

(LEGAL) CONSTRAINTS IN TERMS OF GROUP TARGETING

Differences between EC countries in allowing the selection of specific
groups for social programmes

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INTRODUCTION

It became clear early on in the SAFIRE project that different EU countries have different views on targeting groups in social work and especially with regard to preventing or countering radicalization. Consequently, a programme developed in one country to prevent radicalization cannot necessarily be used in another country, because targeting a specific group may not be allowed.

A workshop at the SAFIRE symposium on the 6th of June 2012 in Amsterdam addressed the topic of programmes targeting a specific group. A mixture of policymakers and people active in fieldwork formed the main participant group. They commented on two scenarios and on whether or not programmes in their country may target a specific group and, if this were allowed, how they would justify implementing a targeted programme.

METHOD

The two scenarios the workshop participants commented on are described below.

Scenario 1

A city with 500.000 inhabitants has two neighbourhoods with very big social economic problems: unemployment, poor quality housing, poor quality education, crime and stigmatization (based on opinions held by the population from other neighbourhoods and even other cities: nothing good will come from these neighbourhoods). So people from these neighbourhoods have fewer (job) opportunities.

Suppose there is a group of teenagers, who loiter in a small park in one of those neighbourhoods drinking beer and just hanging around. They have caused some nuisance by littering and making noise but they are, at

least according to the police, not involved in severe crime. Some of the group members have police records for minor offences but none of the teenagers has ever been arrested for more severe offences. The youth worker has no real contact with the group; he greets them and sometimes invites them for activities in the youth centre but they never come. Because other groups have caused more trouble the youth worker has decided not to spend a lot of time on this specific group. However, the youth worker has observed that the group is still in the park but they have changed: no alcoholic beverages have been drunk for at least the past four weeks. Some of the group members have started to wear different clothes.

Moreover, the youth worker has heard that the group was talking to other teens about religion, whereas previously conversations were about cars, football, the weather or other everyday topics. One of the group members, the one usually seen as having a lead role, has recently married and gotten a job. The group is Muslim and mostly of Moroccan descent (there is one from Turkish and one from Pakistani descent).

The youth worker has not been successful in establishing real contact with the group, therefore he only has a gut feeling that the group might be radicalising. He is, however, worried and wants the city council to implement a deradicalisation programme that has been developed by an organisation in cooperation with the city council. The youth worker is convinced that people from that organisation will be able to get in contact with the group because it is an organisation set up by a former Muslim radical of Moroccan descent.

Scenario 2

Same city but a different neighbourhood. The problems are the same but in this neighbourhood there are not a lot of minorities. The social economic problems are severe. The crime rates are high. The police suspect that a lot of crime is not reported because people "solve" it themselves. Other crimes such as insurance fraud are also reported. There are families where none of the parents or grandparents has ever had a job for longer than six months. People living in the neighbourhood like their neighbourhood: they feel at home and identify strongly with the neighbourhood and their neighbours. Lately the local government (or social housing agency) has offered some immigrant families houses for rent in the neighbourhood.

This has led to heated debates and some vandalism of the houses and gardens. People living in the neighbourhood want their children to be able to live in affordable houses in the neighbourhood but there is a seven-year waiting

list. Young people want to stay in the neighbourhood and claim they have more rights to the affordable houses than immigrants because they have lived in the neighbourhood all their lives. A radical right wing group sees an opportunity to gain support and members in the neighbourhood and has started to contact young people.

The youth worker fears that a substantial number of youngsters, especially those with limited prospects in life, might sympathise with extreme right ideas, and wants to start a deradicalisation programme. Her target group is young people from the neighbourhood who dropped out of school or attended schools for children with learning or behavioural problems. All these youngsters miss the basic qualifications and skills to get a regular job and most of them are unemployed.

After the presentation of the scenarios the workshop participants were asked to imagine that they had to decide whether or not to implement one of the two deradicalisation programmes.

Participants were asked to answer the following questions for the country they work in:

- 1) What is your ethical justification should you choose to intervene?
- 2) What group do you want the intervention to target?
 - a) Are you legally allowed to directly target this group?
 - b) Are you allowed to construct programmes in such a way that they are only interesting to a very specific ethnic or religious group for example by working with especially selected role models?
- 3) Who is going to carry out the programme?
- 4) What procedures are going to be used with regard to the protection of the privacy of programme participants? What information are participants given about the program before they agree to participate?

Workshop participants working in the same country cooperated in answering the above questions. The researcher summarised participants' responses and sent this summary to all participants with a request to check its accuracy and indicate if the researcher had permission to use the information they had provided.

RESULTS AND CONCLUSIONS

People working in France, Portugal, the Netherlands, Romania, Denmark and Belgium attended the workshop. This is, of course, not representative of all 27 EU member states and participants were not always able to answer all questions but we found some interesting differences in answers that people gave.

There are differences regarding whether government programmes can target groups if there are no clear signs of criminal acts. For all countries criminal acts committed by a group could be a justification for starting a programme for this specific group. Some countries such as France or Portugal only allow deradicalisation programmes for individuals who have been convicted for terrorist crimes.

Whether or not more preventive programmes could target specific groups differs slightly. In some countries government agencies cannot target a specific ethnic or religious group, but the use of correlated variables is allowed and NGOs may directly target ethnic groups.

An example of the use of correlated variables leading to indirect targeting of a specific group could be the use of a specific postal code. If a program is developed for a part of the city where a lot of people from Moroccan descend live then by targeting the postal code area one can indirectly target a specific ethnic group. In the Netherlands some programmes by NGOs specifically target Moroccans. However, the court deemed illegal a government proposal to create a list identifying young individuals with a specific ethnicity, so called "Verwijs Index Antillianen" (a list for use by government offices, which identifies problems with certain individuals with an Antillean ethnicity).

So in the Netherlands NGOs are allowed to target specific ethnic groups but for government agencies this is only sometimes acceptable. In France it is forbidden to collect information about racial or ethnic origin and for the French participants in the workshop it was unimaginable that a government programme could target a specific ethnic group. Social-economic criteria can be used for (government) programmes but not ethnicity or religion.

Because collecting data about religion or ethnicity is not allowed it is also difficult to target a specific religious or ethnic group in France.

The other countries held positions somewhere between the two positions of the Netherlands and France.

Participants from Portugal explained that in Portugal radicalisation has only recently become an issue and is not deemed very important. In Portugal, government agencies can and will create programmes to alleviate social problems but a programme directed at a radical group was deemed highly unlikely.

In Denmark there is much emphasis on prevention of juvenile crime, there are ways in which schools, the police and local governmental organisations exchange information about young people who have already committed a crime or who are in a vulnerable position.

The workshop could not and did not provide us with a complete overview of what is (legally) acceptable within the different EU Member States with regard to programmes developed to stop or reverse radicalization. The workshop highlighted, however, the very different cultural and legal frameworks within the EU concerning radicalisation and programmes to stop or reverse it. An intervention aimed at the prevention of radical violence is conceivable in, for example, Denmark or the Netherlands but less so in countries such as France or Portugal.

Successful programmes from one EU country cannot be implemented in another without strategies to deal with the differences in constraints to target specific groups.