



Resolution 2321 (2020)¹

Provisional version

International obligations concerning the repatriation of children from war and conflict zones

Parliamentary Assembly

1. The Parliamentary Assembly is appalled by the dire situation of the children in Syria and Iraq whose parents, believed to be affiliated to ISIS/*Daesh*, are citizens of Council of Europe member States. Most of these children are below the age of 12, stranded in squalid camps and detention centres, lacking food, shelter from the elements, access to clean water, medical services and education. They are exposed to risks of endemic violence, exploitation and sexual abuse, trafficking, harassment, as well as radicalisation risks. Girls are especially vulnerable and a gender-sensitive approach and policies must be ensured throughout to mitigate risks and exposure. Many of the children are unaccompanied and/or orphans. With every day passing, more children's lives will be lost or ruined unless the member States concerned act without further delay.
2. The Assembly acknowledges the significant difficulties and challenges national authorities face in their efforts to repatriate these children, as well as the existence of highly polarised opinions within Council of Europe member States on the question of repatriation of these children. The Assembly underlines that these children are neither responsible for the actions of their parents nor do they bear responsibility for the circumstances in which they find themselves. In addition, as stipulated by the United Nations Convention on the Rights of the Child (UNCRC), the Assembly underlines that children are rights holders in their own capacity and hence their rights cannot be undermined by the actions of their parents.
3. The Assembly recalls that all Council of Europe member States have ratified the UNCRC, as well as other relevant Conventions, and have thus undertaken to protect all children and to take all possible steps in practice to ensure that children affected by armed conflict benefit from protection and care. The United Nations, its Security Council and its Agencies have all recalled that children whose parents are believed to have been affiliated to ISIS/*Daesh* should be considered victims first and foremost.
4. The Assembly underlines that the UNCRC clearly stipulates that a child should not be separated from their parents against their will, unless such separation is necessary for the best interest of the child. Continuing to stay in camps or detention facilities cannot be considered to be in the best interest of the child.
5. The Assembly reminds member States of their obligations and commitments to these children stemming from international and European human rights and humanitarian law, which include, but are not limited to, protection of the right to life, the right to be free of inhumane treatment, protection from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, protection from statelessness, as well as the need to give primary consideration to their best interests in all circumstances. States are also obliged to set up 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, and take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

1. *Assembly debate* on 30 January 2020 (7th Sitting) (see [Doc. 15055](#), report of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Stefan Schennach). *Text adopted by the Assembly* on 30 January 2020 (7th Sitting).

See also [Recommendation 2169 \(2020\)](#).



6. In the light of the above, the Assembly is convinced that actively repatriating, rehabilitating and (re-)integrating these children without further delay is a human rights obligation and a humanitarian duty. Integrating a child-rights perspective into counter-terrorism efforts is not only a human rights imperative but would also constitute an essential contribution towards the national security of the countries concerned.

7. The Assembly calls on the media to ensure that media coverage does not place children at risk of physical or psychological harm. Media, publication standards, codes of conduct and other safeguards should be implemented to prevent placing children at risk, violating confidentiality standards and otherwise causing harm to the children or their families, as underlined by the Paris Principles and Guidelines on children associated with armed forces or armed groups.

8. To this end, the Assembly urges member States to:

8.1. with respect to repatriation:

8.1.1. take all necessary measures to ensure immediate repatriation of all children whose parents, believed to be affiliated to *ISIS/Daesh*, are citizens of their State, regardless of their age or degree of involvement in the conflict;

8.1.2. repatriate children together with their mothers or primary care givers, unless it is not in the best interest of the child;

8.1.3. avoid taking measures which could result in a child becoming stateless, including by ensuring that every child is registered;

8.1.4. provide urgent assistance to all children in the camps and detention centres in Syria and Iraq with a view to alleviating the humanitarian crisis in these facilities, and to delivering sustainable care and protection to all child victims regardless of their nationality;

8.1.5. raise public awareness of the situation of the children concerned, based on reliable data, with a view to alleviating public concerns related to national security;

8.2. with respect to rehabilitation and (re-)integration:

8.2.1. take all necessary measures to ensure the effective rehabilitation and (re-)integration of all returnee children whose parents, believed to be affiliated to *ISIS/Daesh*, are citizens of their State;

8.2.2. first and foremost, take all appropriate measures to promote physical and psychological recovery and social reintegration of these children, regardless of their age or degree of involvement in the conflict;

8.2.3. where children are suspected of having committed criminal acts, adhere to due process and fair trial standards, including the presumption of innocence and the right to an appeal, with the appropriate consideration for age and gender, conforming to child-protection and child-friendly justice standards; if possible, divert children from such criminal proceedings altogether.

9. The Assembly urges the European Union to embed a human-rights approach and children's rights perspective in its counter-terrorism efforts. This perspective must be at the heart of the policy of 'promoting the European way of life', protecting European citizens and values and enabling the emergence of a society that is more resilient to terrorism and radicalism. The Assembly encourages the European Union to continue its support for those involved in the rehabilitation and (re-)integration of repatriated children (justice, social services, local governments, universities, civil society, etc.) and invites it to share the results and lessons learned with all Council of Europe member States.