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Addressing the issue of Daesh foreign fighters and their families returning from Syria and other countries to the member States of the Council of Europe

Amendment¹ No. 13

In the draft resolution, paragraph 11, replace the last 3 sentences with the following words:

"The Assembly considers that, taking into account the ongoing threat posed by Daesh fighters, it is crucial to consider that their right to family life under Article 8 of the European Convention of Human Rights (ETS No. 5) must be restricted if national security or other legitimate grounds under Article 8 paragraph 2 so require. Furthermore, separation from their children may also be necessary for the best interests of the child. The Assembly reiterates that children should in principle be repatriated with their mothers or primary care givers, unless it is not in the best interest of the child, as already recommended in Resolution 2321 (2020) "International obligations concerning the repatriation of children from war and conflict zones", or if it is not in the best interest of society as a whole. States should, however, have the possibility, following a determination of the best interest of the child, and of the interest of society as a whole in accordance with Article 8 paragraph 2 of the ECHR, to repatriate foreign fighters' children to their State of nationality with a view to reuniting them with other family members, without repatriating their parents."

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