

SPECIAL REPORT

The Return of Children from Camps in Northeast Syria





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COVER: Children attend class at a makeshift school for internally displaced Syrians (Aaref Watad / AFP via Getty)

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Europe Struggles with the Dilemmas of Repatriating Children Detained in Syria

Despite the moral, ethical, and legal imperatives, European minors whose families joined the Islamic State remain in squalid detention facilities, held without charge, and with limited prospects of return.

A unified approach is the most important step Europe could take to end the detention of European children taken to Syria when their parents joined the Islamic State.

Introduction

The Syrian Democratic Forces (SDF), the Kurdish militia backed by a United States-led global coalition, in March 2019 drove the Islamic State out of the territories in Northeast Syria it had controlled since 2013.¹ After it reclaimed the region, the SDF indefinitely detained without charge an estimated 64,000 women and children accused of having links to the Islamic State. Among those held in the al-Hol and al-Roj camps, as well as in prisons in Northeast Syria, include thousands of Europeans.² An estimated, 60% of the camps' detainees are children younger than 18; 80% of those are younger than 12; and a further 30 percent are 5 or younger.³ An estimate by Human Rights Watch (HRW) suggests that two-thirds of the foreign children held are younger than 12, with most under the age of 5.⁴ The camps and detention centers also hold children who grew up in them but are older than 18 and considered adults.

Numerous human rights groups have sounded the alarm over conditions in the camps, repeatedly described as "inhumane and even

life-threatening,"⁵ particularly for children. The detention of children in Northeast Syria poses moral, humanitarian, and legal dilemmas for most European countries. International, humanitarian, and human rights organizations have called for the end of what a U.N. expert termed the "indefinite mass detention without legal process ... especially for children."⁶ Despite these threats to human and children's rights that are the foundation of European states, many countries have continued to adopt an uncoordinated, piecemeal approach to repatriation, including in some cases, a case-by-case approach.

There is currently no common European repatriation policy for the children and women detained in Northeast Syria.⁷ Each country has its own strategy, nationally set security concerns, criteria for repatriation, and processes to enable it. These diverge significantly and may have varying outcomes for returnees. These divergent and uncoordinated approaches have significantly delayed repatriation. The delays can be attributed in part to fear of public retaliation to



Christine Morin poses at her home in Narbonne, France, with a photograph of son Thomas, who joined the Islamic State in 2015. She calls for the repatriation of all children of French followers of the militant group. (Anas Alkharbouti / picture alliance via Getty Images)

such returns as well as to priorities over cost and rehabilitation, and a lack of clarity from European judiciaries over the possibility of the adequate prosecution of crimes committed abroad.

A unified European approach is key to managing challenges linked to the repatriation of children from Northeast Syria. A Europe-wide policy would offer protection for those seeking repatriation, as it would no longer be a political debate based on specific countries' interests but a consensus on which European countries can be held accountable. A unified policy would include measures to better support vulnerable children and women in the camps, channels to facilitate





repatriation, and the deliverance of fair justice.

Examples of best practices from among national European repatriation policies can be used to craft a unified EU policy on the repatriation and reintegration of minors based on a study of effectiveness, compliance with humanitarian guidelines, and security concerns. According to Sylvie Guillaume, a member of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament: “There are some good practice exchanges – but at this point, we need exchanges on good practice repatriations. Currently we don’t have a sense of some formulas being better than others.”

This report will provide an overview of the existing EU position on the repatriation of children from Northeast Syria. It will also put forward recommendations for a unified EU policy on the repatriation and reintegration of minors based on examples of best practices from among current approaches.

Context: Alarming living conditions for children in Northeast Syria for whom repatriation is the only lawful solution

Critical humanitarian needs for children in Northeast Syria

Groups in the European Parliament and international actors have

repeatedly sounded the alarm over the dire living conditions for children living in camps and detention centers in Northeast Syria. The U.N. special rapporteur advocating for states of nationality has repeatedly raised concerns over the conditions in the camps, urging states to take action to “prevent harms to their nationals who are detained.”⁸ This includes providing the necessary resources to pay for urgent humanitarian aid to improve access to food, water, medical supplies, and education, and to improve security conditions for children.

Aerial view of flooded tent settlements in Idlib, Syria, on Oct. 2, 2023. (Izettin Kasim / Anadolu Agency via Getty Images)





Food, electricity, and water shortages

Children in the camps and detention centers are often in alarmingly poor health and have physical disabilities.⁹ The health conditions in the camps and centers have deteriorated over the years. Camp residents must contend with poor sanitary conditions, a lack of access to electricity, and water unsuitable for drinking, resulting in waterborne diseases.¹⁰ Fresh food is scarce, and children rely on aid distribution. Detainees in the centers do not have access to nutritious and appropriate food, creating a malnutrition crisis.¹¹ To exacerbate this difficult health situation, the camps and detention centers are grappling with measles and tuberculosis outbreaks. As such, the special rapporteur raised concerns over the lack of medication and sanitary measures put in place to prevent and address disease outbreaks in detention centers.¹²

In addition to the physical health crisis, the children face a severe mental health crisis. An entire generation of children – now teenagers – has grown up amid the backdrop of war and displacement, compounded by the recent experiences of abuse and coercion into acts of violence.¹³ A January project update by Médecins Sans Frontières (MSF) raised serious concerns around the mental health of the long-term residents of the camps. The report notes that children in the al-Hol camp suffer from not only physical wounds but also from mental distress. Yet a lack of facilities and

services and stigmatization prevent children from having access to the appropriate care.¹⁴

These living conditions are worsened by limited access to humanitarian aid. Water and food are shipped into the camps by external providers, such as the World Food Programme and other international organizations. Yet access to aid has been constrained by restrictions imposed on humanitarian agencies, whose access to the camps and detention centers have been limited.

Lack of education

Children in the camps and detention centers do not have reliable access to education. Those who do have access, whether formal or nonformal, have their learning frequently disrupted by violence. The education centers in the camps lack funding to maintain facilities and pay teachers. The economic hardship, violence, and lack of protective services for children are also barriers to education. In the detention centers, children have no access to learning materials, and their time with teachers is limited. This has created a learning loss affecting an entire generation of children.

Human rights groups have repeatedly expressed concerns about the long-term detention of the children in the camps without access to education and their exposure to extremist ideology, which could impact the children negatively. “These people have experienced war and displacement and have been in contact with active ISIS members and families

inside Al-Hol Camp for long periods of time,” wrote Ouafae Sandi of the U.N. Relief Programme Iraq in a 2022 report. “They may have been influenced by extremist ideas or subjected to campaigns of polarization and recruitment. The repercussions may emerge in the future, especially for women and children.”¹⁵

Violence and security in the camps with no safe space for children

Deteriorating internal security conditions in the camps and detention centers, which do not provide safe spaces for children, have made them increasingly dangerous, with detainees and refugees, including Islamic State supporters, launching attacks against fellow detainees, refugees, camp authorities, and aid workers.¹⁶ Additionally, the facilities are in unstable and conflict-prone areas vulnerable to attack from outside forces, including airstrikes like one in November 2022, when a Turkish strike hit a camp and a prison.¹⁷ One U.N. monitor reported that 90 people had been murdered in al-Hol in 2021, and another 42 from January to mid-November 2022.¹⁸ In addition, the U.N. special rapporteur’s account of her visit to Northeast Syria highlights the camps’ insecurity, with reports of violence, including murder, physical harm, and sexual assaults. These acts of violence occur in the camp with no accountability or prosecution.¹⁹

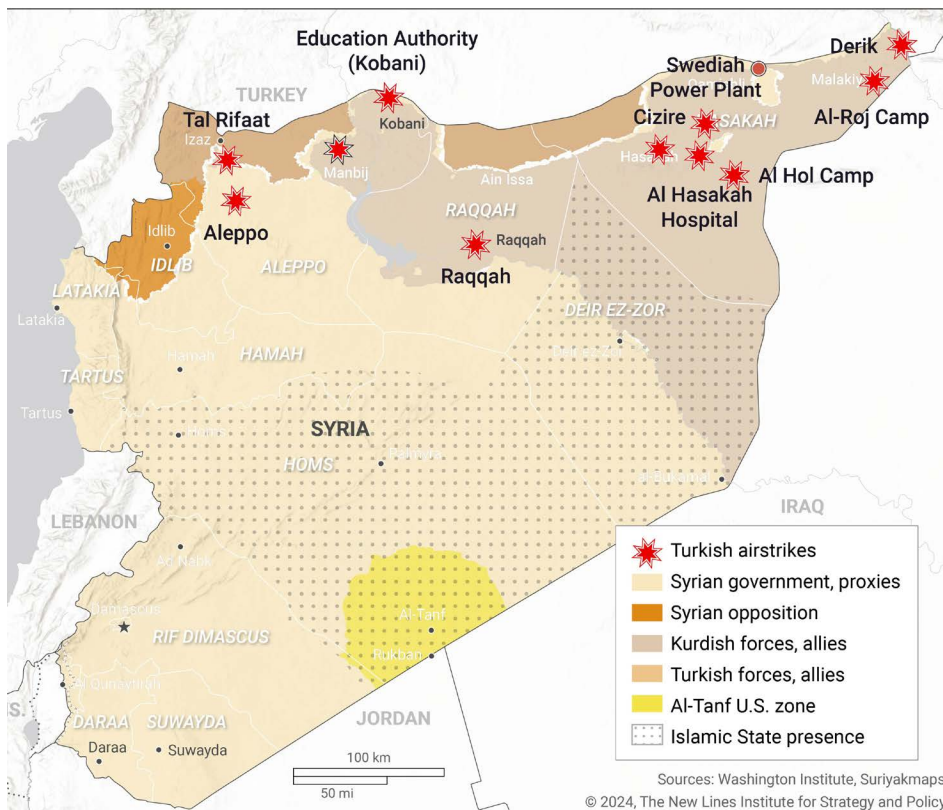
The security conditions in the detention centers are equally alarming. Children younger than 13 are often transferred to the





Turkey's Oct. 5-8, 2023, Airstrikes

Strikes near proximity to Syrian refugee camps



centers with their mothers, staying in prison or in heavily guarded day care centers within the prison with restricted access to outdoor activities.²⁰ These children are often mixed in with adults in overcrowded facilities that have no arrangements for children, a violation of international law stipulating that children should be held in separate facilities adapted to their needs and away from the dangers posed by adult detainees. The insecurity faced by children is compounded by the lack of reporting mechanisms or safe spaces for them

The insecure conditions raise concerns about specific adverse gender-based effects on women and girls held there, most of whom

are also caring for young children. They are at higher risk of gender-based violence and trafficking.

A 2020 Council of Europe report found that children in the camps face physical, psychological, and sexual violence, and they are at risk of trafficking, exploitation, harassment, and violent indoctrination to Islamic State ideology.²¹ A 2022 World Vision report²² found that 34% of children in the camps said they had experienced at least one form of violence, with 9% saying the abuse was sexual in nature. Another 32% were married at an early age (younger than 18), and 58% of boys and 49% of girls reported being involved in child labor. More than four in five

children said they needed safe spaces and protection.²³ Faced with the lack of safe spaces, women reportedly have been hiding children in tents and limiting their outdoor activities.²⁴ An MSF report stated that “for those who have experienced traumatic events, such as violence and displacement, the camp has only exacerbated their anguish. The symptoms of post-traumatic stress disorder, depression, and anxiety loom large over the camp, casting a shadow over the mental well-being of its residents.”²⁵

Repatriation and right to return as the only solution compliant with international law

In addition to a looming humanitarian crisis, the living conditions of the children in Northeast Syria are in absolute breach of international law. Several international stakeholders have advocated for repatriation as the only solution that is compliant with international law and treaties. These children face mass, indefinite, arbitrary detention because of the claimed risk they pose to their home countries’ national security based on their parents’ alleged previous links to the Islamic State.²⁶ In Northeast Syria, these children do not have access to legal processes, as no individual legal determination has been made for most of them.²⁷

Among human rights monitors and U.N. observers, concern for the boys who reach adolescence in the camps is growing. HRW reports²⁸ a clear pattern/policy of separation that is in breach of international law. Many foreign boys living in





Yasmin, center, is a 4-year-old girl with Belgian nationality. She was delivered to the Turkish government before being transferred to the Belgian embassy. (Anas Alkharbouti/picture alliance via Getty Images)



the camps and approaching their teenage years, some as young as 10 or 12, are forcibly and without warning transferred to “rehabilitation centers” that equate to confinement camps, or to adult military prisons.²⁹ Authorities often justify these transfers as a measure of protection over concerns that the child has remaining allegiance to the Islamic State. After they are removed from the camps, the boys are prevented from contacting their mothers and siblings.³⁰ These boys are denied access to legal systems, and there appears to be no plan for them once they age out of the detention centers but prison, particularly for third-country nationals.³¹

Indefinite detention such as this breaches Articles 7, 9, 10, 14 and 24 of the International Covenant on Civil and Political Rights (ICCPR), Articles 37 and 40 of the Convention on the Rights of the Child (CRC) and Articles 2 and 16 of the Convention Against Torture (CAT). According to these articles, any child, without discrimination, has fundamental undeniable rights that must be respected during armed conflict, including terrorism and counterterrorism activities.³²

The shortcomings of local prosecution for children in Northeast Syria

To address the violations of international law and the dire conditions of children in Northeast

Syria, European states have in some instances chosen to leave their citizens in the camps and rely on local prosecution. This approach has been adopted based on the assumption that local authorities have more direct access to evidence and witnesses. This approach has also been adopted to avoid the costs linked to these complex prosecutions.³³

However, in Syria, the detained women and children have not and are not likely to stand trial to get a finite detention sentence. The SDF is the official military wing of the Autonomous Administration of North and East Syria, and it is not a state entity with the capacity or will to try them. In fact, the Kurdish administration has





“ Without options for a robust local prosecution, some European actors have argued that the only viable solution to protect children in Northeast Syria is by applying the right to return and fulfilling the obligation of repatriation. ”

repeatedly declared it does not intend to prosecute the detainees, instead shifting the responsibility to European countries, urging them to repatriate their citizens.³⁴

Critics note that even if local prosecutions took place, it is unlikely that fair trials following international standards would take place.³⁵ In addition, it is unlikely that local prosecution would provide an adequate solution for the children held in camps, detention centers, or prisons. Impartial observers note that fair and transparent trials, in conformity with the ICCPR, may not be available to the women and children held in prisons or in the al-Hol and al-Roj camps due to a lack of evidence. Obtaining such evidence would require significant material and human resources, but the international community has shown limited interest in or support for finding resources for that purpose. The difficulty of prosecuting detainees in Northeast Syria would mirror the challenges the Iraqi government has faced in leveraging resources to prosecute male Islamic State fighters.³⁶ In sum, local authorities would struggle to prosecute all the inhabitants of the camps or detainees. The slow pace of current trials has caused concerns among human rights groups that detained women and children

would likely remain imprisoned indefinitely, without access to the basic rights of freedom, education, and health care.

The legal obligation for repatriation and right to return in European countries

Without options for a robust local prosecution, some European actors have argued that the only viable solution to protect children in Northeast Syria is by applying the right to return and fulfilling the obligation of repatriation.

The conditions that European children endure in the camps and detention centers have been compounded by the fact that many of their home countries have refused to take them back, leaving them with no other future than indefinite detention in dire conditions. Some countries, including Denmark, France, and the United Kingdom, have even explored stripping them of their nationalities as a way to prevent their return. These decisions are often based on a risk management assessment that passed from counterterrorism policing to immigration powers.

However, these decisions are often in breach of international laws and treaties that classify those children not as threats to national security

but rather as victims of war and exploitation who should be able to access their right to return to their country of nationality. The U.N. has emphasized that “the recruitment and exploitation of children by terrorist and violent extremist groups [is] to be considered a serious form of violence against children.”³⁷ If the children who have links to the terrorist groups should be treated as victims, their prosecution and overall treatment should aim toward rehabilitation and reintegration rather than punishment. Hence, European countries should aspire to guarantee the best interest of the children, which often involves repatriation to their birth country rather than local prosecution or indefinite detention.

The right to return under international law represents a legally binding obligation for countries to repatriate their citizens. The right to return states that individuals are the only ones who can control the decision to return; governments are legally bound to repatriate their citizens if the individuals wish. The right to return is embodied in several international texts, including Article 13 of the Universal Declaration of Human Rights, Article 12 of the ICCPR, and the 1951 Refugee Convention, as well as in U.N. resolutions. The





CRC specifically mentions the right to return for children, stating that every child has a right to nationality and that “State Parties shall ensure the implementation of [this] right ... in particular where the child would otherwise be stateless.”³⁸ It is worth noting that the right to return does not equate to impunity. When citizens are repatriated to their home countries, they can face prosecution through that country’s judicial system.

The practice of stripping individuals in northern Syria of their nationality to prevent their return may be in breach of international laws. The U.N. Human Rights Committee has stated that governments “must not, by stripping a person of nationality ... arbitrarily prevent this person from returning to his or her own country.” Human rights attorney Ana Luquerna points out that the U.N. Human Rights Committee clearly states that “there are few, if any, circumstances in which deprivation of the right to enter one’s own country could be reasonable.”³⁹

The children in camps and detention centers have a legal right to return to their country of nationality, with international laws highlighting countries’ obligations to protect this right for children. Yet this right of return is not respected for foreign children in detention in Northeast Syria, given that many of them have now been detained for several years.⁴⁰

In cases where the right to return has been denied, an option to end the indefinite detention of children in Northeast Syria may require applying for asylum in another

country. A plausible argument can be made that children may qualify as refugees under the 1951 Refugee Convention.⁴¹ Those children who do not have the ability to be repatriated and who have lived under the Islamic State regime could be considered as persecuted and meet requirements for asylum.

European countries’ programs and policies to manage repatriation, reintegration, and prosecution of children from Northeast Syria

Despite the basic human rights being denied to children from Northeast Syria, return of European national children has been slow. Overall, the process of returning children from the region can be divided into three components: repatriation, reintegration into society, and prosecution. Across Europe, the handling of those components has been left to the prerogative of individual states and has been shaped by their political and security concerns. The resulting myriad of repatriation policies, reintegration programs, and prosecutions practices has been coupled with little coordination that would ensure the well-being of the children.

There has not been a coordinated and streamlined European policy for repatriation despite the number of European children living in dire conditions in the detention facilities. Instead, several European states have proved reluctant to acknowledge any obligation toward citizens who remained in Northeast Syria, viewing their

situation as a diplomatic and national security issue outside European and international jurisdiction. These governments have tended to favor a “strategic distance” or case-by-case approach in managing these children, anchored in national security and political concerns.

The “strategic distance”⁴² approach is characterized by policy of deprivation, removing citizenship from dual nationals, exclusion, and discouraging the return of full citizens. The United Kingdom has implemented the approach, pursuing policies regarding British nationals in Syria based on deprivation, limiting consular assistance and funding to the Kurdish detaining authorities, and, in some cases, stripping nationality, as in the case of Shamima Begum. This “strategic distance” approach results from the official stance that maintains that repatriation would pose serious threats to national security.⁴³ It was reported that the U.K. government may also consider separating children from their mothers to mitigate national security risks.⁴⁴ According to the Global Repatriation Tracker, only 15 British children detained in Northeast Syria have been repatriated as of December 2023.⁴⁵ An estimated 60 more British nationals, including children, remain in the camps or detention centers.

France, likewise, had not taken action to repatriate mothers and their children who had joined the Islamic State and were detained in Northeast Syria. Yet the French were among the largest contingent of European travelers to Islamic State-held territory. At least 1,490





Losing British Citizenship

Shamima Begum Case Study



Shamima Begum was born 2000 in the U.K. to parents of Bangladeshi heritage. She traveled to Syria in 2015 to join the Islamic State, married ISIS fighter Yago Riedijk, and gave birth to three children, none of whom survive. She has lost her initial bid to overturn the U.K. government's stripping of her citizenship, meaning she remains in Syria with no chance of return.

Begum leaves with friends Kadiza Sultana and Amira Abase to support ISIS in Syria. Lawyers later claim she was a victim of trafficking.

A tribunal rules that removing Begum's U.K. citizenship is lawful, since she is of Bangladeshi decent and would not remain stateless. She does not hold citizenship in Bangladesh.

The Supreme Court of the United Kingdom decides Begum cannot return to the U.K. out of "national security concern"

Lawyers challenge removal of citizenship at the Special Immigration Appeals Commission, which ruled that Begum is a national security threat

Begum loses initial bid to regain citizenship

Individuals deprived of citizenship for reasons of "public good" from 2010-2022



Source: BBC

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individuals left France to join the Islamic State in Syria and Iraq.⁴⁶ Around a third of them were women, and several hundred minors either accompanied their parents or were born in Islamic State-held territory.⁴⁷ Other European governments,

including Germany, Belgium, the Netherlands, Spain, and Sweden, have taken similar stances.

In addition, when they have repatriated children, some countries have done so without maternal consent or by separating

mother and child.⁴⁸ Some countries, worried about the risk the mothers pose to national security, have forged repatriation policies that favor those willing to separate themselves from their children, offering repatriation only for the children. While some countries have obtained maternal consent for repatriation of children alone, a comparative study of the effect of such separations on children's welfare and social integration, regardless of maternal consent, is essential. It has been shown that in the context of displacement and war, separation from parents can have detrimental consequences on children's mental health, including post-traumatic stress and aggressive behaviors.⁴⁹

European courts have condemned this "strategic distance" approach, pushing states to change those policies and ordering their governments to repatriate children. In 2019, a Brussels court ordered the Belgian government to repatriate 10 children born in Syria to Belgian parents.⁵⁰ The court threatened to fine the Belgian government 5,000 euros a day if the children, ranging from 7 months to 7 years old, had not been repatriated within six weeks from the al-Hol refugee camp.⁵¹ A ruling in 2023 instructed the government to repatriate children under the age of 10, with or without mothers. A German court made a similar ruling in 2019 in the case of a woman and her three children.⁵²

In September 2022, a ruling by the European Court of Human Rights (ECHR) found France in violation of its treaty obligations in the precedent-setting case





of H.F and Others v. France by failing to repatriate two mothers and their children.⁵³ The court declaration that France had unlawfully refused to repatriate its citizens cited the violence and humanitarian concerns found in the camps and detention centers.⁵⁴ It also found that France was violating the children's right to enter the territory of their country of nationality, a human right at the heart of the ECHR.⁵⁵

This ruling was seen as a unprecedented challenge to the existing responses to European governments' policies regarding the detainees. It highlighted that the repatriations were not a national security issue above scrutiny.⁵⁶ In addition, the European Parliament in 2019 advocated for a paradigm shift focusing on the rights of the children.⁵⁷

Despite being at odds with courts' rulings and the European Parliament, European governments' repatriation policies remain based

on a case-by-case approach regarding repatriation. As such, although France has repatriated more women and children since 2019, an estimated 100 French children remain in detention in Northeast Syria. The U.K., which is not part of the EU but is often influenced by standards set by its member states, remains notoriously resistant to repatriation and has maintained a case-by-case approach, although at least 20 to 25 families with British nationality are still held in Northeast Syria.⁵⁸

Reintegration programs and policies anchored on national structures and concerns

In cases where European countries have repatriated children, they had to rely on reintegration policies intended for homegrown radicalized minors in need of protection to ensure that children could smoothly and successfully integrate into society. There is neither a unified and harmonized process advocated by the EU programs nor any

coordination among European countries due to variants in security concerns, national protocols, and government-led priorities.

Institutional arrangements for the reintegration of children

Generally, in Europe, there are three main coordination mechanisms operating at various administrative levels instituted to facilitate repatriation and rehabilitation of returnees that have been applied to children from Northeast Syria.⁵⁹

Returnee coordinators: In some countries, an appointed coordinator is tasked with ensuring alignment of different services and departments (e.g., police, child protection, courts, schools, counselling) at different levels of governance to facilitate the integration of returnees. Notably, this mechanism has been used in Germany, where the return of a citizen triggers a reporting chain among a multiprofessional and

Coordination Mechanisms in Europe

	Description
Returnee Coordinators	An appointed coordinator is tasked with ensuring alignment of different services and departments (e.g., police, child protection, courts, schools, counselling) at different levels of governance to facilitate the integration of returnees.
Existing Institutions and Task Forces	Centers dedicated to countering violent extremists are used as hubs that organize agencies' activities for repatriation at the national and local levels.
National Action Plans	Action plans provide a step-by-step process if foreign fighters or children from northern Syria return to the country. When triggered, medical, psychiatric, and psychological assessments can be conducted within a 72-hour period.





interdisciplinary network overseen by the returnee coordinator.

Existing institutions and task forces:

In some countries, centers dedicated to countering violent extremists are used as hubs that organize agencies' activities for repatriation at the national and local levels. This mechanism is used in Belgium, the Netherlands, and states in the Balkans (Kosovo, Serbia, and Bosnia and Herzegovina).

National action plans: Action plans in other countries provide a step-by-step process triggered if foreign fighters or children from northern Syria return to the country. Action plans have notably put in place in Kosovo, where the repatriation of a citizen triggers a 72-hour period during which medical, psychiatric, and psychological assessments can be conducted.

Reintegration based on child protection and trauma management

Most children among the population returning from Northeast Syria have exhibited signs of distress and anxiety. Older adolescents and unaccompanied and separated children often display physical signs of anxiety and distress, including suicidal behavior.⁶⁰ Family separation, repeated transitions in care arrangements, and language and cultural adaptation are often aggravating factors for the stresses many children face upon return.

Hence, several EU and Western Balkan countries have developed

programs and procedures for dealing with child returnees,⁶¹ drawing on existing institutions dealing with child protection and emphasizing trauma management. These programs are based on the importance of providing psychological care that considers gender-specific issues from the trauma lived in conflict, the camps, and detention, while also considering the formation of new trauma through the experience of the return itself. Experts have also highlighted that the duration and intensity of the traumatic events to which children are exposed affect their development and mental health.⁶² Among concerns raised by psychologists who treat returning children are the enduring effects of life in precarious camps and the serious developmental and educational delays incurred by leaving them there. Professor Thierry Baubet, head of the Avicenne hospital in Bobigny, which has been working with French children who have been repatriated, emphasizes that "the length and intensity of being exposed to trauma are decisive, this is the basis of psychiatry."⁶³ The longer children remain in traumatic settings without support, the harder it is for them to recover and for the reintegration programs to be successful.

Programs based on trauma management exist in the Netherlands, Belgium, and France. In France, the reintegration program focuses on the physical and mental health evaluation of children. In Kosovo, emphasis is placed on psychological assessments of children to ensure they can be

reintegrated into their families without further medical assistance.

Across Europe, these reintegration programs have faced similar challenges:

Separation of mother and child:

Reintegration programs have often required the separation of children and mothers, raising concerns about the welfare of the children. When they arrive in France, minors are separated from their mothers and handed over to child assistance services.⁶⁴ The competent authority depends on their place of arrival. Minors are usually placed with a host family or in a child welfare home in these departments. They often meet their family of origin only several months later.⁶⁵ In an interview with the author of this report, MEP Guillaume⁶⁶ stated: "I used to think the French method was decent, but UNICEF have raised the duration of separation between child and mother as being too long – I've changed my position on whether the child should be in a penal setting, but the length of separation is a real issue and the length of time before contact with wider family, the reconnection with wider family is too long. These grandparents say it is madness; there is more investigation to get our kids back than there was before they arrived on French soil – it makes it very taxing in the reconnection with the mother. We need to have a better system of EU cooperation between the security services over best practice."

Many psychologists have denounced separation as another traumatic event in the lives of already deeply traumatized children.





Kosovar children returned from Syria play in the foreign detention center in the village of Vranidoll, Kosovo. (Armend Nimani / AFP via Getty Images)

Furthermore, relatives are also not given immediate access to the children, despite requesting custody in many cases. In France, an investigation into the suitability of relatives can take a minimum of six months, during which the child only has sporadic visits with their mother in prison and occasional visits with other relatives, often grandparents. Many grandparents interviewed as part of this report denounced this practice, raising the concern that a child would form attachments with the families who were taking care of them, only to eventually be removed from them. They also expressed incredulity that despite being known to security services often months if not years prior to the child's repatriation, the period of assessment of their suitability only begins once the child has landed in France.

Children's visits with their imprisoned mothers are often fraught. The prisons are frequently located miles away in a different city. Siblings are allowed to visit only one at a time. In some cases, a glass partition separates them, preventing any physical contact.

In May 2023, Norwegian authorities repatriated two women and three children from the al-Roj camp. The women were informed that they would be arrested on their arrival in Norway, and in a press release the authorities described the decision to repatriate as having been primarily based on "the best interests of the children." Norwegian Minister of Foreign Affairs Anniken Huitfeldt stated, "The living conditions in the Syrian camps are appalling and inhumane. These Norwegian children have been living for a long time in conditions that no child should have to experience. In the camps, there is also a risk that children may be radicalized and later recruited to terrorist groups. In

Norway, these children can receive the follow-up they need."

Norway has been one of the few countries that has worked to maintain the maternal bond so crucial to child development, and in interviews, authorities there suggested this was an important factor in adjustment and rehabilitation for both the child and the parent. This report suggests the Norwegian model offer guidelines for a humane model for rehabilitation as concerns the disruption – or lack thereof – of the central maternal bond.

On the other hand, the French practice of separating children and their mothers on the airport tarmac as soon as they re-enter the country has drawn criticism from UNICEF as well as from the children's families. While improvements are underway, with most separations now happening in a private space, this immediate separation, and its duration of two-plus years before relatives can see or regain custody





“ Despite European countries facing similar challenges in the reintegration and trauma management of children, there is little coordination and sustainable support from the EU. ”

of the child, causes undue stress for the children and their families.

Stigmatization: Media reporting can hinder reintegration, in particular for children, as some reports can instill fear in the community and school and contribute to stigmatization.⁶⁷ Clelie Pellottiero, who works for children's social services in the 93rd District of Paris, describes the need to challenge the discourse often heard in the media: “Time has shown us that these children are neither child soldiers nor ticking time bombs,” calling for the rejection of the narrative that societies should fear the children.⁶⁸

Need for long-term and individualized support: Support tailored for each individual is key as children react differently to repatriation. Depending on prior mental health difficulties and the extent of trauma, some children may require minimal support, such as peer groups, to adapt to their new environment, while others will require referrals to professional health care services. Yet there is often a lack of individualized support for each child catering to their specific needs.

Need for interagency coordination: Despite institutional arrangements, there are often challenges in the coordination of different agencies,

with duplication of work or the overburdening of one agency. This results in gaps in the services provided to returnees that can hinder successful reintegration. Given the returnees' multiplicity of needs, interagency coordination is key, with a clearer division of roles and responsibilities.

Despite European countries facing similar challenges in the reintegration and trauma management of children, there is little coordination and sustainable support from the EU. Coordination of European countries could ensure that there is a blueprint of best practices to manage the reintegration of returnee children.

Reintegration through the judicial lens

One of the concerns often listed by governments as it pertains to the return of citizens from northern Syria, whether from camps or prisons, relates to the inability of Western governments to effectively prosecute returnees, including minors who have perpetrated crimes in the region, for lack of evidence or, in some cases, relevant laws.

In several European countries, the judicial system is involved in the reintegration of the minors returning from Northeast Syria.

Courts are used not only to prosecute the mothers and their potential involvement in crimes, but also to assess the degree of indoctrination and potential risk of radicalization.

In France, as soon as families and minors are identified as eligible for repatriation, the public prosecutor's office is seized of the case. The prosecutor oversees liaisons among the police, juvenile judges, social services, education services, and hospitals to help children settle in with their families or foster care, start school, and address any mental health issues while mitigating risks of radicalization. The public prosecutor is in charge of ensuring that there is smooth communication and sharing of information among all actors to prevent children from being drawn to terrorist indoctrination.⁶⁹ Hence, generally, European states' approach to prosecution has been through the lens of terrorism and the imperative to ensure returning children are not a threat to their national security, rather than through the lens of international crimes.

By considering the children as a security threat, there is a missed opportunity to lead prosecution of children as victims of international crimes, such as war crimes, crimes against humanity, and genocide.





Yet U.N. agencies, and in particular the U.N. special rapporteur on the promotion and protection of human rights and fundamental freedoms, have repeatedly stated that children in Northeast Syria are victims of international crimes, as some of their basic human and children's rights are denied.

A change in paradigm in the prosecution of minors returning from Northeast Syria from threats to national security to crime victims would have several implications. Recognizing those children as victims whose basic rights have been denied would create an obligation to repatriate all children, eschewing the current case-by-case approach. In addition, judicial authorities would be encouraged to increase cooperation to gain access to evidence gathered by international organizations such as the Investigative Team to Promote Accountability for Crimes Committed by Daesh/ISIL and the U.N.'s International, Impartial and Independent Mechanism and develop, where possible, new mechanisms for individual and collective accountability for victims of crimes committed by the Islamic State. Similarly, European countries would need to cooperate with organizations and communities in Northeast Syria to gather evidence that can be received in court.⁷⁰

In sum, prosecuting international war crimes requires additional resources that may be difficult to leverage in overburdened national justice systems. But coordination among European countries could develop synergies and ensure efficient use of

resources in gathering evidence for potential victims.

Policy recommendations

1. Recognize detained children as victims of international crimes

Despite U.N. entities repeatedly raising awareness of the violations of human and children's rights that apply to minors detained in Northeast Syria, European governments have been reluctant to repatriate the children, whom they view as a risk to their own national security. This report recommends that the EU institutions advocate for those countries to change that paradigm and ensure that the children currently held in camps and detention centers are recognized as victims of international crime. This movement has been initiated by the ECHR and the European Parliament, but it should be pushed further by European lawmakers and council.

2. A coordinated effort for the repatriation of all minors in Northeast Syria

Because each European country sees the issue of minors in Northeast Syria as a matter of national security, they also view repatriation policies as their own prerogative. However, a paradigm shift that categorizes those children as victims of international crime would create an obligation for the repatriation of all detained European children without discrimination. Identification of children in Northeast Syria would require a coordinated effort among

EU member states to ensure no child is left behind.

3. European aid in camps and detention centers

The lack of political will from Western countries to deal with children in Northeast Syrian detention facilities is compounded by the lack of resources needed to address their physical, mental health, and safety needs. As the repatriation of children is delayed by member states, there is an urgent need to improve living conditions in the camps and detention centers. The longer the population is detained and contained, the more vulnerable the children will become.

This report recommends the creation of an EU-wide fund to support those remaining in the camps and to support their gradual return to their home countries. This fund, coupled with diplomatic support, will help address the humanitarian crises in the camps and ultimately improve the living conditions of the children who are unable to return to their country of nationality.

4. An EU blueprint for reintegration to ensure the welfare of children

The handling of the children upon their return to Europe varies considerably among countries, in part in line with the gravity of the legal punishments in place for those who joined the Islamic State or left for Syria. A coordinated European policy on reintegration could help provide best practices and leverage synergies.





At the core of the European reintegration policy should be a focus on trauma management and child protection, emphasizing maternal consent and preventing separation of mothers and children. This report recommends working with mothers to minimize their concerns of being indefinitely separated from their children, as well as minimizing separation from primary care givers at all costs and facilitating reunification with relatives at a much faster rate.

This report recommends that greater care be taken in regard to the location of facilities where women prisoners are detained in

relation to where their children are placed. The primacy of contact between children and their mothers is paramount, and the child's interests must be prioritized for their future healthy reintegration and socialization. Further comparative studies of existing processes are welcome.

5. European coordinated efforts to prosecution

A paradigm shift from seeing children as national security threats to victims of conflict would require an increased coordination among European member states. Hence, this report recommends

that national judicial systems cooperate and build upon existing synergies to gather evidence needed for prosecution and create new accountability mechanisms for victims of Islamic State crimes. Similarly, the EU should cooperate with organizations and communities in Northeast Syria to gather evidence that can be received in court.⁷¹

This report also recommends European countries find synergies and ensure efficient use of resources in efforts to gather evidence on behalf of potential victims.



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