in accordance to it.

“... In that regard it decided that the fight against international terrorism, particularly by the imposition of economic and financial sanctions, such as the freezing of funds, in respect of individuals and entities suspected of contributing to the funding of terrorism, cannot be made to refer to one of the objects which Articles 2 EC and 3 EC expressly entrust to the Community”



COUR DE JUSTICE
DE L'UNION
EUROPÉENNE



5. RADICALISATION & LIMITS: HUMAN RIGHTS & ECJ

Seizure of funds or the fact of being included in a list of moral or legal persons suspected of being anyhow related to terrorism may result in breach of human rights and it has been so decided by the ECJ. It goes without saying that this kind of measures, in particular the so called “smart sanctions”, might contribute in practice to grievances concerning discrimination, deprivation of goods or resources, destruction of the presumption of innocence, right to private life and secrecy of communications (in particular electronic communications), violation of the right to a fair trial or disproportionate harmful measures. Also some of the individuals involved in these cases have alleged serious negative consequences at the social level.

“In this regard, in the light of the actual circumstances surrounding the inclusion of the appellants’ names in the list of persons and entities covered by the restrictive measures contained in Annex I to the contested regulation, it must be held that the rights of the defence, in particular the right to be heard, and the right to effective judicial review of those rights, were patently not respected”.

Main rights and liberties being dealt with by the ECtHR adjudicating on situations somehow related to terrorism :

- **Right to life**
- **Prohibition of torture & inhuman or ill treatment**
- **Prohibition of arbitrary detention**
- **Right to a fair trial and to due procedural guarantees**
- **Legality Principle**
- **Right to private and family life, private correspondence detainee/lawyer**
- **Freedom of association, religion, beliefs, information, expression**
- **Right to a legal remedy, prohibition of discrimination**

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

Even if the European Court of Human Rights (ECtHR) has no particular competence or power to adjudicate on terrorism offences *per se*, **the way in which a State Party to the European Convention on Human Rights fights against terrorism can result in breach of a human right or a fundamental liberty enshrined in the ECHR.** According to this, hundred of cases have been decided by the ECtHR concerning terrorist attacks or States' counter-attacks responses, strategies and policies where **the ECtHR has had the opportunity to settle down some crucial principles on how to counter terrorism and preparatory offences while respecting human rights and the rule of law.**

ECHR most affected provisions

- **Article 2**
- **Article 3**
- **Article 5**
- **Article 6**
- **Article 7**
- **Article 8**
- **Articles 9, 10 & 11**
- **Article 12**
- **Article 13**



The ECtHR is aware of the difficult task it is countering terrorism in an efficient manner and respecting at the same time human rights:

“...The Court is aware of the complex situations experienced by states nowadays and the new dimension of international terrorism, has taken into account the difficulties in policing modern societies, the unpredictability of human conduct and the operational choices which must be made, in terms of priorities and resources, in order to frame the scope of a state’s obligation...”

Case of Finogenov v Russia, 20.12.2011.

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

Any **violation of a human right** can be used as a tool for making out of it a **new grievance or offence against a particular group** and, consequently, can be **used as a radicalising argument** in the hands of terrorist groups in order to gain new sympathisers. In this regard violations of the **right to life** (disproportionate use of force), breach of the prohibition of **torture or inhuman or ill treatment**, abductions or secret **or arbitrary detentions**, denial of a **fair trial** in any of its manifestations (presumption of innocence, right to be judged by an independent court, procedural guarantees, etc), have been used as propaganda by terrorist groups with great success. In this regard the so called war on terror was counterproductive as far as action against radicalisation is concerned and the ECtHR has insisted on countering terrorism while respecting human rights



The ECtHR has pointed out that:

“The Convention prohibits in absolute terms torture and inhuman or degrading treatment or punishment, irrespective of the victim’s conduct...there can no be derogation therefrom even in the event of a public emergency threatening the life of the nation...because it enshrines one of the fundamental values of democratic society”

Case of Assenov & Others v Bulgaria, 28.10.98

Art. 15 ECHR prohibits any derogation from Art. 3 even in case of state of emergency

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

TORTURE and in particular torture of detainees has been the most potent flag used by terrorist groups in order to get support for their acts. From the point of view of radicalisation it entails a most powerful message of domination, alienation, lack of any justice, wildness and cruelty and constitutes a very destructive weapon for speeding up radicalisation.

The ECtHR has featured prohibition of torture from the outset as **an absolute prohibition**; consequently, even a new dimension of terrorism and difficulties in fighting it cannot justify any derogation from it. It has been so stated in a number of cases decided by the Court, e.g., Ireland v United Kingdom; Chahal v. United Kingdom; Mahmut Kaya v Turkey; Selmouni v France; Aksoy v Turkey; Tomasi v France; Othman v United Kingdom; El Masri v FYROM; Ramirez Sanchez v France; Tarariyeva v Russia.



SOME RELEVANT CASES CONCERNING ART. 5 ECHR

Brogan & Others v United Kingdom (29.11.1988)
Ocalan v Turkey (12.05.2005)
Fox, Campbell & Hartley v. United Kingdom (30.08.1990)
Bazorkina v Russia (27.07.2006)
Shamayev & Others v Georgia (12.04.2005)
Kaboulov v Ukraine (19.11.2009)
El Masri v FYROM (13.12.2011)
Al Nashiri v Poland (16.02.2015)
Husayn v Poland (16.02.2015)
Nasr & Ghali v Italy (23.02.2016)
Abu Zubaydah v Lithuania (31.05.2018)

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

The prohibition of **ARBITRARY DETENTION** concerning terrorist offenders is of utmost importance, and in particular of those involved in the gravest terrorist attacks or somehow related to them considered to be high value prisoners. **The Court has been very strict in accepting derogations of the rights enshrined in Art. 5 ECHR.** Gravest forms of arbitrary detention are doubtlessly unacknowledged or secret detentions or abductions. In this regard the ECtHR has adjudicated on a number of cases concerning CIA operation on European soil and cooperation of contracting parties to the ECHR with USA authorities in opening secret detention places or favouring in any way secret flights flying detainees in order to be questioned under enhanced interrogative techniques amounting to torture. Also the use of **extradition** as a cooperation means for assisting contracting parties to pursue terrorist offenders has to comply with minimum guarantees in order to be accepted by the Court. **Conditions of imprisonment** are also decisive and can reach a crucial role in the success of the radicalisation process when it takes place in jail.



Visual description, image, or sketch:

RIGHT TO A FAIR TRIAL (See also
Modules 3 & 4)

Undoubtlessly this is a crucial right to be respected in any action, policy or strategy implemented in order to counter terrorism but also radicalisation conducive to it, as **any unfair treatment in this regard will immediately be seen as a provocation for “revenge”**.

This non derogable multifolded ECHR right impairs the right to remain silent and the prohibition to self incrimination; to be heard in due and reasonable time, the complex nature of the terrorist offence not being enough as for justifying long delays at the time the court adjudicates on the case; to be heard by an impartial and independent court established by law, military courts or courts including a member of the military having being considered as non complying with this requisite in terrorism cases; to have adequate time and facilities in order to prepare one’s defence; and the right to a fair and public hearing, very important nowadays when the national security imperative tries to cover as much information and publicity as possible.

See e.g. cases of: *Ocalan v Turkey*; *Al Nashiri v Poland*; *Barbera, Messegue & Jabardo v Spain*; *Quinn v Ireland*; *Belashev v Russia*; *Incal v Turkey*.

NULLUM CRIMEN, NULLA POENA SINE LEGE

This has been a reiterated problem concerning criminal justice action against terrorism. International and national legal provisions can be extremely broad or diffuse so that the very essence of the terrorist offence is too broadly portrayed and its appreciation and punishment remains in the hands of the authorities. This vagueness has often led to abuses, therefore the **ECtHR** has requested that **the terrorist offence** and punishment to be applied **must be defined in the law in clear terms**. Additionally, **non-retroactivity of criminal law** remains applicable to terrorist offences, as stated by the ECtHR in case *Del Rio Prada v Spain*.

RIGHT TO PRIVATE & FAMILY LIFE

Here a very sensitive field of potential grievances also opens, as these are offences **related to the individual’s deep feelings**. In this regard it is important to rightly regulate access to a detainee person; privacy of correspondence of the detainee must be preserved, in particular communications with one’s legal advisor; personal integrity and body searches led to developping humilliation feeling, as well as home searches with no judicial mandate. See e.g. case of *Y.F. v Turkey*; *Gillan & Quinton v United Kingdom*; *Imakayeva v Russia*.

Voiceover and/or other audio:





Freedom of speech might be restrained by domestic authorities in some cases according to a pressing social need, but the restriction needs to be always established by law; the law must be clear and public and be necessary.

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

FREEDOM OF EXPRESSION AND FREEDOM OF SPEECH

- Freedom of expression plays an essential role in the overall fairness of counter-terrorism operations, strategies and policies, because it constitutes one of the foundations of a democratic society and one of the basic conditions of its progress. According to the Court's case law it allows a healthy exchange of information and ideas which in some aspects may be essential taking into account the secrecy of a state's options and its monopoly of the legal use of force and punitive capacity.
- Most importantly, the ECtHR has underlined in many cases that this right is applicable not only to information or ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those ideas that offend, shock or disturb, or which may be divisive as an inherent requisite to the pluralism, tolerance and broad-mindedness which shapes a democratic society.
- The protection of this freedom implies the need to strike a balance between the individual's fundamental right and a democratic society's legitimate right to protect itself against the activities of terrorist groups.

The Court has given a major importance to declarations made to the press or the media in general because of their general impact; also the fact of being it a publication widely disseminated has been taken into account by the Court.



6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

FREEDOM OF EXPRESSION AND FREEDOM OF SPEECH

- Any interference with this freedom must be prescribed by a law, should this restriction be necessary, and always according to a existing pressing social need. In this regard the law must be a “quality law” which means that the law must be clear, needs to pursue a legitimate aim should be publicised and the individual has to be able to easily infer clear effects derived from it.
- The Court has remarked that there is small room for restrictions on freedom of political speech or debate on questions of public interest where the public may have a legitimate interest, such as serious misconduct on the part of the police and gendarme officers in the blockade of a Turkish village; the identity of a right-wing extremist suspected of being involved in a letter-bomb campaign in Austria; or a national trial involving telephone tapping of politicians as part of a government’s counter-terrorism offensive andic’s right to be informed of a different perspective on a given situation constituting a state affair in France (cases of *Sürek v Turkey* (No. 2); *News Verlags GmbH & Co. K.G. V Austria*; *Dupuis & Others v France*). Against the State’s right to protect itself from terrorism there exists the public’s right to be informed of a different perspective on a given situation (case of *Baskaya & Okçuoglu v Turkey*).



Hate speech may be carried out by any means, the Court having taken carefully into account the author of the conduct; the means employed for that purpose and its scope; the targeted audience; and the fact of stigmatising or violently targeting an individual or a group.

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

HATE SPEECH

- **Hate speech is the most serious misuse of freedom of speech and constitutes the very bases for any radicalisation process. The means used for that kind of speech (audio, video, press, even cartoons) has no impact on the condemnation by the Court of such messages.**
- **All attempts to stigmatise political opponents, individuals or any society group and to encourage armed confrontation with them, either by the author or by the means used (TV channel, radio channel, editor, internet service provider, etc) have been considered by the Court as hate speech (case of Halys Dogan v Turkey; Leroy v France).**
- **Circumstances surrounding a controversial pronouncement play an essential role in helping the Court to reach a decision; also the fact of the author's private or public condition and the radical nature of the state's intervention and the gravity of the punishment applied.**

**Important remarks made by
the Court in Ahmet Yildirim
v Turkey**

- 1. Art. 10 ECHR applies not only to the content of information but also to the means of dissemination;**
- 2. A most careful scrutiny has to be carried out by the domestic court.**



6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

• Intervention on the side of the state has to be proportionate. The Court, in Ahmet Yildirim v Turkey, has found inadmissible the fact of depriving an individual suspected of accessing terrorist contents from accessing his internet site in whole, having had all access to google sites blocked.

• The ECtHR considered that the measure not only prevented the applicant from accessing his website but from all access to Google sites; the ECtHR found no indication that the judges had sought to weight up the various interests at stake and decided that domestic judges should have taken into consideration, among other elements, the fact that such a measure, by rendering large quantities of information inaccessible, substantially restricted the rights of internet users and had taken into consideration, among other elements, the fact that such a measure, by rendering large quantities of information inaccessible, substantially restricted the rights of Internet users had a significant collateral effect, finally considering that the measure did not afford the applicant the degree of protection to which the rights set forth in Article 10 ECHR of the Convention are secured “regardless of frontiers”.



Sharia has been considered incompatible with the rights and freedoms enshrined in the ECHR, in particular due to the criminal justice system and to the position of women. Any attempt to introduce it cannot be protected by provisions guaranteeing freedom of expression

6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

In *Kasymakunov & Saybatalov v Russia* the applicants intended to promote a change in the law or the legal and constitutional structures of the State, a possibility which is allowed under two conditions:

- 1. the means used to that end must be legal and democratic
- 2. the change proposed must itself be compatible with fundamental democratic principles.

In this regard the Court clearly established that a regime based on sharia is incompatible with the fundamental principles of democracy, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervenes in all spheres of private and public life in accordance with religious precepts. An organization whose actions seem to be aimed at introducing *sharia* in a State Party to the ECHR could hardly be regarded as complying with the democratic ideal that underlines the whole of the Convention. The Court considered that the fact of the applicants invoking their freedom of expression was aimed at providing a basis under the Convention for a right to engage in activities contrary to the text and spirit of the Convention; that right, if granted, would contribute to the destruction of rights and freedoms enshrined in it.



6. RADICALISATION & LIMITS: HUMAN RIGHTS & THE ECtHR

Finally, much of the radicalisation process nowadays takes place through the web and social networks (see modules 3 & 4). Also hate speech is mostly spread by the use of ITCs. This has led governments to adopt domestic legislation granting and facilitating a huge power of intervention on the side of the state as far as data is concerned, which might be in breach of privacy. In Szabo & Vissy the Court had the opportunity to review Hungarian legislation on secret anti-terrorist surveillance adopted in 2011. The court, while accepting that such a legislation was a natural consequence of the forms taken by present-day terrorism leading governments to resort to cutting-edge technologies, including massive monitoring of communications in order to pre-empt impending incidents, however the legislation at stake did not provide sufficient safeguards to avoid abuse.

Notably, the scope of the measures could include virtually anyone in Hungary, with new technologies enabling the Government to intercept masses of data easily concerning even persons outside the original range of operation. Furthermore, the ordering of such measures was taking place entirely within the realm of the executive and without an assessment of whether interception of communications was strictly necessary and without any effective remedial measures, let alone judicial ones, being in place.

Special domestic laws enabling secret surveillance or data control and storing must respect fundamental rights, in particular previous judicial authorisation; limiting its scope; informing the accessed person once finished; and providing judicial remedies against it.

RADICALISATION PREVENTION

MODULE III

RADICALISATION PREVENTION

MODULE III



SECTION II. RADICALISATION PROCESS: STORY OF A REAL CASE (I)

Giuliano Delnevo:

Italian youngster born in a Italian catholic family. Shy and introverted character. Medium student until the high school; isolation and bad results appeared. Close friend of a extreme right-wing partisan when he was very young, he frequented Fronte Nazionale's headquarters in Genova, a fascist party. During the secondary school he found refuge in his closest friend, a classmate descent of a Moroccan family. Due to his academic and socialization problems he spent much time on the internet.

At 18 he moved to Ancona with his older brother (nautical engineer) and embarked on a ship whose crew counted on some islamist members involved in proselitism. He became convert and started joining to city's Muslim community activities. He was no longer interested in his studies but only in Islam. Enrolled in the University but abandoned and committed more and more with a small Muslim group in Ancona led by a ultra ortodox Islamist Pakistani man in Bologna.



Interaction, branching, etc:



SECTION II. RADICALISATION PROCESS: STORY OF A REAL CASE (II)

Since then the group led by Delnevo preached at many small Muslim centres in order to get members more committed, but they were seen suspiciously for a number of reasons and were not followed. Having no success at the local and regional sphere, they decided to make narrower connections abroad and travelled to the UK where they tied links with extreme ultra orthodox Islamist groups and, through them, with more sympathisers all around Europe.

Desperately searching for jihad action and for stronger support and complicity he started contacting other like-minded Muslim mates via social networks, contacting with some recruiters such as Anas el Abboubi. Additionally he created his own you tube channel (Liguristan), first including Islamic songs and Qur'an recitations and progressively posting aggressive extremist political and religious messages, clearly showing his growing radicalisation.

He did neither study or work. He married a young girl and moved with her to Tangiers, but left her soon and came back to devote himself uniquely to a deeper knowledge of Islam and became obsessed with the idea of taking part in sacred jihad. He contacted a number of Islamic sympathisers in Italy, in particular an extremist Egyptian group and travelled for the first time to Turkey with the firm purpose of reaching Syria. He failed and came back to Italy.



Interaction, branching, etc:



SECTION II. RADICALISATION PROCESS: STORY OF A REAL CASE (III)

In 2012 (autumn) we firmly decided to reach his goal: travel to Syria and join the jihad. According to his previous fail he took the opposite direction (T'aqqya): he got rid of his beard and his Muslim clothes and came back apparently to Western habits and Western appearance. He kept searching for stronger direct contacts with jihadists in Syria.

Finally he managed to travel from Milan to Turkey again in December 2012 and to get into Syria, where he kept contacts with his father via Skype and showed him his deepest happiness and feeling of realisation and belonging thanks to his struggle as a foreign fighter within a Chechen-led militant group.

Delnevo talked to his father announcing his proximity to the fire line. The following day a fellow fighter phoned his father announcing his death in Syria.



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Interaction, branching, etc:



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SECTION II. RADICALISATION PROCESS: STORY OF A REAL CASE (IV)

According to this story a number of problems are relevant:

1. PERSONAL FEATURES/TRENDS. RADICALISATION: NOT A VICTIMISING PROCESS
2. ALTERNATIVE MEASURES TO BE TAKEN IN CASE OF ACKNOWLEDGMENT BY AUTHORITIES?
3. THE RADICALISING PROCESS: DIRECT CONTACT v VIRTUAL CONTACT
4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS
5. RADICALISATION & SELF-INDOCTRINATION
6. TRAVELLING ABROAD.
7. PERFORMING A TERRORIST OFFENCE



Interaction, branching, etc:



II.1.RADICALISATION PROCESS: PERSONAL FEATURES

Delnevo's story illustrates how the radicalization process took place in that particular case and elements that could be taken into account in order to trigger certain measures addressed to countering the radicalisation process itself and to try to avoid the final result: becoming a FTF and taking part in a terrorist organization's attacks. In order to better approach such a situation policemen, judges and prosecutors need to take into account certain factors. However in this particular case only a few personal features did fit the general foreseeability list of factors, as checked below:

A PROFOUND SENSE
OF PERSONAL
AND/OR CULTURAL
ALIENATION

REAL AND/OR
PERCEIVED
GRIEVANCES

XENOPHOBIA AND
DISCRIMINATION

UNSTRUCTURED
FAMILY TIES

SOCIAL
MARGINALISATION,
URBAN AND RURAL
DEGRADATION

DISTORTED
IDEOLOGICAL AND
RELIGIOUS BELIEFS

LIMITED EDUCATION,
TRAINING OR EMPLOYMENT
OPPORTUNITIES

PERSONAL TRAUMA
OR MENTAL HEALTH
ISSUES

GEO-POLITICAL
INTERESTS

Some other elements considered to play a role in the radicalisation process:

1. Low Socioeconomic Status/ High Poverty
2. Lack of logical reasoning/critical thinking
3. Large family size
4. Absence of biological father (mostly working abroad, e.g. in Middle East)
5. Middle child (of large families)
6. School drop outs
7. Lack of supervision on activities
8. Brain harm / Possibility of soft neuropathology
9. Truancy/ ran away from home (because of morbid trends and or dropped out of school)
10. Impulsivity, aggressive impulses, anxiety and insecurity
11. Lack of religious understanding (or selective religious understanding)

II. 2. ALTERNATIVE MEASURES TO DETENTION

After having read Delnevo progressive radicalisation and transformation it is important to reflect on the difficult border line in order to assess whether radicalisation is completed and when it becomes a crime, that is, when the extremist idea turns into a criminal offence, in particular those considered to be preparatory acts recently typified as a criminal offences by the CoE, the EU and many domestic legal orders, according to the commitment achieved within such international organizations. One potential applicable solution before the case evolve in this dramatic way is the use of alternative measures to detention.

Inspired by Article 10 of the ICCPR that deals with conditions and treatment to prison inmates and recommends that:

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

The use of alternative measures to detention has been experienced with violent crimes. However it is a new concept being applied to terrorist offenses. This new evolution is motivated by several circumstances:

1. The fact of governments having broadened their counter-terrorism strategies and having taken measures at an earlier stage in order to better prevent or avoid preparatory offenses, expanding the use of inchoate offenses/preparatory acts; and enhancing policies and strategies for countering radicalisation leading to extremist violence.
2. Problems in order to obtain evidence of criminal behaviour accomplished by returned FTF coming from conflict areas.
3. The increasing number of first-time offenders amongst those radicalized to violence, including juvenile offenders.
4. The increasing number of people being prosecuted for terrorist offenses according to enhanced criminal laws and policies.
5. The reinforcement of radicalising trends in prisons.

II. 2. ALTERNATIVE MEASURES TO DETENTION

Alternative measures to incarceration may range from travel bans, reporting on a regular basis to the authorities or electronic surveillance to restrictive measures on movement (e.g. administrative detention) or confinement in certain areas, limitation of the right to assembly or the access to internet. Alternative measures to prosecution may include participation in intensive counselling programmes by judges and courts.

The key point in deciding whether to opt for a non-custodial measure in case of a terrorist offence is a comprehensive assessment of the particular case and the eligibility of the offender for such a regime accomplished by specialized trained professionals.

The following are elements to be taken into account when considering the use of one or more alternative measures to detention:

1. Gravity of the crime charged
2. Level of radicalization to violence
3. Offender's attitude towards treatment and potential measures (receptiveness)
4. Risk of recidivism
5. Potential positive effects of incentives and rewards according to the offender's progress (e.g. additional privileges, decreasing the level of supervision, reducing the overall sentence)
6. Sanctions for non-compliance with measures imposed
7. The fact that the offender belongs to a vulnerable group.

II.2. ALTERNATIVE MEASURES TO DETENTION

GOALS OF ALTERNATIVE MEASURES

Nevertheless, when considering the potential use of these measures a balance must be struck with regard to national security and risks posed by the fact of leaving terrorist offender out of prison.

ALTERNATIVE TO PRISON: LIMITS

Also when developing alternative measures to detention in case of terrorist offences, they will be taken once a proper balance has been struck among the rights of individual offenders including human rights, the rights of victims and the concern of society for public safety and crime prevention.

INTERNATIONAL RECOMMENDATIONS

Such measures can be adopted either before the trial and in order to substitute a prison penalty or at a later stage, as a post-conviction measure.

Voiceover and/or other audio:



Interaction, branching, etc:



BUTTON 1:
GOALS OF ALTERNATIVE MEASURES

1. To reduce recidivism
2. To prevent further radicalisation
3. To promote disengagement
4. To ensure effective reintegration
5. To produce law-abiding individuals becoming productive members for society
6. To avoid stigma and family economic hardship provoked by prison penalties

It could additionally:

7. Reduce public costs of the penitentiary system and to avoid prison overcrowding
8. Assist in gathering information and fuelling cooperation with police and judicial authorities

Interaction, branching, etc:

BUTTON 2

ALTERNATIVES MEASURES TO PRISON: LIMITS

When considering this possibility States may take into account the following elements:

1. Type of offender
2. Personal circumstances and level of culpability
3. Nature of the criminal offence
4. Situation of the victim/victims
5. Risk posed to society

Interaction, branching, etc:

BUTTON 3:

**RECOMMENDATIONS ADOPTED ON THE ISSUE AT THE
INTERNATIONAL LEVEL**

Some recommendations have been agreed upon at the international level in order to better use alternative measures by states and to ensure a comprehensive criminal justice response to terrorism-related offenses:

1. Alternative measures need to be respectful with domestic legislation and in accordance with international and regional standards and norms
2. They must respect and protect offender's rights
3. They must count on community and family engagement
4. For those measures being effective they need public support and participation by civil society in order to understand the positive effect of such measures.
5. States must assure that infrastructure and resources are allocated for putting non-custodial measures into practice

Interaction, branching, etc:

II.2.1.UN ALTERNATIVE MEASURES LEGAL FRAMEWORK

Alternative measures that could have been taken along the described radicalisation process have been considered at the international level by several instruments either legally and non-legally binding ones.

1. As for the legally binding instruments Art. 10 ICCPR includes recommendations to States and their penal legal systems.
2. As for the non-legally binding ones (recommendatory nature) we count on:
 - The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), adopted by the UNGA Resolution 45/110 of 14 December 1990, aiming to provide basic principles to promote the use of non-custodial measures and their minim safeguards in case to be adopted as an alternative to imprisonment.
 - The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

None of them are legally binding norms; however they are legal instruments adopted by consensus and enjoy, in this regard, certain authority at a time of considering the purpose a non-custodial measure should serve and main principles to be observed when designing it.



Art. 10 ICCPR

The Tokyo
Rules

The Nelson
Mandela
Rules

II. 2. 3. THE RADICALISING PROCESS: DIRECT CONTACT v VIRTUAL CONTACT

RADICALISING PROCESS VIA DIRECT CONTACT

Delnevo was clearly approached by several members of a salafī group supporting and practising an extreme interpretation of the Islam.

Radicalising others by direct contact has been defined as a criminal offence in different international instruments (legally binding for States parties) since 2005.

Although in the aforementioned case a proselitism task is described, such a behaviour could be considered to be criminalized either by Art. 5 of the CoE Convention on the Prevention (public provocation to commit a terrorist offence) or rather by Art. 6 (recruitment for terrorist purposes); also it has been punished by Art. 5 & Art. 6 of the EU Directive on Terrorism (EU2017/541).

As a consequence it currently amounts to a criminal offence at least in most EU member States (except for Belgium, Greece, Ireland and UK currently) and beyond that, all those CoE member states non members of the EU (except for FYROM, San Marino and Georgia at present).

Therefore the fact of using criminal law provisions for fighting against radicalisation with a terrorist purpose through direct contact is not problematic in principle. This behaviour has been punished as such by most domestic criminal legal systems.

RADICALISING PROCESS BY VIRTUAL CONTACT

In contrast with this, it is much more difficult to fight against radicalisation when there is no direct contact but a process of radicalisation through the internet or the social networks.

Yet this has been the commonest process followed by many radicalised individuals having become FTF at a time when direct contact had been already penalised and pursued by criminal provisions at most domestic legal systems.

When the contact is done through social networks there is somebody on the other side of the connection, so that it is easy to find the link and to identify the radicalising agent and the radicalised individual. The offence of recruiting individuals with a terrorist purpose can be applied, although the fact of the crime being materialised in the virtual field makes some aspects of the criminal procedure harder (see next module on the use of evidence in counter-terrorism cases). However if there is no previous direct contact in any way and the radicalising process takes place at the instances of the very radicalised person him or herself just navigating in the web then judges and prosecutors will come across new difficulties as there is not an identified particular recruiter. There are also more difficulties at the time of proving the intention of the “self-radicalised” individual when entering those websites.

II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS

RADICALISING OTHERS:

As already explained, the fact of sending messages to the society by any means, meaning a public incitement or invitation to anyhow commit terrorist attacks or to take part in a terrorist offence, is considered to be a terrorist offence, should the attack finally be perpetrated or not. In this case the message doesn't need to have a particular addressee.

On the other hand, the fact of approaching someone in order to convince him/her of committing a terrorist attack or to join a terrorist organization has also been punished as recruiting with a terrorist purpose.

However, a controversy might appear concerning freedom of expression of those expressing their radical ideas, as the fact of having radical ideas *per se* cannot be punished unless those ideas become a reality. In this regard the ECtHR has provided some useful guidelines at the time of assessing the legality of a state measure with a counter-terrorist purpose but opposing or diminishing freedom of expression as protected by Art. 10 ECHR. A thin redline makes the difference between both kind of measures.

ECtHR CASE LAW ON TERRORISM & FREEDOM OF EXPRESSION

The Court has emphasized a number of important general remarks:

1. Freedom of expression plays an essential role in the overall fairness of counter-terrorism operations, strategies and policies, because it constitutes one of the foundations of a democratic society.
2. It allows a healthy exchange of ideas that can be essential taking into account that the State has the monopoly of the use of force and its punitive capacity in terrorism-related matters.
3. This right is applicable not only to information and/or ideas that can be favourably received or regarded as inoffensive, but also to those ideas that offend, shock or disturb, or which may be divisive, as an inherent requisite to pluralism, tolerance and broad-mindedness which shape a democratic society
4. A balance has to be stricken by the judge between the individual's fundamental right to freedom of expression and a democratic society's legitimate right to protect itself against the activities of terrorist organizations.
5. There is small room for restrictions on freedom of speech or debate on questions of public interest where the public may have a legitimate interest, such as serious misconduct on the part of the police, the army or the political authorities.

II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS

SOME CASE LAW...

Arslan v. Turkey (application no. 23462/94)
Ceylan v. Turkey (application no. 23556/94)
Baskaya & Okçuoglu v. Turkey (applications nos. 23536/94 & 24408/94)
Halis Dogan v. Turkey (application no. 4119/02)
Kizilyaprak (no.2) v. Turkey, (application no. 9844/02)
Karatas v. Turkey (application no. 23168/94)
Castells v. Spain (application no. 11798/85)
Günduz v. Turkey (application no. 35071/97)
Faruk Temel v. Turkey (application no. 16853/05)
Leroy v. France (application no. 36109/03)
Stomakhin v. Russia (application no. 52273/07)
Roj TV A/S v. Denmark (application no. 24683/14)

ECtHR CASE LAW ON TERRORISM & FREEDOM OF EXPRESSION (ART. 10 ECHR)

1. Any means can be used at the time of expressing radical ideas; the material means used in a particular case won't prevent the judge from punishing it as a terrorist offence; however the overall reach that a particular means might have has an impact on the particular sanction imposed. So the ECtHR has taken into account the level of circulation of a written publication or if it was widely disseminated.
2. The Court has distinguished ideas expressed directly by their author and a report or comment on others' ideas or thoughts made, e.g., by a journalist in the press.
3. Even if the words used in a particular publication, interview, speech, etc, may be virulent in style or lend some vehemence to the discourse or a hostile tone to it the Court has ruled this fact to be insufficient to consider that those declarations constitute an incitement to violence, armed resistance or an uprising, a case of hate speech or incitement to terrorism.
4. The Court has considered a particular event as hate speech when there existed a clear intention to stigmatise the other side of a conflict, whatever the form adopted for conveying it, even a cartoon, poetry, historical narrative, etc.
5. The circumstances surrounding a controversial declaration play an essential role in helping the Court to reach a decision. Also the private or public condition of the author of the declaration is relevant.

However, as far as freedom of thought is concerned, the ECtHR has not yet had the opportunity to adjudicate on radical ideas conducive to terrorism, most of cases having to do with religious beliefs and their external symbols, such as female muslim clothes, in particular the muslim veil.

II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS

ECtHR CASE LAW ON TERRORISM & FREEDOM OF EXPRESSION (ART. 10 ECHR)

1. Any means can be used at the time of expressing radical ideas; the material means used in a particular case won't prevent the judge from punishing it as a terrorist offence; however the overall reach that a particular means might have has an impact on the particular sanction imposed. So the ECtHR has taken into account the level of circulation of a written publication or if it was widely disseminated.
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II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS; HATE SPEECH

Refah Partisi (The Welfare Party) and Others v. Turkey, 13 February 2003.

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%2241340/98%22\],%22itemid%22:\[%22001-60936%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%2241340/98%22],%22itemid%22:[%22001-60936%22]})

Legal summary:

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-5004%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-5004%22]})

Kasymatkhunov & Saybatalov v. Russia, 14 Mars 2013

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%2226261/05%22\],%22itemid%22:\[%22001-117127%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%2226261/05%22],%22itemid%22:[%22001-117127%22]})

Press release: [https://hudoc.echr.coe.int/eng-press#{%22fulltext%22:\[%2226261/05%22\]}](https://hudoc.echr.coe.int/eng-press#{%22fulltext%22:[%2226261/05%22]})

Leroy v. France Application ,2 October 2008

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-88657%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-88657%22]}) Legal summary:

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22002-1888%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-1888%22]})

Belkacem v. Belgium

Decision (inadmissibility), 4 June 2017

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22Belkacem%22\],%22documentcollectionid%22:\[%22DECISIONS%22\],%22itemid%22:\[%22001-175941%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22Belkacem%22],%22documentcollectionid%22:[%22DECISIONS%22],%22itemid%22:[%22001-175941%22]}) Press release:

[https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22Belkacem%22\],%22documentcollectionid%22:\[%22DECISIONS%22\],%22itemid%22:\[%22001-175941%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22Belkacem%22],%22documentcollectionid%22:[%22DECISIONS%22],%22itemid%22:[%22001-175941%22]})

ECtHR CASE LAW ON TERRORISM & HATE SPEECH

Although freedom of expression is a right /fundamental freedom directly related to behaviours which have to do with the radicalisation phenomenon the decisive factor in order to activate the criminal justice response is to rightly identify the point at which a radical thought turns into a criminal act, might it be an active or a passive behaviour. In this regard, freedom of thought and hate speech are of utmost importance and the ECtHR has provided a very few hints on this issue but still it has shed some light on the “thin red divisive line”.

1. At the **Refah Partisi v. Turkey** judgment the ECtHR, even if deciding on the potential breach of Art. 11 ECHR (freedom of association) the ECtHR also noted that, with regard to the political party banned by the Turkish government:
“... The Court concurs in the Chamber’s view that sharia is incompatible with the fundamental principles of democracy, as set forth in the Convention ... In the Court’s view, a political party whose actions seem to be aimed at introducing sharia in a State party to the Convention can hardly be regarded as an association complying with the democratic ideal that underlies the whole of the Convention....The Court considers that, in accordance with the Convention’s provisions, each Contracting State may oppose such political movements in the light of its historical experience”.

This means that all States parties to the ECHR can criminalize, if needed, different behaviours conducive to introducing the sharia as the political system of the State.

II. 2.4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS; HATE SPEECH

Refah Partisi (The Welfare Party) and Others v. Turkey, Applications nos. 41340/98; 41342/98; 41343/98; 41344/98. 13 February 2003.
Judgment

Kasymatkhunov & Saybatalov v. Russia, Applications nos. 26261/05 & 26377/06. 14 March 2013
Judgment

Leroy v. France Application no. 36109/03. 2 October 2008.
Judgment

Belkacem v Belgium
Decision (inadmissibility)

ECtHR CASE LAW ON TERRORISM & HATE SPEECH

This line of reasoning was followed by the ECtHR later on in the case of *Kasymatkhunov and Saybatalov v. Russia*:

“...the possibility cannot be excluded that a political party or other association, in pleading the rights enshrined in Article 11 and also in Articles 9 and 10 of the Convention, might attempt to derive therefrom the right to conduct what amounts in practice to activities intended to destroy the rights or freedoms set forth in the Convention and thus bring about the destruction of democracy...

...(the Court) has previously found a regime based on sharia to be incompatible with the fundamental principles of democracy, particularly with regard to its criminal law and criminal procedure, its rules on the legal status of women and the way it intervenes in all spheres of private and public life in accordance with religious precepts...An organisation whose actions seem to be aimed at introducing sharia in a State Party to the Convention can hardly be regarded as complying with the democratic ideal that underlies the whole of the Convention...”

The Court did not appreciate in this case violation of freedom of expression, taking into account in particular that members of the political party having been forbidden supported violence and the use of weapons in order to kill the unfaithful and called for jihad. The Court considered that this kind of ideology, if protected by Article 11 ECHR, would run counter and finally destroy the values at the basis of the ECHR. Such thoughts wouldn't be, therefore, protected under the ECHR and prohibiting them would not infringe States' obligations according to the ECHR.

II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS; HATE

Refah Partisi (The Welfare Party) and Others v. Turkey, Applications nos. 41340/98; 41342/98; 41343/98; 41344/98. 13 February 2003.
Judgment

Kasymatkhunov & Saybatalov v. Russia, Applications nos. 26261/05 & 26377/06. 14 March 2013
Judgment

Leroy v. France Application no. 36109/03. 1 October 2008.
Judgment

Belkacem v Belgium
Application no. 34367/14
Decision (inadmissibility)

ECtHR CASE LAW ON TERRORISM & HATE SPEECH

As stated before, as far as freedom of thought is concerned, the ECtHR has not yet had the opportunity to adjudicate on radical ideas conducive to terrorism, most of cases having to do with religious beliefs and their external symbols. However, the case law developed by the ECtHR could be particularly enlightening when focused on hate speech, as hate speech has been criminalized in domestic legal criminal systems of States Parties to the ECHR. In addition to that, when developing hate speeches, individuals might show some clues concerning this divisive line between freedom of thought and something that goes beyond that, i.e incitement to violence or even to terrorism.

In **Leroy v. France**, the ECtHR adjudicated on the red line between one of the most difficult ways in which freedom of expression can materialise, a cartoon, and hate speech that could lead to incitement to terrorism, among other possible criminal offences. The Court, considering a cartoon made by a cartoonist the very same day of the US attacks in 2001 (September-11) and published by a French Basque country region magazine dealing with the destruction of the American empire, decided that (unofficial translation):

“... The whole of the tragical events on 11 September 2001 that are in the origin of the controversial art expression have provoked a world chaos ... the work does not criticise the American imperialism but it glorifies and supports its destruction by means of violence... According to the terms used, the applicant was in favor of the violence used against millions of citizens and that runs counter victims' dignity ... Additionally, the impact of such a message on a politically sensitive region such as the one in this case cannot be disregarded...”.

II. 2. 4. RADICALISING OTHERS: DISSEMINATING RADICAL OPINIONS AND IDEAS: HATE

ECtHR CASE LAW ON TERRORISM & HATE SPEECH

Refah Partisi (The Welfare Party) and Others v. Turkey, Applications nos. 41340/98; 41342/98; 41343/98; 41344/98. 13 February 2003.
Judgment

Kasymatkhunov & Saybatalov v. Russia, Applications nos. 26261/05 & 26377/06. 14 March 2013
Judgment

Leroy v. France Application no. 36109/03. 1 October 2008.
Judgment

Belkacem v Belgium
Application no. 34367/14
Decision (inadmissibility)

In this very same line, a recent decision on the admissibility of a request has been decided by the Court against a Belge national membre of the group Sharia4Belgium. In **Belkacem v. Belgium** (20 June 2017) the Court decided on the admissibility of an application by a Belge citizen posting videos on You Tube inciting to combat non Muslims, seriously insulting and humiliating them in a very aggressive manner and supporting armed fight against the unfaithful considered to be “dirtier than animals”. The applicant applied against the condemning judgment pronounced by domestic judicial authorities and argued that they were ideas expressed according to his freedom of expression protected by Art. 10ECHR.

The reasoning of the Belge Court pronounces on what constitutes an expression that goes beyond freedom of expression and becomes hatred speech and incitement to hate and violence punishable by domestic criminal laws. In so doing the domestic Court understands that there is a clear will and intention on the side of the applicant that constitutes the requested “dolus” of the criminal offence. The ECtHR adopts the reasoning of the domestic court and declares the inadmissibility of the application: “En l’espèce, le requérant a publié sur la plateforme You Tube une série de vidéos dans lesquelles il appelle les auditeurs à dominer les personnes non-musulmanes, à leur donner une leçon et à les combattre ... La Cour n’a aucun doute quant à la teneur fortement haineuse des opinions du requérant et elle fait sienne la conclusion des tribunaux internes selon laquelle l’intéressé cherchait, par ses enregistrements, à faire haïr, à discriminer et à être violent à l’égard de toutes les personnes qui ne sont pas de confession musulmane. De l’avis de la Cour, une attaque aussi générale et véhémement est en contradiction avec les valeurs de tolérance, de paix sociale et de non discrimination qui sous-tendent la Convention ».

II. 2. 5. SELF-INDOCTRINATION: ACQUIRING A RADICAL THINKING

The fact of indoctrinating someone has been considered as a form of recruiting and, in this regard, it has become one offence included in Art. 6 of the CoE Convention on Prevention of Terrorism (ETS no. 196). However, this provision was conceived for punishing those practising active indoctrination, that means approaching others in order to indoctrinate them. Passive indoctrination or recruitment was originally not considered at the time of drafting ETS no. 196. The Additional Protocol (ETS no. 217) to the CoE Convention on Prevention (Riga Protocol) has foreseen the possibility of receiving training in Art. 3, but not self-indoctrination. Some confusion results from the fact that self-indoctrination might consist of acquiring by self means either a knowledge on radical ideas or a knowledge on the use of firearms, explosives etc. In this last case it could be considered a case of passive training, already criminalised at the European level. Nevertheless, some domestic legal orders identify indoctrination with recruitment as in both cases the access to knowledge and/or particular skills are provided and, therefore, these domestic legislations consider self-indoctrination as equivalent to recruitment. The problematic side of this is the fact that self-indoctrination is difficult to prove, does not necessarily turn into criminal action and that, perhaps in view of criminalising preparatory offences domestic legal orders can go too far, acting too much in advance.

Could pure self-indoctrination be considered as a criminal offence? This offence would require that no one else but the person being indoctrinated was present and involved in the offence: the offender, the person radicalized reaches this stage by him or herself without any external aid or with no one being in contact with him or her. This offence could be considered as a solitary one: the offender accesses internet sites where he/she acquires training, knowledge and receive ideas that later on will transform his/her ideology, values and general behaviour becoming a radicalized individual prone to extremist violence, criminality and terrorism.

In so doing, the individual becomes radicalised although it is problematic to say that he/she has become an offender in cases where no factual event reveals that going into action has been decided. Freedom of thought can be at stake in such cases. No case law has been produced by the ECtHR in this regard.

Voiceover and/or other audio:

Evidence of this behaviour considered as criminal is difficult and controversial. Some aspects have been considered as key elements, i.e., the number of hours spent daily in visiting internet sites on extremist violence and terrorism; difficulty in accessing those sites; contents accessed; change in the attitude, clothing or other external features of the offender (i.e. beard; isolation; literature used; social habits; etc.)

In order it to be taken into account by the judge there must be a clear intention to commit a violent criminal act or a terrorist act by the offender. Appreciation of this aspect must be done in full respect of the presumption of innocence. See Decision *Belkacem v. Belgium*

There are problems at the time of criminalising self-indoctrination, not foreseen by CoE Conventions 196 & 217, but criminalised by e.g. Spanish domestic criminal legislation

II. 6. TRAVELLING ABROAD WITH A TERRORIST PURPOSE: CHALLENGING INTERNATIONAL COOPERATION

Due to the new phenomenon of the so-called Foreign Terrorist Fighters (FTF) rising up with the war in Syria; the creation of the ISIS and the proclamation of the Caliphate by the later; and the increasing number of terrorists and sympathizers of terrorist organizations moving all around the globe UNSC requested for action against this scourge by Resolution 2178. The circulation of radicalized persons towards the conflicts zones in Iraq and Syria and, once defeated on the ground, the return of many of them (RFTF) to European soil has pushed European States to legislate on this issue.

Additional Protocol to the CoE Convention on the Prevention of Terrorism (Riga Protocol, ETS no. 217) was signed and is being ratified. It has criminalized the fact of travelling with a terrorist purpose, in order to provide judges and prosecutors with a tool when someone was identified as a person travelling to conflict zone in order to anyhow support a terrorist organization, in particular ISIS. Again, the intended purpose is the hardest element to be proven. No case law by the ECtHR has still been produced.

The EU has likely included such a behavior among those punished by the new Directive on Terrorism. Therefore, international judicial cooperation on criminal matters among states has become crucial.



UNSC 2178 Resolution: FTF and travelling:

“Decides that Member States shall, consistent with international human rights law, international refugee law, and international humanitarian law, prevent and suppress the recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, and the financing of their travel and of their activities”

Directive (EU)2017 on Terrorism: Art. 9: Travelling for the purpose of terrorism

Each Member State shall take the necessary measures to ensure that travelling to a country other than that Member State for the purpose of committing, or contributing to the commission of, a terrorist offence as referred to in Article 3, for the purpose of the participation in the activities of a terrorist group with knowledge of the fact that such participation will contribute to the criminal activities of such a group as referred to in Article 4, or for the purpose of the providing or receiving of training for terrorism as referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

CoE Protocol to Convention on Prevention of Terrorism. Art. 4. Travelling abroad for the purpose of terrorism

2. Each Party shall adopt such measures as may be necessary to establish “travelling abroad for the purpose of terrorism”, as defined in paragraph 1, from its territory or by its nationals, when committed unlawfully and intentionally, as a criminal offence under its domestic law. In doing so, each Party may establish conditions required by and in line with its constitutional principles. 3. Each Party shall also adopt such measures as may be necessary to establish as a criminal offence (...) the attempt to commit an offence as set forth in this article.

UNSC definition of FTF:

“Individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict”

II.6. COUNCIL OF EUROPE LEGAL INSTRUMENTS ON INTERNATIONAL COOPERATION IN CRIMINAL MATTERS AND RADICALISATION

CoE Convention on Extradition
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/024>
Additional Protocol to the European Convention on Extradition
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/086>
Second Additional Protocol to the European Convention on Extradition
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/098>
Third Additional Protocol to the European Convention on Extradition
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/209>
Fourth Additional Protocol to the European Convention on Extradition
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/212>
European Convention on Mutual Assistance in Criminal Matters

<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/030>
Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/099>
Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/182>
European Convention on the Transfer of Proceedings in Criminal Matters
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/073>
Convention on the Transfer of Sentenced Persons
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/112>
Additional Protocol to the Convention on the Transfer of Sentenced Persons
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/167>

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/051>

In the framework of **member states cooperation in criminal matters within the Council of Europe** a number of **international treaties have been adopted** with the aim of **fuelling prosecution** of criminal offenders in particular when dealing with a **transnational offence**. This is clearly the case of current terrorist offences specially in Europe, where terrorist offenders might profit from freedom of movement at least within the EU territory. The way in which these mechanisms are designed and implemented may have an impact on individuals and can result either in countering or fostering radicalisation.



Action against FTF requires a common, comprehensive and co-operative approach. The fact of counting on a multilateral convention on extradition is a key factor for international legal cooperation regarding FTFS.

Privileging judicial supervision of any procedure and of information obtained by intelligence services is crucial in order to guarantee offenders' human rights and in order to succeed in cooperation procedures.

III. SOMME COMMON FINAL REMARKS

Triggering investigations and prosecution of radicalised individuals about to commit a criminal offence, in particular terrorist offences, depends very much on action by the intelligence services. In order not to frustrate a potential criminal system response judicial overview of such an action by the intelligence service must be the general rule. Information so gathered must be displayed under a number of safeguards in order to respect offenders' human rights, in particular procedural guarantees as enshrined in the ECHR. In this regard the national security criteria shouldn't prevent the offender from being duly informed of the existing charges against him/her as well as the main elements of the accusation in order to enjoy a proper defense. The role of the judiciary and public prosecutors is key in this respect. Judges and prosecutors must be aware of the fact that, despite this, most of national strategies being adopted in order to combat radicalisation tend to minimise their role in this respect, prioritising secrecy on behalf of the national security.

The influence, regarding radicalization, of traditional or new forms of organised criminality has to be also taken into account. Today a close connection exist between terrorism and organized crime; both of them are complementary and do currently have a strong effect on young individuals and on adults. However, international instruments applicable to these situations (Palermo Convention and additional protocols) do not connect both offences (Terrorism and TOC) and a number of loopholes appear which judges and prosecutors must be aware of. This is the more so as far as recruitment is concerned. In this regard other International instruments such as UNESCO and CoE conventions on protecting cultural heritage; UN conventions on drug-trafficking; Palermo Convention and its additional protocols on TOC; and also CoE conventions on trafficking in human beings or human organs must be taken into account.

In Treatment of the radicalisation process from the domestic legal perspective, if covered as such, is dealt with within domestic penal legislation in the sense of enhancing punishment and making the criminal response more coercive. There is a risk of this response pointing to vulnerable groups, particularly immigrants. However, the fear of punishment fail to reduce violence, in particular in the case of ideologically motivated violence because in its extreme forms even the perpetrator's own demise does not act as a deterrent to the act. Practice has also shown that prospective jail sentences rarely manage to disengage individuals from violent ideals or ideologies. It should be noted the recent trend in favor of aggravating the penalty in terrorist cases, in particular the use of life imprisonment, although this has not been proven to be the best way forward.

III. SOMME COMMON FINAL REMARKS

Detection and information sharing are key to successful investigation concerning FTF and returnees. However judges and prosecutors need to be aware of other elements that might impair effective prosecutions: inability to secure strong evidence on activities that took place abroad; inability to use intelligence in criminal proceedings; or the need for and availability of mutual legal assistance. There is an important number of RFTFs who cannot be prosecuted or who have already served short time prison periods. Particular reflection deserves the usefulness of rehabilitation programmes by the judiciary and to what extent rehabilitation programmes can assist in ensuring a meaningful reintegration into society.

Usefulness of risk-assessment tools performed by trained professionals, strongly recommended in order to try to evaluate the threat a RFTF poses to society, has been demonstrated. They must contain a clear set of risk indicators to help judges and prosecutors to evaluate the needs of an individual, the narrative and networks (see modules V and VII)

SOME KEY FACTORS TO BE ASSESSED WHEN DECIDING ON A MEASURE TO BE APPLIED TO A RFTF (according to GCTF):

1. The risk the individual poses with regard to the commission of a terrorist attack;
2. The gravity and seriousness of the crime;
3. The available evidence;
4. Motivational factors;
5. The age of the returnee;
6. The support network of family and friends;
7. The impact on victims;
8. The public interest.

Additionally, in the case of minors:

1. Appropriate child protection measures as an alternative or in addition to prosecution and sentencing.
2. Counseling, education or other forms of support in order to promote rehabilitation and reintegration of the minor.

In different stages of criminal proceedings rehabilitative measures should be taken into account and applied when possible:

1. In the pre-trial stage: rehabilitative measures on a voluntary basis can be taken into account as an alternative or in addition to pre-trial detention, or as an additional condition for release from pre-trial detention
2. In the trial-stage: judges and prosecutors should be enabled to integrate rehabilitative efforts into the charges and sentence, in particular when dealing with cooperative individuals, minors, individuals suffering from a mental health problem or special categories of RFTF.
3. In the post-trial stage rehabilitative tools can be used as a condition for early suspended prison sentence, more favourable conditions or for early release.

UNIVERSITY OF MÁLAGA (SPAIN)

1. Name of Program in which the course/ Module(s) is accredited (Example B.Ed. Bachelor of Education etc.)

Optional course for any student of the UMA worth 1 ECTS

2. Name of the course/ module (s) accredited (Reason: to understand whether the course/ module(s) name is modified to suit university/ institution requirements)

Serial No.	Course Names/ Module Names	Credit/ ECTS	Number of Hours
1	La radicalización en la sociedad actual: conceptos, procesos y soluciones (Radicalization in the current society: concepts, processes and solutions)	1	25

3. Accrediting Authority

Name of Accrediting Authority	Level National/ State/ Regional/ Institutional/ University Level
University of Málaga (General Secretary)	National

4. Brief Steps/ Process in Accreditation followed.

Since it is not possible to add official subjects to the degrees without the consent of the Ministry of Education on a regular basis without entering into a standardised process that affects the whole degree according to the current national regulations, it was decided to create a 1 ECTS course as an optional extracurricular subject that could be taken by any student at the University of Malaga.

In this case, and following the regulations of the University of Malaga itself, the steps were as follows:

- Application for recognition of this course by sending the corresponding form (23 9 14 Credits application form (Pilots) AURORA) and activity report (objectives, contents, timetable) (see file Z23 7 Syllabus Pilots AURORA) to the University of Málaga Administration.
- Granting of this recognition by the competent unit of the University of Malaga (General Secretary of the University of Málaga) (see file 23 9 25 Recognition approval mail AURORA).

- Publication and dissemination of the course (AURORA Pilot Banner), registration and implementation. After the course, and with the list of signatures, and after the delivery of a final work, they were delivered to the participants with at least 80% attendance (see folder).



Alliance of Universities to Reinforce Teacher Trainee Curricula to Outcast Radicalism and promote Equality in Asian Societies

<https://auroraerasmus.org/>



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University of Pune



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**UNIVERSITATEA
BABEŞ-BOLYAI**



UCC
Coláiste na hOllscoile Corcaigh, Éire
University College Cork, Ireland



MASARYK UNIVERSITY
Czech Republic



**UNIVERSIDAD
DE MÁLAGA**



Pokhara University



WP 2: Development Accreditation Process and Progress Report on Developed Courses



P12 – University of Málaga (Spain)






Agenda – Task for today

***Presentation about the process and progress
of accreditation of academic courses in
University of Málaga.***

Accreditation Procedure for a course in University of Málaga, Spain

Since it is not possible to add official subjects to the degrees without the consent of the Ministry of Education on a regular basis without entering into a standardised process that affects the whole degree according to the current national regulations, it was decided to create a 1 ECTS course as an optional extracurricular subject that could be taken by any student at the University of Malaga.

In this case, and following the regulations of the University of Malaga itself, the steps were as follows:

 UNIVERSIDAD DE MÁLAGA

RECONOCIMIENTO DE ACTIVIDADES COMO CRÉDITOS OPTATIVOS EN ESTUDIOS DE GRADO
(Dirigida a la Secretaría General de la Universidad de Málaga)

DATOS IDENTIFICATIVOS DEL SOLICITANTE (persona encargada de la organización de la actividad, o que actúa en su representación)

Nombre y apellidos: **SUSANA CABRERA YETO** DNI nº:

Domicilio: Municipio: Provincia:

Código Postal: Dirección Electrónica: Teléfono de contacto:

Medio de notificación: ☐ Correo Postal ☐ Correo Electrónico

DATOS IDENTIFICATIVOS DE LA ACTIVIDAD (se deberá adjuntar memoria descriptiva del contenido de la actividad)

Denominación de la actividad: **La radicalización en la sociedad actual: conceptos, procesos y soluciones**

Fecha/s de realización: **Del 17 de octubre al 15 de noviembre de 2023** Número de horas de duración: **25**

Entidad organizadora: **Vicerrectorado de Movilidad y Cooperación Internacional**


Persona responsable de la organización: **José Jesús Dolgado Peña (Vicerrector adjunto de Cooperación Internacional)**

Objetivos de la actividad: **Aportar una base de conocimiento sobre diferentes temáticas relacionadas con la radicalización y mensajes de odio**

Sistema de seguimiento de la participación (indicar si se realizará control presencial, con indicación del mínimo de asistencia requerido) **Control presencial de firmas (80% de asistencia mínimo)**

Forma de acreditación de la realización de la actividad (indicar entidad y firmante que expide el documento acreditativo) **Vicerrectorado de Movilidad y Cooperación Internacional UMA (Jefe de servicio: Ricardo del Milagro)**

Málaga, de de 20.....
(firma del solicitante)



Application for recognition of this course by sending the **corresponding form** and activity report (objectives, contents, timetable) to the University of Málaga Administration

RECONOCIMIENTO DE LA ACTIVIDAD PARA RECONOCIMIENTO DE CRÉDITOS EN ESTUDIOS DE GRADO.

Curso formativo: La radicalización en la sociedad actual: conceptos, procesos y soluciones.

Curso 2023/2024 (1 crédito por 25 horas de actividad)

1. Contenido de la actividad. Lugar de realización de la actividad

La organización del curso formativo recae en el Vicerrectorado de Movilidad y Cooperación Internacional. La propuesta formativa aportará al alumnado una base de conocimiento sobre distintas temáticas relacionadas con la radicalización y los mensajes de odio, un tema de gran actualidad habida cuenta de la expansión de los extremismos religiosos.

El análisis en conjunto de los conceptos, procesos y soluciones en la sociedad española e internacional protagonizarán los temas sobre los que versarán los bloques formativos.

El curso de carácter híbrido con una primera parte presencial seguida de una fase online es fundamentalmente práctico y dinámico. La inscripción estará abierta a la comunidad universitaria en general, es especial a aquellos/as estudiantes en el campo de las Ciencias Sociales como Educación, Derecho, Trabajo Social, Comunicación, entre otros. El interés puede ser muy variado al ser una temática candente y de relevante actualidad en el mundo actual.

La participación continua del alumnado se manifestará en las intervenciones en los distintos foros y debates surgidos en el desarrollo del curso y a través de la plataforma virtual creada para tal fin.

La formación se concretará en 4 bloques, impartidos por la experta en la materia, la Dra. Ana María Salinas. Se asegurará el enfoque de género y de derechos humanos en las exposiciones y materias impartidas.

Información relevante:

- La propuesta formativa se hace en el marco de un proyecto europeo Erasmus+ donde participa la Universidad de Málaga a través del Vicerrectorado de Movilidad y Cooperación Internacional: Proyecto AURORA, Alliance of Universities to Reinforce teacher training curricula and Outcast Radicalism and promote equality in Asian societies.
- Para superar el curso será necesaria la asistencia al 80% de las sesiones y realizar con éxito una evaluación de competencias al finalizar la formación.
- El curso se celebrará durante dos semanas, en dos jornadas vespertinas de tres horas cada una, incluyendo 12h en total de formación presencial, más 13 horas de trabajo online, con una sesión final de evaluación y conclusiones, lo que significan 25 horas de formación.

A continuación, se resumen los módulos temáticos. La ponente será la profesora Ana María Salinas, Catedrática del Departamento de Ciencia Política, Derecho Internacional y Derecho Procesal de la Universidad de Málaga:

BLOQUES FORMATIVOS:***MÓDULO 1 (3h): Introducción y conceptos generales y preliminares***

Se trata de situar al estudiante ante el fenómeno de la radicalización, abordando:

- Actores sociales claves
- Actores legales claves
- Comunidades y grupos vulnerables
- Conceptos claves del proceso de radicalización
- Principios claves en el tratamiento de la radicalización y el extremismo violento
- Potencial definición

Application for recognition of this course by sending the corresponding form and **activity report (objectives, contents, timetable)** to the University of Málaga Administration

Granting of this recognition by the competent unit of the University of Malaga (General Secretary of the University of Málaga)

25 de septiembre de 2023, 11:48



Asunto: Confirmación Solicitud de Reconocimiento

A/A SUSANA CABRERA YETO, en representación de la actividad "**La radicalización en la sociedad actual: conceptos, procesos y soluciones**" del Vicerrectorado de Movilidad y Cooperación Internacional de la Universidad de Málaga.

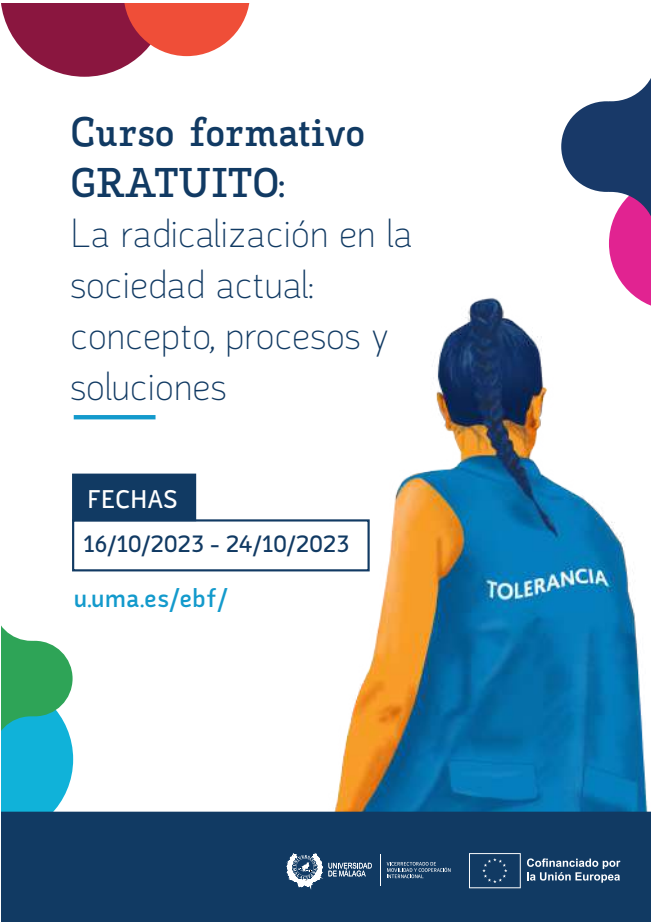
Buenos días,

En respuesta a su escrito, en el que solicita el reconocimiento de la citada actividad como créditos optativos en estudios de Grado en esta Universidad, le comunico que, una vez comprobado que la solicitud cumple con todos los requisitos exigidos por la Norma Reguladora para el Reconocimiento de Actividades Universitarias, ésta ha sido aprobada en la sesión del Consejo de Dirección de la UMA del jueves 21 de septiembre, por lo que ha sido incorporada a la relación de actividades reconocidas que figura en la web de la Secretaría General ([visitar](#)).

Reciba un cordial saludo,



Publication and dissemination of the course, registration and implementation.



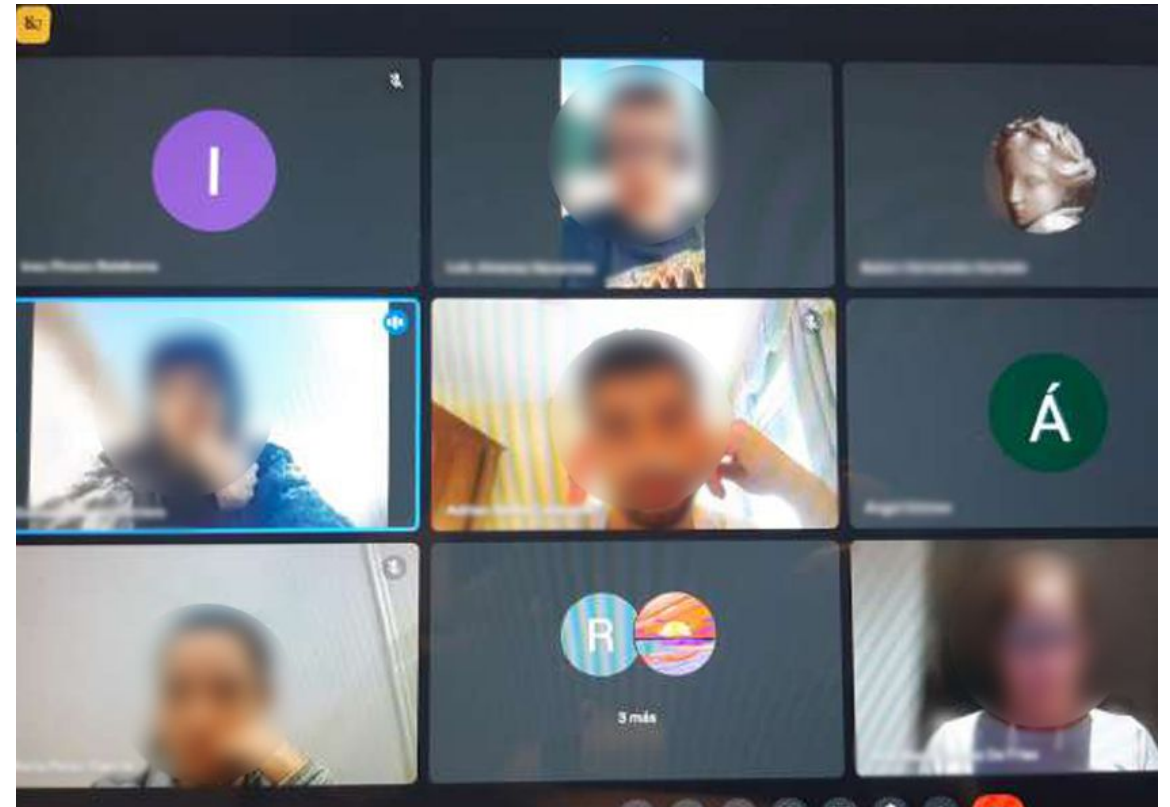
**Curso formativo
GRATUITO:**
La radicalización en la
sociedad actual:
concepto, procesos y
soluciones

FECHAS
16/10/2023 - 24/10/2023

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la Unión Europea



After the course, and with the list of signatures, and after the delivery of a final work, they were delivered to the participants with at least 80% attendance



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Agencia Andaluza de Cooperación
Internacional para el Desarrollo
Consejería de la Presidencia, Interior,
Diálogo Social y Simplificación Administrativa

Ricardo del Milagro Pérez, Jefe de Servicio de Relaciones Internacionales de la Universidad de Málaga

informa que

Ha realizado el siguiente Curso, con arreglo a la programación docente que figura al dorso, con un total equivalente a 1 crédito europeo (ECTS),

**LA COOPERACIÓN INTERNACIONAL ANDALUZA COMPROMETIDA CON LOS ODS. FORMACIÓN INICIAL
PARA COOPERANTES INTERNACIONALES DE LA UMA**

expide el siguiente informe que acredita haber seguido con aprovechamiento las correspondientes enseñanzas

El curso ha sido organizado por el Vicerrectorado de Movilidad y Cooperación Internacional con la cofinanciación de la Agencia Andaluza de Cooperación Internacional para el Desarrollo.

Dado en Málaga a fecha de firma electrónica

Código Seguro de Verificación (CSV) : PFIRMA-1c0e-cc81-15b4-ca19-09bf-03d8-e0f5-6185

Verificable en : <https://sede.uma.es/web/guest/verifica>

FIRMANTE(1) : RICARDO DEL MILAGRO PEREZ | FECHA : 19/05/2023 13:45 |



Thank you for your attention!

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The AURORA project has been funded with support of the Erasmus+ Program of the European Commission and coordinated by Banasthali Vidyapith, India. The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Vidyapith and Commission cannot be held responsible for any use which may be made of the information contained therein.

