



BULAN INSTITUTE
for PEACE INNOVATIONS

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**PROTECTION OF ISIS-RELATED CHILDREN
IN NORTHEAST SYRIA AND IRAQ :
SAFEGUARDING HUMAN RIGHTS
AND REPATRIATION PROSPERCTS
OF FOREIGN MINORS**



Geneva, September 2021

About us

The Bulan Institute for Peace Innovations is a non-profit and independent peace-building organization and research institute that works to promote human rights and peace through policy research, strategic analysis, publishing, advocacy and convening. Our aim is to promote peace in Central Asia, South Asia and Eurasia by asserting that human rights and security are closely interwoven, and that human security is key for modern peacebuilding. This stems from our conviction that human rights and security, through their interconnectedness and indivisibility, are the cornerstones of peace.

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1. Introduction

The phenomenon of foreign fighters travelling to Iraq and Syria to join the Islamic State in Iraq and Syria (ISIS) has brought about unprecedented effects and challenges in the region and beyond. Following the defeat of ISIS in March 2019 and the dismantling of the so-called ‘caliphate’, thousands of ISIS fighters and their families were forced to retreat and surrender.¹ Most of them were displaced to closed facilities or camps located in Northeast Syria and others were arrested and held in prisons in Iraq. The infamous Al-Hol or Roj camps in Northern Syria are operated under the *de facto* control of the Kurdish Autonomous Administration.² The fate of ISIS-affiliated children trapped in Syrian detention camps and Iraqi prisons remains an extremely concerning issue.

Out of the 64,000 people remaining in the camps in northeast Syria, roughly 43,000 have connections to a foreign state.³ UNICEF estimates that, as of early 2021, more than 27,500 children of foreign nationals and thousands of Syrian children associated with armed groups are languishing in Al-Hol camp and across northeast Syria.⁴ Some of the children were taken to the conflict zones by their parents, however an unknown – and hard to estimate – number of children were born to foreign fighters in the region. Some children and young people were recruited across borders by ISIS and their involvement could be deemed voluntary within the context of manipulation by terrorist groups, whereas others were victims of human trafficking.

Whether they merely lived in ISIS-controlled areas or actively participated in their operations and regardless of their nationality, children related to ISIS are not only survivors of deeply traumatizing experiences and abuses, but also continue to suffer deplorable and distressing living conditions whilst remaining in camps and prisons. A majority of those children are held in both Iraq and Northeast Syria in appalling conditions featuring a lack of hygiene, food shortages, unsanitary water, very limited health care and no access to education, in addition to ongoing exposure to physical, sexual and psychological violence. In acknowledging the urgent need for their protection

¹ The Wilson Center, “Timeline: the Rise, Spread, and Fall of the Islamic State”, October 2019, from: <https://www.wilsoncenter.org/article/timeline-the-rise-spread-and-fall-the-islamic-state>.

² Human Rights Watch, “Syria: Thousands of Displaced Confined to Camps”, August 2019, from: <https://www.hrw.org/news/2018/08/01/syria-thousands-displaced-confined-camps>.

³ UNICEF, “UNICEF calls for the safe reintegration and repatriation of all children in al-Hol Camp and across the northeast of Syria: Statement from UNICEF Regional Director for the Middle East and North Africa Ted Chaiban”, February 2021, from: <https://www.unicef.org/press-releases/unicef-calls-safe-reintegration-and-repatriation-all-children-al-hol-camp-and-across>.

⁴ Ibid.

through repatriation and rehabilitation processes, this research report from the Bulan Institute for Peace Innovations addresses the threats to, and ongoing actual violations of the rights of children affected by the phenomenon of foreign fighters in Syria and Iraq.

This publication sheds light on the global understanding of the position and fate of ISIS-related children remaining in Syria and Iraq and the risk of rights' violations and serious abuses they face. An important goal is to render a realistic picture of what foreign children held in camps and prison detention are going through, as state policies remain slow to respond. Acknowledging the continuous despair these children endure, this report offers a comprehensive overview of the relevant international obligations to guide states' responsibility towards those children. Current State responses and policy approaches are described and summarised with an emphasis on those key principles and recommendations which states, civil society stakeholders and other actors should take into consideration when dealing with children emerging from the grip of ISIS in Syria and Iraq. The publication also provides balanced insight into the good practices and challenges involved in the repatriation and rehabilitation of ISIS-related children.

This report is divided into 5 Sections, each specifically contributing to a global understanding of the current situation of children affected by the foreign fighter phenomenon in Syria and Iraq.

Section I provides a comprehensive overview of the place of children within ISIS as it sought to operate within the region. Starting with their duties and roles, ranging from witnessing and reporting to participating in executions or suicide attacks, this chapter emphasizes children's important role within the organization's expansion goals and objectives. ISIS' calculated approach towards the use of children in its terrorist activities, its narrative and policies will be examined thoroughly as a crucial element of the context in which foreign children existed and lived prior to their detention. As such, the use and impact of indoctrination, radicalization, recruitment and training of foreign and local children in the region will be elucidated.

Section II outlines the facts, figures and circumstances surrounding ISIS-associated children remaining in camps and prisons in Iraq and Syria. First, a quantitative and qualitative overview of the dire current situation faced by children in Northeastern Syria, focusing mainly on the situation prevailing in the Al-Hol and Roj camps, is provided. Not only are children physically and mentally affected by such an inhuman and degrading environment, but they are also exposed to severe challenges linked to the radicalization and indoctrination attempts of ISIS sympathizers. Next,

acknowledging that the global pandemic of COVID-19 has exacerbated the risks those children disproportionately endure, this report will also highlight the widespread loss of parents and caregivers as a further factor increasing children's vulnerability. Finally, the detention and prosecution of children suspected of being associated with ISIS by the Iraqi authorities and the Kurdistan Regional Government (KRG), as well as their treatment of those minors will be discussed in detail.

Section III explores the psychological implications of exposure to terrorism, conflict, deprivation and detention for children of foreign nationalities in North-eastern Syria and Iraq. It illustrates how environmental and personal experiences may have shaped children's development from a psychological perspective. The need for personalized individual assessment with a systemic lens is offered as a means of understanding the unique life experiences and behaviours of children who were either taken to the conflict zone by relatives or traffickers or were born there under ISIS' rule. Finally, this section will examine possible ways to respond to the unique needs of this population through therapeutic rehabilitation to support their recovery and how they can be supported individually and systemically to nurture their resilience.

Section IV examines states' international obligations and policies towards ISIS-related children. By listing and analysing some of the key provisions included in treaties, protocols and conventions regulating children's rights and guaranteeing their protection against serious abuses, this section aims to guide states' subsequent actions and policies towards those children. It will first discuss the impact that the recognition of children's victim status (based on the prohibition of child and human trafficking) on their repatriation and reintegration prospects. It will then address issues related to the prosecution and liability of those children from an international law perspective. This discussion aims to understand how minors should be considered under international law and to determine whether their legal status could impact states' repatriation policies and intentions. Finally, this chapter will briefly address children's repatriation right under international law.

Section V outlines the current responses and approaches by nation states who repatriated part or all of their underage citizens, as part of wider repatriation operations or through dedicated actions. Given their operations were the largest in scale, this section will focus on three Central Asian countries, namely Uzbekistan, Tajikistan and Kazakhstan. This section is divided into three subsections describing the treatment of children in the early stages of the operations: framing, repatriation and early care given to children returnees. Finally, key principles and recommendations

for the repatriation of ISIS-related children from the ample experience of Central Asian studies will be suggested.

Section VI gives an overview of the global perspectives on children`s repatriation prospects and also reviews national policies and good practices of countries that had repatriated children. The section focuses on the experiences of four countries in Central Asia and also analyzes how Western countries started softening their positions by repatriating small number of children, mainly orphans.

2. From Indoctrination to Enrolment as Child Soldiers: Involvement of Children in ISIS' Operations

This section aims to provide a comprehensive overview of children's role and place within ISIS' organisational structure. Within the 'caliphate', children were prescribed a clear role in ISIS' system. Their duties ranged from witnessing and reporting dissidence of their relatives, preaching or spreading propaganda messages, conducting domestic duties, recruiting new adherents, to participating in executions or suicide attacks.⁵ As the future expansion and revival of the 'caliphate' depended on their commitment, they were regarded and celebrated by the organization as examples of purity, sacrifice and dedication to the cause.⁶ First, this chapter aims to describe ISIS' perspective towards the use of children in its activities and the important role played by young generations in the terrorist group's narrative and policies. Second, it contextualizes the presence of foreign children in Iraq and Syria and introduces the processes and events that resulted in their involvement with ISIS. This will be closely linked to ISIS' approach towards indoctrination, radicalization, recruitment and training of foreign and local children in the region. Different recruitment methods and their impact on minors' lives will be assessed. Third, the specific positions and tasks undertaken by minors to support the organization's rise are detailed and analysed. It is worth noting that this chapter will put particular emphasis on the situation of foreign children, as their nationality may have significant implications on their protection and repatriation rights. Additionally, while the focus will remain on minors' engagement, the fate of young adults who started working with and supporting ISIS while underage will also be underlined.

2.1. Use of Minors in Armed Conflicts: Understanding ISIS' Approach towards Indoctrination, Recruitment and Training of Children

The use and recruitment of minors to fight for or work alongside armed groups is not a new phenomenon. In contemporary non-international armed conflicts (NIACs), groups have extensively relied on children to commit serious crimes and violations, including by using them as suicide bombers, to "beat or hack to death fellow child captives who have attempted to escape",

⁵ See Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", April 2017, from: https://radical.hypotheses.org/files/2018/01/Minderjarigen_bij_ISIS_ENG.pdf.

⁶ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 5.

and even to kill their own relatives.⁷ Children under 18 years old who were “recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes” are referred to as child soldiers.⁸ In Iraq and Syria, many other parties to the conflict, including Iraqi militias or the Kurdistan Workers’ Party (PKK), have reportedly relied on children’s war efforts.⁹ Although the use of children in terrorism is also relatively widespread, as illustrated by the massive recruitment of minors by groups such as Boko Haram, Al-Qaeda in the Islamic Maghreb (AQMI) or Ansar Dine, ISIS’ structure confers a unique role to children.

2.1.1. Importance of Minors’ Involvement within ISIS’ Armed Forces

Before starting to analyse the specificities of ISIS’ methods and approaches towards the involvement of minors in its war efforts, it is crucial to understand that children who lived within or worked to expand the ‘caliphate’ came from very distinct backgrounds which can be classified in different categories.¹⁰ First, many children travelled with parents or relatives who decided to leave their home countries to join ISIS-led territories in Iraq or Syria and fight alongside the terrorist organization. In late 2018, it was estimated that approximately 12% of the 40’000 foreign nationals who joined the ranks of ISIS were minors.¹¹ This first category encompassed the children with a connection to foreign states (at least one of their parents being a national or resident of another country) who were born in the region during the conflicts. A second category includes children who ‘voluntarily’ joined the ‘caliphate’. The case of foreign and local underage children who wilfully joined ISIS’ armed forces (including by travelling on their own from a foreign state) is to be treated with particular and cautious attention, as illustrated by the UN Security Council resolution 2396 (2017).¹² Third, some children were abducted or victimised through human

⁷ O’Neil, S. & Van Broeckhoven, K. “Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict”, United Nations University, February 2018, 25, from: https://www.jstor.org/stable/26351458?seq=2#metadata_info_tab_contents.

⁸ International Committee of the Red Cross (ICRC), “Paris principles and Paris commitments to protect children”, February 2007, from: <https://www.icrc.org/en/doc/resources/documents/misc/paris-principles-commitments-300107.htm>.

⁹ O’Neil, S. & Van Broeckhoven, K. “Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict”, 2. See also Benotman, N. & Malik, N. “The Children of Islamic State”, The Quilliam Foundation, March 2016, 15, from: <https://f-origin.hypotheses.org/wp-content/blogs.dir/2725/files/2016/04/the-children-of-islamic-state.pdf>. See also Human Rights Watch, “Iraq: Armed Groups Using Child Soldiers”, December 2016, from: <https://www.hrw.org/news/2016/12/22/iraq-armed-groups-using-child-soldiers-0>.

¹⁰ Gina Vale, “Cubs in the Lions’ Den: Indoctrination and Recruitment of Children Within Islamic State Territory”, International Centre for the Study of Radicalisation, July 2018, 9, from: <https://icsr.info/wp-content/uploads/2018/07/Cubs-in-the-Lions-Den-Indoctrination-and-Recruitment-of-Children-Within-Islamic-State-Territory.pdf>.

¹¹ International Peace Institute Global Observatory, “The Children of ISIS Foreign Fighters: Are Protection and National Security in Opposition?”, December 2018, from: <https://theglobalobservatory.org/2018/12/children-isis-foreign-fighters-protection-national-security-opposition/>.

¹² United Nations Security Council (UNSC), Res 2396 (21 December 2017), *S/RES/2396 (2017)*, from: <https://www.un.org/sc/ctc/news/document/s-res-2396-2017-threats-international-peace-security-caused-terrorist-acts-foreign-terrorist-fighters/>.

trafficking, and forcibly brought to ISIS-led territories in order to grow the ranks of the organization. The acknowledgement that a child has been subjected to trafficking may have important implications for their protection status and repatriation prospects, as detailed further in this report. The fourth and last category includes local (Syrian or Iraqi) children whose parents are related to ISIS, but will not be considered in detail in this chapter.

ISIS' interest in securing younger generations' full commitment and dedication to its values and system can be explained by its ambition to be acknowledged “not simply {as} a rebel group for hire, but {as} an aspiring *state*”,¹³ whose objectives go “beyond territorial control and political power and extend to the notion of engineering a new society with distinct social and cultural mores”.¹⁴ Children are primarily seen as “investments”,¹⁵ essential to ensure the future expansion of the ‘caliphate’, their age being a clear advantage for both operational and ideological purposes. From a strategic perspective, children’s short stature can appear very helpful during operations necessitating the use of small weapons or requiring fighters to hide in narrow spaces.¹⁶ Additionally, children’s “ability to cross borders and checkpoints without triggering the suspicion of authorities” can significantly advantage ISIS’ missions involving trafficking or sudden attacks.¹⁷ The use of minors within a group’s armed forces could *prima facie* be seen as a desperate attempt to fill its ranks following massive losses within its members.¹⁸ However, from an ideological perspective, in the case of ISIS, the conscription of children does not only represent an operational and military advantage, but also a valuable symbolic component, crucial to the group’s survival. Indeed, children, often referred to as “cubs of the caliphate” and destined to become “lions”, are considered to be “better versions of the current fighters”, largely because they are highly susceptible to manipulation and indoctrination. Indeed, minors’ belief system and opinions may be shaped to concur with ISIS’ most extreme and radical ideas and values.¹⁹ Such focus on the

¹³ Gina Vale, “Cubs in the Lions’ Den: Indoctrination and Recruitment of Children Within Islamic State Territory”, 10

¹⁴ Berti, B. & Osete A. B. “‘Generation War’: Syria’s Children Caught between Internal Conflict and the Rise of the Islamic State”, *The Institute for National Security Studies*, 18(3), October 2015, 49, from: [https://www.inss.org.il/wp-content/uploads/systemfiles/adkan18_3ENG%20\(4\)_Berti%20and%20Osete.pdf](https://www.inss.org.il/wp-content/uploads/systemfiles/adkan18_3ENG%20(4)_Berti%20and%20Osete.pdf).

¹⁵ Anderson, K. “‘Cubs of the Caliphate’: The Systematic Recruitment, Training, and Use of Children in the Islamic State”, International Institute for Counter-Terrorism (ICT), January 2016, 39, from: <https://www.ict.org.il/UserFiles/ICT-Cubs-of-the-Caliphate-Anderson.pdf>.

¹⁶ Gina Vale, “Cubs in the Lions’ Den: Indoctrination and Recruitment of Children Within Islamic State Territory”, 9.

¹⁷ O’Neil, S. & Van Broeckhoven, K. “Cradled by Conflict: Child Involvement with Armed Groups in Contemporary Conflict”, 113.

¹⁸ Anderson, K. “‘Cubs of the Caliphate’: The Systematic Recruitment, Training, and Use of Children in the Islamic State”, 6.

¹⁹ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, “The Children of ISIS: The indoctrination of minors in ISIS-held territory”, 5.

younger generations as stronger and more faithful as part of ISIS' ideology can explain its widespread recruitment of very young children.²⁰

In contrast with other terrorist organisations, ISIS does not hide that its expansion prospects also depend on the contribution and commitment of minors and young adults and instead relies on its ideology and narrative to justify the significant role attributed to children within its system and armed forces.²¹ Such deliberate openness with regards to its use of minors is evidenced by children's frequent appearance in ISIS propaganda videos. The production of such videos, showing minors, sometimes younger than 10 years old being trained to combat, praising the group's values and even executing prisoners and hostages,²² serves various purposes. For instance, the publication of images picturing children participating in horrendous acts such as beheadings or killings aims to cement ISIS' reputation of brutality, ruthlessness and control over its members, thus showing "its strength to attract recruits, and to threaten any individuals, groups or states that challenge its ideology".²³ Additionally, these videos or images aim to generate a fearful atmosphere within local communities, but also to secure the world's attention over its development and challenge the international community by showcasing its assets or strengths.²⁴ ISIS' propaganda idealizes the sacrifices made by children who took part in suicide attacks and praises the dedication of young people giving their lives to protect the 'caliphate' against attacks from foreign states, thus creating a narrative of victimization and legitimisation of its actions.²⁵ It is clear that the depiction of children fighting for ISIS, with even more devotion and determination than their older peers, is an important feature of the terrorist group's propaganda strategy.

2.1.2. Recruitment Process: from Indoctrination to Military Training

Although children actively involved in ISIS' war and expansion efforts may have been participating in various and distinct ways (e.g. fighting, trafficking weapons, cleaning, preparing equipment, etc.),

²⁰ Motaparthi, P., "Maybe We Live and Maybe We Die: Recruitment and Use of Children by Armed Groups in Syria", June 2014, Human Rights Watch, 38, from: <https://www.hrw.org/report/2014/06/22/maybe-we-live-and-maybe-we-die/recruitment-and-use-children-armed-groups-syria>.

²¹ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 5

²² Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 22, 26, 27, 34.

²³ United Nations, "Rule of Terror: Living under ISIS in Syria - Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", November 2014, from: <https://reliefweb.int/report/syrian-arab-republic/rule-terror-living-under-isis-syria>.

²⁴ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 37, 38.

²⁵ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 10.

the strategies deployed by ISIS to conscript child soldiers or ensure the global support of minor civilians share a certain number of key components. Before going into details regarding those elements, a distinction should be made between minors (regardless of their nationality) who were recruited while living in ISIS-controlled territories, foreign children who ‘voluntarily’ enrolled into ISIS’ armed forces, children who were forcibly enrolled (through abductions, forced recruitment or human trafficking) by the group, and underage children who were brought to Syria or Iraq by their parents or close relatives. Indeed, ISIS developed different recruitment strategies, depending on the location, nationality, environment and background of the children. Since the group adapts its recruitment strategy depending on whether children are already in territories under its control or residing in foreign countries, ISIS’ indoctrination and enrolment process of these different categories of children will therefore be examined in turn.

a. Children Who were Taken by Their Parents to the Conflict Zone or Born There

Although the exact number of foreign children who were brought to Iraq and Syria remains unknown, it is estimated that the Al Hol and Roj camps alone count more than 22’000 children from foreign nationalities.²⁶ Children have been an integral part of the Islamic State’s strategic vision and efforts to secure the longevity of the organization²⁷. Majority of children who joined ISIS were victims of the decisions of their parents. Regarding the last category listed above – children brought to conflict areas by the parents/relatives, this category of children prevails in the number of children who ended up growing under ISIS. As many previous researches highlighted, the affiliation of foreign children, especially underage children who are under 14 years old to ISIS should be regarded as “closely tied to the motivations of their guardians”²⁸. Small children were brought to Iraq or Syria to join ISIS by their parents or a family member and “young children are rarely attributed individual incentives or ambitions for their involvement in terrorist groups”²⁹. Thus, children did not make a conscious choice to join the terrorist group and especially underage children who were brought by their parents to the conflict zone should be treated primarily as victims. It is important to remind that considering their age and their

²⁶ UNICEF, UNICEF calls for the safe reintegration and repatriation of all children in al-Hol Camp and across the northeast of Syria, February 2021, from: <https://www.unicef.org/mena/press-releases/unicef-calls-safe-reintegration-and-repatriation-all-children-al-hol-camp-and-across>.

²⁷ Adrian Shtuni, Rehabilitation and Reintegration Path of Kosovar Minors and Women Repatriated from Syria, International Republican Institute, 2021, [kosovo_reintegration_report_v5.pdf \(iri.org\)](#), accessed on 15 September 2021

²⁸ Cook, Joana, and Gina Vale. From Daesh to ‘Diaspora’: Tracing the Women and Minors of Islamic State. Report. Department of War Studies, Kings College. 2018, p-30

²⁹ Cook, Joana, and Gina Vale, From Daesh to ‘Diaspora`, p-30

limited decision-making capacity, they did not have any say in their parents' decision to connect with ISIS and thus should be considered as victims. According to research conducted by the Bulan Institute, a majority of women joining the ranks of the group travelled with their children.³⁰ Additionally, a large number of foreign women who travelled to Iraq and Syria gave birth there. ISIS forced women to remarry if their husband was killed and “to have as many children as their bodies would permit.”³¹ Thousands of children with foreign parents were therefore born in ISIS territories, and very likely exposed to indoctrination and propaganda from the group. There is no exact data on how many children were born under the rule of ISIS. Christopher Harnisch, Deputy Coordinator for Counterterrorism at the USA state department announced during the Vienna conference that about 16,000 children were born under ISIS in 2019.³² It is hard to find other relevant numbers on children born in the conflict zone but there is clear evidence that thousands of children were born in the Middle East as ISIS fighters were heavily encouraged by ISIS to marry and have children, as part of the group's policy to use children in order to develop and extend the caliphate.

b. Children in ISIS-controlled territories

Underage boys and girls residing in territories controlled by ISIS were primary targets for the group. Before the dissolution of the caliphate's territories, populations and communities living in these regions were held under the complete control of the terrorist group. ISIS' rule over such regions entailed the imposition of strict Sharia law and the infliction of “severe penalties against those who transgress or refuse to accept their self-proclaimed rule” (including corporal punishments or executions).³³ However, ISIS' administration also encompassed the creation and management of a new “holistic system of governance that includes religious, educational, judicial, security, humanitarian, and infrastructure projects”.³⁴ Therefore, even though local communities lived in a fearful environment, some tolerated or even praised this regime, as it offered a certain

³⁰ See Bulan Institute, The Repatriation, Rehabilitation and Reintegration of ISIS Associates in Central Asia, June 2021, from : <https://bulaninstitute.org/the-repatriation-rehabilitation-and-reintegration-of-isis-associates-in-central-asia-report/>.

³¹ [The Mujahidat Dilemma: Female Combatants and the Islamic State – Combating Terrorism Center at West Point \(usma.edu\)](https://www.usma.edu/)

³² US Mission to the OSCE, Foreign Terrorist Fighters: Addressing Current Challenges, February 2021, from: <https://osce.usmission.gov/foreign-terrorist-fighters-addressing-current-challenges/>.

³³ United Nations General Assembly (UNGA), “Independent International Commission of Inquiry on the Syrian Arab Republic”, A/HRC/28/69, February 2015, 7, from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/019/38/PDF/G1501938.pdf?OpenElement>.

³⁴ Caris, C. C. & Reynolds, S. “ISIS governance in Syria”, *Institute for the Study of War*, Middle East Security Report 22, July 2014, from: <http://www.understandingwar.org/report/isis-governance-syria>.

stability and security, particularly during the early stages of ISIS' governance.³⁵ The recruitment process of children thus took advantage of people's (including families') sympathy towards the group.

ISIS' indoctrination and recruitment strategy largely relied on existing schools and educational centres, as they offered ideal environments for the group to implant its values into children's minds, to urge them to report any infringement or resistance to its rule (including within the familial realm) and to prepare for their future roles.³⁶ ISIS significantly redesigned the education structure of its captured territories and developed religious curriculums, but also made use of pre-existing centres and schools to spread the rules of the caliphate, the principles of the Islamic doctrine, as well as to further indoctrinate children, to "purify their minds", and to keep control over their ideas.³⁷ ISIS kept full control over children's formation and development by prohibiting home-schooling or threatening teachers who may turn away from its radical curriculum.³⁸ The role of such system in the process of instrumentalization of children within the 'caliphate' is seen as key to shaping a future generation capable of ruling over larger territories and populations.³⁹ The purpose of these structures goes beyond the necessity to share and implement ISIS' ideology, as they serve as a bridge between children and ISIS' armed forces by creating links between education and military training, including by offering games simulating attacks, incorporating "exercises focused on endurance, obedience and cooperation" in physical education, and offering "theory lessons on topics related to battle", such as the subtleties of different weapons and military strategies.⁴⁰

Another important component of ISIS' "multifaceted approach to recruit, indoctrinate, and militarize children" is its widespread use of propaganda to familiarize them with violence.⁴¹ Propaganda targeting children could take different forms, including videos published on social media, release of games and applications teaching kids about the alphabet through pictures and

³⁵ Revkin, M. & McCants, W. "Experts weigh in: Is ISIS good at governing?", *Brookings*, November 2015, from: <https://www.brookings.edu/blog/markaz/2015/11/20/experts-weigh-in-is-isis-good-at-governing/>. See also Gina Vale, "Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory", 16.

³⁶ Benotman, N. & Malik, N. "The Children of Islamic State", 29.

³⁷ Al-Jablawi, « A Closer Look at the Educational System of ISIS", *Atlantic Council*, April 2016, from: <https://www.atlanticcouncil.org/blogs/syriasource/a-closer-look-at-isis-s-educational-system/>.

³⁸ Gina Vale, "Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory", 19, 25.

³⁹ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 22.

⁴⁰ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 7-9.

⁴¹ Langer, P. C. & Ahmad, A-N. "Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq", International Psychoanalytic University Berlin, December 2019, 9, from: <https://www.ipu-berlin.de/fileadmin/downloads/forschung/isis-report.pdf>.

scenarios involving tanks and other weapons, or the distribution of weapon-like toys.⁴² Through playful programs or objects, ISIS normalizes the use of arms and violence in children's mindsets. Exposing very young children to extreme violence and brutality is an important part of ISIS' methodology towards children, as constantly exposing them to violent acts or forcing them to witness (sometimes even to participate in) executions, amputations, rapes or beheadings or public stoning⁴³ helps to silence their social and emotional responses. Indeed, feelings of fear, repulsion or guilt that such violence may trigger are likely to be repressed and suppressed if the exposure continues, and children who have become desensitized to inhumane treatment of others may be more prone to fulfil similarly violent tasks in the future, not least due to its traumatising effects.⁴⁴ Children were also encouraged to impersonate fighters and replicate executions or attacks with toys, as a way to train them for future operations.⁴⁵

To spread the organisation's values and objectives, as well as to recruit new members within the increasingly young generations, ISIS members were largely deployed in strategic places, such as media kiosks, schools, orphanages or mosques. As many children gathered there, mobile media kiosks (*Dawa kiosks*) were considered particularly efficient recruitment places, allowing for ISIS members to display propaganda videos, speeches or songs to children encouraging them to take an active role in ISIS' activities.⁴⁶ In its recruitment process, ISIS also largely made use of "promises for material betterment and prospects of power and status",⁴⁷ specifically targeting vulnerable families or orphaned children with hopes of financial remuneration and privileges.⁴⁸ ISIS' strategy thus relied on predatory recruitment, with recruiters focusing their attention on children whose parents were absent, neglecting them or experiencing economic difficulties, isolating them and providing them with financial and material support, including toys, food or protection.⁴⁹ ISIS' recruitment efforts benefit from the vulnerability of certain children, who see their enrolment within the organization's forces as the only way to improve their situation. Additionally, young children's quest for identity, acceptance, purpose and a sense of belonging to a group or

⁴² Elle Hunt, "Islamic State releases children's mobile app 'to teach Arabic'", *The Guardian*, May 2016, <https://www.theguardian.com/world/2016/may/11/islamic-state-children-app-mobile-teach-arabic>.

⁴³ Gina Vale, "Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory", 3.

⁴⁴ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 28.

⁴⁵ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 29-30.

⁴⁶ Langer, P. C. & Ahmad, A-N. "Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq", 9-10.

⁴⁷ Langer, P. C. & Ahmad, A-N. "Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq", 11.

⁴⁸ Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 14.

⁴⁹ Almohammad, A. "ISIS Child Soldiers in Syria: The Structural and Predatory Recruitment, Enlistment, Pre-Training Indoctrination, Training, and Deployment", *International Centre for Counter-Terrorism*, February 2018, 7-8, from: <https://www.ijstor.org/stable/pdf/resrep29398.pdf?refreqid=excelsior%3Ac6f685c1dbabd2e0fc2d9bec936527733>.

community sharing similar values plays a significant role in ISIS' predatory recruitment.⁵⁰ ISIS is well aware of the importance of certain emotional and social needs for children's development, including the need to belong, be affiliated to and accepted by a group. The lack of bonds with a group or community can dangerously affect children's well-being and stability, thus encouraging them to seek attention and connect to those who can offer them such sense of belonging.⁵¹ ISIS largely tailored its recruitment strategies to fulfil such innate and fundamental human needs.

Once selected to be enrolled in ISIS' armed forces, children were often sent to training camps, structures "modelled on the jihadi training camps for adults" aiming to prepare them to fight alongside adult combatants.⁵² They undertook a strict and intensive physical and mental formation to complete their military training, which may include driving lessons, hand-to-hand combats, learning about different types of weapons and how to use them (including heavy weapons) and Sharia courses.⁵³ While training camps further exposed children to violence, trauma and particularly difficult living conditions, they also intensified relationships between children, developing a sense of fellowship and "feelings of connection that make it more difficult to leave the group".⁵⁴ All along this recruitment, indoctrination and training process, "conformity, compliance and blind obedience are the hallmarks of the child's progression", ISIS' approach relying on a combination of both threats and incentives to ensure their loyalty.⁵⁵

c. Foreign Children and 'Voluntary' Enrolment

A certain number of children enrolled in ISIS' armed forces are foreign minors who were recruited abroad (through online platforms or by local members of the terrorist group) and travelled to join ISIS-controlled territories.⁵⁶ Children from all genders are targeted by these foreign recruitment

⁵⁰ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 11-12.

⁵¹ Over, H. "The origins of belonging: social motivation in infants and young children", *Philosophical transactions of the Royal Society of London. Series B, Biological sciences*, 371(1686), 2016, from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4685518/>.

⁵² Dutch National Coordinator for Security and Counterterrorism & General Intelligence and Security Service, "The Children of ISIS: The indoctrination of minors in ISIS-held territory", 15.

⁵³ Anderson, K. " 'Cubs of the Caliphate': The Systematic Recruitment, Training, and Use of Children in the Islamic State", 23-24.

⁵⁴ Langer, P. C. & Ahmad, A-N. "Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq", 13.

⁵⁵ Horgan, J. G., Taylor, M., Bloom, M. & Winter, C. "From Cubs to Lions: A Six Stage Model of Child Socialization into the Islamic State", *Studies in Conflict & Terrorism*, August 2016, 20-21, from: <https://www.tandfonline.com/doi/abs/10.1080/1057610X.2016.1221252>.

⁵⁶ United Nations Office of Counter-Terrorism, UN Counter-Terrorism Center (UNCCT), "Handbook - Children affected by the foreign-fighter phenomenon: Ensuring a child rights-based approach", 9, from: https://www.un.org/counterterrorism/ctitf/sites/www.un.org.counterterrorism.ctitf/files/ftf_handbook_web_reduced.pdf.

networks, with many foreign teenagers leaving their homes to join ISIS territories, girls in most cases to get married to ISIS fighters.⁵⁷

ISIS' process of foreign child recruitment can be divided into different steps, identified by researchers as "seduction (initial exposure to ideas and personnel); schooling (routine, direct exposure and intensive indoctrination); selection (institutionalized grooming for military and other roles); subjugation (physical and psychological training and brutalization to deepen commitment and loyalty); specialization (fostering expertise in specialized training); and stationing (role assignment, deployment and recruitment of new members)".⁵⁸ In the case of recruitment within ISIS-controlled areas, the first two steps of this process are merged and cannot be realistically distinguished, as ISIS "combines formal and informal, direct and indirect, cooperative and coercive, and individual and systematic methods of outreach to create a holistic and immersive strategy to radicalise minors".⁵⁹ Moreover, recruiting and gaining the trust and support of foreign children is often a longer and more complex process. Indeed, while children residing in ISIS-controlled territories may be easier to "convince", largely because of incentives such as a fear of reprisals against their families if they refused to join the group, foreign children evolving in environments and societies largely rejecting ISIS' principles may be more difficult to reach, select, indoctrinate and attract.

Networks aiming to recruit girls primarily rely on ISIS' widespread presence across social media platforms to release propaganda idealizing life in the 'caliphate', encouraging them to "join the pursuit of an Islamic utopia" by marrying ISIS members⁶⁰ and contribute to the group's expansion by "recruiting other women, disseminating propaganda and fundraising for the caliphate".⁶¹ Many were also influenced by ISIS' narrative, picturing young combatants and supporters as defending local populations against atrocities committed by Assad's regime.⁶² Girls are encouraged to join the group and help or take care of persons affected by the conflict and particularly of victims of

⁵⁷ The Guardian, "Schoolgirl jihadis: the female Islamists leaving home to join Isis fighters", September 2014, from: <https://www.theguardian.com/world/2014/sep/29/schoolgirl-jihadis-female-islamists-leaving-home-join-isis-iraq-syria>.

⁵⁸ Gina Vale, "Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory", 11. See also Horgan, J. G., Taylor, M., Bloom, M. & Winter, C. "From Cubs to Lions: A Six Stage Model of Child Socialization into the Islamic State", 651–58.

⁵⁹ Gina Vale, "Cubs in the Lions' Den: Indoctrination and Recruitment of Children Within Islamic State Territory", 3, 11.

⁶⁰ Shaban, S. "Teenagers, Terrorism, and Technopanic: How British Newspapers Framed Female ISIS Recruits as Victims of Social Media", *International Journal of Communications*, vol. 14, 535, from: <https://ijoc.org/index.php/ijoc/article/view/13103/2935>.

⁶¹ Khomami, N. "Number of women and children who joined Isis 'significantly underestimated'", The Guardian, July 2018, <https://www.theguardian.com/world/2018/jul/23/number-of-women-and-children-joining-isis-significantly-underestimated>.

⁶² Ali, M-R. "ISIS and Propaganda, how ISIS Exploits Women", Reuters Institute Fellowship Paper, University of Oxford, 2015, 6, from: <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/research/files/Isis%2520and%2520Propaganda-%2520How%2520Isis%2520Exploits%2520Women.pdf>.

foreign coalitions or Assad's troops. By picturing their role within ISIS as almost part of a humanitarian mission, the terrorist group secured the participation of a certain number of foreign girls.⁶³ ISIS' successful indoctrination and recruitment of young girls from very different backgrounds through social media is considered very distinctive and relying on particularly insidious practices.⁶⁴

Although an extensive number of research studies have been conducted to clarify the incentives and motivations of adults joining the Islamic State, the influence of factors such as socioeconomic background, marginalisation, religion, past criminality or mental health on their decision remains highly debated and variable.⁶⁵ The recruitment of children may focus on similar strategies, e.g. indoctrination by introducing new members to radical ideas and values, highlighting how these values are threatened by their societies or families (e.g. focus on discrimination of Muslim communities in the West), and encouraging them to join an environment (the caliphate) where the society embraces and fights to protect these principles. However, the process of transnational recruitment of minors into a group's armed forces must be strictly distinguished from the enrolment of adults. Indeed, although children may react to similar incentives, including promises to see their social, economic or religious prospects improved, they do not possess the same decision-making capacity as adults and are widely influenced by the context and system in which they live and operate. As children do not respond to the same incentives as adults, recruiters are carefully adapting their strategies so their promises will cover these minors' needs and aspirations. Regardless of the incentives of the minors who left their country of origin or residence to join the Islamic State, be it the willingness to escape a tough familial, social or economic situation, the need to feel a sense of belonging or to leave a society rejecting their values, their capacity to aptly decide to participate in criminal or violent activities and understand the consequences of their acts is extremely limited.⁶⁶ Moreover, decisions and choices made by young children are determined by a variety of factors or emotions, which can be largely oriented by authority figures such as recruiters or family members. As such, children are particularly easy targets for recruiters.

⁶³ The Guardian, "Schoolgirl jihadis: the female Islamists leaving home to join Isis fighters", September 2014, from: <https://www.theguardian.com/world/2014/sep/29/schoolgirl-jihadis-female-islamists-leaving-home-join-isis-iraq-syria>.

⁶⁴ Shaban, S. "Teenagers, Terrorism, and Technopanic: How British Newspapers Framed Female ISIS Recruits as Victims of Social Media", 536.

⁶⁵ Lawson, L. L. "A Comparative Analysis of the Data on Western Foreign Fighters in Syria and Iraq: Who Went and Why?", International Centre for Counter-Terrorism, February 2021, 40-41, from: <https://icct.nl/app/uploads/2021/02/Dawson-Comparative-Analysis-FINAL-1.pdf>.

⁶⁶ EU Radicalisation Awareness Network (RAN) "Document d'analyse du Réseau de sensibilisation à la radicalisation (RSS) - Retour des enfants dans leur pays d'origine après un séjour dans des zones de conflit", November 2016, 8-9, from: https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_child_returnees_from_conflict_zones_112016_fr.pdf.

d. Enrolment of Victims of Human Trafficking and Exploitation of Children

The contribution of many children to ISIS' activities (whether as members of the group's armed forces or as mere support, e.g. cooks, drivers, etc.) is linked to human trafficking. The nexus between terrorism and transnational organized crime (including human trafficking, arms smuggling, drug trade or illicit traffic of natural resources) is largely acknowledged as an important threat to international peace and security.⁶⁷ Human trafficking is considered a very efficient and attractive tool by terrorist groups in order to benefit from free labour, provide additional revenues to the group, reward its own members, and even destroy communities by kidnapping and enslaving their members.⁶⁸ ISIS' widespread trafficking practices are closely linked to patterns of sexual violence, as recognized by the UN Security Council.⁶⁹ Indeed, the terrorist group widely encouraged and institutionalized the abduction, trafficking, abuse and sexual enslavement of women and girls (particularly within the Christian and Yazidi communities),⁷⁰ as a way to humiliate, intimidate and further annihilate targeted communities.⁷¹ ISIS' use of human trafficking to enrol children is a great example of the "very close relationship between trafficking in persons, child recruitment by armed groups and child exploitation by terrorist groups",⁷² and was strongly condemned by the United Nations Security Council, notably through resolutions 2331 (2016)⁷³ and 2388 (2017).⁷⁴

Human trafficking is a very serious human rights violation, and is generally described as the "recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of

⁶⁷ See Omelicheva, M. Y. & Markowitz, L. *The Trafficking/Terrorism Nexus: Mapping Security Threats and State Responses in Central Asia*, from: <http://ipst.ku.edu/trafficking/research.html>.

⁶⁸ Binetti, A. "A New Frontier: Human Trafficking and ISIS's Recruitment of Women from the West", *Georgetown Institute for Women, Peace & Security*, 2015, 1, from: <https://givps.georgetown.edu/wp-content/uploads/2017/10/Human-Trafficking-and-ISISs-Recruitment-of-Women-from-the-West.pdf>. See also Pierce, S. "ISIS Continues to Engage in Sex Trafficking", *Human Trafficking Search*, November 2014, from: <https://humantraffickingsearch.org/isis-continues-to-engage-in-sex-trafficking/>.

⁶⁹ United Nations Security Council, Resolution 2253 (17 December 2015), *S/RES/2253 (2015)*, from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/437/45/PDF/N1543745.pdf?OpenElement>.

⁷⁰ Paulussen, C. "ISIS and Sexual Terrorism: Scope, Challenges, and the (Mis)use of the Label", *International Center for Counter Terrorism*, January 2021, from: <https://icct.nl/publication/isis-and-sexual-terrorism-scope-challenges-and-the-misuse-of-the-label/>.

⁷¹ UNSC Counter-Terrorism Committee Executive Directorate (CTED), "Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing", 2018, 21-24, from: <https://www.un.org/sc/ctc/wp-content/uploads/2019/02/HT-terrorism-nexus-CTED-report.pdf>.

⁷² United Nations Office on Drugs and Crime (UNODC), "Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System", 2017, 42, from: https://www.unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook_on_Children_Recruited_and_Exploited_by_Terrorist_and_Violent_Extremist_Groups_the_Role_of_the_Justice_System_E.pdf.

⁷³ United Nations Security Council (UNSC), Res 2331 (20 December 2016), *S/RES/2331 (2016)*, from: <https://www.un.org/securitycouncil/s/res/2331-%282016%29>.

⁷⁴ United Nations Security Council (UNSC), Res 2388 (21 November 2017), *S/RES/2388 (2017)*, from: <https://www.un.org/securitycouncil/content/sres2388-2017>.

power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”, including “sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁷⁵ ISIS’ abduction of Yazidi girls as part of a systematic pattern of forced marriages, sexual slavery and servitude⁷⁶ is undoubtedly constitutive of human trafficking under Article. 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Furthermore, minors (including foreign children), whose adherence to ISIS was purely based on false pretences, indoctrination methods and “trafficking tactics” by recruiters may be considered victims of child trafficking under certain conditions.⁷⁷ Indeed, many children who ‘voluntarily’ joined ISIS were recruited by the group (sometimes even transported) for pure exploitation purposes, and were kept in exploitative situations, e.g. sexual slavery.⁷⁸ While adults must have been brought to such an exploitative process by the group through means that do not necessarily imply the use of force, but may “include deception as well as the broad category of abuse of power or a position of vulnerability” (e.g. situations when “originally agreed-to marriage takes on a nature of domestic servitude”),⁷⁹ this “means” element is not necessary to consider child trafficking.⁸⁰ Minors recruited for exploitative purposes or whose transfer resulted in an exploitative situation such as underage marriage are never considered “free to make informed and clear choices regarding, for instance, any available opportunity to escape the trafficker or find other options”, as one cannot say that they consented to being exploited.⁸¹ Additionally, the illicit recruitment of children as members of a group’s armed forces or for criminal purposes have been recognised as forms of trafficking when an exploitation purpose is recognised.⁸²

⁷⁵ United Nations General Assembly (UNGA), *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (hereinafter the *Trafficking in Persons Protocol*) 15 November 2000, , art. 3(a), from: <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>.

⁷⁶ Watson, I. “‘Treated like cattle’: Yazidi women sold, raped, enslaved by ISIS”, CNN, October 2014, from: <https://edition.cnn.com/2014/10/30/world/meast/isis-female-slaves/index.html>.

⁷⁷ Huckerby, J. “When Terrorists Traffic Their Recruits”, Just Security, March 2021, from: <https://www.justsecurity.org/75343/when-terrorists-traffic-their-recruits/>.

⁷⁸ Binetti, A. “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West”, 3.

⁷⁹ Ibid.

⁸⁰ Huckerby, J. “When Terrorists Traffic Their Recruits”.

⁸¹ United Nations Office on Drugs and Crime (UNODC), “Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System”, 17.

⁸² United Nations Office on Drugs and Crime (UNODC), “Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System”, 42. See also United Nations Office on Drugs and Crime (UNODC), “The Concept of ‘Exploitation’ in the Trafficking in Persons Protocol”, 2015, from: https://www.unodc.org/documents/congress/background-information/Human_Trafficking/UNODC_2015_Issue_Paper_Exploitation.pdf.

2.1.3. Role of Children in ISIS' Expansion: Tasks and Activities

ISIS has been using minors for a wide range of duties and activities, ranging from mere support (featuring in propaganda videos or distributing propaganda materials, cooking, informing, driving, etc.) to active participation in military operations (fighting, transporting weapons, preparing attacks, executing prisoners, etc.). These different roles are assigned to children depending on their age, gender and background.

Based on ISIS' gendered social division, women and girls evolving in the group are essentially attached to support functions such as sanitary and medical help, maintenance, cooking, recruitment or childcare.⁸³ Girls and young women are trained to become the embodiment of ISIS's ideal of wives and mothers, taking care of domestic duties and to "provide for the needs of their families".⁸⁴ They are praised by ISIS as important carriers of the group's principles, who should transmit those values to their own children and further recruit new members. Foreign young women who travelled to Iraq or Syria to join ISIS play a leading role in the recruitment process of girls, as they may be more convincing and appealing to prospective recruits, encouraging them to dedicate their lives to the group or helping them to arrange their future union with ISIS fighters.⁸⁵ Marriage is seen as an efficient way to ensure that young women embrace ISIS' radical values and system, remain loyal to the group and refrain from defecting.⁸⁶ Girls (particularly foreign girls) are told to believe that any hardship arising in their new lives with ISIS should be seen as "a means by which Allah tests women, their patience through difficulties and their faith", thus encouraging them to silently support particularly dire life conditions and abuses.⁸⁷ This strategy can be seen as taking advantage of children's tendency to preserve their relationship with persons or groups that played a role in the abuses they suffered, particularly when the abuses were carried out by persons who were sources of survival or care for the child.⁸⁸ Children also have a tendency to blame themselves for the rupture of abusive relationships, and ISIS' instrumentalization of their guilt, self-blame and fear can be a powerful way to secure their commitment to the group.

⁸³ Trisko Darden, J. "Tackling Terrorists' Exploitation of Youth", American Enterprise Institute, 2019, 5-6, from: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/report/tackling-terrorists-exploitation-of-youth/Tackling-Terrorists-Exploitation-of-Youth.pdf>.

⁸⁴ Benotman, N. & Malik, N. "The Children of Islamic State", 9, 37, 44-45.

⁸⁵ Trisko Darden, J. "Tackling Terrorists' Exploitation of Youth", 5-6.

⁸⁶ Ibid. See also Bloom, M. "Bombshells: Women and Terror", *Gender Issues*, 28 (1), June 2011, from: https://www.researchgate.net/publication/226732421_Bombshells_Women_and_Terror.

⁸⁷ Perešin, A. "Fatal Attraction: Western Muslimas and ISIS", *Terrorism Research Initiative, Perspectives on Terrorism*, 9(3), June 2015, 29, from:

<https://www.jstor.org/stable/pdf/26297379.pdf?refreqid=excelsior%3A7211ae2668f95d4cf1ea0b3655ffdcdf>.

⁸⁸ Nelson, Amanda, "Understanding Fear and Self-Blame Symptoms for Child Sexual Abuse Victims in Treatment: An Interaction of Youth Age, Perpetrator Type, and Treatment Time Period", Honors Theses, University of Nebraska-Lincoln, October 2019, from: <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1108&context=honorstheses>.

While girls are mainly assigned domestic and secondary roles,⁸⁹ they may be required to participate in violent activities, including suicide bombings or operational duties (including becoming members of the Al-Khansaa Brigade) when growing up.⁹⁰ The Al-Khansaa Brigade, a female morality unit, uses young women to perform “activities in intelligence gathering, law enforcement, overseeing slaves, and recruiting”.⁹¹ Women are largely used by ISIS as a tool to recruit and reward its fighters. Indeed, male members are often encouraged to join through promises that they will be “offered” a wife.⁹² This strategy creates a vicious circle for young women and girls. Indeed, they are likely to become widows at a very early age, and considering that ISIS generally does not allow for single or widowed women to live alone or without supervision, they may be forced to gather in women’s guest houses (referred to as *madhafa*), where they are often subjected to extremely dire living conditions and strict rules.⁹³ Many widows reportedly agreed to remarry, as the only solution to escape such houses. Thus coerced into marriage, young women and girls may, even before reaching the age of 18, already have been exposed to several experiences of early marriage, which often go hand in hand with cases of sexual abuse, domestic violence, early pregnancy, miscarriage, birth trauma or premature death of their own children.⁹⁴

While certain duties that all children related to ISIS are required to fulfill (e.g. reporting misconducts or infringement to ISIS’ rules and principles within their families or neighbours), the role played by young boys is significantly different from what is required from girls. Most of them are trained and prepared to take an active part in the group’s military operations, thus participating in hostilities by executing opponents, hostages, prisoners or civilians, “carrying out terrorist attacks, including as suicide bombers”, or directly fighting during combats.⁹⁵ Although children are considered crucial to the future of the caliphate, ISIS widely deploys minors as front-line fighters, which is an effective way to shield and spare the lives of more experienced adult soldiers.⁹⁶ Military-

⁸⁹ Benotman, N. & Malik, N. “The Children of Islamic State”, 9, 37.

⁹⁰ Spencer, A. N. “The Hidden Face of Terrorism: An Analysis of the Women in Islamic State”, *Journal of Strategic Security*, 9(3), 2016, 83, from: <https://www.jstor.org/stable/pdf/26473339.pdf?refreqid=excelsior%3A53ccac8e7703532837f656d48db1ed21>.

⁹¹ Ibid.

⁹² Al-Dimashqi, Y. “A Woman’s Harrowing Account of Torture and Abuse Inside Assad’s Prisons”, *The New Humanitarian*, May 2015, from: <https://deeply.thenewhumanitarian.org/syria/articles/2015/05/07/a-womans-harrowing-account-of-torture-and-abuse-inside-assads-prisons>.

⁹³ Speckhard, A. & Ellenberg, M. D. “ISIS in Their Own Words: Recruitment History, Motivations for Joining, Travel, Experiences in ISIS, and Disillusionment over Time – Analysis of 220 In-depth Interviews of ISIS Returnees, Defectors and Prisoners”, *Journal of Strategic Security*, 13(1), 2020, 107, from: <https://www.jstor.org/stable/pdf/26907414.pdf>.

⁹⁴ See Moaveni, A. “Guest House for Young Widows: Among the Women of ISIS”, Random House Publishing Group, September 2019.

⁹⁵ United Nations Office on Drugs and Crime (UNODC), “Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System”, 13.

⁹⁶ Benotman, N. & Malik, N. “The Children of Islamic State”, 23. See also Trisko Darden, J. “Tackling Terrorists’ Exploitation of Youth”, 6.

related support roles, such as weapons trafficking, informing, spying on the enemy, guarding facilities or materials, building explosive devices or other weapons, are also undertaken by boys.⁹⁷ Other support activities include (forcibly) donating blood to injured fighters⁹⁸ or guarding and even torturing prisoners.⁹⁹

Many of the children associated with ISIS have not only been victims of serious abuses and violations, but also experienced deeply traumatic events and have been growing up in an extremely precarious, brutal and violent environment. Their health and physical integrity may have been definitively impaired by their involvement with the group, as many of the survivors were seriously injured during hostilities and terrorist attacks or contracted diseases (including sexually transmitted diseases).¹⁰⁰ Additionally, the psychological damages caused by a prolonged exposure to such violence are particularly concerning, as shown by the “high prevalence of measurable psychopathological conditions, especially PTSD, anxiety, depression, and suicidal ideation”.¹⁰¹ Children who have been isolated from their family circles (e.g. when brought to training camps, leaving for combat or marrying soldiers), who experienced insecurity, starvation, losses (e.g. death of relatives, parents or friends) and continuous traumas (e.g. witnessing or participating in attacks, torture or executions) are likely to be subject to “severe interrelated mental health and interpersonal problems”.¹⁰² These issues are exacerbated for children who are not able to process and further heal from their traumas because they remain in unsafe and harmful environments. Camps such as Al-Hol and Roj camps in North-Eastern Syria are not adequate frameworks for the recovery, reintegration and care of those children, as they do not offer sufficient treatment prospects and further aggravate children’s distress and suffering due to the deplorable living conditions faced by their residents.

⁹⁷ Langer, P. C. & Ahmad, A-N. “Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq”, 13.

⁹⁸ United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office, “Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July – 10 September 2014”, 2014, 18, from: https://www.ohchr.org/Documents/Countries/IQ/UNAMI_OHCHR_POC_Report_FINAL_6July_10September2014.pdf.

⁹⁹ Motaparthi, P., “‘Maybe We Live and Maybe We Die’: Recruitment and Use of Children by Armed Groups in Syria”.

¹⁰⁰ Langer, P. C. & Ahmad, A-N. “Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq”, 20. See also Motaparthi, P., “‘Maybe We Live and Maybe We Die’: Recruitment and Use of Children by Armed Groups in Syria”.

¹⁰¹ Langer, P. C. & Ahmad, A-N. “Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq”, 20.

¹⁰² Ibid.

3. Foreign Children in Iraq and Syria: Living Conditions in Camps or Detention Facilities

Following the analysis addressing how children of foreign nationalities ended up in ISIS-controlled territory through the comprehensive overview of their role and place within ISIS, this section will outline the facts, figures and circumstances surrounding ISIS-associated children remaining in camps and prisons in Iraq and Syria. Children are not only victims of the inhuman and degrading environment of those camps, moreover, they are exposed to the unceasing processes of radicalization and indoctrination in the camps. Also, the detention and prosecution of child ISIS suspects by the Iraqi authorities and the Kurdistan Regional Government (KRG) will be discussed in detail.

3.1. Conditions in North-Eastern Syrian Camps

Since the collapse of ISIS in Syria in 2019, thousands of foreign fighters and their affiliates have been captured by the Syrian Democratic Forces (SDF), a predominantly Kurdish forces including Arab groups.¹⁰³ The detainees were mostly held in Al-Hol and Roj camps in the Al-Hasakah Province. The estimated numbers vary given that attaining the exact figures of foreign terrorist fighters and their affiliates left in Syria and Iraq is next to impossible. Still, UN human rights experts and other humanitarian organizations continuously express serious concerns at the dire situation in the camps.

By February 2021, UN experts reported the deteriorating security and humanitarian situation at the Al-Hol and Roj camps in northeast Syria, which is home to more than 64,000 people, mostly women and children.¹⁰⁴ In March 2021, Human Rights Watch estimated that nearly 43,000 foreigners linked to ISIS remain detained in those camps, living in degrading and deteriorating security conditions. Among nearly 63,400 family members remaining in those camps, roughly 20,000 are from Syria, 31,000 from neighbouring Iraq and 12,000 others (approximately 8,000 children and 4,000 women) originating from almost 60 different countries, according to the locals

¹⁰³ Saad, N. J. “The Al Hol Camp in Northeast Syria: Health and Humanitarian Challenges”, *BMJ Global Health*, Vol. 5 (7), July 2020, from:

<https://reliefweb.int/sites/reliefweb.int/files/resources/The%20Al%20Hol%20camp%20in%20Northeast%20Syria.pdf>.

¹⁰⁴OHCHR, “Syria: UN experts urge 57 States to repatriate women and children from squalid camps”, February 2021, from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26730&LangID=E>.

and aid groups.¹⁰⁵ UNICEF estimated 27,500 children of foreign nationals and thousands of Syrian children associated with armed groups are languishing in Al-Hol camp and across northeast Syria where basic health services, medical care, education or hygiene practices are not provided.¹⁰⁶ Among the children held in the camps in North-Eastern Syria, more than 90 percent are under age 12 and more than half under 5 according to the multiple visits by Human Rights Watch.¹⁰⁷ Since the arrival in the camps, most children were in need of health care as they were exposed to malnutrition due to the continuous armed conflict and deprivation. Between December 2018 and March 2019, over 200 people, mostly children, suffered from hypothermia and pneumonia as a result of horrific living conditions and winter temperature in Syria.¹⁰⁸

Non-Syrian and non-Iraqi nationals are facing particularly difficult and life-threatening conditions by living in these camps.¹⁰⁹ The annex, fenced off part of the camp, has been allocated for non-Syrian or non-Iraqi nationals and reportedly has even worse hygiene and sanitary conditions than the other parts of the camp. Human Rights Watch noted the continuous inhumane treatment in the foreigners' annexes, hosting mostly children and women.¹¹⁰ Lack of a sewage system leads to not enough latrines, food or no potable water, and sand flies are everywhere which transmit leishmania and other diseases.¹¹¹ In mid-2019, a large number of children died of malnutrition and diseases.¹¹²

As Human Rights Watch reported, foreign families and children are exposed to specifically cruel, degrading and inhumane treatment combined with the indefinite nature of their detention.¹¹³ Women and children detained in the foreigners' annex encounter lack of freedom of movement, limited access to medical services and less sustenance.¹¹⁴ Especially, having cell phones or any

¹⁰⁵ Human Rights Watch, "Thousands of Foreigners Unlawfully Held in NE Syria", March 2021, from: <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>.

¹⁰⁶ UNICEF, "Syria conflict 10 years on: 90 percent of children need support as violence, economic crisis and COVID-19 pandemic push families to the brink", March 2021, from: <https://www.unicef.org/press-releases/syria-conflict-10-years-90-cent-children-need-support-violence-economic-crisis-and>.

¹⁰⁷ Human Rights Watch, "Thousands of Foreigners Unlawfully Held in NE Syria", March 2021, from: <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>.

¹⁰⁸ Saad, N. J. "The Al Hol Camp in Northeast Syria: Health and Humanitarian Challenges".

¹⁰⁹ Human Rights Watch, "Thousands of Foreigners Unlawfully Held in NE Syria", March 2021, from: <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>.

¹¹⁰ Human Rights Watch, "Thousands of Foreigners Unlawfully Held in NE Syria", March 2021, from: <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>.

¹¹¹ De Azevedo, C. V. "ISIS Resurgence in Al Hawl Camp and Human Smuggling Enterprises in Syria: Crime and Terror Convergence", *Perspectives on Terrorism*, Vol. 14 (4), 2020, 44, from: <https://www.jstor.org/stable/26927663>.

¹¹² Ibid.

¹¹³ Human Rights Watch, "Bring Me Back to Canada' Plight of Canadians Held in Northeast Syria for Alleged ISIS Links", June 2020, from: <https://www.hrw.org/report/2020/06/29/bring-me-back-canada/plight-canadians-held-northeast-syria-alleged-isis-links>.

¹¹⁴ Luquerna, A. "The Children of ISIS: Statelessness and Eligibility for Asylum under International Law," *Chicago Journal of International Law*, Vol. 21(1), 2020, from: <https://cjl.uchicago.edu/publication/children-isis-statelessness-and-eligibility-asylum-under-international-law>.

source of contact or means of communication is limited to foreigners, and even making purchases with the internal currency is restricted.¹¹⁵ These detailed interviews revealed serious issues linked to contaminated water, overflowing latrines, shortages of fresh food and diapers, rampant diseases, insufficient medical care and lack of schooling for children.¹¹⁶ A recent analysis by Save the Children acknowledged the critical gaps in the infrastructure of the camps, in sectors such as “water, sanitation and hygiene (WASH), health, nutrition, education, child protection and protection”.¹¹⁷ The collective failure to protect children in those camps can notably be illustrated by the deaths of eight children under age 5 in Al-Hol Camp in August 2020, which could have been prevented if the camp featured more adequate medical facilities or allowed access to proper health services.¹¹⁸ According to the recent research from UNICEF, over the past decade of conflict in Syria, almost 12,000 children were killed or injured, over 5,000 children were recruited into the fighting and more than 1,300 education and medical facilities and personnel have come under attack.¹¹⁹ Given the continued exposure to violence, shock and trauma, psychological distress symptoms among children in 2020 surge significantly.¹²⁰

Furthermore, the UN and humanitarian organizations express deep concerns about the registration and verification exercise by Camp Administration authorities in Al-Hol and Roj camps.¹²¹ During the process, all third-country nationals housed in the annex were required to provide detailed personal information including their country of origin, DNA samples through blood sampling, finger or palm prints, and facial, iris or retina and other biometric data.

In line with countering terrorism objectives, the UN Security Council, in its resolution 2396 (2017) requires states to “develop and implement systems to collect biometric data (...) in order to responsibly and properly identify terrorists, including foreign terrorist fighters” in compliance with all their obligations under international law.¹²² Especially, the collection, retention and treatment of data belonging to children must always comply with the safeguards contained in the Convention

¹¹⁵ Ibid.

¹¹⁶ Human Rights Watch, “Thousands of Foreigners Unlawfully Held in NE Syria”, March 2021, from: <https://www.hrw.org/news/2021/03/23/thousands-foreigners-unlawfully-held-ne-syria>.

¹¹⁷ Save the Children, “A Children's Crisis: Update on Al Hol camp and COVID-19 concerns”, May 2020, from: <https://resourcecentre.savethechildren.net/library/childrens-crisis-update-al-hol-camp-and-covid-19-concerns>.

¹¹⁸ Save the Children, “Syria: Child death rate triples in Al-Hol Camp as medical access deteriorates”, August 2020, from: <https://www.savethechildren.net/news/syria-child-death-rate-triples-al-hol-camp-medical-access-deteriorates>.

¹¹⁹ UNICEF, “Syria conflict 10 years on: 90 percent of children need support as violence, economic crisis and COVID-19 pandemic push families to the brink”, March 2021, from: <https://www.unicef.org/press-releases/syria-conflict-10-years-90-cent-children-need-support-violence-economic-crisis-and>.

¹²⁰ Ibid.

¹²¹ United Nations Human Rights Office of the High Commissioner (OHCHR), “AL SWE 1/2021”, January 2021, from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25967>.

¹²² United Nations Security Council (UNSC), Res 2396 (21 December 2017), *S/RES/2396 (2017)*, 8.

on the Rights of the Child, and any measures should be “in the best interest of the child”.¹²³ The collection, storage, use or transfer of such data may be uniquely helpful when the process is consistent with international humanitarian law to serve the interest of children, for instance, to prove the child’s parentage and unite them with their family in the repatriation process. However, it has been reported that, in the Al-Hol camp, such data on foreign nationals have been collected by a non-state entity, which violated data protection principles, including the principles of lawfulness and fairness, transparency in collection and processing, purpose limitation, data minimization, accuracy, storage limitation, security of data and accountability for data handling.¹²⁴ Moreover, during the exercise of data collection and registration, a request by UNHCR for protection oversight of the reception area and other humanitarian actors to deliver essential, life-saving goods and services were denied, which was in complete disregard with international humanitarian law.¹²⁵

3.2. Children Facing Risk of Radicalization

Children remaining in camps in Northeast Syria are facing another serious challenge, namely the risk of being indoctrinated or radicalized within the camp by Islamic State sympathizers. Both the children who have lived in the camp and those who were born under ISIS rule and raised are exposed to extremist religious doctrines implemented by jihadist-oriented individuals. Syrian Kurdish forces reported the recent deaths in camps are related to the ISIS militants who are punishing enemies and intimidating those who reject their extremist line.¹²⁶

Experts express serious concerns that the camp in Northeastern Syria has become a “womb” for new generations of ISIS as extremist groups continue to spread their ideology to the next generation.¹²⁷ A Syrian researcher specialized in jihadi groups, Abdullah Suleiman Ali, continuously reported that there are attempts by ISIS members present in the camps to impose their ideology to civilians who are opposed to it. In February 2021, authorities running the Al-Hol camp admitted

¹²³ UN Convention on the Rights of the Children, “General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) (CRC/C/GC/14)”, May 2013, 6-8, from: https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf.

¹²⁴ United Nations Human Rights Office of the High Commissioner (OHCHR), “AL SWE 1/2021”, January 2021, 5-7, from: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25967>.

¹²⁵ Ibid.

¹²⁶ Sky News, “Syria refugee camp 'womb' for new generation of IS extremists as killings surge”, February 2021, from: <https://news.sky.com/story/syria-refugee-camp-womb-for-new-generation-of-is-extremists-as-killings-surge-12221571>. See also AP News, “Killings surge in Syria camp housing Islamic State families”, February 2021, from: <https://apnews.com/article/killings-surge-syria-camp-isis-families-1aef71d9c11cc4b9f77ac22fa205601b>.

¹²⁷ Sky News, “Syria refugee camp 'womb' for new generation of IS extremists as killings surge”, February 2021, from: <https://news.sky.com/story/syria-refugee-camp-womb-for-new-generation-of-is-extremists-as-killings-surge-12221571>.

the ongoing contacts between the camp and Daesh commanders outside who directed their members inside.¹²⁸

A number of events also illustrate how extremists spread their ideology to the next generation within the camps. A woman reportedly murdered her grand-daughter in June 2019 in Al-Hol camp as she refused to wear Shariah-compliant clothing under ISIS sympathizers' rules and regulations.¹²⁹ According to videos taken by local Syrian media channels, young children have been vowing to take revenge and threatening violence.¹³⁰ However, it is also important to keep in mind that these events have been presented by the local Syrian press which cannot be fully free from the Syrian government's involvement.

Another story delivered by Sky News indicates in detail how the children in Al-Hol camp are exposed to radicalization and indoctrination. The journalists who visited "the annex" in Al-Hol camp described the situation as following:

*"We pass a group of black-clad women with three injured children: two toddlers with plastered arms and one with a bandaged face. ... I turn to see a small group of young children throwing stones at us. A few have slingshots. "Apostates!" they shout. Born into this camp, they know nothing except IS. It is indoctrination and it is so terribly sad. I watch one little boy of about two sitting in the dirt. He'll need a year or two before he is of an age to throw stones or accuse us of being non-believers. Instead, he plays with a makeshift toy kite - a black bag and a bit of string. This is childhood in Al Hol."*¹³¹

The under-resourced and overall unstable conditions in Al-Hol camp provoke grievances and anger among families and residents, generating a fertile terrain for ISIS radicalization. Moreover, according to researchers, ISIS propaganda has portrayed women as playing a key role in education and indoctrinating the children.¹³² Given that many of the women remaining in Al-Hol and Roj camps identify themselves as members of ISIS, the creation of a new caliphate was foreseen by the authorities, according to the Syrian Democratic Forces. According to a commander and

¹²⁸ Ibid.

¹²⁹ Kose, H. "Al-Hawl Camp: A Potential Incubator of the Next Generation of Extremism", *Fikra Forum*, 2019, from : <https://www.washingtoninstitute.org/policy-analysis/al-hawl-camp-potential-incubator-next-generation-extremism>.

¹³⁰ McKernan, Bethan. "Inside al-Hawl camp, the incubator for Islamic State's resurgence", *The Guardian*, August 2019, from : <https://www.theguardian.com/world/2019/aug/31/inside-al-hawl-camp-the-incubator-for-islamic-states-resurgence>.

¹³¹ Stone, M. "My mother forced me to join... then they shot me!: The return of Islamic State to Syrian refugee camps." *Sky news*, March 2021, from: <https://news.sky.com/story/creating-the-next-generation-of-jihadists-the-return-of-is-to-syrian-refugee-camps-12252486>.

¹³² De Azevedo, C. V. "ISIS Resurgence in Al Hawl Camp and Human Smuggling Enterprises in Syria: Crime and Terror Convergence?", 45.

spokesman for the Syrian Democratic Forces, Kino Gabriel, the refugees are implementing Sharia law, creating their own “police” and fuelling the extreme mentality into their children who remain in Al-Hol camp.¹³³ Children are not only taught to follow extremist religious doctrines by their mothers, but also have a deep sense of grievances related to the death of their fathers or family members during operations conducted by Syrian or international forces against ISIS.¹³⁴ In the absence of any deradicalization program, tools or support, the longer those children stay in the camp, the greater is the risk that they will form a new generation of jihadists.

3.3. COVID-19 and Children in Camps

Children of foreign nationalities currently remaining in camps in Northeast Syria are exposed to child right abuses including both physical violence and psychological violence, exploitation and deprivation in living conditions. These children have been through inhuman, degrading and acute deprivation in a volatile warzone. Combined with the lack of proper health services, the global pandemic of COVID-19 exacerbates the risks those children disproportionately endure. Analysing the current situation in Al-Hol and Roj, Save the Children expressed serious concerns regarding children at risk of losing parents and caregivers to the virus, which increases risk of neglect, abuse and exploitation, and ultimately leads to an increase in children’s vulnerability.¹³⁵ Furthermore, the interrupted water supply from Allouk water station in the Northeastern Syria in March 2020 further limited the camps’ sanitary capacity and exposed over 460,000 people to the virus, thus significantly hindering the efforts to stop the spread of COVID-19 in camps. Based on the notion that “No child should have to live even one day without safe water,” UNICEF supported water and the establishment of water facilities to save lives in the camp, particularly of those most vulnerable such as children and new-born.¹³⁶

Save the Children reported child protection risks based on the previous infectious disease outbreaks: physical and emotional mistreatment, social exclusion, mental health and psychosocial distress, gender-based violence, unaccompanied and separated children and child labour.¹³⁷ Moreover, unaccompanied and separated children, especially children of foreign nationalities, face the greatest challenges, lacking both documentation and caregivers. More than 70 children are

¹³³ Stone, M. “My mother forced me to join... then they shot me’: The return of Islamic State to Syrian refugee camps”

¹³⁴ Kose, H. “Al-Hawl Camp: A Potential Incubator of the Next Generation of Extremism”, *Fikra Forum*, 2019, from: <https://www.washingtoninstitute.org/policy-analysis/al-hawl-camp-potential-incubator-next-generation-extremism>.

¹³⁵ Save the Children, “A Children's Crisis: Update on Al Hol camp and COVID-19 concerns”.

¹³⁶ UNICEF, “Interruption to key water station in the northeast of Syria puts 460,000 people at risk as efforts ramp up to prevent the spread of Coronavirus disease”, March 2020, from: <https://www.unicef.org/press-releases/interruption-key-water-station-northeast-syria-puts-460000-people-risk-efforts-ramp>.

¹³⁷ Save the Children, “A Children's Crisis: Update on Al Hol camp and COVID-19 concerns”.

unaccompanied in Al-Hol camp, and the camp administration (as well as foreign or UN delegations) struggles to verify their name or nationality as it may be only registered based on testimonials of former neighbours.¹³⁸ Additionally, measures designed to stop the spread of COVID-19 may negatively affect those children lacking caregivers as they may lose access to education or healthcare facilities.

3.4. Prosecution and Imprisonment of Children in Iraq

Iraqi courts have processed more than 20,000 terrorism cases against ISIS suspects since the collapse of ISIS, detaining thousands of suspected ISIS fighters and affiliates, including hundreds of children. The authorities refuse to disclose the exact number of detainees, however, testimony collected by the Euro-Mediterranean Human Rights Monitor revealed inhumane conditions in Iraqi prisons, worsened by the outbreak of novel coronavirus.¹³⁹ Human Rights Watch also raised concerns regarding the living conditions of children placed in detention and charged with terrorism-related offences under domestic law.

In detail, as of March 2017, a group of researchers reported that more than 1,200 ISIS suspects were detained in dire living conditions in the towns of Qayyarah. Limited access to medical care, health service, water supply, nourishment or proper hygiene standards raises serious concerns for the welfare of detained children.¹⁴⁰ In May 2017, at least 80 ISIS-linked children were held in the same rooms as adults in Nineveh prison, in violation of several fundamental norms supported by international treaties and standards for prosecuting child offenders.¹⁴¹

More importantly, Iraqi and Kurdistan Regional Government authorities have arrested and charged score of children with terrorism for alleged ISIS affiliation using torture to coerce confessions based on the overreliance on counterterrorism laws.¹⁴² In November 2018, the interviews of 29 children detained in Erbil conducted by Human Rights Watch revealed that the majority were tortured with plastic pipes, electric cables, or subjected to electric shocks to deliver confessions, and that some had little involvement with ISIS but confessed only to stop the

¹³⁸ Ibid.

¹³⁹ Euro-Mediterranean Human Rights Monitor, "Horror testimonies, secret prisons portend catastrophe in Iraq", July 2020, from: <https://euromedmonitor.org/en/article/3668>.

¹⁴⁰ Human Rights Watch, "Flawed Justice Accountability for ISIS Crimes in Iraq", December 2017, from: https://www.hrw.org/report/2017/12/05/flawed-justice/accountability-isis-crimes-iraq#_ftn139.

¹⁴¹ Ibid.

¹⁴² Ibid.

torture,¹⁴³ which leads to hasty and unfair trials. Children are often detained in degrading and inhuman conditions with no access to education, rehabilitation, or contact with their families. Those who are suspected of ISIS involvement encounter no education, confinement for up to 48 hours at a time, and no phone calls with their families during pretrial detention, including physical violence from reformatory guards.¹⁴⁴ To make it worse, regardless of their actual level of involvement with ISIS and extremists, security forces reportedly torture children and young men only to gain confessions. Human Rights Watch’s detailed interview portrayed the situation as following:

“A 17-year-old boy arrested by Iraqi security forces said he was beaten and repeatedly hung in the air for 10 minutes at a time by his wrists tied behind his back. He said that his interrogators told him that if he denied his confession to the judge, he would be tortured further.”¹⁴⁵

Following the interview conducted by Human Rights Watch, suspected ISIS-related children held in detention facilities in Baghdad-controlled territory mostly joined for “economic need, peer or family pressure, or to escape family problems or gain social status,” and they worked as “guards, cooks, or drivers.”¹⁴⁶ Even though denying any association with ISIS, they were tortured by security forces until their confession was given. Those children, under age 17, were treated as criminals and didn’t benefit from any governmental protection, which violates international norms of “children recruited by armed groups should be treated first and foremost as victims, not criminals.”¹⁴⁷

Children should be treated primarily as victims who require systematic assistance for their rehabilitation and reintegration. Given that international treaties and standards have established several fundamental norms for countries prosecuting child offenders, e.g., the state must exhaust all alternative options to arresting a child offender; their detention is only to be used as a last resort, ongoing abuses against children suspected of ISIS affiliation in Iraq should be put to an end. Moreover, factors such as the limited decision-making capacity of children, the powerful influence of authority figures (e.g., parents, recruiters, teachers) on their decisions, and the incidence of their environment and personal experiences (e.g., mistreatment, abuses) on the actions must be taken

¹⁴³ Human Rights Watch, “Iraq: ISIS Child Suspects Arbitrarily Arrested, Tortured Children Should Be Rehabilitated, Reintegrated”, March 2019, from: <https://www.hrw.org/news/2019/03/06/iraq-isis-child-suspects-arbitrarily-arrested-tortured>.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Human Rights Watch, “Iraq: Step Toward Justice for ISIS Child Suspects”, December 2020, from: <https://www.hrw.org/news/2020/12/13/iraq-step-toward-justice-isis-child-suspects>.

into consideration, as they clearly hinder the responsibility of minors, as further detailed in this report (see sections 4 and 5).

4. Understanding the Psychological Impact of Exposure to Terrorism, Armed Conflict and Detention for Minors: Implications for Repatriation and Rehabilitation of Children

According to recent research on the effects of armed conflict on child health and development, exposure to violence and negative social behaviours can have pervasive effects. The direct effects of exposure to armed conflict include injury, illness, psychological trauma, and death. The International Classification of Diseases 11th Edition recognises complex trauma as a possible result of “exposure to an event or series of events of an extremely threatening or horrific nature, most commonly prolonged or repetitive events from which escape is difficult or impossible (e.g. torture, slavery, genocide campaigns, prolonged domestic violence, repeated childhood sexual or physical abuse)”.¹⁴⁸ All of the children directly affected by the conflict in Syria and Iraq are likely to have suffered from trauma to some degree, due to exposure to one or more of the following adverse experiences – trafficking, extreme violence (including armed conflict and witnessing acts of capital punishment, suicide and beheading), physical abuse (including torture), sexual abuse (including but not limited to early marriage), emotional neglect, exploitation, deprivation and inhuman living conditions, and the loss of parents, caregivers and other loved ones.

The continued detention of children in the camps in Syria and prisons in Iraq is likely to perpetuate the impact of traumas sustained both prior to and during life under ISIS, since little has been done to provide any sense of safety or protection. Indeed, in January 2021, the UN Special Representative for children and armed conflict highlighted those children of foreign nationalities detained in Syria and Iraq as exposed to both trauma and stigmatization, affecting their safety, their overall development, and their mental health.¹⁴⁹ In addition, they face malnutrition, unsanitary conditions, a lack of stimulation and, more recently, the threat of exposure to COVID-19.¹⁵⁰ Growing up in chronically unsafe environments fosters ways of making sense of and of

¹⁴⁸ World Health Organization, *International classification of diseases for mortality and morbidity statistics* (11th Revision), 2018, from: <https://icd.who.int/browse11/l-m/en#/http%253a%252f%252fid.who.int%252fid%252fentity%252f585833559>.

¹⁴⁹ Shams, S. “UN urges countries to repatriate 27,000 'IS children' from Syria”, *DW*, January 2021, from: <https://www.dw.com/en/un-urges-countries-to-repatriate-27000-is-children-from-syria/a-56390032>.

¹⁵⁰ Saad, N. J. “The Al Hol Camp in Northeast Syria: Health and Humanitarian Challenges”. See also Save the Children, “A Children's Crisis: Update on Al Hol camp and COVID-19 concerns”.

behaving in the world according to the need to survive above all else.¹⁵¹ Effective policies regarding these children must consider their behaviour as adaptive and seek to provide adequate safety and protection.¹⁵²

4.1. Child Development in Context

All children worldwide share particular needs with regards to the care and treatment they require from their immediate caregivers in order to survive and thrive during their early years and beyond. Human beings are especially vulnerable at birth compared to other species, placing special emphasis upon physical safety and security alongside the availability, emotional attunement, and competency of those in a parenting role.¹⁵³ Of course, parents and guardians are not the only relevant and important figures in a child's life – it is widely accepted that a child's wellbeing and development is determined by their biology, the quality of the family and community environment, and the wider societal context in which they live.¹⁵⁴ These influences are such that exposure to a range of adverse childhood experiences has been linked to poorer physical, mental, and social outcomes in later life.¹⁵⁵

When making sense of a child's development and their level of emotional, social and cognitive functioning, it is essential to consider the quality of the relationships and environments they have been exposed to and are currently navigating. The cultural tendency in many parts of the world to locate problems regarding emotional, social and cognitive functioning within individuals, including children, serves to neglect social and environmental issues and, in doing so, risks perpetuating the problem.¹⁵⁶ Holding the children of ISIS solely accountable for their experiences and difficulties

¹⁵¹ Perry, B. D. "Maltreatment and the Developing Child: How Early Childhood Experience Shapes Child and Culture", *The Margaret McCain Lecture Series*, 2005, from: https://7079168e-705a-4dc7-be05-2218087aa989.filesusr.com/ugd/aa51c7_1052a376f51b40219ac48304da3af5ed.pdf.

¹⁵² See Substance Abuse and Mental Health Services Administration, *Trauma-Informed Care in Behavioral Health Services*, Treatment Improvement Protocol (TIP) Series 57. HHS Publication No. (SMA) 13-4801. Rockville, 2014, from : https://www.ncbi.nlm.nih.gov/books/NBK207201/pdf/Bookshelf_NBK207201.pdf.

¹⁵³ British Psychological Society, "British Psychological Society briefing: Children and Young People's Mental Health and Psychological Wellbeing", 2021, from: <https://www.bps.org.uk/sites/www.bps.org.uk/files/Policy/Policy%20-%20Files/BPS%20Briefing%20-%20Children%20and%20Young%20Peoples%20Mental%20Health%20and%20Wellbeing.pdf>.

¹⁵⁴ See Edinete, M. R. & Tudge, J. "Urie Bronfenbrenner's Theory of Human Development: Its Evolution From Ecology to Bioecology", *Journal of Family Theory & Review*, Vol. 5, December 2013, from:

<https://onlinelibrary.wiley.com/doi/abs/10.1111/jftr.12022>. See Jack, G. "Ecological influences on parenting and child development", *The British Journal of Social Work*, Volume 30(6), December 2000, from: <https://academic.oup.com/bjsw/article-abstract/30/6/703/1620335>.

¹⁵⁵ Felitti, V. J., Anda, R. F., Nordenberg, D., Williamson, D. F., Spitz, A. M., Edwards, V., Koss, M. P. & Marks, J. S. "Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study", *American Journal of Preventive Medicine*, Vol.14(4), May 1998, from: <https://pubmed.ncbi.nlm.nih.gov/9635069/>.

¹⁵⁶ See Callaghan, J. E., Fellin, L. C., & Warner-Gale, F. "A critical analysis of Child and Adolescent Mental Health Services policy in England", *Clinical Child Psychology and Psychiatry*, Vol. 22(1), April 2016, from: <https://journals.sagepub.com/doi/abs/10.1177/1359104516640318>.

risks misattributing a high level of cognitive skill and relational power to young people who are in fact still developing, who have faced and continue to face considerable disadvantage, and who have had very limited choices available to them.¹⁵⁷

4.1.1. Children who accompanied relatives or were recruited by ISIS

Even prior to exposure to life under the ‘caliphate’, it is possible that children who were destined to travel there had already been exposed to significant life stressors, such as poverty, domestic violence or social marginalization. Indeed, research undertaken by the Bulan Institute and others has cited economic struggles, socio-political pressures, inequalities and injustice as push factors for foreigner engagement with extremist groups.¹⁵⁸ Exposure to early life stressors has been linked to challenging sequelae such as academic issues, struggles navigating friendships, early pregnancy, and youth offending.¹⁵⁹ ISIS has demonstrated a sound awareness of such vulnerabilities and has been able to exploit them fully.

Child criminal exploitation is most often associated with organized gangs, however the standards that define child exploitation in these scenarios can readily apply to terrorist organizations. Child criminal exploitation utilizes the imbalance of power between those in the organized group and the child to deceive, control, coerce, and/or manipulate a child into taking part in criminal activity through the promise of the exchange for something the victim wants, for the financial advantage of the victim, and/or through the threat of violence or the use of violence.¹⁶⁰ It is necessary to consider the role of unmet social and emotional needs in the complex dynamics involved in cases where terrorist adults have abused their power over children existing at their mercy. Such steps are essential in order to support those children to understand their experiences and engagement in violence, and to move the mindset of victim-blaming and stigmatisation towards the development of responsive care plans.

¹⁵⁷ British Psychological Society, “The Power Threat Meaning Framework : Summary”, from:

<https://www.bps.org.uk/sites/www.bps.org.uk/files/Policy/Policy%20-%20Files/PTM%20Summary.pdf>.

¹⁵⁸ United Nations Development Programme (UNDP), Preventing Violent Extremism Through Promoting Inclusive

Development, Tolerance and Respect for Diversity. UN Development Programme: New York, 2016, from:

<https://www1.undp.org/content/undp/fr/home/librarypage/democratic-governance/preventing-violent-extremism-through-promoting-inclusive-develop.html>.

¹⁵⁹ Biglan, A., Van Ryzin M. J. & David Hawkins, J. “Evolving a More Nurturing Society to Prevent Adverse Childhood Experiences”, *Academic Pediatrics*, Vol. 17(7), September 2017, from: <https://pubmed.ncbi.nlm.nih.gov/28865649/>.

¹⁶⁰ The Education People, *Safeguard: Child Criminal Exploitation*, from: <https://www.theeducationpeople.org/our-expertise/safeguarding/safeguarding-priorities/child-criminal-exploitation/>.

For those who were taken from their country of origin by family members, even moving to a foreign country and joining an isolated community with a strict social code may have presented a significant challenge in terms of adjustment and it is not known how children were supported in this, if at all. A loss of developmental infrastructure alone, such as schools and healthcare facilities, can be detrimental to children in both the short and long-term.¹⁶¹ This raises the question of how well the children's basic social, emotional and developmental needs were considered by their primary caregivers. Some caregivers who took their children abroad were in all likelihood aware of the potential for them to be exposed to violence, due to the nature of the extremist ideas and actions promoted in the propaganda of ISIS and affiliated groups. Many will have been aware they were taking their children to a conflict zone – an extreme action in itself, unthinkable to others. Children not being held in mind, being emotionally neglected, exploited or physically harmed, are features of a society far removed from the nurturing environments thought to be necessary for the development of prosocial individuals and communities.¹⁶²

4.1.2. Children who were coerced or trafficked into joining ISIS

The means of recruitment through which children and young people were brought under the influence of ISIS is particularly relevant when considering the experiences of those who were exposed to violence as part of their pathway into terrorism and life under ISIS. As indicated in this report, some children were taken to Syria against their will and therefore must be understood as survivors of trafficking. The experience of being trafficked can lead to depression, anxiety and post-traumatic stress.¹⁶³ Many survivors of trafficking report experiences of physical or sexual violence during their ordeal. Pre-trafficking experiences, the duration of their exploitation, experiences of violence or restrictions on movement, levels of unmet needs, and levels of social support post-trafficking have been identified as influences on subsequent experiences of mental distress.¹⁶⁴ Arguably these factors highlight child survivors of trafficking by ISIS who remain in detention in Syria and Iraq as especially vulnerable since they remain stuck in a situation fraught

¹⁶¹ Benotman, N. & Malik, N. "The Children of Islamic State", 46.

¹⁶² Biglan, A., Flay, B., Embry, D., Sandler, I. "The critical role of nurturing environments for promoting human well-being", *American Psychologist*, Vol. 67(4), May 2012, 257-271, from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621015/>.

¹⁶³ Stevens, S., Acker S., Green K., et al. "Understanding the mental health impact of human trafficking", *Journal of the American Association of Nurse Practitioners*, December 2019, Vol. 31(12), from: https://journals.lww.com/jaanp/Abstract/2019/12000/Understanding_the_mental_health_impact_of_human.6.aspx. See also Ottisova, L., Smith, P. & Oram S. "Psychological Consequences of Human Trafficking: Complex Posttraumatic Stress Disorder in Trafficked Children", *Behavioral Medicine*, 2018, Vol. 44(3), from: <https://www.tandfonline.com/doi/abs/10.1080/08964289.2018.1432555>.

¹⁶⁴ Altun, S., Abas, M., Zimmerman, C., Howard, L. & Oram, S. "Mental health and human trafficking: responding to survivors' needs", *February 2017*, Vol. 14(1), from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5618827/pdf/BJPI-14-21.pdf>.

with danger, deprived of essential resources, and lacking in social support for an indeterminate period.

4.1.3. Children born under ISIS' rule and children in detention

Pregnancy and childbirth are hugely significant experiences for both mother and child, and high-quality antenatal care is essential for their survival and healthy development.¹⁶⁵ Whilst the importance of good nutrition and abstention from smoking, alcohol or illicit substances are widely known necessities for the benefit of the unborn child, public knowledge of the impact of maternal stress in utero is less prevalent. Exposure to high levels of stress in utero may have neurotoxic effects, resulting in outcomes such as poor emotional adjustment in young children unless appropriate interventions are provided during the early years.¹⁶⁶ Reports on the conditions in the camps in Syria indicate a poor level of health care and it can be assumed that resources under ISIS were also limited. Women and babies were certainly exposed to extremely harsh conditions during the latter stages of the conflict, including lack of shelter or food. Surviving pregnancy, childbirth and the first few years of life is a remarkable feat in such a context, where child mortality is high. Some level of cognitive or physical disability among the children raised under ISIS and currently held in camps in Syria and prisons in Iraq is possible, given poor antenatal and postnatal care and the dangerous nature of the environment the children were exposed to as armed conflict escalated.¹⁶⁷ Poor health, injury, and disability, in addition to age as a factor tipping the balance of power in favour of others, contribute to layers of vulnerability that put children remaining in camps and prisons in Syria and Iraq at considerable disadvantage.

4.2. Exposure to armed conflict and detention

Children who were brought up under ISIS were exposed to exceptional levels of violence in training camps and public spaces, including executions. It has been suggested that these

¹⁶⁵ World Health Organization, "What is the efficacy/effectiveness of antenatal care?", December 2003, from: <https://www.euro.who.int/en/data-and-evidence/evidence-informed-policy-making/publications/pre2009/what-is-the-eficacyeffectiveness-of-antenatal-care>. See also EBCOG Scientific Committee, "The Public Health Importance of Antenatal Care", *Facts, views & vision in Obstetrics and Gynaecology*, 2015, Vol. 7(1), from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4402443/>.

¹⁶⁶ Buss, C. et al. "The Role of Stress in Brain Development: The Gestational Environment's Long-Term Effects on the Brain", *Cerebrum: the Dana forum on brain science*, 2012, from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3574809/>.

¹⁶⁷ Carmichael, S. L., Shaw, G. M., Yang, W., Abrams, B., & Lammer, E. J. "Maternal stressful life events and risks of birth defects", *Epidemiology (Cambridge, Mass.)*, 2007, Vol 18(3), from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2094125/>. See also Laplante D., Brunet A., Schmitz N., Ciampi A. & King S. "Project Ice Storm: prenatal maternal stress affects cognitive and linguistic functioning in 5 1/2-year-old children", *Journal of the American Academy of Child and Adolescent Psychiatry*, 2008, Vol. 47(9), from: <https://pubmed.ncbi.nlm.nih.gov/18665002/>. See Van den Bergh B., Mennes M., Oosterlaan J., Stevens V., Stiers P., Marcoen A. & Lagae L. "High antenatal maternal anxiety is related to impulsivity during performance on cognitive tasks in 14- and 15-year-olds", *Neuroscience and biobehavioral reviews*, 2005, Vol. 29(2), from: <https://pubmed.ncbi.nlm.nih.gov/15811497/>.

experiences may have desensitized children to violence over time.¹⁶⁸ It is important, however, to recognize that a range of responses to violence are possible and may be misinterpreted as reflecting a lack of moral compass or a fixed personality trait. Crucially, these responses can be better understood through the lens of complex trauma and neurobehavioral responses to environments presenting sustained threats to survival.¹⁶⁹ Similarities have been drawn between the experiences of children under Isis in Syria and those of child soldiers on the African continent. The impact that being a child soldier can have on the development and future of a child is extraordinary, including disruptions to both physical and mental health. A sampling of former child soldiers from the Lords' Resistance Army in Uganda found that survivors suffered from severe psychological distress, with 93-97% of those suffering from PTSD symptoms, 20% suffering from depression, 13% suffering from anxiety, and 54% suffering from other emotional and behavioural challenges.¹⁷⁰ Despite these effects, the perception of child soldiers as victims and survivors of conflict is not a widely held view. An emphasis on child survivors of ISIS as perpetrators, in both the wider social narrative and in public policy, presents an important challenge for any efforts to rehabilitate and reintegrate them.

4.3. Caregiver wellbeing and consequences for development

The adults detained alongside and with caring responsibilities for these children are themselves likely to be suffering from some degree of trauma, due to their exposure to extremism, armed conflict, torture, deprivation, and so on. Providing emotionally attuned caregiving becomes extremely challenging in environments featuring chronic deprivation and threat and where the caregiver's own mental health is not attended to. Emotionally neglectful or overly aggressive caregiving practices may emerge in cases where adult caregivers are in a highly vigilant or anxious state or suffering from the emotional numbing and disconnection symptomatic of an overwhelmed nervous system unable to escape danger or plagued by loss.¹⁷¹ In the absence of emotionally attuned parenting, infants and children are likely to develop problematic attachment behaviours as a means to resolve the dilemma of needing care from someone who is either a source of fear or

¹⁶⁸ Benotman, N. & Malik, N. "The Children of Islamic State", 49.

¹⁶⁹ Perry, B., Pollard, R. & al. "Childhood Trauma, the Neurobiology of Adaptation, and "Use-dependent" Development of the Brain: How "States" Become "Traits"", *Infant Mental Health Journal*, 1995, Vol. 16(4), from: <https://adoptionsupport.org/wp-content/uploads/2012/09/Module-5-Handout-5.3.pdf>.

¹⁷⁰ Benotman, N. & Malik, N. "The Children of Islamic State", 47.

¹⁷¹ Banyard, V. L., Williams, L. M., & Siegel, J. A. "The Impact of Complex Trauma and Depression on Parenting: An Exploration of Mediating Risk and Protective Factors", *Child Maltreatment*, 2003, Vol. 8(4), from : <https://journals.sagepub.com/doi/abs/10.1177/1077559503257106>.

seemingly out-of-reach.¹⁷² Disruptions to attachment behaviour are associated with negative outcomes such as increased aggression and anti-social behaviour, depression, anxiety, self-harm, vulnerability to exploitation, intimate partner violence, and so forth.¹⁷³

4.4. Opportunities for Recovery

The application of psychological interventions to children who have lived under ISIS demands careful consideration to ensure that the focus remains on the needs of the child, including supporting them to process their experiences of loss, to claim their rights, and to build their resilience. There is little information about the support that has been offered to children who have been repatriated home from Syria and Iraq, apart from Central Asia where the Bulan Institute has been able to gather initial information regarding rehabilitation efforts.¹⁷⁴ The testimonies offered by local specialists in Kazakhstan and Uzbekistan indicate that existing programmes have involved retraining of teams involved in offering direct interventions, systemic work to support survivors entering school and other community spaces, therapeutic support to strengthen parental capacity, religious counselling, and activities which promote a developing sense of national identity.¹⁷⁵ Differences are apparent with respect to decisions to accommodate children with relatives, foster families or in residential care, and regarding decisions to allow or minimise contact between child survivors upon their return. These are not easy decisions but ones which must, at the very least, consider how existing knowledge about recovery from complex trauma might inform policy and practice. Decision-makers must also reflect on the influence of external pressures in order to ensure practice remains child-centred.

4.4.1. Safety, Connection, Choice and Compassion

The most crucial and immediate need of ISIS-affiliated children languishing in Syrian camps and Iraqi prisons is an established sense of safety.¹⁷⁶ It would be impossible to achieve meaningful change with respect to their mental and physical well-being and their worldview without providing

¹⁷² E.g. Fraley, C. "Attachment Stability from Infancy to Adulthood: Meta-analysis and Dynamic Modeling of Developmental Mechanisms", *Personality and Social Psychology Review*, 2003, Vol. 6(2), from : https://journals.sagepub.com/doi/10.1207/S15327957PSPR0602_03.

¹⁷³ Barlow, J. "Can we improve attachment or attachment-related outcomes in young children?", *Association for Child and Adolescent Mental Health*, from: <https://www.acamh.org/research-digest/can-improve-attachment-attachment-related-outcomes-young-children/>.

¹⁷⁴ See The Bulan Institute, "The Repatriation, Rehabilitation and Reintegration of Women and Children from Syria and Iraq The Experiences of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan", June 2021, from: <https://bulaninstitute.org/wp-content/uploads/2021/06/Report-on-Repatriation-in-Central-Asia-2.pdf>.

¹⁷⁵ Ibid.

¹⁷⁶ Bath, H. "The Three Pillars of Trauma-Informed Care", *Reclaiming Children and Youth*, 2008, Vol. 17(3), from: <https://elevhalsan.uppsala.se/globalassets/elevhalsan/dokument/psykologhandlingar/trauma-informed-care.pdf>.

a safe environment. Those experiencing the effects of complex trauma in particular will not be able to surrender the means by which they have been able to endure exposure to terrorism, armed conflict, abuse, deprivation and loss, without experiencing a strong sense of physical and emotional safety. This brings state responses to the plight of foreign ISIS-affiliated children into sharp focus as it points to the need for immediate repatriation.

Moreover, the need for safety attests to the desperate need for social connection among these children and demands a corresponding emphasis on the development of emotionally attuned relationships with safe and supportive adults.¹⁷⁷ It is through social connection that human beings develop and experience self-regulation and are subsequently able to plan, weigh up options and make decisions.¹⁷⁸ Part of establishing safety is the act of offering safe responsive relationships and what such relationships offer is the experience of co-regulation. Co-regulation is a necessary step to the development of mindful attention, emotional literacy, and healthy coping with strong emotions, including navigating relationships with others.¹⁷⁹

Another feature of safe trauma-informed environments and care processes is the element of choice and collaboration.¹⁸⁰ Children should be supported to have a voice in the decision-making process, a consideration that warrants particular attention where there are concerns about risk which have the potential to lead to restrictive practices. Following on from this, the adults involved in the care of these children, from persons in senior leadership roles to support staff of all kinds, should be trained in complex trauma so that they understand what the children are communicating through their behaviour and how to respond.¹⁸¹ Policies and procedures likewise should be trauma-

¹⁷⁷ Siegel, D. "Attachment and Self-Understanding : Parenting with the Brain in Mind", *Journal of Prenatal and Perinatal Psychology & Health*, 2004, Vol. 18(4), from: <https://www.proquest.com/openview/12ef1c4650f77261a64e2b2c0ef86bc2/1?pq-origsite=gscholar&cbl=28214>.

¹⁷⁸ Porges, S. & Carter C. "Polyvagal Theory and the Social Engagement System: Neurophysiological Bridge Between Connectedness and Health". In : Gerbard, P., Muskin, P. & Brown, R. *Complementary and Integrative Treatments in psychiatric Practice*, American Psychiatric Association Publishing, 2017, from: https://books.google.ch/books?id=3dQuDwAAQBAJ&dq=polyvagal+theory+porges+social+connection&lr=&source=gbs_navlinks_s.

¹⁷⁹ Silkenbeumer, J., Schiller, E-M., Holodynski, M. & Kärtner, J. "The Role of Co-Regulation for the Development of social-emotional competence", *Journal of Self-Regulation and Regulation*, 2016, Vol. 2, from: <https://journals.ub.uni-heidelberg.de/index.php/josar/article/view/34351>. See Fogel, A. & Garvey, A. "Alive Communication", *Infant Behavior & Development*, 2007, Vol. 30(2), from: https://www.researchgate.net/publication/6429816_Alive_Communication. See also Sbarra, D. A., & Hazan, C. "Coregulation, dysregulation, self-regulation: an integrative analysis and empirical agenda for understanding adult attachment, separation, loss, and recovery". *Personality and social psychology review : an official journal of the Society for Personality and Social Psychology*, 2008, Vol. 12(2), from : <https://pubmed.ncbi.nlm.nih.gov/18453476/>.

¹⁸⁰ Perry, B. "Applying principles of neurodevelopment to clinical work with maltreated and traumatized children". In: Webb, N. (Ed.), *Working with traumatized youth in child welfare*, New York: The Guilford Press, 2006, from: <https://psycnet.apa.org/record/2006-01104-003>.

¹⁸¹ Menschner C. & Maul, A. « Strategies for Encouraging Staff Wellness in Trauma-Informed Organizations, *Center for Health Care Strategies*, December 2016, from: https://fhop.ucsf.edu/sites/fhop.ucsf.edu/files/custom_download/ATC-Staff-Wellness-121316_FINAL.pdf. See Substance Abuse and Mental Health Services Administration, *Trauma-Informed Care in Behavioral Health Services*.

informed and support the delivery of trauma-responsive care. A compassion-focused approach is called for whereby all stakeholders are able to turn towards the suffering of these children and to offer unreservedly their combined skills, resources and wisdom in a joint effort to alleviate it.¹⁸²

Part of this involves the provision of ongoing support for staff interacting with the young people and their families due to the distressing nature of both their histories and the ways in which complex trauma can emerge in social interactions. Supervision and adequate opportunities for reflective practice are essential and a trauma-informed and compassion-focused lens is recommended. The care environment and those operating within it must actively resist subjecting the children and young people to re-traumatisation.¹⁸³ This necessitates thorough and careful consideration of the varying pathways and experiences of the children in the receipt of care and the ways in which the built environment and care practices might provoke further distress. This is particularly key considering the wider context of counter-terrorism concerns and measures that might be taken with that in mind, such as restrictions on movement. It also suggests the need for careful consideration of State repatriation policies regarding the forced separation of children from adults in detention in Syria and Iraq, which involves subjecting children to a further traumatic event.

4.4.2. Long-term, systemic, multidisciplinary care

The evolution of neurobehavioural understanding of child development has contributed to calls for child-focused services to be extended up to the age of 25. Not only do rehabilitation processes need to allow for care provision in the long term, any such programme would require a whole systems approach in recognition of the influence of social context upon the development of the child. Nurturing and strengthening family relationships, supporting engagement in education, and facilitating involvement in community life are key elements that are necessary to develop a child's emotional, social and economic wellbeing. A trauma-informed approach is mindful of the sensitivities involved and ensures that the essential experience of safety and connection is

¹⁸² Gilbert, P. "Creating a Compassionate World: Addressing the Conflicts Between Sharing and Caring Versus Controlling and Holding Evolved Strategies", *Frontiers in Psychology*, February 2021, from: <https://www.frontiersin.org/articles/10.3389/fpsyg.2020.582090/full>.

¹⁸³ E.g. Schippert, A., Grov, E. K., & Bjørnnes, A. K. "Uncovering re-traumatization experiences of torture survivors in somatic health care: A qualitative systematic review", *PLoS one*, 2021, Vol. 16(2), from : <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7861410/>. See also Keller-Dupree, E. "Understanding childhood trauma: Ten reminders for preventing retraumatization", *The Practitioner Scholar*, 2013, Vol. 2(1), from: <http://www.thepractitionerscholar.com/article/view/10867>. See also King, A. & Liberzon, I. "Neurobiology of Retraumatization". In: Duckworth, M. & Follette, V. (Eds.) *Retraumatization: Assessment, Treatment, and Prevention*, Routledge: Taylor & Francis Group, 2012.

continued following reintegration into family, school and community.¹⁸⁴ Consideration of additional needs may be necessary in cases of physical disability or life-changing injury, learning disability, or social communication difficulties. The involvement of professionals from a range of disciplines, including social work, education, psychology, psychiatry and youth work would support the development of appropriate interventions on a case-by-case basis. Any plans should be person-centred, developed in collaboration with young people and their families as far as possible, and sensitive to both their vulnerabilities and their strengths and talents.¹⁸⁵

4.4.3. Specialist interventions, rights education and rights-based risk assessment

Psychological interventions would ideally be trauma-focused and provided on the basis of thorough assessment and joint understanding of each child's needs. Safe therapeutic spaces in which children can process their collective experiences of grief and loss should be provided at a minimum. Therapies specifically designed to support the processing of traumatic memories should also be made available. The UK's National Institute for Clinical Excellence guidelines for complex trauma and PTSD may be consulted, but service provision should ideally look beyond the narrow range of therapies considered for inclusion and instead refer to the broader literature on the subject.¹⁸⁶ The range of interventions available should also include attachment-focused work, narrative therapies, and body work, alongside spaces offering play-based and creative modalities, corresponding to the neurosequential model of therapeutics which was developed for working with at-risk children.¹⁸⁷

Educating children regarding their rights would not only go some way towards supporting them to claim their rights, but could help inform their developing understanding of their experiences and their future relationships and endeavours. In settings for vulnerable adults, rights-based frameworks have also been used to develop collaborative risk assessment and risk management

¹⁸⁴ Substance Abuse and Mental Health Services Administration, *Trauma-Informed Care in Behavioral Health Services*.

¹⁸⁵ Social care institute for excellence, "Mental Capacity Act (MCA): Care planning, involvement and person-centred care", from: <https://www.scie.org.uk/mca/practice/care-planning/person-centred-care>.

¹⁸⁶ National Institute for Health and Care Excellence, "Post-traumatic stress disorder: NICE guideline {NG116}", December 2018, from: <https://www.nice.org.uk/guidance/NG116>.

¹⁸⁷ National Child Traumatic Stress Network, "Interventions", from: <https://www.nctsn.org/what-is-child-trauma/trauma-types/complex-trauma/interventions>. See also Perry, B. "Examining Child Maltreatment Through a Neurodevelopmental Lens: Clinical Applications of the Neurosequential Model of Therapeutics", *International Perspectives on Stress & Coping*, 2009, Vol. 14(4), from: <https://www.tandfonline.com/doi/abs/10.1080/15325020903004350>.

tools. Such tools have been used to simultaneously educate service users regarding their rights and to empower them to judge their own levels of risk and to make appropriate plans with support.¹⁸⁸

Consultation with experts by experience regarding specific experiences such as surviving sexual abuse and trafficking, surviving armed conflict, or living with disabilities, for example, may be invaluable in ensuring the focus of care remains on the needs of the children at the centre. Peer support and mentoring provided by experts by experience should be offered wherever possible to support children and young people to feel a sense of belonging and acceptance.¹⁸⁹

5. Children’s Protection and Security Needs: an International Law Perspective

The rights of children remaining in Syrian or Iraqi camps or detention facilities are extensively at risk. The description of the living conditions of ISIS-related children remaining in such environments show that international legal standards such as their right to life, health, safety or education are threatened. Serious violations of children’s rights have been reported, including breaches of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture or the Convention on the Rights of the Child, as detailed in a report issued by the Bulan Institute.¹⁹⁰

This chapter aims to provide a comprehensive overview of the situation of ISIS-related children (including foreign minors) from an international law perspective. As this report will further elaborate (see chapter 6), while certain nations tend to see children as victims and have initiated repatriation and reintegration processes to ensure their protection and rehabilitation, a majority of states have adopted restrictive policies to prevent the return of children with direct or remote links to ISIS to their home country. Such policies are generally based on the belief that those children represent serious threats to their country’s national security. The fact that their involvement with

¹⁸⁸ Greenhill, B. & Whitehead, R. “Promoting service user inclusion in risk assessment and management: a pilot project developing a human rights-based approach”, *British Journal of Learning Disabilities*, 2010, Vol. 39(4), from: <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-3156.2010.00664.x>. See also Mersey Care NHS Trust, “Keeping me safe and well assessment manual”, Rebuild Clinical Business Unit, 2008, from : [https://lemosandcrane.co.uk/resources/mersey_care_keeping_me_safe_and_well%20\(1\).pdf](https://lemosandcrane.co.uk/resources/mersey_care_keeping_me_safe_and_well%20(1).pdf).

¹⁸⁹ Theodosiou, L. & Glick, O. “Peer support models for children and young people with mental health problems”, *Children & Young People’s Mental Health Coalition and Centre for Mental Health*, 2020, from: https://www.centreformentalhealth.org.uk/sites/default/files/publication/download/CentreforMentalHealth_PeerSupport_CY P_0.pdf.

¹⁹⁰ See Bulan Institute, “State Obligations and International Norms towards Children with Links to ISIS Being Held in North-Eastern Syria”, March 2021, from: <https://bulaninstitute.org/wp-content/uploads/2021/03/Policy-Paper-on-Children.pdf>.

ISIS (whether based on ‘voluntary’ conscription or forced enrolment) occurred while they were still minors seems to be irrelevant for certain states, who largely ignore their victim status and instead focus on their role as potential perpetrators of serious international crimes. Even though the prevailing view in international law recognizes that “minors who have committed international crimes, such as genocide, crimes against humanity or war crimes, are victims of the adults who recruited them and are not legally culpable”,¹⁹¹ the question of the victimization of children who ‘voluntarily’ joined terrorist groups remains debated. Indeed, it has been argued that recognizing the same status of victims to children who “decided” to travel to Iraq or Syria in order to join ISIS’ ranks and to children who were abducted and forced into the combats (e.g. in Sierra Leone) may have the effect of creating “an artificial category that includes all children worldwide who participate in conflict, claiming they do so in the same manner and for the same reasons”.¹⁹²

The determination of the status of ISIS-related children is a key factor in the identification of their repatriation prospects. Indeed, as detailed further in this report, states who have agreed to introduce repatriation and reintegration programs for ISIS-related children have largely stressed the fact that children should primarily be seen as victims. Repatriation is therefore closely linked to the question of the status of children involved in armed conflict. This section thus aims to provide a better understanding of those children’s status under international law. This chapter will start by depicting and analysing the normative framework protecting children against human trafficking, and determine to what extent should these norms apply to the case of minors who ‘voluntarily’ joined ISIS. Indeed, if recognized victims of human trafficking, children may have better repatriation prospects and are entitled to additional protection guarantees. Secondly, this chapter will address the question of ISIS-related children’s criminal liability under international law. Considering their age, their instrumentalization by adults, the manipulative processes used for their recruitment and their particular vulnerability, those children are often considered as both victims and perpetrators, which poses significant challenges in the determination of their culpability. Understanding whether they could be held responsible for offences under international criminal law is therefore essential to determine their repatriation prospects. Finally, this section will stress the importance of respecting children’s judicial guarantees if prosecuted.

¹⁹¹ Manirakiza, P. Les Enfants Face au Système International de Justice: A la Recherche d’un Modèle de Justice Pénale Internationale Pour les Délinquants Mineurs, *Queen’s Law Journal*, Vol. 34(2), 2009, 719.

¹⁹² Squiers, C. M. “How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma?”, *SMU Law Review*, Vol. 68(2), 2015, 580, from: <https://core.ac.uk/download/pdf/147630322.pdf>.

5.1. Protection against human trafficking: recognition of ISIS-related children's victim status

As mentioned in chapter 1, a certain number of minors (including foreigners) were subjected to human trafficking and were forced to join ISIS-led territories to play different roles within the organization. The acknowledgement of a child's subjection to human trafficking could have important repercussions on his or her protection rights, including his/her right to be repatriated. Victims of child trafficking are entitled to receive special assistance, safeguards and access remedies. According to Article 6 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons states that parties to this Protocol shall "take into account the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children".¹⁹³

In that respect, the United Nations' Security Council highlighted that states should ensure that "victims of trafficking in persons are treated as victims of crime and in line with domestic legislation not penalized or stigmatized for their involvement in any unlawful activities in which they have been compelled to engage".¹⁹⁴ However, many children victims of child trafficking and forced to participate in ISIS' war effort are currently detained, face prosecution or have been charged for their allegiance to the terrorist group, including in Iraq, as further detailed in this report. Many of them (including foreigners) reportedly suffer serious abuses while in detention or even face the death penalty for their alleged support of ISIS.¹⁹⁵

As reminded by the President of the United Nations' Security Council in 2015, states must "strengthen efforts to detect and disrupt trafficking in persons, including implementing robust victim identification mechanisms and providing access to protection and assistance for identified victims".¹⁹⁶ However, states' counterterrorism policies tend to exclude minors who left their country to join ISIS from the scope of victims of child trafficking, even though they may legally benefit from such status.¹⁹⁷ In fact, the apparent voluntary nature of a child's recruitment by a terrorist group does not *per se* exclude the child from falling under the definition of human

¹⁹³ *Trafficking in Persons Protocol*, art. 6.

¹⁹⁴ United Nations Security Council (UNSC), "Statement by the President of the Security Council", 16 December 2015, S/PRST/2015/25, 2, from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/433/50/PDF/N1543350.pdf?OpenElement>.

¹⁹⁵ Human Rights Watch, "Iraq: ISIS Child Suspects Arbitrarily Arrested, Tortured", March 2019, from: <https://www.hrw.org/news/2019/03/06/iraq-isis-child-suspects-arbitrarily-arrested-tortured>.

¹⁹⁶ United Nations Security Council (UNSC), "Statement by the President of the Security Council", 2.

¹⁹⁷ BBC news, "Who is Shamima Begum and how do you lose your UK citizenship?", March 2020, from: <https://www.bbc.com/news/explainers-53428191>.

trafficking, which extends beyond physical violence to the exploitation “of a position of vulnerability”.¹⁹⁸ This can be illustrated by the controversial case of Shamima Begum, a young British citizen who joined ISIS at the age of 15, and whose citizenship was revoked based on national security concerns. Her attempt to return to the country and physically participate in her appeal trial was ruled out in 2019 by the United Kingdom’s Supreme Court on the ground that public interest and safety prevailed.¹⁹⁹ In contrast with the Court’s decision, many authors argue that she should be considered as a victim of human trafficking under Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, as she was recruited while underage by recruiters before travelling with friends to Raqqa, where she was wed to a Dutch ISIS fighter.²⁰⁰ The case of Ms. Begum illustrates the difficulty in asserting the status of those whose involvement with ISIS started as minors. Her case was heavily publicised and her situation debated, as she was in turn portrayed as a victim of brainwashing or as a voluntary follower of ISIS’ principles.²⁰¹ Had she been considered by the British government as a victim of human trafficking, her life and the fate of her deceased children may have been significantly different.²⁰²

States are under the obligation to establish a system and framework aiming to detect cases of human trafficking, and should avoid being influenced by “reductive gender and age stereotypes” while identifying victims.²⁰³ Throughout such identification process, states shall put particular emphasis on the risk that minors who *prima facie* do not seem to have been forced (e.g. if no kidnapping) to join ISIS or who were portrayed by medias as having “willingly” travelled to Syria, may actually be victims of human trafficking.²⁰⁴ A wider acknowledgement by states that minors who left their country to join ISIS can be considered as victims of child trafficking could significantly impact the prosecution of recruiters (therefore more likely to be held accountable for their role in the exploitation of children), but could also affect “how the law interprets the actions of the trafficked young women {or men} when they sit as criminal defendants”.²⁰⁵ It may

¹⁹⁸ *Trafficking In Person Protocol*, art. 3

¹⁹⁹ R (on the application of Begum) v Special Immigration Appeals Commission, R (on the application of Begum) v Secretary of State for the Home Department, Begum v Secretary of State for the Home Department (2021), Supreme Court, UKSC 7, pp. 46-47, from: <https://www.supremecourt.uk/cases/docs/uksc-2020-0156-judgment.pdf>.

²⁰⁰ Foa, M. “Shamima Begum is a victim of trafficking – and the UK should treat her as such”, *The Guardian*, February 2021, from: <https://www.theguardian.com/commentisfree/2021/feb/26/shamima-begum-trafficking-uk-citizenship-rights>. See St-Vincent, S. “In Shamima Begum Case, UK Supreme Court Dismisses Rights and Overlooks Potential Victimhood”, *Just Security*, February 2021, from: <https://www.justsecurity.org/75016/in-shamima-begum-case-uk-supreme-court-dismisses-rights-and-overlooks-potential-victimhood/>. See also Huckerby, J. “When Human Trafficking and Terrorism Connect: Dangers and Dilemmas”, *Just Security*, February 2019, from: <https://www.justsecurity.org/62658/human-trafficking-terrorism-connect-dangers-dilemmas/>.

²⁰¹ Huckerby, J. “When Terrorists Traffic Their Recruits”.

²⁰² Save the Children, “Save the Children Statement on the Reported Death of Shamima Begum’s Baby”, from: <https://www.savethechildren.org.uk/news/media-centre/press-releases/save-the-children-statement-1>.

²⁰³ Huckerby, J. “When Human Trafficking and Terrorism Connect: Dangers and Dilemmas”.

²⁰⁴ Binetti, A. “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West”, 6.

²⁰⁵ Binetti, A. “A New Frontier: Human Trafficking and ISIS’s Recruitment of Women from the West”, 1.

additionally influence states' counter-terrorism strategies by encouraging a shift towards a more children rights' based approach. Upon recognition of their victim status, states' numerous obligations towards victims of human trafficking would therefore be applicable to ISIS-related children. It is clear for instance that under international human rights law, children remaining in foreign territories, if victims of trafficking "are entitled to return to their country of origin".²⁰⁶ States should facilitate, "with due regard for the safety of {the} person, the return of that person without undue or unreasonable delay".²⁰⁷

Additionally, the recognition of these children's victim status would have important repercussions on their potential prosecution by states. Indeed, as recently reaffirmed by the Special Rapporteur on trafficking in persons, states' interpretation and implementation of legal provisions prohibiting human trafficking should take into account and apply the principle of non-punishment, which is "aimed at ensuring that a victim of trafficking is not punished for unlawful acts committed as a consequence of trafficking".²⁰⁸ In this report, the Special Rapporteur, Siobhán Mullally, outlines that this principle represents a "cornerstone of an effective protection of the rights of victims of trafficking", notably for the recognition of the "priority of victims' rights to assistance, protection and effective remedies".²⁰⁹ This principle, notably enshrined in the Rome Statute and the Principles and Guidelines for Human Rights and Human Trafficking,²¹⁰ must be recognized and effectively implemented by states in order for them to meet their obligations and duties "to take protective operational measures of assistance and protection, including of non-refoulement" towards trafficking victims, including children. Indeed, as reaffirmed by the Special Representative of the Secretary-General on Children and Armed Conflict, minors "who have been abducted, recruited, used and exposed to violence at an early age...should be treated primarily as victims, rather than as security threats".²¹¹ Moreover, the UN Security Council encourages States to follow child-based approaches, including by refraining from using administrative detention against children victims of human trafficking who violated immigration legislations, by establishing procedures to make

²⁰⁶ OHCHR, "Human Rights and Human Trafficking", Fact Sheet n. 36, United Nations, 2014, 24, from: https://www.ohchr.org/documents/publications/fs36_en.pdf.

²⁰⁷ *Trafficking in Persons Protocol*, art. 8.1. See also Council of Europe, *Council of Europe Convention on Action Against Trafficking in Human Beings*, 16 May 2005, art. 16.1, from: <https://rm.coe.int/168008371d>.

²⁰⁸ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 17 May 2021, A/HRC/47/34, 3, from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/108/00/PDF/G2110800.pdf?OpenElement>.

²⁰⁹ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 1 and 3.

²¹⁰ *Rome Statute*, art. 38. See also UN Office of the High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, 20 May 2002, principle 7, from: <https://www.refworld.org/docid/3f1fc60f4.html>.

²¹¹ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 11. See Office of the Special Representative of the Secretary-General on Violence against Children, "Protecting children affected by armed violence in the community", New York, United Nations, 2016, 19, from: <https://violenceagainstchildren.un.org/news/protecting-children-affected-armed-violence-community>.

sure children can be supported by child protection actors, or by prioritizing non-judicial measures focusing on reintegration and rehabilitation of minors.²¹²

According to the Special Rapporteur on trafficking in persons, the principle of non-punishment is applicable to “criminal, civil, administrative and immigration offences, regardless of the gravity or seriousness of the offence committed”, thus including terrorism-related offences.²¹³ By both the UN Security Council and Human Rights Council have supported this approach, through numerous calls upon states to refrain from sanctioning victims of human trafficking for their participation in unlawful activities, and particularly to avoid punishments such as “arbitrary deprivation of nationality...restrictions on movement, detention or other undue restrictions on liberty, including non- repatriation; and administrative measures, including travel bans, confiscation of travel documents and refusal of entry into, or transit through, countries”.²¹⁴ By imposing such severe sanctions on victims, states would not only jeopardize their application of the non-punishment principle, but also potentially violate fundamental human rights safeguards such as the prohibition of arbitrary deprivation of nationality.²¹⁵ This principle is closely related to a broad range of other international legal obligations imposed on states, including their obligations to apply the principle of due diligence in their “exercise of prosecutorial discretion”, as well as their obligations linked to the principle of non-discrimination or fair trial.²¹⁶ Based on recommendations issued by the Special Rapporteur, states should effectively apply the principle of non-punishment to “any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed”, with a special consideration for trafficked children, who should be recognized as victims and benefit from adequate repatriation and reintegration programs.²¹⁷

5.2. The International Law applicable to Minors in Armed Conflicts: protection and prosecution

²¹² UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 11. See UN Security Council, *Resolution 2379 (2017) [on trafficking in persons in armed conflicts]*, 21 November 2017, S/RES/2388 (2017), from: <https://www.refworld.org/docid/5a1802df4.html>. See also UN Security Council, *Resolution 2427 (2018)*, 9 July 2018, S/RES/2427(2018), from:

[https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2427%20\(2018\)&Lang=E&Area=UNDOC](https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2427%20(2018)&Lang=E&Area=UNDOC).

²¹³ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 10.

²¹⁴ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 12. See UN Security Council, *Resolution 2379 (2017) [on trafficking in persons in armed conflicts]*, para. 16. See also OHCHR, “Syria: UN experts urge 57 States to repatriate women and children from squalid camps”.

²¹⁵ See UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, art. 15(2), from: <https://www.refworld.org/docid/3ae6b3712c.html>.

²¹⁶ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 6-7.

²¹⁷ UN Human Rights Council, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, 17.

5.2.1. Prohibition of the recruitment of child soldiers

It is important to bear in mind that, as seen in section 2 of this report, the recruitment and radicalization process of ISIS-related children tends to be the result of an insidious and manipulative process, using children's needs, hopes and vulnerability to lure them into joining the group.²¹⁸ Regardless of the way those children were recruited, their involvement in the armed conflict is unlawful under international law. States are required to implement measures to prevent, investigate, punish and provide remedies for children who are affected by these events. The Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (API) states that “the Parties to the conflict shall take all feasible measures in order for children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces”.²¹⁹ Likewise, Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts (APII) established that “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities”.²²⁰ The prohibition to recruit children under 15 years old, has attained the status of customary law, which means it applies for all parties in an armed conflict, including non-state actors, regardless of the ratification of the above-mentioned additional protocols.²²¹

A similar provision is enshrined in art. 38 of the Convention on the Rights of the Child (CRC), which reiterates that states shall “take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities”.²²² The scope of this provision remains limited, as it does not address the use of minors by non-state parties, the use of children for supporting roles within armed forces, or the ‘voluntary’ enrolment of minors.²²³ The Optional Protocol on the Involvement of Children in Armed Conflict was adopted in 2000 to bridge such loopholes, by prohibiting states and non-governmental forces to compulsorily recruit

²¹⁸ ICCLR, “Children Victims of Trafficking by Violent Extremist Groups”, April 2020, from: <https://icclr.org/2020/04/08/children-victims-of-trafficking-by-violent-extremist-groups/>.

²¹⁹ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts* (hereinafter *Protocol I*), 8 June 1977, 1125 UNTS 3, art. 77(2), from: <https://www.refworld.org/docid/3ae6b36b4.html>.

²²⁰ International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts* (hereinafter *Protocol II*), 8 June 1977, 1125 UNTS 609, art. 4(3)(c), from: <https://www.refworld.org/docid/3ae6b37f40.html>.

²²¹ Capone, F. “Worse than Child Soldiers? A Critical Analysis of Foreign Children in the Ranks of ISIL”, *International Criminal Law Review* Vol. 17, February 2017, 166, from: https://brill.com/view/journals/iclr/17/1/article-p161_6.xml?language=en.

²²² UN General Assembly, *Convention on the Rights of the Child*, (hereinafter the *CRC*), 20 November 1989, United Nations, Treaty Series, vol. 1577, art. 38, from: <https://www.refworld.org/docid/3ae6b38f0.html>.

²²³ McQueen, A. “Falling Through the Gap: The Culpability of Child Soldiers Under International Criminal Law”, *Notre Dame Law Review Online*, Vol. 94 (2), 2019, 110, from: https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1065&context=ndlr_online.

anyone who has not reached the age of 18 years.²²⁴ However, while non-state actors are also prevented from “accepting voluntary recruits under the age of eighteen”, this prohibition “does not necessarily extend to State Parties”, as article 3 of the Optional Protocol “requires States to “raise the minimum age for . . . voluntary recruitment” above fifteen but sets no hard and fast line requiring the minimum age to exceed eighteen”.²²⁵ While the minimum age for the recruitment of young persons in armed forces or groups is set at 15 years old by the Convention on the Rights of the Child, many states rejected this lower age limit and advocated in favour of a minimum age requirement of 18 years old.²²⁶ This chapter will further discuss and analyse the debate surrounding this minimal age requirement for the recruitment of young persons.

5.2.2. Children’s liability under international criminal law

The Paris Principles, a set of rules aiming to “identify and implement durable solutions to combat the unlawful use and recruitment of child soldiers in conflicts”,²²⁷ stated that juveniles accused of committing international crimes involving armed conflicts should be viewed “primarily as victims of offenses against international law; not only as perpetrators”.²²⁸ This principle reminds of the vulnerability of children involved in armed conflicts (particularly child soldiers) and recalls their victimization and instrumentalization by parties to the conflict. As mentioned in both the CRC and the Beijing Rules,²²⁹ the “best interests” of children must be a prime concern of juvenile justice, which should therefore primarily prefer rehabilitation and reintegration solutions to prosecution of these minors.²³⁰ In the context of debates regarding the prosecution of child soldiers by the Special Court for Sierra Leone (SCSL), the UN Secretary General noted that the “international non-governmental organizations responsible for child-care and rehabilitation programmes, together with some of their national counterparts, however, were unanimous in their objections

²²⁴ UN General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, 25 May 2000, art. 2 and 4, from: <https://www.refworld.org/docid/47fd180.html>.

²²⁵ McQueen, A. “Falling Through the Gap: The Culpability of Child Soldiers Under International Criminal Law”, 111.

²²⁶ International Committee of the Red Cross (ICRC), IHL database,

²²⁷ Ministère de l’Europe et des Affaires Étrangères de la République française, “What are the Paris Principles and Paris Commitments ?”, from : <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/children-s-rights/protecting-children-from-war-conference-21-february-2017/article/what-are-the-paris-principles-and-paris-commitments>.

²²⁸ UN Children’s Fund (UNICEF), *The Paris Principles. Principles and Guidelines on Children Associated With Armed Forces or Armed Groups* (hereinafter the *Paris Principles*), February 2007, principle 3.6, from: <https://www.refworld.org/docid/465198442.html>.

²²⁹ The Beijing Rules is a set of minimum standard rules with respect to juvenile prisoners and offenders’ rights and treatment by states. The rules reaffirm states’ moral commitment to “develop conditions that will ensure for the juvenile a meaningful life in the community, which...will foster a process of personal development and education that is as free from crime and delinquency as possible ». See UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (hereinafter the Beijing Rules), resolution adopted by the General Assembly, 29 November 1985, A/RES/40/33, from <https://www.refworld.org/docid/3b00f2203c.html>.

²³⁰ Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, *Osgood Hall Review of Law and Policy*, Vol. 4 (1), 60-62, 2013, from: <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1006&context=ohrlp>. See Beijing Rules, rule 5., See also CRC, art. 3.

to any kind of judicial accountability for children below 18 years of age for fear that such a process would place at risk the entire rehabilitation programme so painstakingly achieved”.²³¹

Therefore, children who participated in hostilities (directly as child soldiers or indirectly in support functions) should not merely be viewed as potential perpetrators of serious breaches of international law, but also as victims, “recruited to commit military acts against their will”.²³² Hence, an important question arises: could those children be prosecuted for their crimes under international law? The debate surrounding this question is closely linked to the notion of *mens rea*. Indeed, to be held responsible for a crime under international criminal law, the defendant’s *mens rea* (which refers to the perpetrators’ criminal intent, the state of mind necessary to establish his/her guilt under criminal law) must be established.²³³ Researches have shown that “up to a certain age, a child is not fully able to understand his or her acts, nor the consequences attached to it”,²³⁴ and a majority of scholars stress that “children lack the mental capacity to fully appreciate their choices, and thus should be given leniency”.²³⁵ Therefore, it can be argued that considering their limited decision-making capacity, children’s intent to commit serious crimes or even join an armed group cannot be established, thus negating the crucial element of *mens rea* and excluding the prosecution of children. As described in chapter 2, ISIS’ recruitment process of these children relies on heavily manipulative and insidious practices. Thus, it can be argued that even the ‘voluntary’ enrolment of children in the terrorist group could not be seen as sufficient to engage their liability, considering their intent would be extremely difficult to demonstrate. Indeed, many agree that the notion of ‘voluntary enrolment’ is ambiguous and that “no child soldier legitimately volunteers to fight in armed conflicts”.²³⁶ This was reaffirmed by the Special Representative in the *Lubanga* case, which noted that the “line between voluntary and forced recruitment is therefore not only legally irrelevant but practically superficial in the context of children in armed conflict”.²³⁷ Such distinction still remains legally relevant, and authors have argued that the assessment of

²³¹ UN Security Council, *Report of the Secretary-General on the establishment of a Special Court for Sierra Leone*, 4 October 2000, S/2000/915, paras. 34–35, from: <https://www.refworld.org/docid/3ae6afbf4.html>.

²³² Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, 36.

²³³ UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, (hereinafter *Rome Statute*), art. 30.

²³⁴ Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, 38.

²³⁵ Squiers, C. M. “How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma?”, 586. See Ward, S. A. “Criminalizing the Victim: Why the Legal Community Must Fight to Ensure That Child Soldier Victims Are Not Prosecuted As War Criminals”, *Georgetown Journal of Legal Ethics*, Vol. 25, 2012, 833, from: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/geojlege25&div=43&id=&page=>.

²³⁶ Squiers, C. M. “How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma?”, 582.

²³⁷ Quéniwet, N. “The Liberal Discourse and the “New Wars” of/on Children”, *Brooklyn Journal of International Law*, Vol. 38(3), 2013, 1077, from:

<https://brooklynworks.brooklaw.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1047&context=bjil>. Quoting *Prosecutor v. Lubanga*, Case No. ICC-01/04-01/06 (18 March 2008), ICC, Written Submissions of the United Nations Special Representative of the Secretary-General on Children and Armed Conflict, para. 14, from : <https://childrenandarmedconflict.un.org/publications/AmicuscuriaeICCLubanga.pdf>.

voluntariness relies on “whether a child appreciates the consequences of his/her decision and whether there are viable alternatives to joining the armed forces or groups”.²³⁸ Considering that children under a certain age cannot fully appreciate the consequences of their acts and therefore not make their own decisions and be viewed as ‘voluntarily’ joining armed forces, one must try to determine the minimum age below which children cannot be deemed legally responsible for their actions.

The minimum age for the prosecution of individuals under international law remains unclear and can widely differ depending on states and regions.²³⁹ Nevertheless, in accordance with rule 4 of the Beijing Rules, art. 40(3) CRC commands states to “promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law”, including by establishing a “minimum age below which children shall be presumed not to have the capacity to infringe the penal law”.²⁴⁰ The Committee on the Rights of the Child has notably argued that “criminal responsibility should be based on objective factors such as age instead of subjective factors such as “the attainment of puberty, the age of discernment or the personality of the child””.²⁴¹ From a criminal law perspective, the Special Court for Sierra Leone, although its jurisdiction includes the prosecution of children over fifteen years old, it never prosecuted individuals who were not eighteen years old at the time of the commission of the crime, privileging rehabilitation programmes.²⁴² Although the age at which a child becomes an adult has not reached consensus and may differ due to cultural and social considerations, the age at which moral culpability of children can be sufficient for them to be prosecuted for their actions can be qualified. While there is no consensus on what this minimum age should be, the age of fourteen-fifteen years old is generally accepted as a minimum to engage the liability of children.²⁴³ Setting a minimum age for criminal liability around that age would comply with several states’ practice, and would be “supported by psychological analyses that tend to demonstrate that from the age of fifteen years, children may be capable of moral responsibility”.²⁴⁴ Further

²³⁸ Quénivet, N. “The Liberal Discourse and the “New Wars” of/on Children”, 1072

²³⁹ UNICEF, “Special Protections: Progress & Disparity” in *The Progress of Nations*, UNICEF website, 1997 from: <http://www.unicef.org/pon97/p56a.htm>. See Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, 39.

²⁴⁰ CRC, art. 40(3)

²⁴¹ Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, 41. Quoting UN Committee on the Rights of the Child (CRC), *Report of the UN Committee on the Rights of the Child*, Tenth Session (Geneva, 30 October - 17 November 1995), 18 December 1995, CRC/C/46, 36, from: <https://www.refworld.org/docid/3f4772934.html>.

²⁴² Idem.

²⁴³ Committee on the Rights of the Child, *General Comment No. 24 (2019) on children’s rights in the child justice system*, CRC/C/GC/24, 18 September 2019, para. 20, from: <https://bettercarenetwork.org/sites/default/files/2019-10/G1927557%20%282%29.pdf>.

²⁴⁴ Leveau, F. “Liability of Child Soldiers Under International Criminal Law”, 42. See Kambam, P. & Thompson, C. “The Development of Decision-Making Capacities in Children and Adolescents: Psychological and Neurological Perspectives and Their Implications for Juvenile Defendants”, *Behavioral Sciences and the Law*, Vol. 27(2), 2009, from: https://www.researchgate.net/publication/24182333_The_Development_of_Decision-

supporting this minimum age of fifteen is the idea that this age is “a time when youth can better appreciate their actions and act from a guilty mind”.²⁴⁵ Hence, while it remains debatable whether an exclusion of liability also includes children under 18 years of age, it is clear that children recruited by ISIS under the age of 15 should not be viewed as responsible for their acts, and particularly for their enrolment with ISIS.

5.2.3. Respect for judicial safeguards and due process rights of children

As seen in chapter 2, many ISIS-related children (both local nationals or foreigners) have been captured by authorities in Iraq and Syria, detained in dire conditions and often prosecuted in violation of their most fundamental judicial guarantees. Cases of forced confessions, torture, mistreatment have been reported, as well as convictions to death penalties for minors following arbitrary proceedings based on domestic counter-terrorism legislations. It appears that these trials are conducted in violation of several human rights and children’s rights standards, and lack minimum juvenile justice standards. Considering some of them have been involved in activities that may be constitutive of terrorism-related crimes, and considering that terrorism is viewed as one of the most serious threats to international peace and security,²⁴⁶ their situation is dissociated from the treatment of other children who were recruited into hostile environments and joined armed forces.²⁴⁷ One can observe a tendency of the Iraqi judicial system to dismiss the victim status of these children, and a clear focus on their role as perpetrators or accomplices to terrorist activities, in trials where their children's status is not regarded.

Even if held responsible for their actions, children should benefit from a certain number of guarantees as determined by the juvenile justice system. According to its art. 40(1), the CRC recognizes the right of “every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth”.²⁴⁸ In cases of trials where minors are charged with a criminal offence, the CRC requires states to take into particular consideration certain due process rights for children subjected to

[Making Capacities in Children and Adolescents Psychological and Neurological Perspectives and Their Implications for Juvenile Defendants.](#)

²⁴⁵ Squiers, C. M. “How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma?”, 587. See also Lafayette, E. “*The Prosecution of Child Soldiers: Balancing Accountability with Justice*”, *Syracuse Law Review*, Vol. 63(297), 2013, 311, from: <https://lawreview.syr.edu/wp-content/uploads/2013/04/Q-Lafayette.pdf>. “It cannot be presumed that children, particularly those closer to eighteen, who voluntarily join armed forces, do not understand their actions or the consequences of their decisions.”

²⁴⁶ See UN Security Council, *Security Council resolution 1373 (2001) [on threats to international peace and security caused by terrorist acts]*, 28 September 2001, S/RES/1373 (2001), from: <https://www.refworld.org/docid/3c4e94552a.html>.

²⁴⁷ Squiers, C. M. “How the Law Should View Voluntary Child Soldiers: Does Terrorism Pose a Different Dilemma?”, 580-581.

²⁴⁸ CRC, art. 40(1).

judicial proceedings, including the right to have their case “determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians”, as well as their right to be presumed innocent, right to be heard, etc.²⁴⁹ Child justice systems are required to extend protection to children who were below the age of 18 at the time of the commission of the offence but who turn 18 during the trial or sentencing process.²⁵⁰ It is also mentioned in art. 37(b) of the CRC that detention of minors shall be used in last resort, and that offences committed before the age of eighteen should not be punished by life sentences. In accordance to other treaties, the CRC mentions that the commission of acts of torture or cruel, inhuman or degrading treatment to extract an admission or confession constitutes a grave violation of the child’s rights.²⁵¹ Guarantees of due process for the prosecution of children are also recognized by U.N. Nations Standard Minimum Rules on the Administration of Juvenile Justice (“Beijing Rules”). Additionally, as recognized by the 1949 Geneva Conventions and their 1977 Additional Protocols, death penalties shall not be pronounced against children who were “under eighteen at the time of the offence”.²⁵² Hence, it is clear from the abovementioned treaties and protocols that regardless of their role within ISIS and their participation in serious crimes, children’s judicial guarantees should not be impaired in any proceedings initiated against them.

5.2.4. ISIS-related foreign children: alternatives to prosecution?

As understood in this last section, determining the status of child soldiers under international law is a very intricate process. This complexity is reflected in the various international treaties and UN resolutions analysed above. While it is clear that the prosecution of child soldiers is contemplated by those instruments, they simultaneously suggest that rehabilitation and reintegration should be a preferred option.²⁵³ In order to “find the appropriate balance between treating child soldiers as victims or perpetrators”, different elements, such as the best interest of the child and the “obligation to repatriate child soldiers and reintegrate them into their communities, regardless of

²⁴⁹ Ibid., art. 40(2)(b).

²⁵⁰ Committee on the Rights of the Child, *General Comment No. 24 (2019) on children’s rights in the child justice system*, para. 31.

²⁵¹ CRC, art. 37(2).

²⁵² International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (hereinafter *Fourth Geneva Convention*), 12 August 1949, art. 68, from: <https://www.refworld.org/docid/3ae6b36d2.html>. See also *Protocol II*, art. 6.

²⁵³ McQueen, A. “Falling Through the Gap: The Culpability of Child Soldiers Under International Criminal Law”, 119.

the crimes they have committed,” must be taken into consideration.²⁵⁴ Instruments such as the Optional Protocol on the Involvement of Children in Armed Conflict,²⁵⁵ as well as the Convention on the Rights of the Child,²⁵⁶ and the Beijing Rules²⁵⁷ clearly demonstrate this commitment to prioritize children’s reintegration. Additionally, initiating processes or repatriation and reintegration is crucial in the safeguard of children’s best interest. This argument is notably supported by the fact that forcing children “to recount their involvement in atrocities could threaten their psychological healing, cause them further trauma, and delay their return to any sense of normalcy”, in addition to the risk of further stigmatization of the minor, which may jeopardize its reintegration process.²⁵⁸ Authors have suggested that the determination of child soldiers’ culpability should be left to truth and reconciliation commissions or courts, which have “proven themselves to be an effective means of bringing communities a sense of closure in the aftermath of a conflict”, leaving aside punitive objectives and instead focusing on non-judicial accountability.²⁵⁹ This restorative solution is thus supported by its compliance with the reintegration objectives enshrined in international law. The following section aims to show how this balance between the victim and perpetrator status of children has been understood and how states’ aforementioned obligations towards children have been carried out in Central Asian Countries.

²⁵⁴ Ibid.

²⁵⁵ UN General Assembly, *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, art. 6 and 7.

²⁵⁶ CRC, art. 39 and 40.

²⁵⁷ *Beijing Rules*, rule 18.1.

²⁵⁸ McQueen, A. “Falling Through the Gap: The Culpability of Child Soldiers Under International Criminal Law”, 122. See Debarre, A. S. “Rehabilitation & Reintegration of Juvenile War Criminals: A De Facto Ban on Their Criminal Prosecution”, *Denver Journal of International Law and Policy*, Vol. 44(1), 2015, 17, from: <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1025&context=djilp>.

²⁵⁹ Ibid., 123. See Zarifis, I. “Sierra Leone’s Search for Justice and Accountability of Child Soldiers”, *Human Rights Brief*, Vol. 9(3), 2002, 20, from: <https://digitalcommons.wcl.american.edu/hrbrief/vol9/iss3/5/>.

6. Currents Responses and Approaches to Deal with ISIS-related Foreign Children Held in Northeast Syria and Iraq

6.1. Global Perspectives on Children's Repatriation Prospects

Despite their potential and leadership in human rights issues at the international level, Western states have not been role models in the implementation of repatriation policies. When states do engage in repatriation, they generally prioritize ISIS-related foreign children and their mothers. Whilst there is a greater willingness to repatriate children, rather than adult foreign fighters, states have generally failed to fulfill their international legal obligations towards them, as many are left behind. There are around 900 children of Western nationalities that continue to be held in detention camps in Northeastern Syria.²⁶⁰ Most Western countries have applied a case-by-case approach to the review of individual repatriation cases. In practice, this case-by-case evaluation means that states have repatriated mainly orphan children and children suffering from severe health conditions. Additionally, in some cases, mothers are often perceived as a security threat and refused re-entry²⁶¹ or are forced to give up custody in order to ensure their children's safety.²⁶² Although the main focus of this section is to draw from the best practices from the policies implemented in and experiences of Central Asian states, it is first necessary to acknowledge the prevalence of the state policies opposed to repatriation. Thus, the purpose of the following paragraphs is to provide an overview of trends regarding repatriation based on a non-exhaustive analysis of state policy approaches to repatriating children of foreign fighters.

France is the country with the largest number of foreign fighters who joined ISIS and other affiliated groups during the Syrian conflict from Western Europe.²⁶³ According to a 2018 report, about 460 children born in France were taken to the conflict area and others were born on site.²⁶⁴ As of June 2020, France's case-by-case policy resulted in the repatriation of 28 children, a majority of whom were orphans or children whose mothers had surrendered custody.²⁶⁵ Approximately 270

²⁶⁰ Hubbard B. & Meheut C. "Western Countries Leave Children of ISIS in Syrian Camps," 2021, from <https://www.nytimes.com/2020/05/31/world/middleeast/isis-children-syria-camps.html>.

²⁶¹ Ibid.

²⁶² Ibid.

²⁶³ Peltier E. & Meheut C. "Europe's Dilemma. "Take in ISIS families or leave them in Syria?," 2021, from : <https://www.nytimes.com/2021/05/28/world/europe/isis-women-children-repatriation.html>.

²⁶⁴ Peltier E. "France Repatriates several Orphan Children who were stranded in Syria," 2019, from : <https://www.nytimes.com/2019/03/15/world/europe/france-isis-repatriates-children.html>.

²⁶⁵ Hubbard B. & Meheut C. "France brings 10 Children of French Jihadists home from Syria," from : <https://www.nytimes.com/2020/06/22/world/europe/france-isis-children-repatriated.html>.

children of French citizens continue to be held in Syrian detention camps.²⁶⁶ Similarly, the German policy has consisted in applying a case-by-case analysis focussing on children and their mothers.²⁶⁷ For instance, in December 2020, 12 children and 3 mothers were repatriated.²⁶⁸ In regards to the Netherlands, in 2019 there were 145 children of Dutch nationality in Syria and most of these children continue to remain in Syrian camps today.²⁶⁹ The Netherlands has only publicly backed the repatriation of children two times. The first repatriation effort on 31 October 2019 concerned three children and two women who managed to escape the al-Hol camp and demanded Dutch consular protection at the embassy in Ankara.²⁷⁰ More recently, in June 2021 the Netherlands repatriated three children and one woman.²⁷¹

Unlike most other Western countries, the United States (U.S.) has fully repatriated foreign fighters and their children, repatriating all of its 27 nationals by the end of 2020.²⁷² The majority of these people, including children, were detained in Kurdish camps in Northern Syria.²⁷³ However, the greater geographic distance from the conflict and the lower number of foreign fighters arguably differentiates the US from other countries. The widespread reality is that a majority of ISIS-related foreign children remain detained in Syrian camps with little prospect of repatriation. The United Kingdom's policy regarding this issue similarly confirms the difficult prospects of repatriation. The state outright refused to repatriate foreign fighters and their families. Although there were records that more than 60 British children remained in Syrian camps, the UK's first repatriation operation can only be dated in late 2019, when the British authorities decided to repatriate a small group of orphaned children.²⁷⁴

The policies and practices of many states in Asia and the Pacific conform to the outlined trend against children's repatriation. In fact, in late 2019, the Indonesian government expressed its unwillingness to repatriate ISIS-affiliated foreign fighters with the exception of a case-by-case

²⁶⁶ Ibid.

²⁶⁷ Bundesamt für Verfassungsschutz, "Islamismus und islamistischer Terrorismus, Zahlen und Fakten" from : https://www.verfassungsschutz.de/DE/themen/islamismus-und-islamistischer-terrorismus/zahlen-und-fakten/zahlen-und-fakten_node.html#doc678982bodyText3.

²⁶⁸ BBC News "Germany brings home women from IS", 2020, from : <https://www.bbc.com/news/world-europe-55387991>.

²⁶⁹ Ibid.

²⁷⁰ Mehra, T. "European Countries are being challenged in court to repatriate their foreign fighters and families", 2019, from : <https://icct.nl/publication/european-countries-are-being-challenged-in-court-to-repatriate-their-foreign-fighters-and-families/>.

²⁷¹ Abdulla, N. & Omer, Z., "Netherlands Admits 4 Nationals held by Kurds in Syria", 2021, from : <https://www.voanews.com/extremism-watch/netherlands-admits-4-nationals-held-kurds-syria>.

²⁷² Seldin J. "Last Known American IS Supporters Repatriated from Syria", 2020, from : <https://www.voanews.com/middle-east/last-known-american-supporters-repatriated-syria>.

²⁷³ Wright R.. "Despite Trump's Guantanamo threat americans who joined ISIS are quietly returning home", 2019, from : <https://www.newyorker.com/news/news-desk/americas-isis-members-are-coming-home>.

²⁷⁴ Hall R., "UK to repatriate orphaned children of British ISIS members from Syria", 2019, from <https://www.independent.co.uk/news/world/middle-east/isis-children-uk-syria-citizens-dominic-raab-a9212921.html>.

evaluation of children under 10 years old only.²⁷⁵ Australia is another example of a country with a national policy and legal framework that obstructs the repatriation of children. Australia requires a DNA test proving the child's nationality as a prerequisite for access to the child's citizenship rights²⁷⁶ and it creates an insurmountable challenge for most children stranded in Syrian detention camps.

To conclude, a majority of states' policies discourage and oppose repatriation. Although states have a greater tolerance towards the repatriation of children over adults, the former nevertheless face significant challenges. The repatriation of children evaluated on a case-by-case basis is going very slow and leaves many children stranded in detention camps. However, in contrast to Western countries four Central Asian states stand out as the best practices towards the repatriation of children.

6.2. States' National Policies and Legislations: Reviewing Good Practices of Repatriation and Reintegration

This section outlines the experience of countries that repatriated part or all of their underage citizens, as part of wider repatriation operations or through dedicated actions. It starts by looking at repatriation undertaken by three Central Asian countries, Uzbekistan, Tajikistan, and Kazakhstan, as these operations were the largest in scale. It proceeds by describing the treatment of children in the early stages of framing and carrying out operations and early care given to children returnees. It then provides best practices for other countries willing to repatriate their underage citizens.

6.2.1. Framing

Given the general suspicion against ISIS-related nationals and their relatives in these countries, the governments of Uzbekistan, Tajikistan, and Kazakhstan have discursively framed potential returnees as victims of circumstance and of misleading IS propaganda. This was done specifically for children, whose innocence and need for fostering were highlighted.

²⁷⁵ Madrim S. & Hussein R., "Indonesia Not to Repatriate Citizens Linked to IS, Gives Exception to Minors", 2020, from : <https://www.voanews.com/extremism-watch/indonesia-not-repatriate-citizens-linked-gives-exception-minors>.

²⁷⁶ Van Ark, R., "Forgotten Children's Rights: Australian Trends towards statelessness of Children of Foreign Fighters", 2020, from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2020/07/forgotten>.

e. *Uzbekistan*

This humanitarian framing was notably applied by Uzbekistan in its policy towards the repatriation of ISIS-related nationals, as illustrated by the name of its repatriation operation, 'Mehr' (Kindness). Before the operation, the government highlighted the dire conditions experienced by women and children in the Syrian detention camps, portraying them as mere victims of ISIS' manipulation. Upon return, women and children were not imprisoned and named 'adashganlar' (misled/misguided),²⁷⁷ or "women and children who have found themselves in difficult life situations",²⁷⁸ which reinforced their victim status.²⁷⁹ Moreover, the Uzbek government has framed the issue as one of pre-emptive security, arguing that repatriating women and children decreased the security threat they posed.²⁸⁰ As a result, the public has been generally welcoming of child returnees,²⁸¹ which may pave the way for additional repatriation operations.

f. *Tajikistan*

The premises of Tajikistan's repatriation process have been largely influenced by the memory of the Civil War, during which dozens of Tajik citizens, including children, travelled to and entered militant circles based in neighbouring Afghanistan and Pakistan.²⁸² In the war's aftermath, a solid infrastructure of disarmament, repatriation, rehabilitation, and reconciliation of fighters from both sides²⁸³ established a longstanding policy of pardon for returnees.²⁸⁴ This background eased the adoption of a declaration in 2015 regarding ISIS-related non-combatant individuals, thus enabling the return of dozens of Tajiks from Syria and Iraq.²⁸⁵ This experience and policies also played a role in the discursive framing of citizens as victims. As such, the Vice-Chair of the Committee on Women's Affairs, Marhabo Olimi's statement that "Tajik women are obedient; they had left at the

²⁷⁷ Helf, G. *Panel Discussion on the Situation in Northeastern Syria: Former ISIS Fighters and Their Associates*, Panel Discussion presented by the Bulan Institute for Peace Innovations, 27 October 2020, from: <https://bulaninstitute.org/gavin-helf-lessons-learned-from-the-experiences-of-repatriation-in-central-asia/>.

²⁷⁸ Najibullah, F. & Ahmadi, M. "Why Tajikistan Is Fighting To Bring Its Islamic State Widows Back Home", *Radio Free Europe/Radio Liberty*, 21 February 2019, from: <https://www.rferl.org/a/why-tajikistan-is-fighting-to-bring-its-islamic-state-widows-back-home/29782787.html>. See Prevention media, "Несмотря на пандемию, вслед за Россией Узбекистан возвращает своих граждан из Сирии", 12 December 2020, from: <https://prevention.kg/?p=9214>.

²⁷⁹ Soliev, N. "Syria: Uzbekistan's Approach To IS Detainees", *Singapore: Nanyang Technological University*, 2019, from: <https://hdl.handle.net/10356/105594>.

²⁸⁰ Kelly, P. "Preemptive Self-Defense, Customary International Law, and the Congolese Wars", *E-International Relations*, 3 September 2016, from: <https://www.e-ir.info/2016/09/03/preemptive-self-defense-customary-international-law-and-the-congolese-wars/#:~:text=Essentially%2C%20preemptive%20self%2Ddefense%20refers,a%20non%2Ddimminent%20security%20threat.&text=The%20claim%20of%20self%2Ddefense,feature%20of%20international%20law%20however.>

²⁸¹ "Uzbekistan to repatriate more citizens from crowded Syrian camps, source says," *Reuters*, 27 November 2020, from: <https://www.reuters.com/article/us-uzbekistan-syria-repatriation-idUSKBN2872E9>.

²⁸² Najibullah, F. & Ahmadi, M. "Why Tajikistan Is Fighting To Bring Its Islamic State Widows Back Home".
²⁸³ Ibid.

²⁸⁴ Helf, G. *Panel Discussion on the Situation in Northeastern Syria: Former ISIS Fighters and Their Associates*.

²⁸⁵ Najibullah, F. "Tajik IS Militants Told 'Return and Repent, and You'll Be Forgiven,'" *Radio Free Europe, Radio Liberty*, 5 June 2015, from: <https://www.rferl.org/a/tajikistan-islamic-state-militants-amnesty/27054985.html>.

urge of their husbands” suggests that children were also framed as victims.²⁸⁶ This framing of obedience and passivity for ISIS-related women was relatively preponderant in all Central Asian countries. Although it was conducive to better acceptance of the female returnees, the potential for gender-based discrimination and overgeneralization of such a framing should not be overlooked.

g. Kazakhstan

In Kazakhstan, the repatriation operations initiated by the highest levels of the state were depicted as an attempt to save innocent children trapped in conflict or dangerous areas. As such, President Kassym-Zhimart Tokayev stated that “ensuring the safety of children became the main goal of the operation Zhusan”,²⁸⁷ echoed by Kazakhstan’s Deputy Foreign Minister, Yerzhan Ashikbayev, who described it as a humanitarian operation, “given the number of women and kids [...] without access to their basic needs of food, shelter, clean water, health, and education”.²⁸⁸ Aleksandra Utepova, the spokeswoman for the Kazakhstan Air Assault Troops, stated that when facing those children, “you understand that they have not seen a peaceful life... [and] lived their whole childhood in fear.”²⁸⁹ As such, children and women were discursively disconnected from Kazakh male returnees which were cast as terrorists. This allows casting the former as victims, thus justifying assisting them.²⁹⁰ Before Operation Zhusan, the Kazakh government had returned home approximately 27 families between 2016 and 2018.²⁹¹

6.2.2. Repatriation

As a result of, and in parallel to discursively framing children as victims deserving of assistance and highlighting their protection rights, governments in these three countries prepared and carried out several repatriation operations.

²⁸⁶ Yavor Raychev, “Operations for repatriation of Kazakhstan, Tajikistan, and Uzbekistan citizens that have joined the Islamic State.” *Ministry of Foreign Affairs Republic of Bulgaria: Journal Diplomacy*, July 2020, 169.

²⁸⁷ Abubakarova, T. “Tokayev’s statement: 171 children evacuated from Syria”, *Informburo*, 31 May 2019, from: <https://informburo.kz/novosti/zayavlenie-tokaeva-iz-sirii-evakuirovali-171-rebyonka.html>.

²⁸⁸ Kashgarian, A. “Could Kazakhstan Efforts to Repatriate Foreign Fighters Be a Model?” *VOA*, 15 January 2021, from: <https://www.voanews.com/extremism-watch/could-kazakhstan-efforts-repatriate-foreign-fighters-be-model>.

²⁸⁹ Ashimov, A. “Kazakhstan praised for rescuing dozens of citizens from IS in Syria,” *Caravanserai*, 17 January 2019, from: https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2019/01/17/feature-01.

²⁹⁰ Weine, S. “Rehabilitating The Islamic State’S Women And Children Returnees In Kazakhstan”, *Just Security*, 2019, from: <https://www.justsecurity.org/67694/rehabilitating-the-islamic-states-women-and-children-returnees-in-kazakhstan/>.

²⁹¹ Yavor Raychev, “Operations for repatriation of Kazakhstan, Tajikistan, and Uzbekistan citizens that have joined the Islamic State”, 167.

b. Uzbekistan

In Uzbekistan, the repatriation consisted of several phases of Operation ‘Mehr’. The first phase returned 165 people to Uzbekistan, including 106 children and 48 women.²⁹² In October 2019, the second phase repatriated 64 children from Iraq, whose mothers, convicted of terrorist crimes, and serving prison sentences in the country, gave their consent to the return of these children to the Uzbek territory.²⁹³ The third phase of the operation, although delayed because of the COVID-19 pandemic, took place on December 8, 2020, and enabled the return of 73 children and 25 women. Quarantine measures and health checks were all the more stringent as a response to the Covid-19 risks.²⁹⁴ Throughout the process, the government has worked with outside agencies and NGOs, such as UNICEF, to ensure their repatriation and rehabilitation process is effective. UNICEF has aided the efforts by assisting the government with national and local services that help in the reintegration process of returnees and the government’s monitoring of the progress of those returnees.²⁹⁵ The last phase of Operation ‘Mehr’ took place on April 30th, repatriating 24 women and 69 children from Al-Hol.²⁹⁶ Noting the deplorable conditions of citizens in the camps of Al-Hol and Roj in Syria, it focussed on children below three years old, according to an Uzbek government source.²⁹⁷

i. Tajikistan

On April 30, 2019, 84 children were repatriated to Tajikistan from the conflict zone, whose mothers are currently in prison in Iraq for their connection to ISIS.²⁹⁸ In late 2020, Tajikistan released a plan to repatriate over 200 more Tajik citizens by the New Year or in early January.²⁹⁹ About 200 of the estimated 800 Tajiks remaining in the Syrian camps have registered to return in the next round of the voluntary repatriation program. Throughout the operations, Tajikistan worked with UNICEF and the ICRC. Such collaboration helped drum up financial and advisory

²⁹² Ibid., 169.

²⁹³ Ibid., 169-170.

²⁹⁴ Prevention media, “Несмотря на пандемию, вслед за Россией Узбекистан возвращает своих граждан из Сирии”.

²⁹⁵ “Country Reports on Terrorism 2019: Uzbekistan,” *United States Department of State, Bureau of Counterterrorism*, 2019, from : [Uzbekistan - United States Department of State](https://www.state.gov/reports/country-reports-on-terrorism-2019/uzbekistan/).

²⁹⁶ “Uzbekistan repatriates 93 women, children from Syrian camp”, *Reuters*, 30 April 2021, from:

<https://www.reuters.com/world/middle-east/uzbekistan-repatriates-93-women-children-syrian-camp-2021-04-30/>.

²⁹⁷ “Uzbekistan to repatriate more citizens from crowded Syrian camps, source says,” *Reuters*, 27 November 2020, from:

<https://www.reuters.com/article/us-uzbekistan-syria-repatriation/uzbekistan-to-repatriate-more-citizens-from-crowded-syrian-camps-source-says-idUSKBN2872E9>.

²⁹⁸ Raychev, Y. “Operations for repatriation of Kazakhstan, Tajikistan, and Uzbekistan citizens that have joined the Islamic State,” 169.

²⁹⁹ Najibullah, F. & Ahmadi, M. “Tajikistan Prepares To Repatriate Families Of Islamic State Fighters From Camps In Syria”,

Radio Free Europe/Radio Liberty, 10 December 2020, from:

<https://www.rferl.org/a/tajikistan-prepares-to-repatriate-is-families-from-camps-in-syria/30994273.htm>

support, ensuring operations were run with a high standard but also showcased the actions of those governments.³⁰⁰

j. Kazakhstan

Kazakhstan undertook several large repatriation actions under the name “Operation Jusan”, during which nearly 600 Kazakhs were repatriated, including 406 children and a majority of women among adults.³⁰¹ The first three phases of the operation focused on returning Kazakh citizens from Syria, while the final phases of the operation returned citizens who remained in Iraq. In November 2019, another operation, Operation Rusafa, was conducted to repatriate orphaned Kazakh children from Iraq whose fathers had lost their lives in conflict and whose mothers were serving life sentences in prison. This operation, coordinated by the Ministry of Foreign Affairs, required the highest level of secrecy and more than half a year of preparations, as the Iraqi authorities demanded proof of parental citizenship before any of the children could be released.³⁰² This complex effort required cooperation and coordination from governmental bodies and NGOs across the country, which guided the authorities during both the repatriation and rehabilitation processes, as illustrated by the help provided by the International Committee of the Red Cross and Red Crescent (ICRC).³⁰³

6.2.3. Quarantining and First Aid

In the immediate aftermath of the repatriation operations, Central Asian countries quarantined their returnees to take out security checks and provide urgent care. This section mainly focuses on the medical state of children returnees and the care provided upon arrival.

k. Uzbekistan

After ‘Mehr-1’, 156 individuals were placed in the Buston Sanatorium near the capital Tashkent. All of them received medical aid, with several wounded child returnees including one boy having lost his lower limbs as a result of gunshot wounds, one child suffering from an acute intestinal infection, 25 suffering from unspecified somatic illnesses, and three children suffering from pneumonia and otitis media. Finally, one child suffered from osteomyelitis of the lower jaw, a

³⁰⁰ “Tajikistan to repatriate 500 citizens held in Syrian refugee camps,” *Caravanersai*, 21 February 2020, from: https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2020/02/21/feature-02.

³⁰¹ Gussarova, A. “Repatriating Foreign Fighters: The Case of Kazakhstan,” *European Eye on Radicalization*, 17 April 2020, from: <https://eeradicalization.com/repatriating-foreign-fighters-the-case-of-kazakhstan/>.

³⁰² Raychev, Y. “Operations for repatriation of Kazakhstan, Tajikistan, and Uzbekistan citizens that have joined the Islamic State”, 168.

³⁰³ Najibullah, F. “The Women Who Came Home: Kazakhstan Tries To Rehabilitate Islamic Returnees,” *Radio Free Europe, Radio Liberty*, 23 July 2019, from: <https://www.rferl.org/a/the-women-who-came-home-kazakhstan-tries-to-rehabilitate-islamic-state-returnees/30015082.html>.

severe inflammatory infection, for which he was hospitalized in the clinic of the Tashkent Medical Academy. Two women had eight- and ten-day-old babies, as well as a 14-year-old girl, who had a four-month-old baby.³⁰⁴ At the sanatorium, the returnees received psychological and medical rehabilitation, as well as food and clothing.³⁰⁵ This process was supported by psychologists specially trained in Women's Committees.³⁰⁶

The processes used by the Uzbek government so far have been modelled after initiatives developed in the 2000s during the process set up by the authorities to repatriate members of the Islamic Movement of Uzbekistan and Hizb ut-Tahrir al-Islami from Afghanistan among other countries.³⁰⁷ However, there are some unique features of the new program, one being that the government has chosen not to imprison repatriated women and children. Instead, the government is treating these returnees as victims of the conflict, many having been forced by their husbands to travel to Syria and Iraq.³⁰⁸ As in Tajikistan, although this victimizing framing might have been accurate most of the time and enabled women to be treated humanely, there might be problematic consequences to this essentialisation of women's role in the conflict, such as dehumanization or even failing to sentence individuals guilty of violent acts of terrorism.

1. Tajikistan

Upon return, Tajik children were first placed in a sanatorium where they receive adequate medical and psychological care to address trauma.³⁰⁹ Once the psychologist workers conclude that these children did not represent a threat and could reintegrate in the Tajik society, children were placed in seventeen orphanages and special boarding schools. In this process of relocation, the principle of preserving families was respected and siblings were sent to the same institutions. However, many children remain in orphans and are not being returned to their relatives. Psychologists and social workers believe that an early family reunification would not be effective given that repatriated children need to be monitored and supported by professionals during the process of

³⁰⁴ Mikhailov, V. "What do ordinary citizens think about the "Mehr" humanitarian action?", 2019, from: <https://nuz.uz/antiterror/42200-что-думают-простые-граждане-про-гуманитарную-акцию-добро.html>.

³⁰⁵ Sidorenko, V. "Uzbekistan returned 64 children from Iraq", October 2019, *Central Asian Bureau for Analytical Reporting*, from: <https://cabar.asia/ru/uzbekistan-vernul-64-rebenka-iz-iraka>. See also "Спецоперация «Добро» продолжается", December 2019, from: <https://nuz.uz/sobytiya/43804-specoperaciya-dobro-prodolzhaetsya.html>. "«МЕХР-3»: возвращение к мирной и счастливой жизни", 8 December 2020, from: <https://yuz.uz/ru/news/mexr-3-vozvraenie-k-mirnoy-i-schastlivoy-jizni>. See also Радио Озодлик, "Возвращенные из Сирии женщины и дети: соцсети разделились на два лагеря (видео)", 11 December 2020, from: <https://rus.ozodlik.org/a/30994578.html>.

³⁰⁶ Sidorenko, V. "Uzbekistan returned 64 children from Iraq".

³⁰⁷ Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*, Bulan Institute for Peace Innovations, 11 February 2021, from: <https://bulaninstitute.org/state-policies-to-deal-with-isis-associates-panel-discussion/>.

³⁰⁸ Soliev, N. "Syria: Uzbekistan's Approach to IS Detainees", *S. Rajaratnam School of International Studies*, 9 October 2019, from: <https://www.rsis.edu.sg/rsis-publication/icpvtr/syria-uzbekistans-approach-to-is-detainees/#.X90Ue9hKg2w>.

³⁰⁹ "Tajik Authorities Do Not Hasten to Return Children Brought from Iraq", *Central Asian Bureau for Analytical Reporting*, 07 October 2019, from: <https://cabar.asia/en/tajik-authorities-do-not-hasten-to-return-children-brought-from-iraq>.

healing such trauma, and that Tajik families are not prepared to manage that stress.³¹⁰ The question of stigmatisation of repatriated children by relatives and the local communities remains a challenge in Tajikistan. Not all the relatives would welcome accept returned children and surveys have shown that most parents did not want the repatriated children to attend the same school as their own children.³¹¹ Tajikistan is also dealing with the question of legal guardianship for the returned children whose parents are imprisoned or unavailable but have not been deprived of their parental right yet, which makes the adoption process impossible.

m. Kazakhstan

As a result of Operation Jusan, returnees were placed for a month-long quarantine in a Soviet-era Young Pioneer Summer camp in the city of Aktau on the Caspian Sea.³¹² The physical state of returnees in the Zhusan operation was critical, as a result of the stress, violence, hunger, and injuries endured for several years.³¹³ In particular, many children arrived with gunshot wounds.³¹⁴ In addition, returnees suffered from illnesses, infections, and other physical distress due to their experience under and after ISIS. For example many, if not all, children suffered chronic illnesses, as a result of inappropriate pregnancy and deleterious early life circumstances, such as malnutrition.³¹⁵ All children returnees suffered from scabies,³¹⁶ and many mothers had to give birth in appalling conditions, without any medical assistance, with detrimental effects on the circumstance of the early life of many young returnees.³¹⁷ Out of the 421 child returnees, 34 were orphans,³¹⁸ and many others had been taken away from their parents, often because the latter had to remain in Iraq after being charged with domestic terrorism-related offenses and condemned to long prison sentences. Such separation was considered a prerequisite for the return of these

³¹⁰ The Bulan Institute, “The Repatriation, Rehabilitation and Reintegration of Women and Children from Syria and Iraq The Experiences of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan”.

³¹¹ Azizi, R. *Panel Discussion on Repatriation and Rehabilitation in Central Asia*.

³¹² Helf, G. “Central Asia Leads the Way on Islamic State Returnees”, *United States Institute of Peace*, September 2019, from: <https://www.usip.org/blog/2019/09/central-asia-leads-way-islamic-state-returnees>.

³¹³ Artimof, C. “Digital counterterrorism during the COVID-19 pandemic in Kazakhstan”, University of St. Andrews, 08 September 2020, from: <https://mecacs.wp.st-andrews.ac.uk/2020/digital-counterterrorism-during-the-covid-19-pandemic-in-kazakhstan/>.

³¹⁴ “Life After IS: What Awaits Kazakhstanis upon Return Home?”, *Cabar Asia* (blog), 28 May 2019, from: <https://cabar.asia/en/life-after-is-what-awaits-kazakhstanis-upon-return-home>. See also Ashimov, A. “Kazakhs Say Rescued IS Children from Syria ‘Not to Blame’”, *Caravanserai*, 06 June 2019, from: https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2019/06/03/feature-01.

³¹⁵ Ashimov, “Kazakhs Say Rescued IS Children from Syria ‘Not to Blame’”. See also Atlantic Council, *Kazakhstan’s Repatriation of Foreign Fighters and Their Families*, 04 January 2021, from: <https://www.youtube.com/watch?v=Tuhr/ZzICTU>.

³¹⁶ Yergaliyeva, A. “Kazakh Social Workers to Start Adaptation Course for Children Returned from Iraq”, *The Astana Times* (blog), 28 November 2019, from: <https://astanatimes.com/2019/11/kazakh-social-workers-to-start-adaptation-course-for-children-returned-from-iraq>.

³¹⁷ “Life After IS.”

³¹⁸ Baigenews, “How returnees from Syria and Iraq are adapting in Kazakhstan”, 2020, from: https://baigenews.kz/news/vozvrashchentsy_iz_sirii_i_iraka/.

children, considering the Kazakh authorities' reluctance to repatriate children with parents who may have been involved in the armed conflict.³¹⁹

Such traumas had significant effects on the mental state of the young repatriates, such as PTSD, speech development delay, general learning disability, and other psychiatric troubles.³²⁰ Beyond diagnosed disabilities, many children suffered from depressive feelings, drawing with dark colours, or seeing toys for the first time.³²¹ Most returnee children are under six and cannot read, write, or count.³²² One can also assume that strong developmental difficulties ensued from the separation from their parents the children had to go through, whether through their passing, their staying in Iraq to serve a prison term or the placing of the children in separated rehabilitation facilities or orphanages. This highlights the tension between the principle of the best interest of the child and legal proceedings against their parents. In the face of this significant physical and mental trauma, the quarantine process has been an opportunity to treat children returnees. Staff focus on offering structure through a daily routine and creative activities.³²³ Children are accompanied by psychologists and religious experts from the government for two months.³²⁴ Children are also being provided with specialized education, as many of them have never been exposed to formal learning. In addition to the health and psychological support previously mentioned, children are receiving specialized attention to expose them to socialization through education and other means.³²⁵ After one month, if cleared to do so, women and children may reunite with their relatives, starting a long reintegration process spearheaded by local authorities and security services.³²⁶

6.3. Dealing with ISIS-related Children: Key Principles and Recommendations

This part derives recommendations for the repatriation of ISIS-related children from the experience of Central Asian countries. Of course, this experience should be critically received and treated, as some practices are problematic, such as the gender stereotypes involved in the discursive

³¹⁹ IWPR Central Asia, "Kazakhstan's 'Holistic' Reintegration of Radicals", 18 December 2019, from: <https://iwpr.net/global-voices/kazakstans-holistic-reintegration-radicals>.

³²⁰ Atlantic Council, *Kazakhstan's Repatriation of Foreign Fighters and Their Families*; "Life After IS."

³²¹ Ibid.

³²² Najibullah, F. "The Women Who Came Home: Kazakhstan Tries To Rehabilitate Islamic Returnees".

³²³ IWPR Central Asia, "Kazakhstan's 'Holistic' Reintegration of Radicals".

³²⁴ Lemon, E. "Central Asia brings foreign fighters' families home, but what next?", 2019, from:

<https://www.opendemocracy.net/en/odr/returnees-central-asia/>. See also Kramer, A "Kazakhstan Welcomes Women Back From the Islamic State, Warily", 2019, from: <https://www.nytimes.com/2019/08/10/world/europe/kazakhstan-women-islamic-state-deradicalization.html>.

³²⁵ Gussarova, A. "Repatriating Foreign Fighters: The Case of Kazakhstan".

³²⁶ Najibullah, F. "The Women Who Came Home: Kazakhstan Tries To Rehabilitate Islamic Returnees".

framing or the severe control of religious expression in some of the countries. However, countries with significant contingents of underage citizens still present in Northeast Syria and Iraq may be interested in certain aspects of the Central Asian operations that made them successful, notably preparation, cooperation, and post-repatriation rehabilitation.

A country desiring to repatriate large numbers of ISIS-related children should first thoroughly prepare such an operation, both in the public arena and in practical terms. Indeed, as mentioned above, Central Asian countries focused on framing potential returnees, and notably children, as victims whose decision-making capacity was limited and who experienced dire living conditions, thus not only deserving help and support from their nationality state, but also worthy of their fellow citizens' compassion. This was especially important in countries where government officials and members of the public had previously either denied the presence of fellow nationals in ISIS-led territories or framed them as traitors and dangerous individuals. As such, the Uzbek government highlighted both the difficult situation in which children and their mothers were finding themselves, as well as their innocence in their fate. The Tajik framing referred to the tradition of amnesty for Tajik citizens repentant for their involvement in militant activities, and the manipulation of women by their husbands. Similarly, the Kazak framing mentioned the basic rights of Kazak citizens and attempted to leverage compassion towards the plight of children.

Secondly, countries considering repatriation of children may want to emulate the painstaking preparation work undertaken by Central Asian countries in collaboration with international partners, to ensure safe and smooth repatriation operations. To ensure safe repatriation processes, Ministries of Foreign Affairs in the three countries cooperated directly with Iraqi officials and the relevant actors in Northeast Syria to ensure the safe repatriation of their citizens³²⁷. They were supported in this process by multilateral organizations. For example, the Kazakh government worked in tandem with the International Committee of the Red Cross and Red Crescent (ICRC) in negotiations with Iraqi and Syrian officials,³²⁸ while the Uzbek government worked with UNICEF.³²⁹ Tajikistan worked with UNICEF and the ICRC.³³⁰ The Uzbek organization Barqaror Hayout also worked with the International Organization for Migration, which provided equipment for self-employed women.³³¹ Once the initial decision-making process with Syrian and Iraqi interlocutors was on the way, governments secretly and painstakingly prepared repatriation

³²⁷ Azizi, R. *Panel Discussion on Repatriation and Rehabilitation in Central Asia*.

³²⁸ Najibullah, F. "The Women Who Came Home: Kazakhstan Tries To Rehabilitate Islamic Returnees".

³²⁹ "Country Reports on Terrorism 2019: Uzbekistan".

³³⁰ "Tajikistan to repatriate 500 citizens held in Syrian refugee camps".

³³¹ Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*.

operations, with Kazak operatives negotiating a secret secure zone in Syria to enact the first stage of Operation Zhusan.³³² Similarly, operation Rusafa, aiming to repatriate Kazak orphans, was carried out in complete secrecy and required 6 months of preparation to prove the citizenship of the returnees.³³³

Finally, in the consideration of their repatriation of children, countries should ensure they are ready to support the rehabilitation and reintegration of underage citizens. In Central Asian countries, both processes were streamlined and seamlessly integrated, starting with emergency care in the immediate aftermath of repatriation. In Uzbekistan, a program in collaboration with UNICEF provides children with vaccination and intensive education,³³⁴ as well as comprehensive medical, psychological, and social assistance.³³⁵ The Uzbek approach to rehabilitation for women and children alike has been to focus on functional re-socialization rather than deradicalization, to avoid triggering returnees.³³⁶ In contrast, Kazak efforts have focused more on deradicalization, albeit with a strong rehabilitation basis, including for children. As such, there have been a lot of efforts trying to fill educational lacunae, as well as to promote emotional recovery following their time under an Islamist rule and propaganda.³³⁷ In Tajikistan, similarly to Uzbekistan, the focus is put on psychological rehabilitation in the view of functional reintegration.³³⁸

Following the rehabilitation phase of children and their mothers, good care must be put towards reintegrating them into society, to reduce their vulnerability to reoffense and ensure public opinion is in favour of continued solidarity with ISIS-related children and their relatives. As such, Central Asian countries, thanks to an effective surveillance system, have been able to give returnees relative freedom to reintegrate while monitoring them.³³⁹ In Uzbekistan, the rehabilitation and reintegration processes are family-based and supported by the local communities. Family members are directly and actively involved in the reintegration programmes of women and children, playing a crucial role in supporting returnees to participate in education, family and community life. According to Oliya Ilmuradova, director of the local NGO Barqaror Hayot, “This is the main

³³² Raychev, Y. “Operations for repatriation of Kazakhstan, Tajikistan, and Uzbekistan citizens that have joined the Islamic State”, 167.

³³³ Ibid., 168.

³³⁴ Yeniseyev, M. “Uzbekistan begins rehabilitation of repatriated 'victims of deception' from Syria”.

³³⁵ Sidorenko, V. “Uzbekistan returned 64 children from Iraq”.

³³⁶ Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*.

³³⁷ Zhursin, Z. “«Мы шли прямо по трупам». История вывезенной из Сирии семьи”, 03 July 2019, from: <https://rus.azattyq.org/a/kazakhstan-evakuirovannyya-iz-syrii--semya/30029865.html>. See also Bondal, K. “Kazakhstan rehabilitating children recently returned from Syria, Iraq”, *Caravanserai*, 01 August 2019, from: https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2019/01/08/feature-01.

³³⁸ See UN Office of Counter-Terrorism, “UNGA75 Side Event – Central Asian Experience with Individuals Returned from Syria and Iraq”, from: https://www.un.org/counterterrorism/events/central_asian_experience.

³³⁹ Helf, G. *Panel Discussion on the Situation in Northeastern Syria: Former ISIS Fighters and Their Associates*.

essence of our model, because the person who returns from the terrorist camps must know that someone is waiting for him/her”.³⁴⁰ In the case of children who could not receive support from close relatives, eighteen vetted families were allowed to welcome separated or unaccompanied minors, with positive results in the middle term.³⁴¹ Guardians (usually relatives such as grandparents, aunts, etc. who received the repatriated children while the mothers remained serving their sentences in Iraq) are supported while welcoming children by Barqaror Hayot.³⁴² The organization also helps children reintegrate into the education system by tracking and mediating conflicts with classmates.³⁴³ They are placed in kindergartens and schools and receive additional classes in school and at home to pass two classes in one year to catch up with students of their age. This resulted in children catching up with their peers in a few years.³⁴⁴ Kazak children are reintegrated into Kazak communities by receiving a Kazak name if needed and the Kazak citizenship and documents.³⁴⁵ If possible, they remain with their mother, or with grandparents.³⁴⁶ Children and teenagers are integrated into schools, and awareness-raising is done at the community and school levels to avoid bullying.³⁴⁷ Tajikistan has noted some difficulties in reintegrating returnee children, because of the suspicion of the wider public, meaning some have been placed in orphanages and boarding schools. Children were separated from other returnee children, to help them to get over their trauma unless they were siblings. A small proportion of relatives have applied to guardian returnee children.³⁴⁸

As a corollary to this assistance, countries should consider establishing a robust but legal and just monitoring system to oversee the reintegration of repatriates. If sometimes heavy-handed, Central Asian countries have established a sophisticated system allowing repatriates relative freedom of movement, education, and work while ensuring follow-ups were regular and progress and difficulties were recognized and addressed to avoid reoffense.

³⁴⁰ Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*.

³⁴¹ See UN Office of Counter-Terrorism, “UNGA75 Side Event – Central Asian Experience with Individuals Returned from Syria and Iraq”.

³⁴² Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*.

³⁴³ Prevention Media, “#Возвращенцы. Несмотря на пандемию, вслед за Россией Узбекистан возвращает своих граждан из Сирии”, 12 December 2020, from: <https://prevention.kg/?p=9214>.

³⁴⁴ Ilmuradova, O. *Panel Discussion on State Policies to Deal with ISIS Associates*.

³⁴⁵ Najibullah, F. “The Women Who Came Home: Kazakhstan Tries To Rehabilitate Islamic Returnees”.

³⁴⁶ Radio Free Europe/Radio Liberty, “Not in our Name Project: The Spread of Extremism in Central Asia”, 2019. From: <https://pressroom.rferl.org/not-in-our-name>.

³⁴⁷ Weine, S. “I’ve met the children of ISIS fighters. Their home countries can’t abandon them forever”, 2019. From: <https://eu.usatoday.com/story/opinion/voices/2019/12/18/islamic-state-isis-families-children-repatriation-extremism-column/2667418001/>.

³⁴⁸ Azizi, R. *Panel Discussion on Repatriation and Rehabilitation in Central Asia*, Bulan Institute for Peace Operations, 3 December 2020, from: <https://bulaninstitute.org/panel-discussion-on-repatriation-and-rehabilitation-in-central-asia/>.

7. Conclusion

The first section of this report highlights the significant role played by children within the terrorist organisation, as well as the importance of their commitment for ISIS' operational and ideological purposes. An evaluation of the group's narrative regarding children's role within the caliphate shows that ISIS' interest in minors' involvement is not only related to their strategic and military utility, but also largely to their symbolic and propaganda role, as well as their capacity to adapt and adopt ISIS' most extreme values. Through an analysis of the different methods and processes initiated by the terrorist group to (forcibly) recruit minors, this report showcases ISIS' manipulative and "multifaceted approach to recruit, indoctrinate, and militarize children".³⁴⁹ This report then describes on the various tasks undertaken by children within the caliphate, with a focus on gender dynamics in the attribution of these roles, and sheds light on the important exposure to violence, trauma and insecurity faced by ISIS-related children during their lives under the caliphate.

Through a detailed overview on the dire situation more than 64,000 people are facing as of early 2021, this report then sheds light on life-threatening conditions including malnutrition, diseases, Water, Sanitation, and Hygiene (WASH) issues, and the global pandemic of COVID-19. This continuous exposure to lack of catering and schooling for children, violence, shock and trauma among children can lead to another serious challenge: the radicalization and indoctrination by ISIS hardliners. Moreover, we express serious concerns regarding children at risk of prosecution and imprisonment of children in Iraq. The detailed interviews of children detained in Erbil indicate that children were not provided any governmental or international protection, but treated as criminals. This report urges for systematic assistance of repatriation, rehabilitation and reintegration to protect children at risk following international norms of "children should be treated first and foremost as victims, not criminals".³⁵⁰

In its third chapter, this report outlines that children residing in camps in north east Syria and prisons in Iraq have experienced multiple adverse events in the context of exposure to extremism, armed conflict and detention, as well as abuse and neglect. Though individual assessment is key to ascertain specific needs, it is likely that the majority present with some degree of trauma and associated difficulties in cognitive, emotional and social functioning. The analysis provided in this report makes it clear that remaining in these camps and prisons is likely to be perpetuating their

³⁴⁹ Langer, P. C. & Ahmad, A-N. "Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq", 9.

³⁵⁰ Human Rights Watch, "Iraq: Step Toward Justice for ISIS Child Suspects", December 2020, from : <https://www.hrw.org/news/2020/12/13/iraq-step-toward-justice-isis-child-suspects>.

distress and associated difficulties, in light of the lack of safety, protection and stimulation afforded to the children. The indiscriminate judgement of children as presenting a risk of harm to society solely due to their association with ISIS, and lacking in any potential for growth otherwise, is challenged by our understanding of child development and trauma. Observations of the children's behaviour can be understood through a neurobehavioural lens as a series of adaptive responses which, though they may be deeply entrenched in some cases, can be addressed. Creating a pro-social world is contingent upon the provision of nurturing environments that offer a chance of developing the necessary cognitive, emotional and social skills. Recovery from trauma demands a sense of safety, connection with safe and emotionally attuned adults, and access to dedicated interventions in nurturing spaces to support secure attachments, emotional regulation and resilience in the face of future stressors. An approach centred on a whole system approach to trauma, informed by neurodevelopmental research and underpinned by compassion is essential to fostering shared understanding, fulfilling unmet needs, and strengthening families and communities. This will only be possible upon the repatriation of the children being detained and with the commitment of States to lead and co-operate so that the necessary resources can be accessed and allocated.

In its fourth chapter, the situation and status of ISIS-related children is evaluated from an international law perspective. It reaffirms the norms and principles related to the protection of those minors, with a focus on the rights entitled to children as victims of human trafficking and the prohibition of the recruitment of child soldiers. Keeping in mind the scope and definition of child trafficking, this section argues for a better understanding of the legal status of minors who participated in the expansion of the caliphate. Regardless of the recruitment approach chosen by the group, whether it involves the use of training camps, threats, fake promises or even kidnapping, those minors should be regarded as victims of human trafficking and thus benefit from certain additional safeguards, including regarding their repatriation and reintegration prospects. Additionally, this section argues for the development of more effective policies regarding minors' liability under criminal law, more respectful of their procedural and judicial rights, including through a better recognition of the principle of non-punishment.

The last section of this report describes the experiences of central Asian countries that engaged in a repatriation process towards underage citizens (through broad repatriation programs or dedicated operations). The policies of the three Central Asian states analysed here (Uzbekistan, Tajikistan and Kazakhstan) show that those governments made some significant efforts to

prepared the ground for the repatriation and care of children returnees. Before carrying out repatriation, Central Asian countries focused on framing ISIS-related children as victims deserving both help and compassion from their home country. Once the framing aspect was established, Ministries of Foreign Affairs of those countries cooperated directly with Iraqi officials and the relevant actors in Northeast Syria to ensure the safe repatriation of their citizens, with the support of multilateral organizations such as the ICRC and UNICEF. As part of this preparation, governments negotiated safe zones and legal matters with their counterparts to ease the process. Finally, once the children were repatriated, robust rehabilitation and reintegration processes were put in place. Children were first provided with emergency care, such as vaccination in Uzbekistan, followed by longer term functional re-socialization. In contrast, Kazakhstan provided deradicalization and rehabilitation to children. Uzbekistan's reintegration programmes have a family-based with active and direct involvement of the members of the family and community-led support. Kazak children are integrated into schools with awareness-raising to avoid bullying.

The following conclusions can be drawn from the analysis of the previous sections. ISIS-related children in Syrian detention camps and Iraqi prisons are suffering the inhuman treatment and degrading conditions, which remains an extremely concerning issue. Those children trapped in camps suffer lack of hygiene, food shortages, unsanitary water, very limited health care and no access to education, as well as ongoing exposure to physical, sexual and psychological violence, exploitation and deprivation in living conditions. The deplorable conditions have been exacerbated due to COVID-19 global pandemic and the lack of access to health care, water and sanitation, in addition to an increased risk of neglect, abuse and exploitation. Therefore, given the actual violations of the rights of the children reported such as children's right to life, health, safety or education there is an urgent need for their protection through repatriation and rehabilitation solutions. Furthermore, given the continuous exposure of children to unceasing processes of radicalization and indoctrination, deradicalization programs, tools and support are essential to prevent and reduce the risk of radicalisation. Despite international obligations of states' responsibilities towards those children, state policies remain slow to respond due to factors such as children' stigmatisation and the belief that they represent serious threats to their country's national security.

The analysis has shown that ISIS-related children should not merely be viewed as potential perpetrators of breaches of international law but should be treated primarily as victims who require systematic assistance for their rehabilitation and reintegration solutions that are crucial to safeguard

their best interests, as instruments clearly demonstrate and prioritise. The report has reviewed the importance of respecting children's judicial guarantees if prosecuted, even if held responsible for their actions, they should benefit from a certain number of guarantees as determined by the juvenile justice system and in compliance to human rights and children's rights standards.

There is a need to establish a sense of a safe environment for children to achieve meaningful change in their mental and physical well-being in addition to social connection with a focus on the development of emotionally attuned relationships with safe and supportive adults. Policies and procedures should be trauma-informed and support the delivery of trauma-responsive care from a compassion-focused and child-centred approach that ensures that the essential experience of safety and connection is continued following reintegration into family, school and community. Decision-makers must ensure that children have a voice in the decision-making process in addition to a whole systems approach in recognition of the influence of social context upon the development of the child for care provision in the long term.

Central Asian states have been at the frontline of global efforts to repatriate children of foreign fighters, in their work towards fulfilling their obligations under international law. The policies of Uzbekistan, Tajikistan and Kazakhstan before carrying out repatriation have been focused on framing ISIS-related children as victims, cooperation with directly with relevant actors to ensure the safe repatriation of their citizens, careful preparation of operations, followed by comprehensive rehabilitation and reintegration processes. Central Asian countries have established a sophisticated system allowing repatriates relative freedom of movement, education, and work while ensuring regular follow-ups and addressed difficulties to avoid re-offense. The implemented programmes involved retraining of teams, systemic work to support survivors entering school and other community spaces, support to strengthen parental capacity, religious counselling, and other activities which promote a developing sense of national identity. These efforts have given returnees relative freedom to reintegrate while monitoring them. While the three Central Asian states have carried out important repatriation and reintegration programmes, greater efforts are needed to protect children and their rights.

The report has provided key recommendations for repatriation and rehabilitation of children from the experiences of Central Asian countries. First, countries should undertake a thorough preparation for the repatriation operations in the public arena and in practical terms, for instance framing returnees, and notably children, as victims whose decision-making capacity was limited and who experienced extremely difficult living conditions. Secondly, countries who agree to

introduce repatriation of children may want to consider the emulation of the preparation work undertaken by Central Asian countries in collaboration with international partners and cooperating directly with Iraqi officials and the relevant actors in Northeast Syria to ensure safe and smooth repatriation operations. Similarly, countries should ensure they are ready to support the rehabilitation and reintegration of children and might consider streamlined and seamlessly integrated process, starting with emergency care in the immediate aftermath of repatriation followed by comprehensive programmes that may include medical, psychological, and social assistance, education support, deradicalization, functional re-socialization, and emotional recovery. After rehabilitation, a strong emphasis is required to reintegrate children and their mothers into society, to reduce their vulnerability to re-offense and ensure public opinion is in favour of continued solidarity with them. Finally, countries should consider establishing a robust but legal and just monitoring system to oversee the reintegration of repatriates.

