

CTED Analytical Brief: The repatriation of ISIL-associated children



CTED

UNITED NATIONS SECURITY COUNCIL
COUNTER-TERRORISM COMMITTEE
EXECUTIVE DIRECTORATE

BACKGROUND

The present *Analytical Brief* was prepared by CTED in accordance with Security Council resolution 2395 (2017), which directs CTED to conduct analytical work on emerging issues, trends and developments and to make its analytical products available throughout the United Nations system.

CTED *Analytical Briefs* aim to provide the Security Council Counter-Terrorism Committee, United Nations agencies, and policymakers with a concise analysis of specific issues, trends or developments, as identified through CTED's engagement with Member States on their implementation of the relevant Security Council resolutions. The *Analytical Brief* also includes relevant data gathered by CTED, including through engagement with its United Nations partners; international, regional and subregional organizations; civil society organizations; and members of the CTED Global Research Network (GRN).¹

The present *Analytical Brief* should be read in conjunction with a separate *Analytical Brief* that addresses the connected but distinct challenges related to the repatriation of women associated with the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh).²

THE DATA

There is currently no comprehensive dataset on the number, nationality, gender and age of individuals associated with ISIL who are detained or held in camps in northern Syrian Arab Republic and Iraq, or on the individuals who have been repatriated from those camps to their country of origin. In the absence of such a dataset, CTED has collated and analysed Member States' responses to this issue, using data collected during its engagement with Member States, its other partners, and through its own open-source research. Although significant data gaps remain - including lack of gender and age disaggregation and the limited amount of data of any kind for certain regions - CTED has used quantitative and qualitative analysis to generate an **indicative picture of Member State policies regarding the repatriation of children from northern Syrian Arab Republic and Iraq over the past twelve months.**

KEY TRENDS

- Children from at least 42 Member States are currently interned in camps in northern Syrian Arab Republic. Owing to data gaps, including the absence of any data for several States known to have high numbers of foreign terrorist fighters (FTFs), this is likely to be an underestimation of the total number of Member States impacted by this issue.

¹ See the [latest GRN newsletter](#) for more information.

² See [CTED Analytical Brief: The repatriation of ISIL-associated women](#).

- Approximately 1,000 children from at least 21 Member States have been repatriated from Iraq or the Syrian Arab Republic since September 2018. Around 75 per cent of those repatriations took place in May and June 2019, but progress appears to have slowed, with few subsequent examples of repatriation from either State.
- Several Central Asia States, Azerbaijan and the Russian Federation were responsible for more than 60 per cent of the total repatriations. In most of those cases, mothers were repatriated with their children, although in around 25 per cent of cases, unaccompanied children were repatriated from Iraq (where their mothers remain in prison).
- Despite the significant number of children of European origin currently interned in Iraq and the Syrian Arab Republic, the data available to CTED suggests that only seven European Member States have repatriated children since September 2018, predominantly young orphans or unaccompanied children.
- Although large numbers of FTFs travelled to Iraq and the Syrian Arab Republic from the Middle East, North Africa and South-East Asia, CTED found limited information on children from those regions currently interned in Iraq and the Syrian Arab Republic or on repatriations to those regions. There was also limited gender disaggregation across all datasets.
- In order to fill those data gaps and help develop a more tailored response to this challenge, impacted Member States and relevant international, regional, subregional and civil society organizations should proactively collect (and where appropriate, share) gender-, age- and nationality-disaggregated data on the children who remain interned in Iraq and the Syrian Arab Republic.

RESPONSES

Although a significant number of impacted Member States appear to have approached the issue of child repatriation on a case-by-case basis, some policy positions or approaches have emerged. These include:

- Repatriation of large groups of children from either Iraq or the Syrian Arab Republic;
- Prioritization of the repatriation of orphans or unaccompanied children;
- Prioritization of the repatriation of younger children (including by only repatriating children below a defined age limit);
- Introduction of measures preventing children born in the conflict zones from automatic entitlement to citizenship, if their parents are suspected of affiliation with ISIL;
- Reluctance to take active steps to repatriate children.

There have also been differences in the approaches taken by some Member States to the repatriation of children from Iraq and the Syrian Arab Republic, respectively. This appears to be

partly due to the different legal status of the entities with which Member States are engaging. Many States have existing bilateral agreements - including on mutual legal assistance - in place with the Government of Iraq. In contrast, several Member States who have publicly expressed their willingness to repatriate children from camps administered by the Syrian Democratic Forces (SDF) have undertaken, or are undertaking, a review and assessment process to understand how they can legally interact with a non-State actor on this issue.

CHALLENGES

Thousands of children (most of whom are under the age of 12) remain stranded in overcrowded camps in Iraq and the Syrian Arab Republic, where they have limited access to food, medical care, education and other fundamental rights and services. Although many of the children have been exposed to extreme acts of violence or subjected to human rights violations and abuses, the camps are unable to provide appropriate reintegration and rehabilitation assistance, including access to psychosocial support or post-trauma counselling.

States have faced multiple challenges in developing their responses to this urgent, yet complex situation. These include confirming the nationality or nationalities of children (many of whom were born in the conflict zones and therefore lack birth registration and identify documents). Many were also born to a parent or parents with multiple nationalities of their own, while countless others have been orphaned. Confirming their nationality has been further complicated by the policies of some Member States, who have removed citizenship from parents of children or placed restrictions on the entitlement of those children to citizenship, thereby risking leaving the children stateless.

The reluctance of some States to engage in the repatriation of children appears to have been driven by security concerns. These include uncertainty regarding the State's own ability to adequately conduct risk assessments or provide appropriate reintegration and rehabilitation assistance on the children's return. Some older children may also be above the age of criminal responsibility in their home State and be suspected of terrorism-related offences. Many States have alerted CTED to the broader challenges that they face relating to jurisdiction and evidence, which could potentially hinder their efforts to investigate and prosecute such individuals following their repatriation.

Some approaches taken by States – including separating children from their parents for repatriation – have also resulted in domestic legal challenges and expressions of concern by civil society organizations, which have emphasized States' obligations under international law (including international human rights law, international humanitarian law and international refugee law), particularly Article 3 and Article 9 of the Convention on the Rights of the Child.³

³ [A/RES/44/25](#).

GUIDANCE AND INITIATIVES

There is guidance available for Member States, and several initiatives have been launched to raise awareness of the relevant issues and share good practices. The Security Council has adopted a number of related resolutions and issued guidance, most notably:

- Security Council resolution 2396 (2017), which recognizes, inter alia, the particular importance of providing, through a whole-of-Government approach, timely and appropriate reintegration and rehabilitation assistance to children associated with FTFs returning or relocating from conflict zones, including through access to health care, psychosocial support and education programmes that contribute to the well-being of children and to sustainable peace and security. The resolution also encourages Member States to develop appropriate legal safeguards to ensure that prosecution, rehabilitation and reintegration (PRR) strategies are in full compliance with their international law obligations, including in cases involving children.⁴
- The Counter-Terrorism Committee's *Addendum to the guiding principles on foreign terrorist fighters (2018)*,⁵ which includes multiple principles relevant to Member States' obligations in relation to children. These include, inter alia:
 - Guiding Principle 7, on legal frameworks and procedures, which calls on Member States to put in place special safeguards and legal protections in cases involving children, in full compliance with their obligations under international law. These include, inter alia, taking into consideration the age of the child and the many roles they may have served, while recognizing that they may be victims of terrorism, and assessing each child individually and without prejudice.
 - Guiding Principle 12, on PRR strategies, which states that Member States should, inter alia, make the best interests of the child a primary consideration and implement PRR strategies that are: age- and gender-sensitive; in compliance with criminal legislation; include access to health care, psychosocial support and education programmes; and enable the involvement of child-protection actors and the social sector, as well as their effective coordination with the justice sector.

Other parts of the United Nations have also developed guidance, including:

- In April 2019, the United Nations system developed *Key principles for the protection, repatriation, prosecution, rehabilitation and reintegration of women and children with links to United Nations-listed terrorist groups*. The Principles aim to enhance the coherence of United Nations activities and assist Member States to design and implement policies and actions in accordance with international law, including international human rights law, international humanitarian law and international refugee law.

⁴ [S/RES/2396 \(2017\)](#).

⁵ [S/2018/177](#).

- In 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) launched the *Guidance to States on human rights-compliant responses to the threat posed by foreign fighters*.⁶ This document, which was developed with the support of multiple United Nations entities through the former United Nations Counter-Terrorism Implementation Task Force (including CTED), includes a chapter on children affected by or involved in FTF activities.
- In 2017, the United Nations Office on Drugs and Crime (UNODC) produced its *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System*.⁷ The Handbook includes extensive guidance on the rehabilitation and reintegration of children recruited and exploited by terrorist groups.
- In June 2019, UNODC launched its *Road map on the Treatment of Children Associated with Terrorist and Violent Extremist Groups*. The Road map (which is based on the associated UNODC training package) sets out guidance on key aspects of the preventative, rehabilitative, reintegrative and justice strategies and measures relating to child recruitment and exploitation by terrorist groups.⁸
- In late September 2019, the United Nations Office of Counter-Terrorism (UNOCT) and the United Nations Counter-Terrorism Centre (UNCCT) will launch their Handbook on *Children affected by the Foreign Fighter Phenomenon: Ensuring a Child Rights-Based Approach*.

The following internationally recognized guidance on this issue is also available:

- In September 2018, The Global Counterterrorism Forum (GCTF) adopted a Good Practices document on *Addressing the Challenge of Returning Families of FTFs*,⁹ which lists 20 good practices identified during a series of regional workshops. These include four good practices specifically focused on children, emphasizing:
 - Prioritization of the child’s best interests;
 - Respect for international law and juvenile-justice standards;
 - Consideration of diversion mechanisms and alternatives to incarceration when prosecuting children;
 - Approaching rehabilitation and reintegration programming through a lens of socialization and education that promotes disengagement from violence and prosocial behaviour.

⁶ The full guidance is available [on the OHCHR website](#).

⁷ The Handbook is available [on the UNODC website](#).

⁸ See [the UNODC website](#) for more information.

⁹ The full Good Practices document is available [on the GCTF website](#).