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

Reply to Recommendation¹: Recommendation 2169 (2020)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly [Recommendation 2169 \(2020\)](#) on the “International obligations concerning the repatriation of children from war and conflict zones”, which it forwarded to the Steering Committee for the Rights of the Child (CDENF) and to the Committee on Counter-terrorism (CDCT) for information and possible comments.

2. In the context of the Council of Europe's action against terrorism, the Committee of Ministers shares the strong concern of the Parliamentary Assembly with regard to the grave situation relating to the living conditions of the children in Syria and Iraq whose parents, believed to be affiliated to ISIS/Daesh, are citizens of Council of Europe member States. The Committee calls for the full respect for these children's human rights, including their protection from any form of violence. It agrees that these children should *prima facie* be considered as victims.

3. A number of member States of the Council of Europe have, *inter alia* due to compelling humanitarian concerns, repatriated some of these children from the region. As the Parliamentary Assembly points out, the situation is complex and challenging. However, the Committee of Ministers agrees that action against terrorism, when dealing with child-related issues, must focus on the best interests of the child as a primary consideration, whilst noting the limitations that the sphere of national jurisdiction, as well as the principles and norms of international law, may set for concrete action in the region by authorities of member States of the Council of Europe. Member States do not, for instance, have the authority to separate children from their family against the will of the parents outside their own jurisdictions. Possible threats to public security that the accompanying adults/parents may pose should also be taken into account in respect of Council of Europe standards and principles. Children need to be treated in a manner that observes their rights and respects their dignity, in accordance with applicable international law. This does not exclude the possible application of non-judicial and judicial measures, including criminal responsibility where appropriate, prescribed by law and respecting international standards applicable to children. The Committee of Ministers concurs that all measures need to be taken to ensure the effective social rehabilitation and (re-) integration of children who return to the Council of Europe member States. It aligns itself with the view expressed by the Parliamentary Assembly that investing in the above-mentioned measures is an investment in building resilient societies.

4. The Committee of Ministers recalls that it has instructed the CDCT to organise “an international conference focusing on the questions and challenges arising from the return to Europe of women and children having been involved with a terrorist organisation abroad”. At its last plenary meeting (Strasbourg, 19-21 November 2019), the CDCT “express[ed] its concern for the humanitarian situation facing women and children in the detention camps in Syria while, at the same time, acknowledge[ing] the security risks posed by fanatic adherents of Daesh using these camps as incubators for further radicalisation leading to terrorism, and hence the need for States to mitigate these risks.” The Committee, therefore instructed the Secretariat to “continue the preparations for the conference putting special emphasis on the situation regarding women and children with presumed links to Daesh”. This Conference is now scheduled for 2021. As called for in the Assembly

1. Adopted at the 1391st meeting of the Ministers' Deputies (8 December 2020).



recommendation, it will include a parliamentary round table on measures taken by the Council of Europe member States concerning the return to Europe of women and children who have been involved in terrorist organisations abroad.

5. Finally, the Committee of Ministers stresses the importance of integrating a child-rights perspective into counter-terrorism efforts, including by reinforcing synergies and complementarity as appropriate with the Council of Europe Strategy for the Rights of the Child (2016-2021). It considers that this may enhance the national security of the countries concerned as well as support the development of the respective children.