OUTCOME REPORT

**Regional Workshop for Central Asia:
Detention Monitoring and the Protection of Human Rights
While Preventing and Countering Violent Extremism and
Radicalization to Terrorism (VERLT) in Prisons**

Bishkek, Kyrgyzstan – 29-30 November 2022

October 2024

Regional Workshop for Central Asia:
Detention Monitoring and the Protection of Human Rights While Preventing and Countering Violent Extremism and Radicalization to Terrorism (VERLT) in Prisons

Contents

I.   INTRODUCTION

On 29-30 November 2022, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) organized a regional workshop for Central Asia in Bishkek, Kyrgyzstan, titled *'Detention monitoring and the protection of human rights while preventing and countering violent extremism and radicalization to terrorism (VERLT) in prisons'*. Representatives of relevant state authorities, national human rights structures and civil society from throughout Central Asia as well as experts and partners from the OSCE and other international organizations attended the meeting. They engaged in dialogue and discussed the multiple human rights issues arising when preventing and countering VERLT in a prison context and how these issues might be addressed in practice.

Against this background, the regional workshop underlined the crucial importance of independent detention monitoring and increased oversight as a means of ensuring the enhanced protection of the rights of persons deprived of their liberty while effectively preventing and countering VERLT in prisons. The workshop was guided by the ODIHR and Penal Reform International (PRI) publication, *Protecting Human Rights in Prisons while Preventing Radicalization Leading to Terrorism or Violence: A Guide for Detention Monitors* (hereafter: ODIHR/PRI Guide for Detention Monitors).[1] The Guide documents how stronger human rights protection in prisons may reduce risks of radicalization to terrorism. It examines in detail a number of specific human rights risk areas in relation to measures that states, or more specifically prison authorities, are taking to manage (suspected) violent extremist prisoners and prevent the spreading of VERLT in prisons; and it provides guidance and support to independent detention monitors for the assessment of the human rights implications of such measures.

As a practical outcome, the regional workshop identified various national-level and region-wide challenges in this field and formulated key recommendations with the aim of promoting human rights-based strategies and approaches that address the issue of VERLT in prisons. This outcome report provides brief background information about the regional workshop, a summary of main points of discussion in each session as well as an overview of key recommendations, which emerged from the event.

Background

ODIHR organized the regional workshop within the framework of its ongoing work on human rights and anti-terrorism as well as the prevention of torture and a multi-year project to strengthen the protection of persons deprived of their liberty in the OSCE region. As part of the project, the Office held two regional workshops in different parts of the OSCE area to promote dialogue between policy makers, practitioners and detention monitors with a view to raising awareness about the importance of independent detention monitoring in the context of preventing and countering VERLT in prisons.[2] Drawing on these workshops, ODIHR developed a practical training for independent detention monitors, on the basis of the *ODIHR/PRI Guide for Detention Monitors*, to build their capacity to systematically analyze and assess the various human rights issues that may

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[1] The publication is available in English and Russian as well as other languages at the following link: https://www.osce.org/odihr/492934.
[2] In addition to the present workshop see https://www.osce.org/odihr/547939.

arise in preventing and countering radicalization to violence in prisons. So far, ODIHR delivered the training in three dedicated courses for detention monitors from selected countries in Central Asia, South East Europe and the European Union and other states.[3] Further training courses in other OSCE participating States are envisaged in future.

II. WORKSHOP SUMMARY

The regional workshop in Bishkek brought together some 58 participants, from all five Central Asian countries[4] encompassing a broad range of professional backgrounds, spanning both the state and civil society sectors at the domestic level. Participants included representatives from relevant national authorities (including interior ministries, state security and prison services), different human rights and prison oversight mechanisms, including Ombudspersons' Offices/National Human Rights Institutions (NHRIs) and National Preventive Mechanisms (NPMs) under the Optional Protocol to the UN Convention against Torture (OPCAT), as well as civil society monitors. By virtue of the global relevance of the subject matter, various international representatives and other experts also contributed to the exchange. They included representatives from Penal Reform International (PRI), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)[5] as well as OSCE field operations, the OSCE Secretariat and ODIHR.

In order to facilitate an interactive and dynamic discussion, the event comprised six sessions divided into a mixture of plenary and working group segments. The plenary sessions included short presentations by international and national experts, Q&A segments and open debate, while the working group sessions divided the wider audience into smaller collaborative clusters. The defined geographical focus of the event allowed for a vibrant exchange of information and experiences from different countries within the Central Asia region, with inputs from international experts and other contributors. An overview of the agenda of the workshop is included in the Annex of this outcome report. The event took place under the Chatham House Rule[6], which is similarly respected in this outcome report.

Session 1: Setting the scene - Why is independent detention monitoring important in preventing and countering VERLT in prisons?

The first session of the workshop featured a presentation of the *ODIHR/PRI Guide for Detention Monitors* to introduce participants to the publication and initiate a discussion about the importance of independent detention monitoring in this context.

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[3] See https://www.osce.org/odihr/556932, https://www.osce.org/odihr/563139 and https://www.osce.org/odihr/570930.

[4] From Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Participants from Tajikistan participated in the meeting online.

[5] The representative of the SPT contributed to the event in an online capacity.

[6] When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

In doing so, some of the conditions were identified which potentially make prison environments conducive to VERLT, including prison corruption; lack of safety and security in prison; cruel, inhuman or degrading treatment or punishment; poor detention conditions and overcrowding; and the disproportionate, discriminatory or arbitrary use of restrictions and other security measures in detention. Protection of the rights of persons deprived of their liberty is therefore crucial to reduce the risks of radicalization to terrorism or violence in prisons.

At the same time, emphasis was placed on the heightened vulnerability of *(suspected) violent extremist prisoners*[7] to face human rights violations in detention, because they are targeted or may be impacted by prison-based measures to prevent and counter VERLT. In this context, reference was made to the four 'human rights risk areas' related to measures aimed at preventing or countering VERLT in prisons highlighted in the *ODIHR/PRI Guide for Detention Monitors*. These include: (1) the classification, risk and needs assessments of prisoners; (2) the prison regime; (3) rehabilitation and reintegration programmes; and (4) institutional and staff issues. It was noted during this as well as other subsequent sessions that independent detention monitors have a crucially important role in monitoring compliance with international standards in relation to all four areas where human rights might be at risk.

More broadly, it was observed by several participants that the protection of human rights while preventing and countering VERLT in prisons should be addressed holistically within the broader context of the criminal justice system, including also the phases prior to detention or conviction and after release. In this context, it was noted that the threat of so-called "extremism" and terrorism has been misused in several states in order to clamp down on dissident voices in society, including members of the political opposition, human rights defenders and religious, national and ethnic minorities. In particular, concern was expressed on multiple occasions that domestic laws regulating the offences of "extremism" and terrorism frequently remained overly broad and ambiguously worded, in violation of international law. As a result, vaguely worded criminal offences in domestic law often extended beyond acts or threats of violence to acts which should be protected as the legitimate exercise of fundamental freedoms, including freedom of expression and religion or belief.[8]

Consequently, in assessing human rights compliance in this field, there was not only a need to consider the treatment and conditions of detention in accordance with the *ODIHR/PRI Guide for Detention Monitors.* But there was also a pressing need to evaluate the specific legal basis on which individuals were being sentenced to periods of imprisonment for "extremism" or terrorism-related offences and its lawfulness in accordance with international standards. Similarly, the human rights impact of administrative controls after release, the proper function of the probation system and post

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[7] The term *(suspected) violent extremist prisoners* is understood in the *ODIHR/PRI Guide* not as a homogenous group but may include prisoners who are suspected or convicted of terrorism-related offences as well as those who are, irrespective of the offences they are imprisoned for, perceived to be affiliated with terrorist or violent extremist groups in prison or are considered to be "at-risk" or vulnerable of being drawn into VERLT. See *ODIHR/PRI Guide for Detention Monitors*, p. 11.

[8] For the conceptual challenges related to a lack of universally accepted definitions of terrorism and violent extremism and the difference between "extremism" as a legal concept in the context of criminal legislation and VERLT as a policy concept, see *ODIHR/PRI Guide for Detention Monitors*, pp. 8 and 16-17.

detention reintegration support were of crucial importance. Multiple participants reiterated these as key points throughout the two-day workshop.

Session 2: Practices and approaches - Preventing and countering VERLT in prisons

During the second session, various presenters shared their professional experiences regarding practices and approaches to preventing and countering VERLT in prisons employed in different countries and regions. The session opened with three international speakers followed by three presenters from Central Asia. From the presentations and the subsequent discussion several dominant themes emerged.

Firstly, while it was reiterated that 'extremism' should not be equated with 'violent extremism' and the peaceful expression of radical or extreme views should not be considered a crime, the regional workshop heard about the OSCE perspectives on approaches and challenges for preventing and countering VERLT, including in relation to non-custodial reintegration and rehabilitation. In this context, the importance of prevention, which was non-coercive in nature, was highlighted as well as the need to follow a 'do no harm'-approach and to carefully consider potential human rights implications in preventing and countering VERLT. Furthermore, a whole-of-society approach was required to ensure the active participation of all sectors of society, including independent non-governmental organizations (NGOs) in this endeavor. With regards to the prevention of radicalization to terrorism or violence in prison more specifically, participants learned about activities of UNODC in Central Asia, including its assistance provided to prison and probation services in different countries of the region in managing violent extremist prisoners, the development of risk assessments, prison security audits as well rehabilitation and reintegration guidelines and techniques.

After an overview of the main trends about terrorism and VERLT in Central Asia offered by one expert, another participant advanced detailed information about practices in relation to the administrative supervision of persons convicted of crimes related to terrorism and "extremism" after release. Furthermore, statistics were provided that illustrated a significant increase in the number of convictions of persons for "extremist" and terrorist offences in some countries of the region in recent years. While it was noted in the discussion that available data from those countries did not differentiate between the specific types of offences (whether they involved violence or not), for other countries it was reported that no data was available at all about the number of such prisoners among the total prison population. A lack of transparency of the criminal justice system in terrorism-related cases overall, as highlighted by another expert, also undermined effective oversight.

The need for gender and age-sensitive measures, both non-custodial and prison-based, to rehabilitate and reintegrate prisoners as well as "foreign terrorist fighters" (FTFs) and associated family members, including children, who have returned from conflict zones in Syria and Iraq was raised by several presenters. A detailed account was given of a related NGO initiative in one Central Asian country aimed at ensuring the longer-term rehabilitation and reintegration of violent extremist prisoners, returning FTFs and their families into society. Participants were especially interested to learn how civil society organizations were selected and granted access to work with prisoners and family members associated with FTFs and how such programmes were being evaluated in practice

in order to determine their effectiveness and compliance with best international practices. Concerning the return of FTFs from conflict zones, it was also noted in the discussion that there was a risk of statelessness due to domestic laws in some countries, which allow stripping nationals involved in terrorism of their citizenship. As a result, citizens may be rendered stateless, in violation of international human rights law, and left stranded abroad.

Concerning the situation in prisons in Central Asia, it was stressed that, despite some on-going prison-based efforts to disengage and reintegrate violent extremist prisoners, the absence of *post-release* rehabilitation programmes across the region was nullifying many of these best efforts. Too often prisoners were left to fend entirely for themselves upon release and faced widespread stigmatization in society. As a result, it was argued that a much broader, multi-faceted approach with comprehensive post-release support measures for prisoners was required. Following the formal presentations, a diversity of other questions and comments arose in the broader context of preventing and countering VERLT in prisons and wider society, including about the need for greater civil society engagement across the full spectrum of activities aimed at tackling the phenomena.

In particular, the regional workshop learned that both independent detention monitors and civil society actors play an important role in tackling prison-based grievances and abuses, which may lead to the spread of violent extremism and radicalization to terrorism and violence in such contexts. OSCE participating States in Central Asia should therefore closely and constructively engage with independent civil society actors in this field, allow them access to prisoners and places of detention, swiftly ratify the Optional Protocol to the UN Convention against Torture (OPCAT), if not yet done so, and establish fully functioning and independent NPMs accordingly.

Session 3: Principal human rights challenges in preventing and countering VERLT in prisons in Central Asia

The third session of the workshop represented one of the workshop's two main interactive working sessions. After an overview of the subject matter by the introductory speaker, participants split into three working groups. Each group focussed on the principal human rights challenges in the countries of Central Asia in relation to one of the following issues: (1) identification of prisoners "vulnerable" to VERLT, classification, risks and needs assessments; (2) prison regimes and security measures for (suspected) violent extremist prisoners; and (3) rehabilitation and reintegration programmes.[9]

Working group 1: Identification of prisoners "vulnerable" to VERLT, classification, risk and needs assessments

In its discussions, the working group was guided by a number of leading questions including about whether specific indicators were used to identify (suspected) violent extremist prisoners, whether any specific risk and needs assessments were applied to them, how they were usually classified and whether security classification decisions could be challenged by prisoners. The groups found that common challenges across the region included, in particular, the general absence of systematic and coherent individualized needs and risk assessments. This was due to a lack of technical assessment

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[9] The focus of the working groups thus corresponds to some of the main human rights risk areas, which are explored in detail in the *ODIHR/PRI Guide for Detention Monitors*.

tools and gaps in related legal frameworks. Furthermore, this was compounded by limitations in capacity of prison staff to conduct such assessments as well as a paucity of the necessary materials and IT equipment. The low level of salaries of prison personnel and difficulties in recruiting highly qualified staff further undermined potential efforts in this regard. However, in two Central Asian countries systems of classification, risks and needs assessments were being developed with the support of international organizations. In addition, alternative forms to imprisonment were increasingly being explored in certain countries, including the increased use of probation.

Working group 2: Prison regimes prison regimes and security measures for (suspected) violent extremist prisoners

The groups found areas of both commonality and difference across these issues in Central Asia. The lack of a common approach towards classification, risks and needs assessments meant that prisoners convicted of violent crimes may be held together with those convicted for non-violent acts such as downloading or sharing materials deemed "extremist". At the same time, it was noted that practices varied in different countries regarding the extent to which (suspected) violent extremist prisoners were separated from the general prison population and held in conditions of isolation. Solitary confinement was, however, reportedly often used as a punitive sanction for violation of prison rules across the region in general. The use of instruments of restraint and force as well as contacts of prisoners with the outside world were generally regulated by law, with restrictions on outside contact varying from country to country.

Overall, and not only for (suspected) violent extremist prisoners, prison regimes were deemed particularly problematic in respect of the privileged lawyer-client relationship (which was not always respected in practice, particularly during the pre-trial stage), adequate healthcare, provision of food and conditions in cells, as well as requests and complaints mechanisms. Such common problems of the penitentiary in Central Asia may, however, have had a stronger impact on (suspected) violent extremist prisoners due to additional security measures as well as suspicions and negative attitudes towards them. In some countries, it was noted, prisoners convicted of terrorism or "extremism"-related offences were also not eligible for early/conditional release.

Working group 3: Rehabilitation and reintegration programmes

Discussions in the group highlighted that poor conditions of imprisonment and a failure of prison authorities to fulfil basic needs and ensure respect for the dignity of prisoners significantly hampered rehabilitation efforts. Furthermore, the involuntary basis of rehabilitation and reintegration programmes and the involvement of prisoners in such programmes by elements of coercion (i.e., a lack of informed choice) represented a common challenge. The choice of professional training in prison as a means to rehabilitate and reintegrate prisoners into society was also very limited, necessitating a widening of vocational training options for prisoners. Furthermore, a lack of gender mainstreaming in the provision of such prison-based programmes in the region was also stressed, requiring tailored approaches to the rehabilitation and reintegration of female prisoners. Concerning targeted interventions for (suspected) violent extremist prisoners it was noted that a premium was often placed on changing (religious) beliefs as opposed to altering violent behaviour of prisoners, which raised various human rights concerns. Finally, in several

countries there were strict limitations on prisoners' contact with the outside world. Combined with the imposition of conditions of solitary confinement, this negatively affected a potentially important support network for disengagement and reintegration purposes.

During the subsequent plenary discussion, it was remarked that the human rights challenges in relation to the areas discussed by the three working groups were very much interrelated. Apart from torture and other ill-treatment, there were serious risks of discrimination (based on gender, age, religion or ethnicity) and other human rights violations, which needed to be carefully assessed in all these areas. Independent detention monitors were deemed the eyes and ears on the ground, which were essential to identify such risks and strengthen human rights while preventing and countering VERLT in prisons.

Session 4: Detention monitoring mandates, practices and approaches

The first part of the session focussed on the mandate and practices of the UN Subcommittee on Prevention of Torture and its experiences in assessing human rights implications of measures to prevent and counter VERLT in prisons. Afterwards, the session looked at national detention monitoring mandates from the Central Asia region with five speakers from NPMs and civil society organizations presenting their practices and experiences in this field.

While only two countries in the region had ratified the OPCAT and instituted NPMs, it became evident from the various presentations that there was a wealth of detention monitoring experience in the Central Asia region. Of the two countries with NPMs, one had adopted a so-called 'ombudsperson-plus' NPM model, comprising the Commissioner for Human Rights and selected civil society organizations. The other country had created an entirely new preventive mechanism, which involved civil society organizations in its governing bodies. Furthermore, there were a number of national human rights structures with a mandate to monitor places of detention in other countries that had not ratified OPCAT. In addition, there were other detention monitoring arrangements, working groups or public monitoring commissions in which civil society representatives and their organizations have played a past and present role. To strengthen the detention monitoring frameworks in Central Asia there have been efforts on the part of different domestic and international actors to promote the ratification of the OPCAT in the region, regrettably with limited progress. Participants expressed the hope that states that had not yet ratified OPCAT and established an NPM would show the political will to do so in due course.

In relation to the specific challenge of monitoring the treatment and conditions of detention of (suspected) violent extremist prisoners, diverse themes emerged during the session. In one country, the NPM conducted specific research in 2019 on legislation and law enforcement practice on conditions of detention of prisoners convicted with terrorism and "extremism" charges. As for the NPM in the other country, participants learned about the institution's general activities of monitoring the detention conditions and treatment of prisoners to prevent torture, which would also contribute to reducing risks of radicalization to violence as set out in the *ODIHR/PRI Guide for Detention Monitors*.

Among the issues monitors had observed in relation to treatment and detention conditions of (suspected) violent extremist prisoners in the various countries in the region, it was reiterated during

the session that such prisoners faced higher risks of torture and other ill-treatment in detention than other prisoners. At the same time, due to their placement in separate cells, the conditions of facilities (lighting, ventilation, etc.) for this category of prisoners were sometimes deemed to be better than those for other prisoners, which were generally not in accordance with international and national standards throughout the region. Concerns about the treatment of (suspected) violent extremist prisoners, which emerged during the session, related in particular to isolated detention under strict conditions, restrictions on family and other visits, the transfer of prisoners to facilities in distant regions which would make it difficult for prisoners to maintain contact with family members as well as a lack of appropriate conditions for religious followers to pray. The role of services for theological and rehabilitative work was highlighted as well as the importance of probation systems and post-release reintegration efforts, including employment opportunities for ex-prisoners, to reduce recidivism.

Beyond the Central Asia region, it was argued that globally NPMs could devote greater attention to focussing on the situation of (suspected) violent extremist prisoners. The UN Subcommittee on Prevention of Torture could offer advice to NPMs in this context. The publication of the *ODIHR/PRI Guide for Detention Monitors* had also made a useful contribution in this regard. The regional workshop also learned that, while NPMs had robust mandates to monitor prisons (due to their OPCAT basis in international and domestic law), the access of civil society entities to places of detention, people and information was more, and often severely, limited. But the access of civil society detention monitors, including to high-security prison contexts, remained similarly important and should therefore be strengthened.

Session 5: Challenges and good practices in monitoring the protection of human rights while preventing and countering VERLT in prisons in Central Asia

In the fifth session, which represented the workshop's other main interactive working group segment, participants discussed in small groups the practical challenges faced by detention monitors in accessing penal facilities, prisoners and staff, as well as written information. In the working groups and subsequent plenary discussion, it was noted that the two NPMs in the region mostly enjoyed unhindered access to prisons, prisoners and staff as well as written information (as required by Article 20 of the OPCAT); and that also other national human rights structures in the region could make planned and unannounced visits to places of detention. In one country, both the NPM and the Ombudsperson's office had a mandate to conduct visits, which usefully complemented each other. However, in practice a number of challenges remained for detention monitoring bodies in accessing prisoners, facilities and information.

For example, several detention monitoring bodies had faced restrictions in accessing prisons in the period of 2020-2021 during the COVID-19 pandemic. For some countries in the region, it was noted that access to prisoners was also generally hindered by a lack of space to conduct confidential interviews. Sometimes, restrictions on using cameras and other technical tools were also imposed on detention monitors when undertaking visits. A particular source of contention, which was highlighted, was a lack of full unannounced access to detention facilities under the jurisdiction of the state security service. Multiple concerns were raised about the role and practices of state security services in the region, state secrecy, the ability to obtain classified documents and, generally,

insufficient transparency, in particular in relation to VERLT- and terrorism-related cases, which represented an obstacle for independent detention monitors, including NPM's full access to information in accordance with Article 20 of the OPCAT.

With regard to access to (suspected) violent extremist prisoners and prisoners convicted of terrorism-related offences, another set of challenges raised during the discussion revolved around the prisoners' perception of detention monitors and their work as well as the general level of trust in the larger criminal justice system. It was noted, for example, that unwritten rules of prison sub-culture sometimes deterred prisoners from speaking privately with outside actors, including detention monitors. Participants also identified a lack of confidence on the part of prisoners in the perceived capacity of different monitoring bodies to undertake effective action on their behalf. The persistence of widespread allegations of torture and other human rights violations, low numbers of prosecutions and convictions of perpetrators and a sense of impunity coupled with fears of reprisal discouraged prisoners from complaining to detention monitors. While some NPMs and national human rights structures maintained complaint boxes and operated telephone hotlines, which prisoners could call, it was noted that there was no guarantee that such measures were always effective and prisoners could freely and confidentially use them for complaints.

Furthermore, the willingness of prisoners to interact with detention monitors was also dependent on whether their institutions were regarded as being sufficiently independent of the state authorities. For NPMs and national human rights structures, it was held that the involvement of independent civil society representatives in their work and in their governance structures helped to strengthen trust in those institutions as independent actors. Also more generally, the role of civil society was considered essential for independent detention monitoring and effective oversight in this field. In this context, however, concerns were raised about a lack of recognition and increasing challenges faced by independent civil society organizations overall. This was apparent in strict regulation, tightening state control, including by the imposition of stigmatising rules on organizations that receive foreign funding, and a generally shrinking space for civil society to operate freely across the region.[10]

Session 6: Recommendations to strengthen independent detention monitoring for protection of human rights while preventing and countering VERLT in prisons in Central Asia

Session 6 elicited a raft of recommendations aimed at strengthening independent detention monitoring for the protection of human rights while preventing and countering VERLT in prisons in Central Asia. In particular, it was recommended to address the issue holistically encompassing all levels of the criminal justice system prior, during and after detention and based on a review of the legal and policy framework on counter-terrorism and combating of so-called "extremism".[11]

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[10] See for example ODIHR *Urgent Interim Opinion on the Draft Law on Non-Profit Non-Governmental Organizations and Draft Amendments on "Foreign Representatives" of the Kyrgyz Republic* (2022), December 2022, https://legislationline.org/sites/default/files/2022-12/451-452_NGO_KGZ_12Dec2022_en.pdf; and ODIHR *Submission for the Call for Inputs: Global Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space*, December 2022, https://www.osce.org/odihr/536040.

[11] For ODIHR reviews on the broader counter-terrorism law and policy context in Central Asia see for example ODIHR *Note on the Shanghai Convention on Combating Terrorism, Separatism and Extremism* (2020),

These recommendations are integrated into the consolidated list of recommendations that emerged from the various sessions of the workshop, as set out below. Following the session, the regional workshop was brought to a close with conclusions and final remarks by the organizers.

III.   CONCLUSIONS AND KEY RECOMMENDATIONS

To OSCE participating States in Central Asia:

- All OSCE participating States in the region should recognize the vital role of independent detention monitors in protecting the human rights of prisoners while preventing and countering VERLT in prisons. They should strengthen national human rights frameworks with a view to promote effective and independent detention monitoring. In particular, they should ratify the OPCAT and institute independent, adequately resourced and effectively functioning NPMs if not yet done so.

- States should also in particular recognize the important contribution civil society can make in this field through additional scrutiny of human rights compliance in places of detention. States should create an enabling environment for civil society to operate freely and facilitate the work of independent civil society detention monitors by providing access to places of detention and to information as required.

- States should bring their national legislation to combat terrorism and "extremism" into line with international human rights standards. To this end, they should make use of ODIHR legislative support, solicit and use ODIHR reviews analyzing the human rights compliance of draft and existing legislation related to terrorism and so-called "extremism".

- In particular, states should amend or repeal legislation with overbroad and vague notions of terrorism and "extremism", which are prone to arbitrary or even abusive application, as well as other counter-terrorism legislation with negative human rights impacts, e.g., laws that render citizens believed to be involved in terrorist activities abroad stateless by stripping them of their citizenship.

- As most prisoners convicted of offences related to terrorism or violent extremism will one day re-enter society, states should invest significantly greater resources in the rehabilitation and reintegration of such prisoners and ensure that targeted interventions and activities are fully human rights-compliant, gender- and age-appropriate.

- In particular, states should establish and/or further develop their probationary services and integrate programmes of disengagement from violence into pre- and post-release programmes for prisoners convicted of offences related to terrorism or violent extremism. They should expand systems of early release to such prisoners, where appropriate, and ensure that any post-release administrative supervision is fully human rights-compliant.

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https://legislationline.org/sites/default/files/documents/cf/382_TERR_BiH_21Sept2020_en.pdf. All ODIHR legal reviews on counter-terrorism and violent extremism are available at: https://legislationline.org/legal-reviews.

- States should be open to developing partnerships with independent civil society actors aimed at rehabilitating and reintegrating (suspected) violent extremist prisoners. All pre- and post-release support measures for prisoners should involve a wide range of state and civil society actors working in partnership. The effectiveness of such programmes should be regularly evaluated in accordance with international best practice and standards.

- States should also develop, where appropriate, tailored non-custodial responses to returning "foreign terrorist fighters" and provide necessary rehabilitation and reintegration support for associated family members, especially children.

To detention monitoring bodies and civil society actors in Central Asia:

- In states, which have not yet ratified OPCAT, detention monitoring bodies and civil society actors should build on their on-going efforts to advocate for OPCAT ratification and the institution of independent, adequately resourced and effectively functioning NPMs.

- In discharging their respective mandates, detention monitoring bodies and civil society actors should carefully assess the human rights implications of measures to prevent and counter VELRT in prisons, including in relation to the application of risk assessments, security restrictions and prisoners' access to rehabilitation and reintegration support.

- They should also continue to advocate for changes to broader counter-terrorism and "anti-extremism" legislation with negative human rights impacts, such as overbroad and vague laws criminalizing legitimate political and religious activities which have resulted in individuals being imprisoned for non-violent extremist offences.

- In carrying out their work, detention monitoring bodies and civil society actors should pay close attention to related recommendations issued by UN treaty bodies (such as the UN SPT) and special procedures (such as the Special Rapporteur on human rights and counter-terrorism), several of which have undertaken fact-finding missions to the region in recent years.

- National actors have a crucial role to play in any follow-up measures, including through the drafting of action plans, monitoring the implementation of recommendations and the publication of follow-up reports to address remaining shortcomings and strengthen human rights protections in prisons.

To ODIHR:

- ODIHR should continue to cooperate with other international organizations and human rights mechanisms to promote ongoing efforts for the ratification of OPCAT and support the establishment of independent, adequately resourced and effectively functioning NPM in the region.

- ODIHR should develop training materials based on the ODIHR/PRI *Guide for Detention Monitors* and organize related training activities for detention monitors. These should include regional training events to facilitate the exchange of information from different countries about

detention monitoring practices, methodologies and experiences in relation to the treatment of prisoners and detention conditions in the context of preventing and countering VERLT.

- ODIHR should consider translating the ODIHR/PRI *Guide for Detention Monitors* into Central Asian languages to encourage the wider use of the publication by detention monitors across the region.

- ODIHR should make the publication available to relevant institutions, including libraries, educational establishments, criminal justice training colleges, and prison services.

- ODIHR should consider creating a handy pocket-sized brochure based on the *ODIHR/PRI Guide for Detention Monitors.*

Detention monitoring and the protection of human rights while preventing and countering violent extremism and radicalization to terrorism (VERLT) in prisons

Regional workshop for Central Asia

29-30 November 2022

Hyatt Regency Hotel
Abdrahmanov Street 191
Bishkek, Kyrgyzstan

<u>Agenda Overview</u>

Tuesday, 29 November	
9:00-9:30	*Arrival & Registration*
9:30-9:45	**Opening & Welcome**
9:45-10:30	**Session 1: Setting the frame - Why is independent detention monitoring important in prevention and countering VERLT in prisons?** • Introduction, purpose and objectives of the workshop • Presentation of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and Penal Reform International (PRI) Detention Monitoring Guide and related activities *Moderator:* Representative of ODIHR *Speakers:* - Representatives of PRI (by pre-recorded video message) and ODIHR *Q & A, comments & observations*

10:30-11:00	**Session 2: Practices and Approaches - Preventing and countering VERLT in prisons** • Taking stock of international, regional and national initiatives and approaches for preventing and countering VERLT in prisons *Moderator:* Representative of ODIHR *Speakers:* - Representatives of the OSCE Secretariat Transnational Threats Department, Action against Terrorism Unit (TNTD/ATU), the UN Office on Drugs and Crime (UNODC) and the Middle East and North Africa Programme of PRI *Q & A*
11:00-11:20	*Coffee Break*
11:20-12:45	**Session 2: continued** • Taking stock of international, regional and national initiatives and approaches for preventing and countering VERLT in prisons *Moderator:* Representative of ODIHR *Speakers:* - Representatives of Asia Group Public Foundation (Kyrgyzstan), Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan) and the NGO Barkaror Hayot (Uzbekistan) *Q & A, comments & observations*
12:45-14:00	*Lunch Break*
14:00-15:00	**Session 3: Principle human rights challenges in preventing and countering VERLT in prisons in Central Asia** • Overview of main human rights challenges, including in relation to classification, risks and needs assessments; prison regimes and security measures; as well as rehabilitation and integration measures for (suspected) violent extremist prisoners. • Brainstorming on principle human rights challenges in preventing/countering VERLT in prisons in Central Asia (in Working Groups) *Moderator:* Representative of PRI *Introducer:* ODIHR consultant on detention monitoring/counter-terrorism *Followed by discussion in working groups*
15:00-15:20	*Coffee Break*
15:20-16:20	**Session 3: continued** • Plenary Report back by Rapporteurs of Working Groups

	• Q & A and open debate *Moderator:* Representative of PRI
16:20-16:50	**Session 4: Detention monitoring mandates, practices and approaches (part 1)** • Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to the protection of human rights while preventing and countering VERLT in prisons in Central Asia *Moderator:* Representative of ODIHR *Speaker:* - Representative of the UN Subcommittee on Prevention of Torture (SPT) (by video link) *Presentation on SPT mandate, practices and experiences in assessing human rights implications of measures to prevent and counter VERLT in prisons.* *Q & A*
16:50-17:00	**Conclusion of Day 1**
from 17:15	*Small reception and dinner for all workshop participants (Hyatt Regency Hotel)*

Wednesday, 30 November	
9:00-9:15	**Introduction to Day 2**
9:15-10:30	**Session 4: Detention monitoring mandates, practices and approaches (part 2)** • Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to Central Asia *Moderator:* Representative of ODIHR *Speakers:* - Representatives of the National Center for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of Kyrgyzstan and the National Preventive Mechanism at the National Center of Human Rights/Commissioner for Human Rights in the Republic of Kazakhstan *Q & A, comments & observations*
10:30-11:00	*Coffee Break*
11:00-11:30	**Session 4: continued**

	• Stock-taking and overview of international and national detention monitoring mandates, models, practices and approaches of relevance to Central Asia *Moderator:* Representative of ODIHR *Speakers:* - Representatives of a Public Monitoring Commission (Kazakhstan), Human Rights Society "EZGULIK" (Uzbekistan) and interventions by other civil society representatives *Q&A*
11:30-12:45	**Session 5: Challenges and good practices in monitoring the protection of human rights while preventing and countering VERLT in prisons in Central Asia** • Exchange of experiences and views on practical challenges detention monitors face in assessing the human rights implications of practices and policies to prevent and counter VERLT in prisons, how challenges can be addressed and existing good practices. *Moderator:* Representative of PRI *Introducer:* ODIHR consultant on detention monitoring/counter-terrorism *Followed by discussion in working groups*
12:45-14:00	*Lunch Break*
14:00-15:15	**Session 5: continued** • Plenary Report back by Rapporteurs of Working Groups • Q & A and open debate *Moderator:* Representative of PRI
15:15-15:45	*Coffee Break*
15:45-16:30	**Session 6: Recommendations to strengthen independent detention monitoring for protection of human rights while preventing and countering VERLT in prisons in Central Asia** • Open debate for identification of recommendations to OSCE participating States, the OSCE and other international actors as well as detention monitors and civil society. *Moderator:* Representative of ODIHR
16:30-16:45	**Conclusions & Wrap-up**