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Commission on Crime Prevention and Criminal Justice

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Agenda item 6 (c)

Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: ratification and implementation of the international instruments to prevent and combat terrorism

Australia, Austria, Bulgaria, Croatia, Dominican Republic, France, Germany, Indonesia, Italy, Malta, Morocco, Philippines, Romania and Slovenia: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following revised draft resolution:

Treatment of children associated with terrorist groups*, including children who are recruited and exploited by those groups

The Economic and Social Council,

**Footnote:* In the context of the present resolution, the term “associated with terrorist groups” has *no internationally agreed definition and* therefore national definitions can encompass a range of degrees of association or affiliation with terrorist groups, and should be interpreted according to domestic law],

Recalling the Universal Declaration of Human Rights,¹ the International Covenant on Economic, Social and Cultural Rights,² the International Covenant on Civil and Political Rights,³ the Convention on the Rights of the Child⁴ and all other relevant international and regional treaties,

Recalling also the United Nations standards and norms in crime prevention and criminal justice, in particular those relating to juvenile justice,⁵

¹ General Assembly resolution 217 A (III).

² General Assembly resolution 2200 A (XXI), annex.

³ Ibid.

⁴ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁵ The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Guidelines for Action on Children in the Criminal Justice System, the Guidelines on

Underlining the importance of the implementation of the 2030 Agenda for Sustainable Development,⁶ and recognizing that a strong focus is needed on combating poverty, deprivation, inequality and discrimination in all its forms, including when they are present simultaneously, to protect children from the scourge of terrorism and to promote the resilience of children, their families and their communities, and the importance of promoting education for all and peaceful and inclusive societies for sustainable development,

Recognizing that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace, security and sustainable development, and that children are severely affected by this phenomenon,

Reaffirming that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, at threatening territorial integrity and the security of States and at destabilizing legitimately constituted Governments, and that the international community should take the steps necessary to enhance cooperation to prevent and combat terrorism in a decisive, unified, coordinated, inclusive and transparent manner,

Reaffirming also that Member States must ensure that any measures taken to counter terrorism comply with all their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, underscoring that respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing with effective counter-terrorism measures and are an essential part of a successful counter-terrorism effort, noting the importance of respect for the rule of law so as to effectively prevent and combat terrorism, and noting also that failure to comply with these and other international obligations, including under the Charter of the United Nations, is one of the factors contributing to increased radicalization to violence and fosters a sense of impunity,

Recognizing that terrorism and violent extremism conducive to terrorism have a detrimental effect on the full enjoyment of human rights and fundamental freedoms and impede the full enjoyment of political, civil, economic, social and cultural rights, and that they pose a threat to the territorial integrity and security of States, to the stability of Governments, to the rule of law and democracy and, ultimately, to the functioning of societies and international peace and security,

Recognizing also that it is the primary responsibility of States to protect children from the threats associated with terrorism, in accordance with relevant applicable domestic and international law, taking into account relevant provisions in the existing United Nations standards and norms in crime prevention and criminal justice relating to the rights of the child, including the child's best interests, and recognizing the role of child protection agencies, the health, education and social sectors, civil society, including community-based organizations, and families in creating a protective environment and preventing and responding to incidents of violence and abuse against children,

Justice in Matters involving Child Victims and Witnesses of Crime, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the Guidelines for the Prevention of Crime, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the guidelines for cooperation and technical assistance in the field of urban crime prevention, the Code of Conduct for Law Enforcement Officials, the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

⁶ General Assembly resolution 70/1.

Strongly condemning the systematic recruitment and use of children to perpetrate terrorist attacks, as well as the violations and abuses committed by terrorist groups against children in all circumstances, including killing and maiming, abduction and rape and other forms of sexual violence, noting that such violations and abuses may amount to war crimes or crimes against humanity, urging Member States to comply with the applicable obligations under the Convention on the Rights of the Child, and emphasizing the importance of accountability for such abuses and violations,

Concerned about the serious physical and psychosocial consequences of various forms of violence and crime, including terrorism, for the victims, especially child victims,

Mindful of the fact that child victims and witnesses of crime, including child victims of terrorism, require special protection, assistance and support appropriate to their age, gender, level of maturity and individual special needs in order to prevent additional hardship and revictimization as a result of their participation in the criminal justice process,

Noting the efforts of some States to repatriate their nationals, including children associated with terrorist groups, and to ensure their subsequent rehabilitation and reintegration,

Noting with appreciation the collaboration and synergies between the United Nations Office on Drugs and Crime, other relevant United Nations entities and the International Criminal Police Organization (INTERPOL), within their respective mandates, aimed at harnessing the capabilities and strengths of those organizations to enhance the protection and welfare of children associated with terrorist groups, including children recruited and exploited by those groups,

Welcoming the work of the United Nations Office on Drugs and Crime on the issue of children affected by terrorism, including on the prevention of the involvement of children with terrorist groups and on the rehabilitation and reintegration of those children, including children associated with foreign terrorist fighters, and taking note of the *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: the Role of the Justice System*, its three related training manuals and the road map on the treatment of children associated with terrorist and violent extremist groups developed by the Office,

1. *Urges* Member States to prevent and prohibit all forms of child recruitment and exploitation by terrorist groups, in accordance with their domestic law and consistent with their obligations under applicable international law, by adopting or strengthening relevant provisions, including through criminalization;

2. *Calls upon* Member States to develop or strengthen, as appropriate, measures to prevent the recruitment and exploitation of children by terrorist groups as a priority, with a view to effectively protecting children and society as a whole from future violence and promoting and protecting the rights of the child;

3. *Also calls upon* Member States to recognize, in accordance with their domestic law, that children recruited and exploited by terrorist groups have been victimized and children otherwise associated with terrorist groups may also be victims or witnesses, and all should be treated as children and in a way that takes into account their best interests as a primary consideration, that promotes their physical and psychosocial recovery and reintegration and that fosters their health, well-being, self-respect and dignity through age- and gender-sensitive approaches and stresses, that recognition of victim status may not exclude criminal liability and other forms of accountability of children alleged to have committed terrorist, criminal and other offenses, and does not exclude potential prosecution of such crimes in accordance with domestic law;

4. *Encourages* Member States to provide appropriate support to children associated with terrorist groups, including children recruited and exploited by those

groups, in particular rehabilitation and reintegration support, including to children who have returned following repatriation in accordance with domestic law and on a case by case basis, and in line with the child's best interests;

5. *Requests* the United Nations Office on Drugs and Crime, within its mandate and subject to the availability of extrabudgetary resources, to continue to assist Member States, upon request, in the repatriation, rehabilitation and reintegration of children formerly associated with terrorist groups, including, as appropriate, in cooperation with other United Nations Global Counter-Terrorism Coordination Compact entities and its Secretariat*;

* *Footnote:* The United Nations Office on Counter-Terrorism serves as Secretariat of the United Nations Global Counter-Terrorism Coordination Compact and works together with entities listed in <https://www.un.org/counterterrorism/global-ct-compact/entities> , and especially with UNICEF on children-related issues.

6. *Urges* Member States, in accordance with domestic law and consistent with their obligations under international law, to take measures to ensure that children formerly associated with terrorist groups, including children exploited or recruited by those groups, and who are in contact with the justice system or other national authorities, are treated according to specific safeguards and in a way that prevents further victimization and is conducive to promoting their rehabilitation and reintegration; (agreed in COW)

7. *Encourages* Member States to share information on organized criminal and terrorist groups through bilateral and multilateral platforms such as the International Criminal Police Organization and to make best use of its policing capabilities, tools, resources and expertise in order to prevent and to counter the recruitment and exploitation of children by terrorist groups;

8. *Requests* the United Nations Office on Drugs and Crime, within its mandate, in close consultation with relevant United Nations offices responsible for the protection of children, within their respective mandates, to convene an intergovernmental expert group meeting, with interpretation into all official languages of the United Nations, subject to the availability of extrabudgetary resources, to share good practices and case studies and identify gaps and challenges relating to children associated with terrorist groups, with a view to developing principles and guidelines, including in child-friendly and accessible formats, that can serve as tools for Member States in the treatment of these children, and to report on the results of that meeting to the Commission on Crime Prevention and Criminal Justice at its session following the conclusion of the intergovernmental expert group meeting;

9. *Requests* the intergovernmental expert group, in the context of its meeting, to take into consideration relevant materials created by United Nations Global Counter-Terrorism Coordination Compact entities, including the UNODC Roadmap on the Treatment of Children Associated with Terrorist and Violent Extremist Groups, current developments and research, and seeking the views of children;

10. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes outlined in the present resolution, in accordance with the rules and procedures of the United Nations.