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NOTE

From: EU Counter-Terrorism Coordinator

To: Delegations

Subject: Member States' approaches to dealing with accompanying family members of Foreign Terrorist Fighter Returnees, in particular children: Results of the questionnaire and follow-up

Introduction

On 22 December 2016, the EU Counter-Terrorism Coordinator (EU CTC) distributed a questionnaire to Member States about their approaches with regard to the return of European children from Daesh-controlled territory. The questionnaire focused in particular on children under the age of criminal responsibility¹. As outlined in the EU CTC's policy option paper "Foreign terrorist fighter returnees: policy options"², managing the return of the European children born or raised in Daesh-controlled territories upon their return to the EU presents a significant challenge, both in terms of the child's welfare and security concerns.

¹ The minimum age for criminal responsibility differs in the various MS, ranging from about 10 to 15 years (see e.g. <https://www.crin.org/en/home/ages/europe> and the overview in Annex II).

² 14799/16.

The same concerns potentially apply to refugee children, not least given Daesh's attempts to indoctrinate them. Several Member States have therefore started to work on this issue.

In other fora, work has also started on child returnees. In November 2016, the EU Radicalisation Awareness Network (RAN) published a paper on child returnees from conflict zones³. This paper discussed practical aspects related to the situation of children returning to Europe who have either been born in or have travelled to Daesh held territories as well as refugee children travelling from Daesh territory to Europe. The paper developed a list of recommendations on intervention planning, trauma informed practice and the role of the family in developing interventions (see Annex III). Moreover, RAN organized a workshop on child returnees in February 2017 and is currently working on a manual to respond to the issue of returnees which will include a chapter on child returnees and will be presented in June 2017. The Netherlands prepared a report on returnees which was issued on 15 February 2017⁴. UNODC is currently preparing a handbook on child returnees which is expected to be released in the second half of 2017.

This document, which has been drafted in close consultation with the Presidency and the Commission services, provides an overview of the different approaches that have been developed by Member States (Annex I). It draws on the findings of the questionnaire and recommendations to feed into the ongoing work conducted by Member States and the Commission.

The children described above may be both security threats and victims. The fact that they pose a threat does not lessen the fact that they were victims, similar to other children in armed conflict.

A key challenge will be to develop a multidisciplinary response to address both the security and the welfare / child protection aspects relating to child returnees. In the short term, there is a concern for the child's own welfare, but they could also have violent tendencies which present a risk to the welfare of others, particularly other children. In the longer term (and one could argue, in the short term, too), there is a risk of terrorism if early intervention is not provided.

³ https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_child_returnees_from_conflict_zones_112016_en.pdf.

⁴ Terugkeerders in beeld (in Dutch language), <https://www.aivd.nl/publicaties/publicaties/2017/02/15/aivd-publicatie-terugkeerders-in-beeld>.

In the past, children who had moved to EU Member States from violent conflict areas and did not get specific treatment posed a threat as they became teenagers (forming violent gangs). This happened for example around 20 years ago when child soldiers from Congo and Angola moved to some EU Member States and nobody had paid attention to their trauma. The families had not been equipped to deal with the children. The threat is greater today as the element of radicalization is included.

1. Diversity of the radicalized children

In general, one can distinguish the following types of children:

- Refugee children who have arrived in Europe
- Young Foreign Terrorist Fighters (FTF)
- Children born and raised by European FTFs in Syria and Iraq
- Children remaining in the EU, but with parents or siblings who have left for Syria/Iraq

2. The threat is real

According to a recent Europol report ("An Outlook on Developments in Jihadist Terrorism"; January 2017)⁵, radicalization of youth, both male and female, is becoming one of the most important aspects of the jihadist terrorism threat in the EU whereas the awareness of authorities on this phenomenon is assessed as low. Therefore, it is important to pay particular attention to this phenomenon, including in the following areas:

- Child returnees might have been confronted with **extreme brutality** (watching public executions, family members may have died in battle, being exposed on a continuous basis in living accommodation to propaganda and violent videos).
- Children might have been **forced to conduct brutal acts**, including killings. DAESH videos have portrayed **images of children under the age of 12 carrying out executions**, including a very young British child who appeared to detonate an explosive in a vehicle killing DAESH hostages.

⁵ 5499/17.

- Daesh provides **ideological teaching** (school from the age of 6 years, conditioning, brainwashing) and **military training** (from the age of 9 years for boys). Recent textbooks uncovered in Mosul have showed the lengths Daesh go to in 'normalising' violence. The Quilliam Foundation, whilst one might dispute their suggestion that Daesh is actively seeking to radicalize child refugees, see a three-staged process: (1) normalizing the child to violence; (2) exposing the child to violence e.g. forcing them to witness torture/executions; (3) then getting them to carry out acts of violence.
- Girls learn how to best support their future husband; they will be **fully veiled** in public from about the age of nine, sometimes earlier.
- The military training for boys between the age of 9 and 15 is brutal. They might have been **isolated from their families** during that period to create stronger bonds with their peers. The aim is to create **skilled and desensitised soldiers**.
- **Families** might be financially and/or ideologically encouraged to sign up their children to child battalions.
- **Ideologies** of FTF families may pose a problem. Whereas many returnees might be disillusioned by Daesh and/or about their experience in Syria, they often remain committed to the Daesh ideology. They may also return to a family/community environment in Europe where there is still residual support for the ideology.
- In addition, **teenage FTFs might return** who pose a security risk. Depending on the national legislation, these teenagers might not be criminally responsible.
- Returning children may be subject to **juvenile justice** or in particular **child protection measures**, hence the need to work closely with child protection authorities.

3. Numbers are difficult to estimate

As outlined in the RAN issue paper, "Child returnees from conflict zones" of November 2016, "estimating the number of children who have travelled from Europe to Iraq and Syria is difficult; (...). Another unknown is the actual number of children born (or yet to be born) in Syria or Iraq to European parents."

It is also unclear how many refugee children from Daesh controlled territory have been received by EU Member States and whether some of them might pose a threat and/or have serious psychological issues.

4. Outcomes of the questionnaire

The following areas seem to be particularly important with regard to the response:

- **Identification/risk assessment**
- **Information exchange within a Member State** (between security service/law enforcement and child protection/social services, schools, municipalities) **and among Member States**
- **Targeted assistance** for children
- **Role of the families**
- **Work at the local level** including local authorities, child protection, health workers, schools.

Examples of approaches of the Member States in the different areas are set out in Annex I. As background, an overview is provided regarding the age of criminal responsibility in EU Member States (Annex II).

Member States' replies to the questionnaire indicate that there is not much experience yet (only DE, FI, FR, NL, SE, UK have had child returnees). Additional Member States may have received refugee children from Daesh controlled territory.

There are no "specific" programmes so far for child returnees, although some Member States have started to work on it (for example FR is developing an action plan). Most of the time Member States use existing mechanisms for child protection (with some mechanisms to develop skills to spot risks/child returnees).

Recurring features are:

- mix of care/security (interests of the child should prevail)
- multidisciplinary, multi-agency approaches
- work at local level
- tailor-made, targeted, individualized responses
- schools and parents are key players, it is a challenge to build a trusted relationship.

It seems that the following aspects are important for the handling of child returnees:

- There can be **no one-size-fits all approach** as for example 7 or 15 year-olds are different cohorts with different needs. While social services are used to vulnerable children, the child returnees do not fit the typical profile.

- **Identification of returning children is a challenge:** authorities – from a security perspective - tend to focus on and prioritise adults. Children may be signalled by an embassy or consulate in the region or upon return by the border police, immigration service or local authority. Moreover, schools or general practitioners could detect signs that indicate a possible child returnee.
- It is not clear whether/how refugee children are being assessed to identify those who lived in Daesh territory and how services are being offered to them.
- **Information exchange** is important within a Member State because both child protection authorities/social services and security / law enforcement agencies play a key role in handling child returnees. While law enforcement/security service may often first become aware of a child's return, a system may need to be in place to alert the social and child protection authorities to get involved in the case and provide support. Within the Schengen area, information exchange on child returnees that pose a threat may also be considered.
- **Child protection authorities should be systematically involved for all returning children,** so that they can carry out an urgent, **individual risk and needs assessment for each child.** The need for child protection responses and measures is particularly important when the threshold age for activity of the security service/law enforcement/criminal justice has not yet been reached. Child protection authorities should also assess the **parents' capacity to care for and protect the child from all forms of violence** (whilst acknowledging that at least one parent may be the source of the problem).
- For minors there is always a necessity for both a **risk assessment** (risks to the child and risks to society) and a **care plan**. Child protection authorities need to be involved in prevention of and responses to children returning from Daesh controlled territory, taking a multidisciplinary approach. The process of reintegration may be long.
- There is the risk that security/law enforcement colleagues may just be focused on the adult returnee and may not pay so much attention to the child – particularly if they are very young. But that **child may require urgent attention from a child welfare perspective**, so the necessary authorities may need to be alerted, whilst taking account of the potential sensitive nature of the case.

- Member States have a **duty to act where a child is at risk of any form of violence** (Art. 19 of the UN Convention on the Rights of the Child⁶).
- The **best interest of the child** must be a primary consideration in all actions and decisions concerning children. It is important to adhere to **existing legal standards**, including for example the standards in the UN Convention on the Rights of the Child, which has been ratified by all Member States.
- **Every intervention should be targeted and tailor-made.** Rehabilitation should always be the main goal in line with international law. It is important to keep in mind that many children may have been forced to undertake extreme acts of brutality, because there was no other option open to them.
- It is important to develop the **skills** among therapists, health care centres, social workers and job centres to see signs of trauma from terrorist related activities or from living in Daesh controlled areas⁷.
- The concerned families need to have **confidence in authorities** and trust that the authorities can help them. Some parents may be afraid that the social services might take the children into custody.
- **Cooperation** between schools and parents is very important.
- **Stigmatisation** can also be a problem for the child.

⁶ Article 19 states the following: “1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

⁷ This includes for instance knowledge about the specific elements that are used in Daesh recruitment, such as forgiveness and reconciliation through martyrdom. Another thing that seems common is that if one person is killed in battle, a brother must take his place to honour his death or the right to jihad.

- They may find it **difficult adjusting to life in the EU** and may be unfamiliar with the norms of behaviour/values etc. From an **educational perspective** there's also a risk that the child – if it is even deemed appropriate to enter mainstream education – will have to adapt to a new system or reintegrate after a long period of absence, and will possibly be well behind their peers.
- It may be possible to draw on experiences from other areas:
 - Child returnees who have been indoctrinated by Daesh, can to a certain extent, be **compared to child soldiers and children in armed conflict**;
 - Some elements and structures of national legislation and practices on cases of **trafficking in human beings** might be similar and could be applied to cases of child returnees.
- Long term plans to detect **post-traumatic stress disorder (PTSD) symptoms** may be needed.
- Some suggest that children with **higher IQ's** and those who still have one or more **family members who are not radicalized** may have better chances in recovering⁸.
- It is important to ensure a multidisciplinary and child protection response for any **family with children which has lost a child in a terrorist attack** with a view to protecting other children in the family from harm.

5. Further issues to be addressed/considered:

- Some Member States have the possibility to provide **24/7 individual care** for particularly challenging cases (one on one). The provision of this service is extremely costly and specialized social workers are necessary.
 - How could these services be further promoted and supported?
 - Would it make sense to create specialized rehabilitation centres for child returnees?

⁸ The Times, 21 January 2017, <http://www.thetimes.co.uk/article/the-children-of-islamic-state-0ldjj6l8t>.

- The **role of radicalized parents** and their influence on children is problematic.
 - How to deal with parents of child returnees who remain radicalized and might influence their children? Child protection intervenes as the State has a duty to protect children from violence, including from their parents. This may include foster care. The existing standards, principles and mechanisms need to be adapted if necessary.
 - What type of adaptations may need to be considered for this special foster care?
- **Religious counselling** has been addressed by few Member States.
 - How can the involvement of Imams or religiously trained social workers help in the de-radicalization process?
 - How can Member States ensure that sufficiently trained personnel is available?
 - How to select/vet the imams to be involved?
 - How do Member States address private kindergartens and crèches where Salafi/Wahabi ideology is promoted which may put children at risk of radicalization and which may be particularly problematic with regard to returnee children?
- Whereas **open facilities** for child returnees should be given preference, there might be cases where **closed child facilities** are required.
 - Are such institutions that are specialized for children available in Member States and is the legal framework sufficient?
 - Available mechanisms are **juvenile justice system, child protection system and criminal justice system**. The role of **prevention** - in particular social inclusion, educational and job opportunities, learning about values and tolerance - is key to avoid further radicalization as the child grows up. How should these **responses be adapted** to deal with this new phenomenon of child returnees?
- **Public birth registries** could provide the Member States competent authorities with an opportunity to potentially identify those born in theatres of jihad, especially when such registration takes place belatedly. More importantly, such an occurrence could possibly indicate the presence of undetected returnees and/or other subjects of interest. Besides increasing knowledge and awareness for staff of such registries, Member States competent authorities could also implement referral procedures for more detailed checks. Given the sensitivity of the matter at hand, a common and coordinated effort between all the relevant stakeholders seems necessary.

- What can be learned from previous experiences with the **(re-)integration of child soldiers/children in armed conflict**?
- Little information has been provided about European information exchange on child returnees. Moreover, some Member States have only limited **information exchange** between national and local level on child returnees, including with municipal authorities, religious communities and schools. Multidisciplinary approaches and systematic information exchange including law enforcement and child protection may be required.
 - How can it be ensured that this information does not harm the reintegration and that the persons confronted with this information are not overburdened?
 - How can information exchange about child returnees, in particular those who pose a threat, be promoted via Europol, the SIS and/or the CTG?
 - Which (national) legal restrictions do we need to consider?
- The **directive on procedural safeguards for child suspects/accused in criminal proceedings**⁹ may apply, which provides for minimum rules concerning certain rights of children who are suspects or accused persons in criminal proceedings or subject to European Arrest Warrant proceedings. However, the directive does not apply to other types of proceedings which are specially designed for children and which may lead to corrective or educative measures.

6. Way forward and possible EU support to Member States

- RAN is currently developing a handbook on good practices on how to manage returnees, which will include a chapter on child returnees, which should be ready by June 2017. It will be important to feed Member States' experiences into the development of the handbook.
- Exchange of experiences related to child returnees among practitioners in the RAN and among policy makers in the Prevent Network¹⁰ has already started and should continue.
- The relevance of and lessons learnt from approaches developed for child soldiers/children in armed conflict should be explored in the context of child returnees. While the problems and the solutions with regard to child returnees are complex, responses could benefit from and may build upon existing mechanisms for child victims and child suspects/perpetrators/children at risk.

⁹ Directive (EU) 2016/800. It needs to be transposed by Member States on 11 June 2019.

¹⁰ Network of Prevent Coordinators, launched by the Commission on 2 February 2017

- Member States can request the RAN to assist in setting up of interventions for children. The Commission could explore to facilitate more in-depth assistance via RAN in involving experts to work for a sustained period of time with interested Member States to set up such rehabilitation / reintegration programmes. Member States may need to make the necessary funds available for engaging with the relevant experts (such funds are available under ISF police - national envelope).
- It may be necessary to further discuss information exchange about radicalized children via SIS II and Europol. In the SIS II, the best option appears to be using the 'missing person alert' concerning minors under art. 32 of SIS II. This allows an intervention to be made and a child to be stopped and placed under protection and prevented from onward travel. He/she can also be questioned. A discreet check could also be used, meaning no form of intervention, but simply that the details would be noted. The complication could arise if say the parents were on a discreet check, and the child was on a 'missing persons' check. Any intervention on the child could jeopardise an investigation into the adults. Operational partners would therefore have to carefully think how to use the tool in order to protect operations whilst prioritising the welfare of the child.
