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United Nations Office on Drugs and Crime

Global Programme to end
Violence Against Children

UNODC

ENDVAC

UNODC ROADMAP

On the Treatment of Children
Associated with Terrorist and
Violent Extremist Groups

1. Introduction

Reports indicate that, in recent years, thousands of persons below the age of eighteen (hereinafter “children”)¹ have been recruited and exploited by terrorist² and violent extremist groups.³ These children are **subject to violence at multiple levels**, and, at the same time, they may become particularly dangerous instruments in the hands of those exploiting them and/or instrumentalising them for committing criminal or terrorism-related offences.

United Nations Member States are increasingly facing challenges in combining effective prevention of, and responses to, violence perpetrated against children, while at the same time protecting society from the threats associated with terrorism and violent extremism. The current wave of returning foreign terrorist fighters (FTFs)⁴ also poses emerging threats and challenges for national authorities on how to deal with child returnees from conflict zones.

UNODC has developed the **Roadmap on the Treatment of Children Associated with Terrorist and Violent Extremist Groups**, with a view to provide coherent and consistent technical assistance to requesting Member States on the treatment of these children. In order to do so, it aims to **identify, highlight and support national priorities and needs in dealing with this phenomenon, as well as to strengthen system-wide coherence to achieve the selected goals**. This Roadmap, and more broadly UNODC’s work in this area, is based on recognition of the duty of Member States to protect society, and in particular children, from the threats associated with terrorism and violent extremism, in accordance with international law.



The Roadmap stems from three years of technical assistance work by UNODC to Member States that are affected by this phenomenon. It was developed under the framework of a Japan-funded initiative and relied on substantive input from representatives of the following 10 countries: Bangladesh, Iraq, Japan, Lebanon, Morocco, Maldives, Nepal, Philippines, Tunisia, and Sri Lanka. The Roadmap also draws on the work of UNODC and Member States in other regions of the World, including Central Asia, West and East Africa. The Roadmap builds upon the mandates of UNODC in the areas of justice for children, violence against children and counter-terrorism, as well as on the increased understanding of the challenges and promising practices in this area.

The guidance provided in the Roadmap is based on multiple relevant legal regimes, namely, international human rights law, international law regarding counter-terrorism, international criminal law, international humanitarian law and international refugee law.⁵

Three interconnected areas of work: prevention, rehabilitation and reintegration, and justice for children

The Roadmap is also aligned with an important policy position issued by the United Nations Secretary-General on **Key Principles for the protection, repatriation, prosecution, rehabilitation and reintegration of women and children with links to United Nations listed terrorist groups**.⁶ This position highlights the urgency of this phenomenon and calls for human rights-based responses. The complexity and cross-cutting nature of this multifaceted phenomenon requires a unified and coherent response by the relevant United Nations agencies and programmes, as well as transnational and national interventions.

UNODC is aware of the importance of joining hands with relevant stakeholders. This Roadmap seeks to ensure a coherent system-wide approach to the problem and to complement existing mandates and responses, thereby avoiding any duplication of efforts. The Roadmap addresses the treatment of all children recruited and exploited by terrorist and violent extremist groups, regardless of the types of association and methods of recruitment used and the different purposes for which the child has been exploited by the group.

The Roadmap contains guidance regarding **three interconnected areas of work: prevention, rehabilitation and reintegration, and justice for children in the context of counter-terrorism**. It is essential to bear in mind that effective responses require comprehensive efforts in all three areas.



¹ According to Art. 1 of the Convention on the Rights of the Child (CRC) a child is every human being below the age of eighteen years.

² The term “terrorist groups” is used in this Roadmap to refer to all entities listed by the 1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee, formerly known as the “1267/1989 Al-Qaida Sanctions Committee”.

³ In line with the UN Secretary-General’s Plan of Action to Prevent Violent Extremism (A/70/674, at para. 2), violent extremism is considered in this Roadmap “as, and when, conducive to terrorism”.

⁴ FTFs is defined in the Security Council resolution 2178, adopted on 24 September 2014 (S/RES/2178).

⁵ For further details on the relevant international law see the following UNODC training tools: ‘Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System’ (United Nations Office on Drugs and Crime, Vienna, 2017); ‘Prevention of Child Recruitment and Exploitation by Terrorist and Violent Extremist Groups: The Role of the Justice System, A Training Manual’; ‘Rehabilitation and Reintegration of Child Victims of Recruitment and Exploitation by Terrorist and Violent Extremist Groups, A Training Manual’; and ‘Justice for Children in the Context of Counter-Terrorism, A Training Manual’ (United Nations Office on Drugs and Crime, Vienna, 2019).

⁶ EC Decision 2019/17, Key Principles for The Protection, Repatriation, Prosecution, Rehabilitation and Reintegration of Women and Children with Links to United Nations Listed Terrorist Groups

2. Overarching Principles

- 1 There is no dichotomy between security interests and child rights. The two objectives of **PRESERVING PUBLIC SAFETY AND PROTECTING CHILD RIGHTS ARE COMPLEMENTARY** and should be pursued concomitantly with a view to building long-lasting peace.
- 2 **CHILD RECRUITMENT** by terrorist and violent extremist groups is **A SERIOUS FORM OF VIOLENCE AGAINST CHILDREN**, regardless of the means and methods employed. It leads to exploitation of children with long-lasting consequences for their well-being and society at large.
- 3 **CHILDREN** recruited and exploited by terrorist and violent extremist groups should be **CONSIDERED AND TREATED PRIMARILY AS VICTIMS OF CRIME**. This means that there is a need to protect, respect and fulfil the rights of all child victims, regardless of alleged involvement in terrorism-related or other criminal offences as offenders, or of the alleged risks they may pose in committing future terrorism-related offences. It is highly important to ensure that efforts are made to prevent the secondary victimization of these children.
- 4 **PREVENTION** of child involvement by terrorist and violent extremist groups should be **A PRIORITY** for State and non-State actors.
- 5 **THE BEST INTERESTS OF THE CHILD** must always be the **PRIMARY CONSIDERATION** in any determination concerning the treatment of a child recruited and exploited by terrorist and violent extremist groups.
- 6 The **KEY OBJECTIVE** of any action taken in relation to a child associated with terrorist and violent extremist groups should be to promote his or her **REHABILITATION AND REINTEGRATION** into society, in accordance with the child's specific characteristics, circumstances, and needs.
- 7 **NO CHILD RECRUITMENT PROCESS CAN BE REGARDED AS TRULY VOLUNTARY**, owing to the forms of coercion and influence used by these groups and the inherent power imbalance that arises in these circumstances.
- 8 When children are alleged as, accused of, or recognized as having infringed the penal law, they are entitled to all rights established by international law in relation to **JUVENILE JUSTICE**, with no exception or derogation due to the nature of the offence committed.
- 9 Any initiative aimed to prevent and respond to violence against children by terrorist and violent extremist groups must be mindful of the different impact of terrorism and counter-terrorism measures on girls and boys, and must adopt **CHILD** and **GENDER-SENSITIVE** approaches.
- 10 Regardless of its different circumstances, child recruitment is **NOT ONLY A CRIME PROBLEM**, but it is first and foremost a **DEVELOPMENTAL ISSUE**. This complex phenomenon requires concerted and **MULTIDISCIPLINARY EFFORTS** by different systems, and cooperation across different institutions and actors, including civil society organizations.



3. Guidance for Effective Prevention

Comprehensive prevention strategies

Efforts to prevent child recruitment and exploitation by terrorist and violent extremist groups should be **integrated into broader development and rule of law reform efforts**. In post-conflict situations, the well-being of the most affected communities should be prioritised, especially where insecurity is still widespread.

The elaboration of comprehensive prevention strategies should be based on:

- **Political will** to ensure national ownership of prevention strategies and interventions;
- **A participatory approach** to policy development, including a focus on the participation of children;
- The promotion of **values of inclusion, dialogue and mutual respect**;
- **A multidisciplinary and coordinated approach** to avoid fragmentation and duplication of efforts;
- **Capacity-building** of institutions and actors involved in preventative efforts;
- **A proactive role of the justice system** in prevention efforts, including through the development of effective legislation in this area; and
- **An in-depth situation analysis**.

Multiple axes of interventions

Effective and comprehensive prevention strategies should combine multiple axes of interventions, in order to i) **hold perpetrators of child recruitment and exploitation accountable** for the crime they have committed, and (ii) **enhance the protective environment framework** for children.

An in-depth situation analysis is a key requirement to develop evidence-based and effective prevention policies. The situation analysis should:

- Investigate child recruitment strategies of terrorist and violent extremist groups, taking into account that girls may be recruited differently and through specific tactics and thus may require specialized assistance;
- Study and highlight the conditions conducive to terrorism, including underlying inequalities that can foster grievances among vulnerable communities;
- Examine the “push and pull” factors of child recruitment at the local level and compare them with regional and global trends in this area;
- Investigate risk factors deriving from the child’s different levels of interpersonal relationships, which includes a focus on the personal needs of the child, the family environment, connection to cultural and religious values, and relationship with the State and its public authorities;
- Identify different target groups for prevention purposes;
- Identify key stakeholders who play a role in prevention efforts, including families, communities, educational and religious institutions; and
- Analyse existing programming environments, by identifying gaps and highlighting key priorities for action.

UNODC APPROACH: BRIDGING THE GAP

PUBLIC SAFETY

Interventions aimed to hold perpetrators of child recruitment and exploitation accountable should focus on the security-related aspect of prevention and may include:

- Prohibition of recruitment through criminalization;
- Enforcement of national legal and policy frameworks to hold recruiters of children accountable (this can include counter-terrorism laws, but also anti-trafficking laws criminalising different forms of recruitment and exploitation of children);
- International cooperation in criminal matters with a view to identify and apprehend transnational recruiters of children;
- Strengthening the capacity of the justice system to deal with these kinds of offences;
- Adopting child-sensitive approaches to victims and witnesses of recruitment by terrorist and violent extremist groups.

PROTECTIVE ENVIRONMENT FRAMEWORK

Interventions aimed to enhance the protective environment framework for children may include:

- Early intervention, including through the promotion of access to health and protective services;
- An inclusive education system, with a focus on promoting positive life skills and critical thinking, and empowering children to learn, grow, flourish and act as agents of change themselves, thereby reinforcing the protective environment;
- A focus on local approaches and actors;
- The adoption of community-based approaches;
- The provision of services to support the protective role of families;
- Awareness raising campaigns to garner the support of the public for prevention efforts, as well as counter-narratives to combat the propaganda of these groups;
- Efforts addressed to avoid the use of potentially stigmatizing or discriminatory approaches.

4. Guidance for Effective Rehabilitation and Reintegration

Strategies targeting child victims

Rehabilitation and reintegration of children associated with terrorist and violent extremist groups must be the key objective for Member States and other key stakeholders working with these children.

Rehabilitation and reintegration programmes should be based on an in-depth situation analysis, which collects the necessary information for the proper design of programmes, to enhance effectiveness and respond to the actual challenges faced by professionals.

Policy-makers and practitioners involved in the planning and implementation of rehabilitation and reintegration strategies should consider the following key steps:

- Define integrated objectives of rehabilitation and reintegration programmes, which include both providing support to children and ensuring the safety of society;
- Apply an ecological approach to reintegration: identify protection and risk factors at the micro, meso (focus on families and communities), and macro levels (as well as their interconnectedness) and address them through appropriate interventions;
- Identify lessons-learned in other areas of intervention (including, inter alia, reintegration of child victims of trafficking, reintegration of child soldiers, desistance from violence of children formerly associated with gangs) and assess their relevance in this context;
- Develop and adopt multidisciplinary and coordinated approaches to reintegration;
- Apply a child- and gender-sensitive approach to reintegration planning and implementation, taking into account the enhanced risks of rejection and stigmatization of girls;
- Include a strong learning component in programme planning and implementation, focusing on appropriate monitoring and evaluation; and
- Address efforts to raise appropriate resources to ensure sustainability of reintegration efforts.

Rehabilitation and reintegration programmes for children affected by the FTFs phenomenon

The different components of rehabilitation and reintegration programmes should take into account, and be adapted to, the specific circumstances of the child. In this light, children affected by the FTFs phenomenon may be exposed to specific risks and/or require specialized interventions. In this context, the following considerations are especially relevant:

- It should be ensured that Member States, under no circumstances, by act or omission, implement policies that effectively render children stateless. In this regard, it is important that Member States accept children born of their nationals, grant them nationality and take proactive actions to prevent statelessness;
- Under international human rights law, children have the right to return to their country and limitations on this right must be lawful, pursuant to a legitimate aim, as well as necessary and proportionate;

Key to the design of effective rehabilitation and reintegration programmes are the following components:

- **Individual assessments** of the child as a basis of individual reintegration plans, with a strong focus on child participation in the process;
- Public intervention to support **demobilization and release** from the group (where relevant);
- **Interim care** and immediate assistance in the post-release phase;
- Access to appropriate services, including **mental health and psychosocial support**, with a focus on trauma-informed care as a key component of reintegration efforts;
- A combination of interventions aimed at supporting **positive life skills** of the child victims while also addressing the attitudes and concerns of communities to prevent re-victimization;
- Investment in **peacebuilding and reconciliation** efforts;
- Promotion of the **safe return to families** and communities (where appropriate, and on the basis of individualized assessments);
- Elaboration of interventions to address **disengagement from violence** (if and where appropriate);
- Specific **support to be provided to children without parental care**, including unaccompanied and separated children; and
- Appropriate **support to practitioners**, including a focus on safety and security issues which may arise when dealing with these children.

- Involvement of the media in reintegration efforts (where appropriate), must be set according to guidelines on child-sensitive approaches to reporting and broadcasting, and where appropriate, by personnel with appropriate training; and
- Specific efforts should be addressed for the rehabilitation and reintegration of children affected by the FTFs phenomenon, including through enhanced international cooperation, as per UN Security Council Resolutions 2178⁷ and 2396.⁸

⁷ United Nations Security Council, Security Council Resolution 2178 (2014), adopted by the Security Council on 24 December 2014 (S/RES/2178).

⁸ United Nations Security Council, Security Council Resolution 2396 (2017), adopted by the Security Council on 21 December 2017 (S/RES/2396).

5. Guidance for Effective Justice for Children in the Context of Counter-Terrorism

Specialized Justice System for Children

Ensuring that there is an **effective justice system for children** in the context of counter-terrorism is vital in the prevailing global situation. The specialized justice system for children has the **dual role of protecting, respecting, and fulfilling child rights and preserving public safety**, and as such, it is the appropriate forum to deal with child alleged offenders, and not the counter-terrorism or military systems.

When a child is in contact with the justice system, all actors working in this area should **consider and treat the child primarily as a victim** of recruitment for the purposes of exploitation, or use by terrorist and violent extremist groups in different functions, and ensure that the child has access to a justice process, and where possible, is able to receive reparations to aid and achieve redress, reintegration and recovery. Good knowledge and implementation of the international legal framework as it pertains to the rights of child victims of recruitment is essential and must be based on international human rights law, international humanitarian law, international criminal law and the counter-terrorism framework.

Efforts should be addressed to **prevent instances of secondary victimization¹⁰** of children alleged as, accused of, or recognized as having committed terrorism-related offences.

The justice system is responsible for ensuring that **any action taken against a child alleged as, accused of, or recognized as having committed terrorism-related offences has the objective of promoting his or her rehabilitation and social reintegration**. In order to effectively promote the rehabilitation and reintegration of these children, the justice system should operate in **close coordination and cooperation with other systems** (i.e. the child protection, education and health systems).

In line with the Convention on the Rights of the Child, throughout any justice proceedings concerning a child alleged offender, the following key principles must always apply: **the right to non-discrimination; the best interests of the child; the right to life, survival and development; and the right to participate and be heard**.

Actors working in this area should recognize the importance of adopting **child- and gender-sensitive approaches**, and that particular attention should be dedicated to responding to the needs of girl victims of sexual exploitation, forced marriage and other forms of sexual and gender-based violence (SGBV), while remaining alert to the possibility that boys can also be victims of sexual violence. At the same time, actors must be careful not to be misled by gender stereotypes regarding the roles and agency of girls.

Minimum standards in operation

Given the vulnerability of children in general, and especially children recruited and exploited by terrorist and violent extremist groups, the following minimum standards must always apply:

- Children must not be detained, investigated or prosecuted for crimes or alleged crimes committed by others, including their family members;
- When a child is prosecuted for terrorism-related offences in accordance with national law, due **process guarantees must apply** and proceedings must be carried out in a **child-sensitive manner**, without undue delay, and involve specially trained juvenile justice professionals;
- Trials involving children alleged as, or accused of, or recognized as having been involved in terrorism-related offences must also abide by **internationally recognised minimum guarantees to a fair trial**, including: the presumption of innocence; the right to be informed promptly and directly of the charges against him or her; the right to legal counsel and legal aid; the right to assistance of his or her parents or legal guardians; the right to be heard; the right not to be compelled to give testimony or confess guilt; the right to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality; the right to free assistance of an interpreter if the child cannot understand or speak the language used; and, if recognized as having committed a terrorism-related offence or offence against national security, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law.¹¹ Such guarantees shall apply from the first contact of the child with national authorities, and for the entire duration of the proceeding without exception;
- Where there is reasonable doubt as to the age of the individual and where other approaches, including, but non-exhaustive of, interviews and attempts to gather documentary evidence, have failed to establish the age of the person, a medical **age assessment** should be used only as a **measure of last resort**;
- **Prohibiting the use of torture** and inhuman and degrading treatment, especially for children, and noting that, in accordance with the Convention on the Rights of the Child and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, evidence obtained through torture must always be inadmissible; and
- Given the stigma attached to terrorism and children alleged as, accused of, or recognized as having been involved in terrorism-related offences, media or other coverage of proceedings must **respect the right to privacy and confidentiality of the children**, whether as victims, witnesses or alleged offenders.



6. Conclusion

Strengthening justice for children in the context of counter-terrorism

Interventions aimed at strengthening justice for children in the context of counter-terrorism may include:

- **In-depth situation analysis** with a view to understanding the context in which recruitment takes place and the push and pull factors that operate.
- **Strengthening the specialization of laws, procedures, institutions and actors** dealing with any child alleged as, accused of, or recognized as having infringed the penal law, including terrorism-related offences.
- Promoting the use of prosecution as a measure of last resort.
- Ensuring adherence to the minimum age of criminal responsibility threshold and preventing the lowering of it on the basis of gravity of the offence.
- Promoting alternative measures to judicial proceedings (diversion) at all stages of the justice process.
- Ensuring that the arrest, detention or imprisonment of a child is in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. Children should not be detained by military authorities. In situations where children are detained by military authorities, policies and procedures should be in place to ensure age-appropriate protections as well as a timely handover to civilian authorities at the earliest possible instance.
- **Protecting against the use of exceptional detention regimes**, especially where national legislation allows for administrative detention on security grounds, preventive detention on grounds of terrorism or national security related risks, extended police custody without charge, or any other analogous exception to the ordinary grounds and delays for detention, such exceptional detention regimes shall not, under any circumstances, be applicable in the case of children allegedly associated with violent extremist or terrorist groups, even in cases where such exceptional detention regimes might be lawfully applicable to adults.
- **Protecting children in detention**, both girls and boys, against violence.
- **Ensuring that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person**, and in a manner, which takes into account the needs of persons of his or her age. Every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances. Any decision to derogate from these standards shall be subject to regular judicial review. Children deprived of their liberty have the right to receive adequate medical care, education suited to their needs, vocational training, and the opportunity to perform remunerated labour. Girls deprived of their liberty should be separated from boys and require specific attention to address their specific needs.¹²
- Recognizing the relevance of **monitoring mechanisms** in places of detention.
- Ensuring respect of the rights of children during **adjudicatory phases**, including through remedial mechanisms (national and international level).
- Adhering to the following principles regarding disposition/sentencing: **neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age**. Any actions taken shall always be in proportion, not only to the circumstances and needs of the child and society. Any sentence must promote the reintegration of the child and his or her assumption of a constructive role in society.

The Roadmap sets out guidance on key aspects of preventative, rehabilitative, reintegrative and justice strategies and measures aimed to overcome the challenges related to child recruitment and exploitation by terrorist and violent extremist groups.

Effective and sustainable programmes should include the following mutually reinforcing components:

- **Reliable data and information** on the root causes, extent and nature of the problem;
- **Sound legal and policy frameworks**, in line with international law, that legitimize the necessary protection of children and society from the threats associated with terrorism;
- **Service and Service Delivery Mechanisms** that respond to the needs and situation of children at-risk or associated with terrorist and violent extremist groups;
- **Human Resources** are competent and skilled to ensure that all actors in charge of dealing with this phenomenon have the capacity to respond to the needs and protect the rights of all children;
- **Communication and Advocacy** strategies to ensure the necessary engagement of civil society and media in supporting positive change;
- **Children's Knowledge and Participation** to ensure that children are actors in their own protection through the use of knowledge of their rights, and ways to avoid and respond to risks;
- **Coordination and collaboration** between State and non-State actors in charge of protecting the rights of children and preserving public safety;
- **Monitoring and evaluation** in order to test and assess programme effectiveness, make a case to change programme inputs, justify continued financial and political support as well as provide feedback at all levels.

UNODC's Role

The mission of UNODC is to contribute to the achievement of security and justice for all by making the world safer from crime, drugs, and terrorism. UNODC has the mandate to support Member States in preventing and responding to violence against children in the field of crime prevention and criminal justice, and ensuring that children are well served and protected when in contact with the justice system as victims, witnesses or alleged offenders.¹³ In the field of terrorism prevention, UNODC is also mandated to assist Member States in developing and maintaining effective and rule of law-based criminal justice responses to terrorism.¹⁴

Given its mandates and expertise, UNODC expresses its readiness to support requesting Member States, upon availability of resources and through its Global Programme to end Violence against Children, in their efforts to prevent and respond to violence against children committed by terrorist and violent extremist groups.

9 In line with Guideline 35 of ECOSOC Resolution 2005/20 (United Nations Economic and Social Council, Resolution 2005/20: Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime).

10 Secondary victimization "refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim." UNODC, Handbook on Justice for Victims: On the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (New York, 1999), p.9.

11 In line with article 40 (2) of the Convention on the Rights of the Child (CRC) (United Nations, Treaty Series, vol. 1577 3).

12 In line with article 37 of the CRC; Beijing Rule 26 (United Nations General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), adopted by the General Assembly on 29 November 1985 (A/RES/40/33)) and Havana Rules 38-46 and 49 (United Nations General Assembly, United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), adopted by the General Assembly on 14 December 1990 (A/RES/45/113)).

13 The mandates and role of UNODC in providing assistance in the areas of justice for children and violence against children have been reaffirmed throughout the years by Resolutions of the General Assembly (GA), the Economic and Social Council (ECOSOC), and the Human Rights Council (HRC). In particular, GA Resolutions 62/158 of 18 December 2007, 63/241 of 24 December 2008, 65/213 of 21 December 2010 and 69/194 of 18 December 2014, ECOSOC Resolutions 2007/23 of 26 July 2007 and 2009/26 of 30 July 2009, and HRC Resolutions 7/29 of 28 March 2008, 10/2 of 25 March 2009, and 18/12 of 29 September 2011.

14 United Nations Global Counter-Terrorism Strategy (A/RES/60/288).



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