**Prosecution, rehabilitation and reintegration**

1. **Description**
2. **Results and Analysis**

* *Recidivism rates?*
* *End to hostilities?*
* *Public reactions?*
* *Would it work elsewhere or did success depend on certain pre-conditions?*

1. **Way Forward (steps the State is currently undertaking to improve the program**

**Issues for Consideration:**

1. Has the state developed prosecution, rehabilitation and reintegration strategies for former combatants/FTF-returnees, as alternatives to prosecution and/or as alternatives to incarceration, that take into account the above mentioned considerations and are in compliance with applicable international human rights and international humanitarian laws and standards. If so, does the state implement this strategy for returnees?
2. Has the state established clear aims, goals, expected outcomes and success indicators for its reintegration and rehabilitation programs, on the basis of comprehensive risk and threat assessments and with careful consideration of possible risks and failures?
3. Does the competent authority have at its disposal a wide range of post-sentencing alternatives in order to avoid institutionalization and to assist offenders in their early reintegration into society? Are rehabilitative measures integrated within and beyond the criminal justice response, including in different stages of criminal proceedings and also on a voluntary basis in cases where former combatants/FTF-returnees have been acquitted, charges have been dropped, or where prosecution is not possible due to a lack of evidence?
4. Are the relevant authorities able to apply a case-by-case approach to former combatants/FTF-returnees on the basis of individual risk assessments, the availability of evidence and related factors and are there clear guidelines, criteria, vetting processes, risk assessment tools and classification systems in place for determining the appropriate approach?
5. Does the state have strategies for dealing with specific categories of former combatants/FTF-returnees (for example minors, individuals who were forced, compelled, threatened, deceived or manipulated into travelling, cases in which the line between victim/perpetrator is blurred, individuals with serious mental or psychological disabilities, women, dependent family members, and are those strategies in compliance with applicable international human rights law and international humanitarian law?)
6. Do the strategies include gender-sensitive disengagement, rehabilitation, and reintegration programs that address the specific needs of women and girls on a path to terrorist radicalization or involved in violent extremism, as appropriate?
7. Are appropriate mechanisms in place in order to ensure oversight and review by a judicial or other competent independent authority throughout the provision of court-mandated reintegration and rehabilitation programmes and are measures in place in order to ensure that the offender is entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of non-custodial measures?
8. In cases where reintegration and rehabilitation programs are voluntary, what measures exist in order to ensure that participants are properly informed of their rights to end their participation, and the procedures for doing so?
9. What measures exist in order to ensure that programs, which are aimed at addressing participants’ beliefs and ideologies, ensure adequate protection of international human rights, including freedom of thought, religion, expression and privacy?
10. Does the state have in place mechanisms for preparing prisoners for post-release reintegration? Has the state put in place effective intake, assessment and classification systems for new inmates, in order to determine their suitability and/or eligibility for prison-based rehabilitation programs and in order to develop a, effective, targeted approach, as appropriate?
11. Are existing prison standards and practices conducive to effective prison-based rehabilitation and in compliance with the UN Standard Minimum Rules for the Treatment of Prisoners(1957)?
12. Is the state able to combine reintegration programs with monitoring/reporting, supervision, probation, fixed addresses, restraining orders, surrender of passport/identification, travel bans or other measures, as appropriate?
13. Are all actors who may be involved in implementing prosecution, reintegration and rehabilitation programs (which could include, judges, prosecution, defence lawyers, law enforcement, intelligence agencies, prison, detention or other correctional services, state, county, city or municipal government, schools, social services, psychologists, health-care workers, non-governmental organizations, civic organizations, faith communities, family members and other civil society actors) carefully screened and recruited; made aware of what is expected of them and the various legal, political, ethical, operational, strategic, financial and practical implications that their roles might involve? Are those actors provided with adequate, predictable and long-term resources, support, guidance and oversight; and do they have the opportunity to consult with the competent authority?
14. Does the state have in place appropriate structures to ensure proper coordination and clear leadership in developing and implementing an interagency/multi-stakeholder/multi-disciplinary platform model, as appropriate? Does the state have in place mechanisms to ensure timely information sharing at the national and the local level?
15. Are participants in reintegration and rehabilitation programs provided with psychological, social and material assistance and with opportunities to strengthen links with the community and facilitate their reintegration into society, when needed?
16. Are local governments consulted as appropriate, for instance on housing issues, education and job prospects within the municipality? Does the state have in place appropriate mechanisms to assess the willingness and abilities of receiving communities, including local government and authorities, local communities and families, as appropriate, to reintegrate returnees and to prepare those communities for receiving returnees, as required?
17. Was there a public awareness/media campaign to gain buy-in either at national and/or local level?

**Relevant norms, standards, rules and good practices:**

* International Covenant on Civil and Political Rights 1966 (art. 9 and 14);
* United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), 1990;
* United Nations Basic Principles on the use of restorative justice programmes in criminal matters, 2002;
* United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), 2010;
* United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("*Beijing Rules*");
* United Nations Rules for the Protection of Juveniles Deprived of their Liberty (.*JDL*.);
* Guiding Principles of the Counter-Terrorism Committee on Stemming the Flow of FTFs, published by the Security Council, including in particular Guiding Principles 30-32;
* Global Counter-Terrorism Forum (GCTF) The Hague—Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon and the [Addendum to The Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the FTF Phenomenon with a focus on Returning FTFs](https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Addendum-to-The-Hague-Marrakech-Memorandum.pdf);
* Global Counter-Terrorism Forum (GCTF) Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders and the Addendum to the Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders;
* Global Counter-Terrorism Forum (GCTF) [Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related](https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Effective-Use-of-Appropriate-Alternatives.pdf) Offenses;
* Global Counter-Terrorism Forum (GCTF) [Neuchâtel Memorandum on Good Practices on Juvenile Justice in a Counterterrorism Context](https://www.thegctf.org/Portals/1/Documents/Toolkit-documents/English-Neuch%C3%A2tel-Memorandum-on-Juvenile-Justice.pdf);
* Global Counter-Terrorism Forum (GCTF) Good Practices on Women and Countering Violent Extremism; and
* The European Commission Radicalization Awareness Network declaration of good practices for engagement with foreign fighters for prevention, outreach, rehabilitation and reintegration.