

Children recruited by terrorist and violent extremist groups: paths to overcome the challenges¹²

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Introduction: global war on terrorism and violent extremist

During the past twenty years, terrorism has become a part of our daily lives, often defined as the greatest threat to contemporary societies. Yet, its relevance is not due to its mortality. Terrorism does not kill more than cardiovascular diseases, malaria, or traffic incidents. Its prominence is due to its nature: targeting random innocents to pursue political objectives. In this sense, brutality is not a byproduct of terrorist action, but lies at its very core and it is the easiest way to ensure global, undivided attention to their cause.

In the past two decades, terrorist strategies have grown in sophistication, and proved the vulnerability of any society to indiscriminate attacks. The international community has thus responded with unanimous condemnation of terrorism and violent extremism and has addressed coordinated efforts to fighting them.

While development, human rights promotion, and safeguard of vulnerable groups continue to be upheld as key pillars of democracy, security concerns have increasingly dominated the public debate and have shaped law and policy making to a considerable extent.

The recruitment and exploitation of children by terrorist groups is a crucial part of their ruthless tactics. All of you will no doubt remember the abduction of the Chibok girls by Boko Haram or the ISIL diffused propaganda images showing children used as executioners of the groups' prisoners. We remember these images because of their shock factor, but we forget numbers a lot more easily. Numbers, however, are crucial to assess the real extent and impact of a phenomenon. Despite the limitations to data collection in

¹ The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations.

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conflict-ridden areas, the United Nations were able to verify thousands of instances of child recruitment in the past years.

Estimates indicate that, since 2009, around 8000 children have been recruited and used by Boko Haram, in Nigeria. In May 2015, for example, a 12-year old girl was used to detonate a bomb at a bus station in Damaruru, killing seven people. In 2015 alone, 274 cases of child recruitment perpetrated by ISIL in Syria were verified. Over 1000 children were abducted from the Mosul district in just two incidents. The existence of military training centres for children was also confirmed in rural Aleppo, Dayr al-Zawr and rural Raqqah. It is estimated that at least 124 boys between 10 and 15 attended them.

Of course child recruitment is not a new phenomenon. 20 years ago, the Machel report highlighted how widespread child recruitment was among armed forces and armed groups. Yet, contemporary terrorist groups have broader reach than ever before, and more and more children, traveling alone or with their families, are crossing national frontiers to join them. Studies show that children who have died fighting with ISIL are not only nationals of Iraq and the Syrian Arab Republic, but also of Australia, France, Lebanon, Libya, Morocco, Nigeria, Saudi Arabia, Sudan, Tajikistan, Tunisia, the United Kingdom, and Yemen.⁴

Child recruitment is not specific to any particular ideology, religion, or ethnic group. Child recruitment occurs across the ideological, political and religious spectrum, as demonstrated by the conduct of Neo-Nazi groups, the Lord's Resistance Army (LRA), and the Revolutionary Armed Forces of Colombia (FARC). Indeed, child recruitment presents multiple strategic advantages: they are cheaper, they tend to attract less suspicion; they are quicker to show loyalty to authority figures.

While in the hands of the groups, children are exposed to continuous, often extreme violence, including enslavement, sexual exploitation, indoctrination, serving as human shields or to detonate bombs. At the same time, because of their psychological malleability, children can be normalised to violence or exploited for the perpetration of terrorism-related acts.

So the key point here is: regardless of phenomenological variations, the recruitment and exploitation of children by terrorist groups is a serious form of violence, and its short and long-term implications for both children and society as a whole are severe.

Challenges faced by countries regarding the recruitment and exploitation of children by terrorist and violent extremist groups

⁴ Mia Bloom, John Horgan and Charlie Winter, "Depictions of children and youth in the Islamic State's martyrdom propaganda 2015-2016", CTC Sentinel (February 2016).

Accordingly, child recruitment and exploitation by terrorist groups has become a key concern for States and society at large and a priority on the international agenda. Indeed, States have the primary responsibility to take all measures to counter terrorism. At the same time, they hold the primary responsibility to protect children from violence, including recruitment and exploitation by terrorist and violent extremist groups. But how? And how can these different public interests be combined?

So State authorities and practitioners legitimately started raising a number of questions, such as:

- How can child recruitment be prevented?
- When children have been associated with these groups, should they be considered as victims?
- And if so, would the child's victim status exonerate the child from being held criminally liable for the commission of terrorism-related offences?
- If children are more vulnerable to indoctrination, are they more dangerous potential terrorists?
- If so, wouldn't counter-terrorism specialized authorities and institutions be better placed to assess if these children pose risks?

And in this context where security concerns often dominate global and national policy-making, children who are involved with these groups, regardless of the reasons, tend to be perceived mainly as a threat. This has even led to questioning the notion of "child":

- Should someone who is 16 years old and who has "chosen" to be involved with a terrorist group be really considered a "child"?

These questions and challenges led the international community to engage in an interesting debate about "juvenile justice in a counter-terrorism context". All of a sudden, a number of expert group meetings, seminars, high level debates were held to discuss how children involved with terrorism should be treated and what rights and standards should be applied to them.

When I attended the first meeting on this topic in 2015, I confess I didn't see the reason for that debate and struggled to understand why the proposal was to discuss the rights of the child who are alleged of having committed a terrorism related offence. Should a child who commits murder be treated differently from the one who commits a terrorist act? If the world will be faced with a new phenomenon of children committing corruption, are we going to question what are the rights of children in an anti-corruption context? I confess I felt uncomfortable with reiterating the rights set forth in the Convention on the

Rights of Child - which entered into force in 1990 - but I realized that there was and there is an urgent need to participate in this debate.

The underlying question of this debate was: should safety interests prevail over child rights?

This debate brought together experts from two different areas of work: child rights or juvenile justice experts and counter-terrorist experts. Those two groups had a very different understanding of the phenomenon and not always spoke the same language.

To make a long story simple: on the one side child rights experts, normally with limited knowledge of counter-terrorism, would animatedly say NO, we have to protect child rights in any circumstance. On the other hand, counter-terrorism experts, usually with limited knowledge of child rights would defend a position that preserving public safety must always prevail even at the expense of respecting the universally accepted child rights.

And one would honestly remember Norberto Bobbio and ask: is the “age of rights” taken over by the “war against terrorism and violent extremism”?

Ways to overcome the challenges

So what are the answers? How can we overcome these challenges in our work?

In order to provide adequate answers we should 1) contextualize this phenomenon 2) acknowledge its complexity and the need for multidisciplinary.

By contextualizing I mean that we need to address the root causes: Whether a child is kidnapped, or whether she falls prey to an online indoctrinator, it would be naïf to think that the answers found in the crime prevention and criminal justice field would be enough. Regardless of different circumstances, child recruitment is not a crime problem, but rather a developmental issue. These two children may live far from one another, but in both cases we have failed to provide them with a different option. It is about RESILIENCE. It is about DEVELOPMENT. Or as Amartya Sen would have said: it is about valuable capabilities. As he wrote: “Capability reflects a person’s freedom to choose between different ways of living (...) Valuable capabilities vary from such elementary freedoms as being free from hunger and undernourishment to such complex abilities as achieving self-respect and social participation”.

So development is not merely fighting poverty, is aiming at universal access to meaningful participation. This is what the sustainable development goals push us to do. They

represent an audacious commitment, pushing us to look forward, and realize our full potential as human beings.

This brings us to the next point: we have a shared responsibility to address the problem. But how?

One common tendency in dealing with security-related concerns is to address them as stand-alone issues. At the same time, the human rights' community also is tempted to frame this phenomenon only in terms of child rights violations. Neither approach can prove effective.

We are dealing with a very complex phenomenon for which multidisciplinary plays a key role. We must make an effort to reach beyond the comfortable boundaries of own expertise, and rely on the substantial body of international law relevant to this problem. This includes multiple international legal regimes, beyond international human rights law and the universal legal framework on counter-terrorism. In *international humanitarian law* we will find the bases to define what is acceptable conduct during conflict; through *international criminal law* we will be able to determine in which circumstances terrorist tactics amount to war crimes and crimes against humanity, and who are their victims; the *Palermo Protocol to prevent, suppress and punish trafficking in persons* is an invaluable tool to improve accountability for transnational crimes. Understanding their interplay is certainly not simple, but we should be aware of what we leave behind when we fail to do so. These are the rules that represent the shared values of the international community, and the very bases for its international peaceful coexistence. Every time we disregard them, we undermine them, making them more vulnerable to violations.

And it will be a detailed analysis of the complex multiple international laws relevant to this problem that will guide us to understand what countries can do to 1) prevent child recruitment; 2) treat children appropriately, and 3) promote rehabilitation and reintegration.

So what are the KEY CONSIDERATIONS and RECOMMENDATIONS that emerge from the analysis of the international legal framework?

First of all, it is essential to recognize that any form of recruitment of children is a violation of their rights. This recognition is essential for coherent and more effective policy-making in this area. Indeed, it serves multiple purposes: i) it strengthens the moral sanction for acts of recruitment; ii) it points the blame on terrorist and violent extremist groups, facilitating their prosecution and accountability; iii) it eliminates the fictitious distinction between voluntary and forced forms of recruitment.

So our first key recommendation is to promote comprehensive criminalization of child recruitment.

By comprehensive I mean that recruitment should be defined as:

- i) concerning all children below 18 (so eliminating other age thresholds);
- ii) comprising both “compulsory” and “voluntary” processes;
- iii) including children recruited for active or support roles; and
- iv) including recruitment by armed forces or any non-State criminal or armed groups.

The second key consideration – which derives from the need to criminalise recruitment – is the need to recognize that ALL children recruited and exploited by terrorist and violent extremist groups are primarily victims. This notion has proved sometimes controversial, and often misunderstood, but it is of vital importance. Acknowledging the status of these children as primarily victims does not entail that no distinction will be made on the basis of the type of involvement with the group, and it also does not mean that potential risks of future violence should not be assessed. But it does have other concrete consequences: i) it reinforces the understanding that recruitment and exploitation are serious forms of violence against children and highlights the need for early prevention measures, ii) it promotes the access of children to their rights, including effective assistance, support, and rehabilitation, iii) it supports shifts in society’s perceptions of these children, undermining stigma and fostering reintegration.

The recognition of primarily victims status leads us to other recommendations for action:

- **call for comprehensive approach in prevention:** while prevention of child recruitment will require specialized measures (for instance innovative communication campaigns and the use of counter-narratives targeting specifically children) these should be integrated into broader crime prevention policies, and in particular in programs and policies aimed at tackling violence against children.
- **addressing the impact of violence and trauma:** scientific research, especially in the area of neurodevelopmental science, psychology, has provided us with a set of instruments to address the impact of violence on a child life. Providing a broad array of services and support will be crucial also in view of preventing recidivism. Policies focusing on the consequences of so-called radicalization phenomenon can highly benefit from the evidence and practices collected over decades of experience in this area.

And, last but not least, when children are alleged as having infringed the domestic laws in relation to terrorism, we have strongly advocated for the adoption of a justice for children approach. Juvenile justice standards and norms are often overlooked, especially in this context. This is based on the wrong assumption that they constitute a *soft* option, unfit in such serious circumstances. But justice for children is not a lesser form of justice: it is about an appropriate, child-sensitive response by a justice system that is geared towards rehabilitation and reintegration. Indeed, juvenile justice has a dual role: it is aimed at preserving public safety and holding a perpetrator accountable, and at the same time at protecting the rights of a child alleged offender and promote his or her reintegration into society.

Here I feel the need to go back to the underlying question that lighted the debate on this topic: Should safety interests prevail over child rights?

And the answer is: we should stop looking at this as an either/or choice. It is possible to promote and protect the rights of children involved with terrorist and violent extremist groups, and at the same time to be effective in addressing security risks. Let me give some examples through concrete recommendations:

- Promote **individual assessment**: the policies aimed at preventing violent extremism have brought renewed attention to the need for standardized risk assessment tools. However, child protection and juvenile justice have a rich tradition of individualized assessment tools (from best interests determination to social enquiry reports), which take into account risk factors but emphasize the need for individualized approaches to children's cases. These tools can be especially effective in preventing risk while at the same time avoiding distortions caused by standardized practices.

These are just a few examples, but they are significant to illustrate that when we advocate for a justice for children approach, we are not denying or undermining the need to fight terrorism.

We have built on the complementarity of these two areas of expertise to develop the UNODC Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups. And we are using this tool to support countries in overcoming the challenges regarding prevention of child recruitment; justice responses; reintegration and rehabilitation. I invite you to read it for more details on the relevant legal framework and on promising practices. We are now in the process of developing training tools for practitioners on each of these areas. They will be the opportunity to move from "what to do", addressed by the Handbook, to "how to do it".

This World Congress is a crucial opportunity to reach out to the juvenile justice community and call on you to reach out to us and share examples, case-studies, data. All together, we have the opportunity to make our experience relevant and useful.

Conclusion

Allow me to conclude with a personal consideration. I have spent almost the past twenty years working to promote and defend justice for children. I can tell you that this is more than a job to me, it is a passion, a privilege, and a source of inspiration. So it is not with a light heart that I say this: the crisis that our child rights community is facing in confronting the challenges connected with terrorism and violent extremism is symptomatic of a failure.

We have failed to raise an appropriate level of awareness on the relevance and the role of juvenile justice. We have failed to claim that child-appropriate justice has a vital role to play in broader child protection and development strategies. But most importantly, we have failed to prove that human-rights based institutions are not a burden, they are more effective.

But every failure should provide an opportunity for growth. This will require, of course, an honest analysis of our shortcomings, but also a strong defence of our core values. The urgency and visibility of the terrorism-related crisis provides a platform for us to rise to the challenge, and it is a strong call to our shared responsibilities. It reminds us that we cannot afford to fail anymore.