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PILLAR 3

# STATE OF THE ART

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## **REGUIDE**

**A Holistic, Restorative and Gendered approach to Guide Returnees to their Home Country**

**Contract nr : B2/202/P3/REGUIDE**

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### **[Keywords]**

Repatriation- reintegration- experiences- returnees- children-families



## INTRODUCTION

REGUIDE - A Holistic, Restorative and Gendered approach to Guide Returnees to their Home country -develops an integrative and gendered approach for the reintegration of Belgian returnees in society. The project develops an interdisciplinary, holistic, multi-agency and multi-level approach to the reintegration of returnees, with a particular focus on gender. Since the outbreak of the Syrian War in 2011, more than 5000 European citizens have travelled to Syria and Iraq to live along or join various jihadi groups. By 2017, one third of them have returned. Belgium had the highest ratio of departees or "foreign terrorist fighters" (FTF) per capita (since 2012, 550- 600 individual were present in Syria and Iraq) and with a 30% return rate, Belgium has also the highest ratio of returnees per capita. The societal consequences of the phenomenon of departees and returnees are unparalleled since previous Belgian and European links with jihadi organizations were on a significantly lower scale and easier to govern. These consequences include among others issues of security, justice, integration, and democracy. EU member states (MS) use divergent criminal justice, penitentiary, security and societal approaches vis-à-vis returnees. Existing research suggests that policies which overemphasize the use of hard measures fail to offer solutions that lead to a successful reintegration of returnees and their families and therefore to a sustainable security. To that effect, our project aims to reguide both returnees and the society as a whole to create a sustainable and peaceful context. To reach this long-term vision, by using a variety of methodologies such as ethnography, discourse/legal/content analysis, arts-based and action research and interdisciplinary research based on law, criminology, anthropology, social psychology, political sciences and gender studies, REGUIDE discerns five objectives: 1. Create a multidisciplinary and multi-stakeholder Living Lab of expertise on returnee reintegration (RELAB), 2. Develop holistic knowledge on returnee reintegration in Belgium, 3. Develop a sustained restorative approach to returnee reintegration based on restorative, educational, and participatory interventions, 4. Develop a set of tools and recommendations for LEAs and other practitioners and policy makers, and 5. Share the project results and activities at the local, regional, national and European level.

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The case of returnees presents particular challenges to Law Enforcement Agencies (LEAs) in Europe in general, and Belgium in particular due to the juridically hybrid nature of the phenomenon, which lies halfway between judicial procedures, legal prevention measures and social rehabilitation activities. At the level of the judicial and security authorities, the term returnee is defined as a person who has left Belgium to go to a jihadist conflict zone and who has subsequently returned to Belgium. This definition corresponds to the Foreign Terrorist Fighters (FTF) of the third

category, established by the Coordination Unit for Threat Analysis (CUTA) and is the definition of reference for all stakeholders in the criminal justice administration system.

The prison and probation systems are considered a priority by the EU, as radicalization may be strengthened by the conditions of the execution of the sentence. While preventing and combating radicalization in prison and probation remains a key concern, reintegration of returnees is an equally important European societal challenge. The EU Counter Terrorism Coordinator emphasizes that programmes should be developed both in prison and probation to close the gap between the security risk and the reintegration needs (Council of the European Union, 2016). Belgium has deployed divergent preventative, criminal, administrative, rehabilitation, and reintegration approaches vis-à-vis returnees. Although systematic research is limited, the existing findings suggest that policies and programmes which prioritize the use of hard measures, and which lack a holistic and restorative approach fail to offer sustainable security solutions (CSS, 2014). Recent scholarship has furthermore indicated that a prolonged subjection to these policies might result in what scholars have described as iathrogenic effects: the reinforcement of oppositional identities and the reduction of trust in authorities (Linkekilde, 2012). Research shows that chances of successful reintegration are higher when these projects are not just risk-directed, but also take into account the personal needs, underlying frustrations and experiences of the people involved as well as their social network (Bjorgo & Horgan, 2009; Schmid, 2013; Jasko et al, 2017). Furthermore, society's acceptance of ex-fighters is a crucial precondition for their reintegration, as demonstrated by studies conducted elsewhere (Weggemans & De Graaf, 2017). Currently, the public opinion within EU MSs, including Belgium, is largely uninformed and therefore hostile to returnees and the question of their reintegration remains highly controversial, whereas it is evident that the starting point for reintegration requires not only a consistent and collaborative organizational approach that involves the individuals, their social environment and public officials, but equally that of public opinion at large. There is growing political recognition that a holistic approach that leads to a successful rehabilitation and reintegration of returnees and their families into the European societies needs to be developed (GCTF, 2016). According to the Radicalization Awareness Network (RAN), an effective policy for dealing with returnees will require dialogue and engagement with a wide range of actors from the micro to macro level, such as families, community members and leaders, social and cultural institutions, local authorities, and security services within an environment of cooperation, transparency and trust (RAN, 2013). In addition, there is little understanding of how gender plays a structuring role in the reintegration of returnees. Several studies indicate that the imaginaries around returnees are strongly gendered (i.e. women as victims and men as perpetrators), which can potentially impact the policy measures and societal views around these groups (Bakker & de Leede, 2017; Martini, 2018; Navest et al., 2016). While counterterrorism strategies have targeted the role of women and the female gendered experience, the nexus between masculinities and Jihadism remains unexplored because of the strong focus on religion (Aslam, 2012). While the impact of gender on Jihadi women has received some attention, the impact of gender on Jihadi men remains understudied. Yet studies have shown that a(n) (un)fulfilment of particular male ideals or roles drives men to accept militant Jihad in order to regain honour and status (Aslam, 2012, 2014; Messerschmidt & Rohde, 2018). It is therefore also important to attend to the impact of gender both for women and men within de-radicalisation and reintegration programmes. To that effect, there is a need to evaluate the existing discourses, policies, and programmes that deal with returnees and their

reintegration from a gendered perspective, in order to develop, validate, implement, and disseminate evidence-based approaches on returnee reintegration at the European level. The gendered approach in REGUIDE thus not only pays attention to women/femininity, but explicitly addresses men/masculinity, while foregrounding intersections with religion and other important markers.

## KEY RESEARCH HYPOTHESES

Five hypotheses inform the research project:

### ***1. Media framing on the repatriation and the reintegration of returnees are predominantly negative.***

Since 2012 hundreds of Belgians –also known as ‘Foreign Terrorist Fighters’ or departees– have travelled to Syria and Iraq to live and sometimes fight alongside rebel or extremist groups (Cops et al., 2020). A decade later, the world still faces challenges in relation to these departees and their children. Many have been killed, some are on the run or have already returned, and others –who we call ‘potential returnees’– are locked up in prisons and camps (Paul & Acheson, 2020). The public debate about what to do with these potential returnees and their children has been ongoing for years. The existing literature identifies five approaches to dealing with them: (1) local prosecution in Syria/Iraq, (2) prosecution by an international ‘IS’ tribunal, (3) active repatriation and prosecution in the home country, (4) active prevention of their return, and (5) reluctance to repatriate (See: Coolsaet & Renard, 2019; Mehra & Paulussen, 2019; Ragazzi & Walmsley, 2018; Renard & Coolsaet, 2020; Van Deputte, 2022). In Belgium, security experts argue that the third option of controlled and active repatriation is the safest and most viable long-term solution (Coolsaet & Renard, 2020). However, public opinion is divided, largely uninformed and also very hostile to the idea of repatriation (Winckelmanns, 2018; van Vlierden, 2019). Thus, the repatriation and reintegration of returnees remains a highly controversial issue to this day, and moreover, governments struggle to balance both “generally hostile public sentiments to repatriation, and ethical and/or national security concern” (Paul & Acheson, 2020, p. 5). As a result, they tend to opt for the passive strategy of deliberate inaction (Marone, 2021).

Traditional media play an important role in this public debate as they have privileged access to public discourses (Van Dijk, 2006). They are influenced by public opinion and politicians as they have to provide the content demanded by the public and adopt the language of political actors. Conversely, they also influence the political agenda and shape public opinion by setting agendas and framing issues. However, as the media are one of the few channels of information for the Belgian public on the returnee issue, they have the power to define and construct public perceptions through their reporting (Sivenbring, 2021). Furthermore, an uninformed public is susceptible to adopting the frames provided by the media, which, according to research on the framing of Muslims, are predominantly negative (d’Haenens & Bink, 2007; Shahid, 2005) and often frame ethnic-cultural minorities as either victims or threats (Berbers et al., 2016; Van Gorp, 2005).

## ***2. There is a divergence of perspectives regarding the supervision and management of returnees.***

There is a significant literature on policies and data available from the various institutions responsible for sentencing (anti-terrorist prosecution services, prison administration, police and internal security services) and reintegrating returnees (administrative probation services, welfare associations, etc.). In general terms, the published studies can be categorised as follows 1) Literature presenting the current state of sentencing, supervision and the administrative accompaniment of returnees from Syria (Renard and Coolsaet, 2018; RAN Manual, 2017; Capone, Paulussen and Mignot-Mahdavi, 2023). 2) literature studying the transformations of the legal and administrative frameworks for sentencing and judging returnees under the impact of the judicialisation and criminalisation of departures and returns from Syria[2] (Boutin, 2016; BRION et. al. 2022 ; Remacle, Vanneste, Van Praet, 2022; Mégie et Jossin 2016. 3) Literature studying the political positions of Belgium and other European countries on the issue of returns from Syria and the mobilisation for repatriation. This literature often oscillates between at least two options. The first provides reassurance in the face of the threat of violence and shows that returnees are supervised and monitored by multiple mechanisms (Delhaise, Remacle, Thomas, 2020; Brion, De Valkeneer, Francis 2019; Brown & Mohamed 2022). The second highlights the potential of violence contained in the phenomenon of return and evokes the fear of recidivism (Byman, 2016; Bruyère-Ostells, 2019; Van Ginkel and Entenmann, 2016; Malet and Hayes, 2020; Renard, 2021).

The phenomenon of the repatriation of children and their mothers detained in refugee camps in Syria is a specific category in public policies and political discourse on returnees, as children have received a relatively humanitarian approach, i.e. one that goes relatively beyond the binarity of "ami-ennemi" (Fadil, Van Buggenhout & Dumortier 2023). The debate (Coolsaet & Renard, 2018) and the subsequent study of the procedures and conditions for the reception of repatriated children and their mothers from Syria has occupied this literature. Repatriation and its mechanisms have attracted the interest of researchers following the mobilisation of a number of groups across Europe (Penna, 2022), including the scientific community (Fadil, 2022). This involves studies in different countries describing the processes of repatriation of children and placing them in host families and institutions (Baranger and Eliacheff, 2019).

The different levers for the reintegration of children are described. For example, the article written by Delhaise, Remacle and Thomas (2021) describes the main mechanisms in Belgium to support the reintegration of children. Other research emphasises psychological dimensions such as the role of emotions in this reintegration (Euillet, Hilbold, Ganne, Faisca, & Turlais 2022). Based on a psychological approach and longitudinal follow-up, the study conducted by Gerrit Loots and Hannan Jamaï shows the processes of "detachment" and "uprooting" suffered by repatriated children as a result of the imprisonment of their mothers and the non-repatriation of their fathers (Loots & Jamaï, 2023).

## ***3. There are inconsistencies within the legal framework.***

Offences are not always worded clearly and the offences relating to terrorist groups are interpreted (too) broadly. Despite this, the Constitutional Court has found the terrorism offences to be constitutional. Therefore, almost everybody returning from jihadist war zones faces prosecution for one or more of these terrorist offences. An analysis of case law has shown that despite the broad spectrum of terrorist offences available, prosecution is almost always reliant on the offences pertaining to terrorist groups (Yperman & Vlierinck 2022).

***4. The adoption of a multi-agency approach results in an improved framework for the reintegration of returnees.***

Regarding the judicial aspects, Belgium, like France (Brocard, 2020), has chosen to systematically prosecute all its (adult) nationals who have left to the Iraqi-Syrian conflict zones on the basis of anti-terrorist legislation. As part of its programmes to combat terrorism and prevent radicalisation, Belgium has adopted a multi-agency approach. This approach involves the early and effective identification of individuals at risk of violent radicalisation by promoting cooperation between services, better information sharing, joint decision-making and coordinated efforts (Hardyns & al., 2021). In recent years, the various stakeholders responsible for dealing with returnees at various levels (prevention, repression, supervision, probation, etc.) have been moving towards this approach.

***5. Reintegration experiences of returnees and their children, understood from their own perspective are underexplored.***

The reintegration or reinsertion of returnees, as seen by them and based on their experiences inside and outside prison, has not been the subject of social science studies as such. Despite the importance of this issue in the field of 'radicalisation studies', it has been subordinated to a vast literature on the evaluation of public policies related to the prevention and countering terrorism.

A journalistic work (Thomson, 2016) published in France in 2016 already puts the issue of the reintegration of people returning from Syria on the public agenda in that country. Subsequently, after the defeat of ISIS in 2019, this issue was raised in all European countries. This book takes the form of a survey of French citizens returning from Syria, both inside and outside prisons. Despite the lack of studies on this topic, the controversies that followed the publication of this book and the ethical and methodological problems[1] that are inherent to it have ultimately prevented its wide use by researchers in the social sciences. These controversies have also affected the assumptions that have been made about the reintegration of returnees. Returnees are described in terms that focus on their ideology and what is seen as 'radicalised' thought, while prison life and post-prison conditions are not explored.

More accessible to researchers who have developed collaborative relationships with prison administrations, research on 'returnees' in detention constitutes the main body of research on the subject. These include studies by clinical

psychologists based on psychological monitoring in prisons (Kalaora, 2019; 2022) or sociological studies proposing new ideological profiles based on interviews conducted in detention (Kies, 2018).

Justified by security arguments, children have lived together with their mothers for years in detention camps where a dignified existence was undermined by a lack of safety, hygiene, medication, nutrition, water, and quality education (Human Rights Watch, 2022). Due to the reluctance of the Belgian government to repatriate them from the Kurdish detention camps in Northeast Syria where they ended up after the fall of ISIS in October 2017. A situation that lasted unnecessarily long (Fadil et al., 2022). Since 2019, 20 women and 49 children have returned, of which 16 women and 37 children who are involved in the research. The returned women are perceived as dangerous, problematic, and/or helpless. There is a perception that the children, due to trauma, early indoctrination, and radicalization, may pose a danger to society (Fadil et al., 2022). This means that they must reintegrate into a society that promotes a dominant societal discourse fueled by fear, insecurity, control, and repression, with a risk of social exclusion and hindrance to social reintegration as a result.

Reports are gradually emerging from various countries, including Sweden, that report on the reception and reintegration of mothers and children who returned from the camps in Northeast Syria (Repatriate the Children Sweden, 2022). Apart from similar reports, opinion pieces, and interviews, we observe a lack of scientifically substantiated knowledge based on the perspective of returnees in current reintegration policies (Speckhard & Ellenberg, 2020).

## NEW RESEARCH CONTRIBUTIONS

### ***On media framing and political affects.***

Preliminary findings show that in the early years of the Syrian conflict, and especially in the aftermath of the attacks in Europe, departees and their (possible) repatriation got a lot of media attention. The adventures of Belgian 'Syria fighters' in the conflict zone, the disillusionment of those who returned, and the question of whether the mothers and children could or should be repatriated in the post-'ISIS' period, were highly mediatized. But in recent years, there has been a general decline in media attention. It is only when they could potentially be repatriated that they regain prominence. Moreover, while the repatriation process is highly mediatized, the reintegration and rehabilitation of returnees has received far less media attention (Hoffman & Furlan, 2020).

The media analysis provides important insights into the presence of multiple narratives and a limited number of political voices in the returnee debate. However, a deeper understanding of why alternative political voices are absent from this debate is lacking. Therefore, this research aims to examine the political discourses and debates on the returnee issue and to take a closer look at what shapes political narratives on such a controversial and polarizing issue, with a particular

focus on affects and emotions. This will result in a mapping of the existing dominant political discourses and counter-discourses on the returnee issue as a whole, and an analysis of what influences political decision-making on this issue. In addition, this critical discourse analysis will provide a better understanding of whether and how politicians or political parties and other key actors own this issue in society.

### ***With regards to the legal framework and judicial context***

The main finding is that the rules are not always as clear as they could and should be. This comes as no surprise since the counter-terrorism legislation has expanded exponentially in the last twenty years in a piecemeal fashion without evaluation of the entirety of the framework (Yperman and Vlierinck 2022). While alternative sentences such as the electronic tagging sentence, community service and autonomous probation sentences exist and are possible for a fair amount of the terrorism offences, they do not seem to be used. The sentence usually imposed is a prison sentence at the higher end of the sentencing bracket. The prevalence of prison sentences is belied by the issues pertaining to the wording and proportionality of the sentences. A possibility which is used only slightly more often than alternative sentences is that of a suspension of sentence. The postponement of enforcement of a prison sentence on the other hand, being possible for sentences of up to five years, is more prevalent ( Yperman and Vlierinck 2022).

We furthermore observe that the decisions of Belgian criminal courts and tribunals concerning returnees have mostly resulted in convictions (Remacle & al., 2022), the post-sentencing phase has not yet been studied. An initial inventory of the actors and procedures put in place as part of the socio-judicial process for returnees has therefore been drawn up (Remacle & al., 2023). The preliminary findings are as follows: returnees are dealt with according to the new procedures put in place for all persons concerned by radicalism, extremism and terrorism (1), collaboration between the various stakeholders in the criminal justice administration chain appears to be a central element in the approach to this group (2), the socio-judicial pathways of returnees appear to take different forms depending on whether they are dealt with in the north or south of the country (3), on the basis of these initial findings, the next objective is to be able to identify the levers and obstacles in the decision-making processes of the various actors involved in these socio-judicial pathways and in the returnees' various spheres of life (social, professional, family, etc.).

At present, there is no overview of the socio-judicial pathways of returnees in Belgium. While a number of returnees have been in prison - either as a result of pre-trial detention or sentencing - many are also undergoing or have undergone probation. In this context, they are subject to compliance with a conditional arrangement, compliance with which is monitored by Justice Houses. For these cases, the Justice Houses have adopted specific work processes while marking out their position in the multi-agency approach (Mine & al., 2022; Beckers & Pletincx, 2018). An analysis of their case files concerning returnees throughout the country will provide a better understanding of the socio-judicial pathways of the returnees.

### ***Reintegration experiences of returnees, children and families.***

The research on the reintegration of returnees and their children is based on qualitative, ethnographic and action based field research and on a social constructionist epistemology. The generation of information and knowledge consists of the involvement of families, returnees, mothers, children as co-researchers from a collaborative and dialogic research position. Through their shared experiences and reflections good practices are developed through workshops, discussions with aid organizations, lawyers and RELABs, with the aim of co-constructing knowledge that can lead to favorable change in the reintegration processes of returnees and their families.

With a collaborative attitude as a foundation, research data is collected using various research methods that require social and academic engagement:

- being present in the lives of returnees, (foster) families to discuss their daily experiences and to think about collective action with regards to repatriation and reintegration challenges.
- visit returnee prisoners to discuss imprisonment experiences and reintegration possibilities and difficulties.
- Using narrative and visual methodologies to support participants and invite them to reflect creatively on their reintegration process. Research has shown that providing creative means of expression has a facilitating impact for individuals who are less responsive to written or verbal research methods such as interviews or focus groups (Liamputtong & Rumbold, 2018).

## **POLICYMAKER RECOMMENDATIONS**

As we are still in the process of conducting a substantial portion of our research, we are unable to formulate our recommendations at this time. However, one crucial recommendation based on the finalized legal framework report written by Yperman and Vlierink is that a thorough evaluation of the existing legislation is necessary in order to ascertain which changes to make. The legislation has been continually expanded without having taken the time to evaluate properly. This is showcased by several issues, which the report highlights and we recommend are solved:

- Many of the terrorism offences are worded broadly and vaguely.
- This broadness and vagueness create significant overlap between the different offences.
- Issues arise pertaining to the proportionality of sentences.
- The general rules regarding the competences of the courts are applicable, making the Assize Court the jurisdiction for the most serious terrorist offences. As showcased by the upcoming trial about the terrorist attacks in Zaventem and Maalbeek, the need for an assize court can lead to complications.
- While the legislation provides for several alternative sentences, they are virtually unused.
- The situation of terrorist detainees within prison remains rather opaque and its relation to human rights tense.
- The recourse against administrative measures, mainly asset freezing, is unclear.

- The revocation of nationality seems to be a measure without real ratio beyond the communication of strong disapproval.
- The repatriation process is very slow and the government remains inactive concerning any other group but children.

In the following phase of the research, we will assess how returnees are handled by various actors within public policy and the criminal justice system by analyzing the files of justice assistants and the interviews with actors within public policy and law enforcement agencies (LEAs). The forthcoming analyses will provide different public institutes, aid organizations and LEAs with valuable information regarding the factors that facilitate or hinder the reintegration of returnees. The objective is to use these results to inform and guide the political authorities in making any necessary adjustments to the existing systems.

To conclude, we underline that in order to achieve sustainable and restorative social reintegration, it is essential to enrich current policies with alternative perspectives that prioritize the inclusion of the voices of returnees, children, and their families. Consequently, this research focuses on exploring the experiences, challenges, and needs of returnees, as well as those of their children and families.

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