

Major Research Paper

# **THE RETURN OF CHILDREN OF FOREIGN FIGHTERS**

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March 17, 2021

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## **Abstract**

The international community faces several complex and difficult challenges related to the foreign fighters detained in northeast Syria, particularly the thousands of non-Syrian children. The long-term detention of these children in Syrian camps is deeply problematic for humanitarian and security reasons. The following paper will provide the government of Canada recommendations through research and analysis when developing policies concerning the repatriation of children of foreign fighters. The document will provide an analysis of the key issues about the possible return of children of foreign fighters in their home country through diverse literature. It examines the current de-radicalization and rehabilitation programs available in the UK, Australia and Canada and the need for more experimentation on the topic. The purpose of this paper is to create a holistic understanding of children of foreign fighters, to develop meaningful policy reforms, to ensure the well-being of these minors and the security of the rest of the population.

**Key Terms:** children, foreign fighters, human rights, international treaties, security, rehabilitation, reintegration, de-radicalization, repatriation programs

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## Terminology

**Child:** According to the UN Convention on the Rights of the Child (UNCRC), "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."<sup>1</sup> The Convention on the Rights of the Child (CRC) has near universal status.<sup>2</sup> The Government of Canada ratified the CRC on December 12, 1991.<sup>3</sup>

**Terrorism:** Terrorism is not universally defined, but is commonly acknowledged to "refer to acts of violence that target civilians in the pursuit of political or ideological aims."<sup>4</sup> The UN Security Council Resolution 1566 (2004) defined terrorism as "criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a Government or an international organization to do or to abstain from doing any act".<sup>5</sup> In Canada, section 83.01 of the Criminal Code defines terrorism as an act committed "in whole or in part for a political, religious or ideological purpose, objective or cause" with the intention of intimidating the public "...with regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act".<sup>6</sup>

**Foreign Terrorist Fighters:** The United Nations (UN) in its UN Security Council (UNSC) 2178 resolution has defined Foreign Terrorist Fighters as "individuals who travel to a State other than their State of residence or nationality for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict."<sup>7</sup>

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<sup>1</sup> UNCRC |Convention on the Rights of the Child (1989). [online] Available at:

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [Accessed 21 Nov. 2020]. (Art.1)

<sup>2</sup> UNCCT. Handbook Children affected by the foreign-fighter phenomenon: Ensuring a child rights-based approach. (2019) [online] UN. Available at:

[https://www.un.org/counterterrorism/ctitf/siteswww.un.org.counterterrorism.ctitf/files/ftf\\_handbook\\_web\\_reduced.pdf](https://www.un.org/counterterrorism/ctitf/siteswww.un.org.counterterrorism.ctitf/files/ftf_handbook_web_reduced.pdf) [Accessed 13 Nov. 2020]. (p.18)

<sup>3</sup> <https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/crc-crde/conv2a.html>

<sup>4</sup> Legislation.gov.uk. Children Act 1989. [online] Available at: <http://www.legislation.gov.uk/ukpga/1989/41/data.pdf> [Accessed 21 Nov. 2020]. (Under: F15211K Enforcement orders: further provision, Schedule 2)

<sup>5</sup> OHCHR. Human Rights, Terrorism and Counter-terrorism - Fact Sheet No. 32. [online] Available at:

<https://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> [Accessed 18 Nov. 2020]. (p.5)

<sup>6</sup> [https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr09\\_6/p3.html](https://www.justice.gc.ca/eng/rp-pr/cj-jp/victim/rr09_6/p3.html)

<sup>7</sup> United Nations Security Council Counter-Terrorism Committee. (2014). Foreign terrorist fighters - United Nations Security Council Counter-Terrorism Committee. [online] Available at: <https://www.un.org/sc/ctc/focus-areas/foreign-terrorist-fighters/> [Accessed 19 Aug. 2020].

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## List of Abbreviations

ACF	Active Change Foundation
AVE	Against Violent Extremism
CRC	Convention on the Rights of the Child
DDP	Desistance and Disengagement Programme
HRC	United Nations Human Rights Council
IHRL	International Human Rights Law
ICRC	International Committee of the Red Cross
ISIS	Islamic State of Iraq and Syria
FAVE	Families Against Violent Extremism
FTF	Foreign Terrorist Fighter
ICRC	International Committee of the Red Cross
ICCPR	International Covenant on Civil and Political Rights
NGO	Non-governmental organization
OPAC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDF	Syrian Democratic Forces
UK	The United Kingdom
UN	United Nations
UNCTC	United Nations Counter-Terrorism Committee
UNSC	United Nations Security Council
WHO	World Health Organization

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## Chapter I: Introduction

"The child that is hungry must be fed, the child that is sick must be nursed, the child that is backward must be helped, the delinquent child must be reclaimed, and the orphan and the waif must be sheltered and succoured. The child must be the first to receive relief in times of distress." (Declaration of the Right of the Child, 1924) <sup>8</sup>

Five years after the caliphate was declared on March 23, 2019, local fighters aided by a US-led international coalition destroyed the Islamic State (ISIS) from the Syrian town of Baghouz, the last village controlled by the group's self-declared caliphate.<sup>9</sup> The Syrian Democratic Forces (SDF) captured thousands of Syrians and others who have been living under ISIS - men, women, and children from more than 60 countries.<sup>10</sup> The international community now faces several complex and difficult challenges related to the foreign fighters detained in northeast Syria, particularly the thousands of non-Syrian children. The long-term detention of these children in Syrian camps is deeply problematic for humanitarian and security reasons. According to United Nations data, many individuals and their families wish to return to their countries of origin after joining ISIS, including approximately 8,000 children as of December 2019.<sup>11</sup>

The Human Right Watch has described the conditions of these camps as inhumane, "women and children living in tents that collapsed in strong winds or had flooded with rain or sewage, and saw worms in the water that children were drinking and pouring over their heads to

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<sup>8</sup> United Nation. (1924, September 26). Geneva Declaration of the Rights of the Child of 1924—UN Documents: Gathering a body of global agreements. <http://www.un-documents.net/gdrc1924.htm>

<sup>9</sup> Farrell, L. (2019). The fall of the ISIS 'caliphate' – Parliament of Australia. [online] Aph.gov.au. Available at: [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BriefingBook46p/ISISCaliphate](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/ISISCaliphate) [Accessed 19 Dec. 2020].

<sup>10</sup>Human Rights Watch. (2019). "Everyone Must Confess" Abuses against Children Suspected of ISIS Affiliation in Iraq. [online] Available at: <https://www.hrw.org/report/2019/03/06/everyone-must-confess/abuses-against-children-suspected-isis-affiliation-iraq> [Accessed 1 Jan. 2021].

<sup>11</sup>Human Rights Watch. (2019). Fear Grips Women and Children Trapped in Syria Camps. [online] Available at: <https://www.hrw.org/news/2019/10/18/fear-grips-women-and-children-trapped-syria-camps> [Accessed 29 Dec. 2020].

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keep cool. The rations did not include fresh food, even for children. Latrines were overflowing, garbage littered the grounds, medical care and basic provisions such as diapers and sanitary towels were insufficient, and respiratory and gastrointestinal infections, as well as child malnutrition, were rampant."<sup>12</sup> The Kurdish Red Crescent reported that at least 517 people, 371 of them children, died in 2019 in al-Hol, the larger camp, many from preventable diseases.<sup>13</sup>



*Children are transported to a refugee camp after leaving Bagouz, Syria, on February 11. Bagouz is ISIS' last stronghold. - Getty Images*

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<sup>12</sup> Information based on Human Rights Watch visits to Roj and al-Hol camps in February 2019 and three visits to al-Hol camp in June 2019, each involving multiple interviews with detainees, camp authorities, and aid workers. See also "Syria: Dire Conditions for ISIS Suspects' Families," Human Rights Watch news release, July 23, 2019, <https://www.hrw.org/news/2019/07/23/syria-dire-conditions-isis-suspects-families>.

<sup>13</sup> "More than 500 people, mainly children, died in Syria's al-Hol camp in 2019: Medics," Middle East Eye, January 16, 2020, <https://www.middleeasteye.net/news/more-500-people-mainly-children-died-syrias-al-hol-camp-2019-medics> (accessed December 5, 2020).

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Three groups must be taken into account when considering children involved in the foreign fighter phenomenon<sup>14</sup>:

1. children who left their place of birth with their families or on their own to live within a terrorist organization abroad;
2. children who were born in conflict zones;
3. children born to current or former foreign fighters; in this case, the child has not lived in their home nation nor the terrorist conflict zone.

For over a year, the SDF has controlled and guarded roughly 52,808 foreign fighters, including 13,500 foreign women and minors in the temporary camps (al-Hol, al-Roj, and Ain Issa) in northeast Syria.<sup>15</sup> Families Against Violent Extremism (FAVE), a non-profit organization that is helping families try to repatriate their loved ones, has reported that at least 47 Canadians are held in these camps, including 25 children mostly under the age of 5 years old, many of whom are orphaned or unaccompanied.<sup>16</sup> The oldest Canadian child is a 17-year-old boy detained in a northeast Syria prison, and the youngest is a one-year-old infant detained in the camps with the rest of the children and their mothers.<sup>17</sup> The FAVE and family members have confirmed that the other children are six years of age or younger and were born in Syria.<sup>18</sup>

Reports from the field have assessed that the living conditions inside the prisons and camps are critical.<sup>19</sup> In March 2020, the UN High Commissioner for Human Rights Michelle Bachelet called on governments to take urgent action to prevent COVID-19 from "rampaging

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<sup>14</sup> Radicalization Awareness Network (RAN). (2016). Issue Paper: 'Child returnees from conflict zones'. Available at [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation\\_awareness\\_network/ran-papers/docs/issue\\_paper\\_child\\_returnees\\_from\\_conflict\\_zones\\_112016\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/issue_paper_child_returnees_from_conflict_zones_112016_en.pdf)

<sup>15</sup> Broches E. (2020, March 24). What Is Happening With the Foreign Women and Children in SDF Custody in Syria? - Lawfare.

<https://www.lawfareblog.com/what-happening-foreign-women-and-children-sdf-custody-syria>

<sup>16</sup> Human Rights Watch online communication with Alexandra Bain, founder of Families Against Violent Extremism (FAVE), April 8, 2020, and 11 family members, December 2019 to May 2020.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> "Syria: Dire Conditions for Families," Human Rights Watch news release, July 23, 2019, <https://www.hrw.org/news/2019/07/23/syria-dire-conditions-isis-suspects-families>.

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through places of detention," calling the consequences of neglect "potentially catastrophic" from a health perspective as well as risking "a boomerang effect on the global community's efforts to counter-terrorism in the region."<sup>20</sup> In April 2020, the UN Children's Fund (UNICEF) urged all detaining authorities to immediately release children in detention, including those held in relation to armed conflict, "who can safely return to families or an appropriate alternative," members of extended families.<sup>21</sup> As of September 2020, two cases of COVID-19 had been confirmed in Al Hol,<sup>22</sup> numbers could be higher as testing for the coronavirus is scarce. Medical supplies have been sent from diverse humanitarian groups such as the Global Coalition Against ISIS, the UN World Health Organization and the International Committee of the Red Cross (ICRC), but the SDS called the supplies insufficient.<sup>23</sup>

These children's return were not highly discussed, but it has now rapidly taken much more attention at the international level with the fall of ISIS. Countries outside the region, including many European countries, have approached the problem differently, applying many lenses to this phenomenon. The repatriation and reintegration of these children in their home country have been rather slow and carried out through individual assessments by most governments. However, many of these children, for the most part, are being left in these temporary camps, with minimal basic needs, unaddressed trauma, and a lack of belongingness.

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<sup>20</sup> "Urgent action needed to prevent Covid19 'rampaging through places of detention'" – Bachelet," UN Office of the High Commissioner for Human Rights (OHCHR) news release, March 25, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E> (accessed October 25, 2020); and "Bachelet urges States to help their nationals stranded in Syrian camps," OHCHR news release, June 22, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25986&LangID=E> (accessed October 23, 2020)

<sup>21</sup> "Children in detention are at heightened risk of contracting Covid-19 and should be released," UNICEF news release, April 13, 2020, <https://www.unicef.org/press-releases/children-detention-are-heightened-risk-contracting-covid-19-and-shouldbe-released> (accessed October 25, 2020).

<sup>22</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA) and World Health Organization (WHO), Syrian Arab Republic: COVID-19 Humanitarian Update No. 12 ("Covid-19 Update 12), September 20, 2020, [https://reliefweb.int/sites/reliefweb.int/files/resources/Syria\\_COVID](https://reliefweb.int/sites/reliefweb.int/files/resources/Syria_COVID)

<sup>23</sup> Jeff Seldin, "US Moves to Bolster Prisons Holding Captured Islamic State Fighters," Voice of America, April 4, 2020, <https://www.voanews.com/middle-east/us-moves-bolster-prisons-holding-captured-islamic-state-fighters> (accessed November 10, 2020).

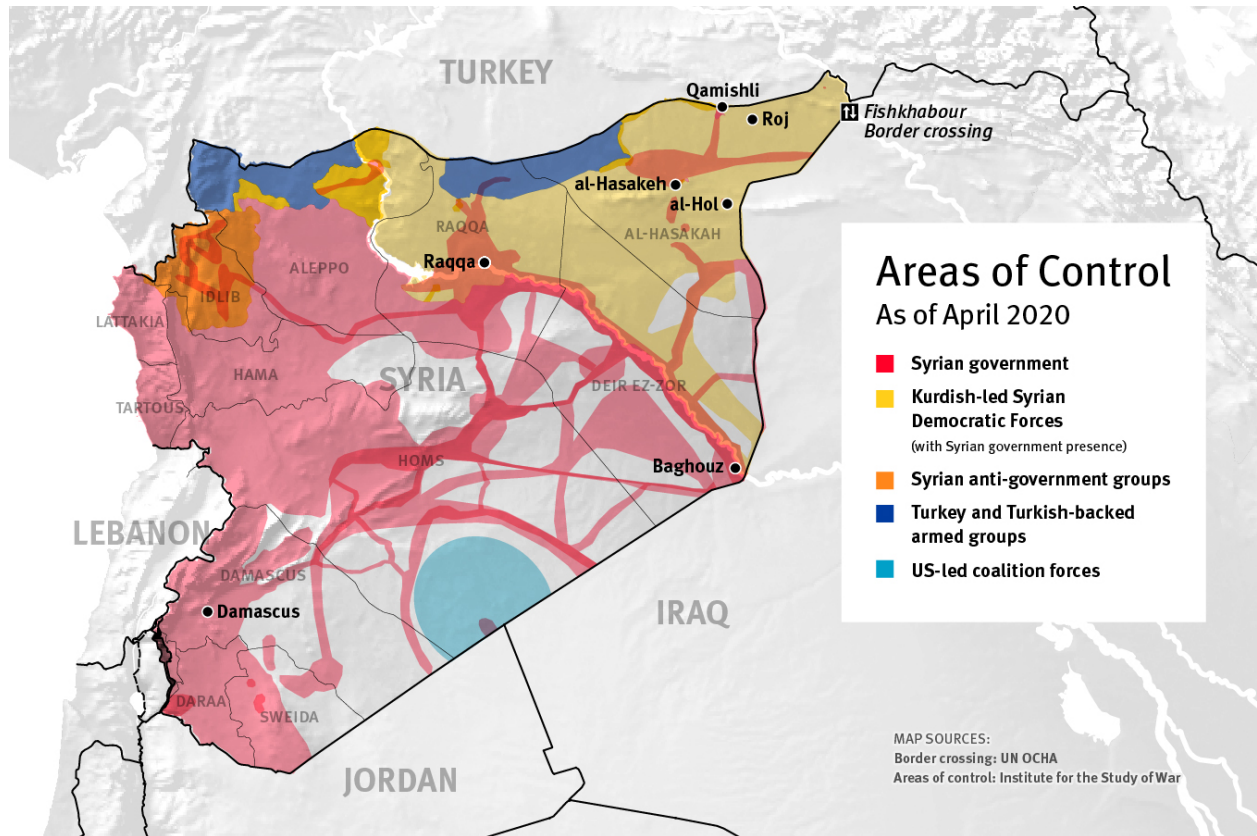
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There has been little intervention from the international community to effectively implement measures to alleviate suffering in the camps in the short term, nor steps that would enable these children to be repatriated and, where appropriate, prosecuted. Many Canadian detainees have been beginning to come home and stand trial for any suspected ISIS crimes. At the same time, family members in Canada have asked the government to help them bring home their relatives and travelled to Syria in failed journeys to help their detained loved ones.

As a result of this complex world-wide issue this paper aims to answer the following question: *How should Canada repatriate the children of foreign fighters?*

In order to fully comprehend the importance of the repatriation of these Canadian children, chapter I analyzes the current state of discussion at the international and national level. It lays down the approach Canada decided to take in dealing with this issue. Chapter II describes the methodology chosen for this comparative analysis project and its limitations. The current situation raises moral, legal, security and human rights issues. Grey literature consists of documents from the federal government, United Nations, UNICEF, UNHCR and other experts. These are used to provide a better understanding of past and current discussions. Chapter III/IV examines the United Kingdom and Australia's approach to the repatriation of children of foreign fighters and their reintegration programs. The last two chapters of this paper draw lessons learnt from the case studies and their de-radicalization programs and provide policy recommendations to Canada's government on how to best tackle the issue of children of foreign fighters. The truth is, the majority of these children are victims of serious human rights violations and abuse. In many cases, children are being detained, investigated and prosecuted against international law

even though they never chose to be born or live under ISIS.



### Current State of Discussion

On October 5, 2020, the Government of Canada confirmed removing a five-year-old orphaned girl from the ISIS detention camp in northeastern Syria.<sup>24</sup> Amira is the first Canadian to be repatriated after her parents and siblings were killed during one of the final battles against ISIS. Government officials in Canada repeatedly turned down Amira's uncle. The delay in the repatriation process prompted him to file a lawsuit in July, stating that the government had violated her rights and failed to issue emergency documentation for the child's return.<sup>25</sup> In May 2020, a panel of U.N. human rights experts requested Canada to help Amira join her family by stating that "children like her should be regarded primarily as victims and treated as such ...

<sup>24</sup><https://www.canada.ca/en/global-affairs/news/2020/10/statement-by-minister-of-foreign-affairs-on-the-repatriation-of-a-canadian-child-orphaned-in-northeastern-syria0.html>

<sup>25</sup> <https://www.theguardian.com/world/2020/oct/05/canada-isis-orphaned-girl-freed-syrian-detention-camp>

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They should not be punished because of the presumed behaviour or affiliation of their parents".<sup>26</sup> Prime Minister Justin Trudeau stated that this was an exceptional case since the child no longer had any close family and no plan to do the same for the other Canadians still held in the Kurdish-run camps.<sup>27</sup>

"A Canadian is a Canadian is a Canadian... As soon as you make citizenship for some Canadians conditional on good behavior, you devalue citizenship for everyone." <sup>28</sup>

As of today, Canada has only repatriated and facilitated the return of Amira. The remaining 25 children, most or all of whom never chose to live under ISIS, are still detained in the previously described camps. Canada has not provided effective consular assistance despite the many pleas from Canadian family members and international organizations.

The Canadian government has referred to several legal, diplomatic and political reasons for its inaction on bringing home its citizens. Under the Canadian Charter of Rights and Freedoms, every citizen has the right to "enter" Canada.<sup>29</sup> According to Public Safety Canada, the right "does not obligate the government to intervene to assist Canadians abroad in their efforts to leave a foreign country and return to Canada, except where a citizen needs an emergency passport or other travel document to allow them to return."<sup>30</sup> Canada has an obligation to help protect citizens abroad facing risks to life, torture and other ill-treatment. These obligations are even stronger in the case of the 25 children detained in these camps; they should be treated as victims and helped obtain their right to a nationality. Under Canadian law,

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<sup>26</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25899&LangID=E>

<sup>27</sup> <https://www.theglobeandmail.com/politics/article-ottawa-repatriates-canadian-orphan-detained-in-syria-but-has-no-plan/>

<sup>28</sup> "In audio recording, Trudeau says Bill C-24 makes citizenship conditional upon 'good behavior,'" CTV News, September 17, 2015, <https://www.ctvnews.ca/mobile/politics/in-audio-recording-trudeau-says-bill-c-24-makes-citizenship-conditional-upon-good-behaviour-1.2583849> (accessed December 15, 2020).

<sup>29</sup> Canadian Charter of Rights and Freedoms, <https://laws-lois.justice.gc.ca/eng/const/page-15.html> (accessed December 10, 2020), art. 6.

<sup>30</sup> Public Safety Canada, "Mitigating the Threat Posed By Canadian Extremist Travellers," online advisory, last updated December 20, 2019 (accessed December 10, 2020).

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children born abroad are Canadian citizens, provided that at least one of their parents was a Canadian citizen at the time of their birth.<sup>31</sup>

The Foreign Affairs Minister Champagne has stated in a letter written to Human Rights Watch that it cannot intervene and do more for the Canadians in northeast Syria because the region is an active conflict area. Canada does not have a consular presence.<sup>32</sup> It is crucial to recognize that at least 20 countries worldwide have repatriated or allowed the returns of some or many citizens especially (orphans, young children and their mothers) back in their home countries.<sup>33</sup> It is difficult to believe that Canada does not have the same capabilities as many of these countries. Despite Canadian authorities not mentioning potential political factors as a reason, it seems like it is a political decision by the government not to make those services available; it is hard to contemplate a policy of controlled repatriation for these individuals. While the lack of consular presence in Syria may be a barrier, it did not prevent Canada from coordinating the evacuations from Syria of the 29 Canadians in response to COVID-19.<sup>34</sup>

Canada's government is going against its international human rights obligations towards Canadians who are being detained in northeast Syria. Canada's failure to provide travel documents and other citizenship documentation to its nationals abroad go against the International Covenant on Civil and Political Rights (ICCPR), which requires that "No one shall be arbitrarily deprived of the right to enter his own country."<sup>35</sup>

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<sup>31</sup> Citizenship Act, R.S.C., 1985, c. C-29, <https://laws-lois.justice.gc.ca/eng/acts/c-29/page-1.html#h-81636>, section 3(1)(b).

<sup>32</sup> Letter to Human Rights Watch from Foreign Affairs Minister Champagne, June 9, 2020.

<sup>33</sup> Countries which have repatriated or allowed the return of citizens detained as ISIS suspects and family members from northeast Syria include Australia, Austria, Denmark, Finland, France, Germany, Ireland, Italy, Kazakhstan, Kosovo, Malaysia, Morocco, Norway, Russia, Sudan, Sweden, Trinidad, UK, US, and Uzbekistan. Ireland has accepted the return of only one citizen while Kazakhstan has flown home 524.

<sup>34</sup> Michelle Carbert, "Minister takes unconventional diplomatic steps to repatriate stranded Canadians amid Covid19," *Globe and Mail*, April 14, 2020, <https://www.theglobeandmail.com/politics/article-minister-takes-unconventional-diplomaticsteps-to-repatriate-stranded/> (Accessed October 15, 2020).

<sup>35</sup> ICCPR, art. 12.

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Children are entitled to special protection since they are often dependent on others; they cannot express their views and are unable to participate in decisions about themselves or advocate their interests. They are vulnerable if they are not necessarily capable of understanding in full the implication of their decision, action or the danger they may face. Consequently, states must treat all children affected by the foreign fighter's phenomenon primarily as victims entitled to special protection.

States must protect children from discrimination and punishment based on their parent's or family members' affiliation; this is fundamental for children affected by the foreign fighter's phenomenon.<sup>36</sup> Children born of foreign fighters should not in any way have this status be reflected on any documentation.

Reintegration measures of children who have been recruited and used in hostilities by terrorist groups should not in any way be stigmatized and implement harmful division between children who were recruited and those who were not. All children who have been involved in the conflict are vulnerable and should be treated primarily as victims and survivors of human rights violations.<sup>37</sup>

Individuals under the age of 18, including children whose parents are foreign fighters and children who have recruited themselves, benefit from the rights offered to them under the Convention of the Right of the Child. Nearly all Member States have adopted the Convention. The Convention on the Rights of the Child obligates States to protect every individual's rights under 18 years within their jurisdiction.<sup>38</sup> There are four principles under this Convention: (a) the non-discriminatory treatment of children (art. 2), (b) the best interests of the child as a

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<sup>36</sup> Convention on the Rights of the Child (1989), art. 2(2); see also, Human Rights Committee, M.M.M. et al. v. Australia, communication No. 2136/2012 (2013), para. 10.4

<sup>37</sup> Security Council resolution 2396 (2017); Security Council resolution 2427 (2018).

<sup>38</sup> UNICEF, "What is the Convention on the Rights of the Child?", available at [www.unicef.org/crc/index\\_73547.html](http://www.unicef.org/crc/index_73547.html)

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primary consideration (art. 3), (c) the child's inherent right to life, survival and development (art. 6), and (d) respect for the views of the child (art. 12).<sup>39</sup> The Convention on the Rights of the Child emphasizes the prevention of statelessness by requiring countries to ensure the implementation of a child's rights to be registered, to a name and to acquire a nationality.<sup>40</sup> Countries should take measures to make sure that every child born in their territory has a nationality. Children cannot be discriminated against based on the action of parents or family members; therefore, states need to prevent statelessness in all cases.

## **Chapter II: Theory & Methodology**

### Theory

This MRP draws essentially for its theoretical framework on an article published in 1969 by Donald Campbell, which became a classic in the social sciences. He argued that modern nations worldwide should be ready for an experimental approach to social reform, an approach in which they try out new programs designed to cure special social problems.<sup>41</sup> This paper suggests launching an experiment and the importance of making corrections to it when necessary to ensure maximum performance. By looking at his model applied to issues under study here, the Canadian Government could start policies and programs that try to tackle the problem and adjust this program as it progresses. True experimentation implies that particular groups of people are subject to treatment and are compared with an untreated control group. Most importantly, it also means that the groups' comparability is guaranteed because they are composed based on chance. He explained how quasi-experimental design could be used to evaluate policy when a true experiment is not possible. Quasi-experimental designs were developed to deal with the messy

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<sup>39</sup> Convention on the Rights of the Child (1989).

<sup>40</sup> Convention on the Rights of the Child (1989), art. 7(2); the same rights are enshrined in article 29 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

<sup>41</sup> Campbell, D. T. (1969). Reforms as experiments. *The American Psychologist*, (4), 409.

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world of field research. It is not always practical, ethical, or even possible to randomly assign persons to experimental and control groups. Generally speaking, quasi-experimental designs include some intervention or treatment and provide a comparison, but they lack the degree of control found in true experiments. When the true experiment is unfeasible for practical or moral reasons, another procedure must be followed by having the researchers revert to a second-best quasi-experimental design. Campbell discussed these substitute procedures by accompanying alternative statistical techniques and the diverse "threats to validity" to which they are susceptible. The threats to validity allow us to evaluate and suggest experimental programs for Canada. The quasi-experimental research designs typically can address one or more categories of internal validity threats, but not all of them. New programs should be tried out and tested empirically in the experimental tradition to evaluate if programs can cause or remedy social problems or improve social welfare. The importance of a best practice approach is to identify "successful" programs, 2) to benchmark a series of factors that make the programs successful, and 3) to "replicate" those factors in delivering a target program. In order to replicate the success factors, research activities concerning program delivery should be conducted. Indeed, it is these systematic research activities that not only make the target programs to be successful (i.e., obtain better outcomes) but also help organizational capacities to be strengthened in order to produce other programs and interventions in improving organizational effectiveness.

Campbell introduced a distinction between internal and external validity:

“Validity will be evaluated in terms of two major criteria. First, and as a basic minimum, is what can be called internal validity: did in fact the experimental stimulus make some significant difference in this specific instance? The second criterion is that of external

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validity, representativeness, or generalizability: to what populations, settings, and variables can this effect be generalized.”<sup>42</sup>

Internal validity was divided into eight different extraneous variables, which need to be controlled in the experimental design. These eight variables included the influence of the passage of time on the subject's behaviour, biases resulting from selecting the subjects, and loss of responses during the experiment. External validity was divided into four classes, including the influence of previous tests on the subject's behaviour and the experimental arrangements' effects on the subjects' behaviour.

Threats to internal validity:<sup>43</sup>

1. *History*: events, other than the experimental treatment, occurring between pretest and posttest and thus providing alternate explanations of effects.
2. *Maturation*: processes within the respondents or observed social units producing changes as a function of the passage of time per se, such as growth, fatigue, secular trends, etc.
3. *Instability*: unreliability of measures, fluctuations in sampling persons or components, autonomous instability of repeated or “equivalent” measures. (This is the only threat to which statistical tests of significance are relevant.)
4. *Testing*: the effect of taking a test upon the scores of a second testing. The effect of publication of a social indicator upon subsequent readings of that indicator.
5. *Instrumentation*: in which changes in the calibration of a measuring instrument or changes in the observers or scores used may produce changes in the obtained measurements.
6. *Regression artifacts*: pseudo-shifts occurring when persons or treatment units have been selected upon the basis of their extreme scores.
7. *Selection*: biases resulting from differential recruitment of comparison groups, producing different mean levels on the measure of effects.
8. *Experimental mortality*: the differential loss of respondents from comparison groups.

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Threats to external validity:<sup>44</sup>

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<sup>42</sup> Campbell, D. T. (1969). Reforms as experiments. *The American Psychologist*, (4), 409.

<sup>43</sup> Campbell, D. T. (1969). Reforms as experiments. *The American Psychologist*, (4), 409.

<sup>44</sup> Campbell, D. (1957). Factors relevant to the validity of experiments in social settings. *Psychological Bulletin*, 54(4), 297–312. <https://doi.org/10.1037/h0040950>

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1. *Interaction effects of testing*: the effect of a pretest in increasing or decreasing the respondent's sensitivity or responsiveness to the experimental variable, thus making the results obtained for a pretested population unrepresentative of the effects of the experimental variable for the unpretested universe from which the experimental respondents were selected.
  2. *Interaction of selection and experimental treatment*: unrepresentative responsiveness of the treated population.
  3. *Reactive effects of experimental arrangements*: "artificiality"; conditions making the experimental setting atypical of conditions of regular application of the treatment: "Hawthorne effects".
  4. *Multiple-treatment interference*: where multiple treatments are jointly applied, effects atypical of the separate application of the treatments.
  5. *Irrelevant responsiveness of measures*: all measures are complex, and all include irrelevant components that may produce apparent effects.
  6. *Irrelevant replicability of treatments*: treatments are complex, and replications of them may fail to include those components actually responsible for the effects.
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The discussions of validity by Campbell and his followers defined experimental vocabulary in research methods for subsequent decades up into the twenty-first century. He made significant contributions to various disciplines with more than 4,200 citations, "Reforms as experiments" is one of the most frequently read papers in social sciences. "Perhaps the single most influential article in the evaluation field was written by the late Donald Campbell and published in 1969." <sup>45</sup>

### Methodology

The research will utilize documentation and material from other countries to illustrate a model of what could be done in Canada. This will be completed through a qualitative methodology in the form of a comparison of existing policies in most similar countries.

Campbell's model is used to frame the analysis of existing policies in the three countries.

Experimentation already took place in different countries that could be used as a basis for what

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<sup>45</sup> Rossi, P., Lipsey, M., & Freeman, H. (2004). *Evaluation : a systematic approach* (7th ed.). Sage Publications, p. 23.

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could be done in Canada. Also, it will evaluate existing de-radicalization and rehabilitation programs in the UK, Australia, and Canada. Qualitative methods are helpful for evaluation areas such as implementation, identification, and interpretation of side effects. This research will help inform policymakers of what works, for whom, in what connects, how and why, to improve programs and interventions. Campbell argued that policymaking is social experimentation and pictured the social scientist as a "methodological servant of the experimenting society."<sup>46</sup> The qualitative collective case study allows for exploring approaches to the repatriation of children of foreign fighters by using different sources to collect data. This methodology was also chosen to encompass the circumstantial context of children for foreign fighters. An advantage of this type of case study is finding common trends and features between countries. In addition to primary data, the UK and Australia were selected for further analysis and are later analyzed for best practices in the discussion section. Case study selection of these countries was based on the principles formulated by Seawright and Gerring. The generic label for this research design is most-similar (aka method of difference), where one can identify cases that exhibit strong similarities on background conditions (*Z*) but divergent outcomes (*Y*).<sup>47</sup> As previously mentioned in the introduction of this project, the UK and Australia models of repatriation and rehabilitation represent diverse cases in the foreign fighter phenomenon. The UK and Australia have been chosen for an extensive analysis because of their similarities to Canada in terms of community-based initiatives, interactions with religious leaders, level of government involvement, and perception from the community. These three countries hold similar values at the administrative, political, legal and social levels. In addition to they also have similar numbers

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<sup>46</sup> Campbell, D. T. (1957). Factors relevant to the validity of experiments in social settings. *Psychological Bulletin* 54 (4): 297–312.

<sup>47</sup> Seawright, J., & Gerring, J. (2008). Case selection techniques in case study research: A menu of qualitative and quantitative options. *Political Research Quarterly*, 61(2), 294-308.

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of children of foreign fighters stuck in the detention camps. Therefore analyzing the UK and Australia's de-radicalization and rehabilitation programs could serve as key processes to benefit Canada's approach to repatriating children of foreign fighters. This strategy has a primary objective of achieving "maximum variance along relevant dimensions" as both countries employ common techniques but could have varying results in the repatriation and reintegration of these children. An advantage of this type of case study is to find common trends and features between cases. This is crucial for the research to demonstrate how differences in programs affect these countries' repatriation and reintegration strategy. Campbell argued that we ought to try out various social policies, carefully evaluate the results, and repeat only successfully.

Governments, practitioners and researchers need to be able to compare and differentiate programs according to their type, goals and methods, but also their impact, proficiency and skills, in order to develop true "good practices," to design and build new programs based on well-established principles, and to improve existing programs regarding identified mistakes or insufficiencies. Differences in political cultures, ideologies, the structure of terrorist groups, legal frameworks, religion and available resources need to be incorporated into every program design. Many states have acknowledged the relevance of existing programs on gang prevention, community engagement, immigrant integration, and so on. Evaluation efforts in these fields, especially where the broader objective is to dissuade vulnerable populations against violence or alter closely held beliefs or perceptions, yielded several valuable insights. In particular, experts who work on evaluation in domains that now may be considered part of the reach of counterterrorism, such as development aid and strategic communications, reflected on the methodologies and tools that have been and maybe deployed to evaluate prevention initiatives.<sup>48</sup>

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<sup>48</sup> *FROM INPUT TO IMPACT: EVALUATING TERRORISM PREVENTION PROGRAMS*. Global Center on Cooperative Security.

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It also helps demonstrate that de-radicalization and rehabilitation are not simple to program initiatives but involve multiple stakeholders at the local, provincial, and national levels..

### Limitations

This research will limit itself to examine the possible policy creation around the repatriation of Canadian children of foreign fighters. It will not address the CRC principle of family unity; therefore, the repatriation of women and men foreign fighters raises further questions relating to security, counter-terrorism and criminal law, which are not the focus of this research. This paper will also only focus on children of Canadian nationality, acquired through their mothers or fathers. The repatriation of ISIS FFs held in Syria and Iraq raises many questions and challenges both at the political and legal level, which cannot be elaborated in this research. As this is an ongoing problem, data collection on the development relating to children's repatriation is mostly dated up to 2019. Due to the challenging situation in Syria and Iraq and the lack of price data and confidential information (national security matter), this research is limited to open source data and information. Numbers and precision may be altered due to conflicting data. However, this research has attempted to choose the most credible and available sources carefully.

### **Chapter III: UK's Policy on Return of Foreign Fighters**

Shamima Begum was 15 years old when she left the UK in 2015 to join ISIS.<sup>49</sup> Four years later, she was discovered in the Al-Hol camp pleading to return to Britain to provide her newborn child with the chance of survival and a better quality of life. Soon after her request to repatriate, the former United Kingdom's Home Secretary, Sajid Javid, made an official statement

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<sup>49</sup> BBC News. (2019). IS schoolgirl wants to return to UK. [online] Available at: [https://www.bbc.com/news/uk47229181?intlink\\_from\\_url=https://www.bbc.com/news/topics/c347vzp58nzt/shamima-begum-case&link\\_location=live-reporting-story](https://www.bbc.com/news/uk47229181?intlink_from_url=https://www.bbc.com/news/topics/c347vzp58nzt/shamima-begum-case&link_location=live-reporting-story) [Accessed 23 Jan. 2021]

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on February 19, 2019, revoking Begum's British citizenship, stating that the "priority was the safety and security of Britain and the people who lived there."<sup>50</sup> Weeks after the government's decision, the baby died of pneumonia due to the camps' dire conditions.<sup>51</sup> It has been estimated that at least 60 British children are held in these camps, mostly under five years of age, many of whom are orphaned or unaccompanied.<sup>52</sup> The repatriation of these children back to the UK has been bolstered within the international law sphere, human rights scholars, advocates, experts, layers etc.

In 2017, the UK was the country that faced the most attempts and successful terrorist attacks in Europe.<sup>53</sup> This growing threat pushed for the UK to adopt counter-terrorism laws and policies that give the power to restrict the freedom of movement of suspected individuals through administrative measures.<sup>54</sup> UK Home Secretary Sajid Javid stated that "anyone that went to support terrorism in any way whatsoever, we are not going to risk the lives of any British officials – soldiers or anyone – to help them or rescue them. The government has the power to ban nationals from the UK and to strip dangerous dual nationals of their citizenship".<sup>55</sup> These attacks have not made it any easier on creating policies focused on the repatriation of British

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<sup>50</sup> Mercedes Masters, Salvador Santino F Regilme, Jr., Human Rights and British Citizenship: The Case of Shamima Begum as Citizen to Homo Sacer, *Journal of Human Rights Practice*, Volume 12, Issue 2, July 2020, Pages 341–363, <https://doi.org/10.1093/jhuman/huaa029>

<sup>51</sup> BBC News. (2019). Javid criticised as IS bride's baby dies. [online] Available at: [https://www.bbc.com/news/uk47506145?intlink\\_from\\_url=https://www.bbc.com/news/topics/c347vzp58nzt/shamima-begum-case&link\\_location=live-reporting-story](https://www.bbc.com/news/uk47506145?intlink_from_url=https://www.bbc.com/news/topics/c347vzp58nzt/shamima-begum-case&link_location=live-reporting-story) [Accessed 23 Jan. 2021].

<sup>52</sup> Savethechildren.org.uk. (2019). More than 60 British children trapped in Syria | Save the Children UK. [online] Available at: <https://www.savethechildren.org.uk/news/media-centre/press-releases/More-than-60-British-children-trapped-in-North-East-Syria> [Accessed 24 Jan. 2021].

<sup>53</sup> Foley, F. (2009). The expansion of intelligence agency mandates: British counter-terrorism in comparative perspective. *Review of International Studies*, 35(4). [online] Available at: <http://www.jstor.org/stable/40588098> [Accessed 23 Jan. 2021]. (p.983)

<sup>54</sup> Legislation.gov.uk. (2011). Terrorism Prevention and Investigation Measures Act 2011. [online] Available at: <http://www.legislation.gov.uk/ukpga/2011/23/contents> [Accessed 23 Jan. 2021]. See also: Legislation.gov.uk. UK -Counter-Terrorism and Security Act 2015. [online] Available at: <http://www.legislation.gov.uk/ukpga/2015/6> [Accessed 23 Jan. 2021].

<sup>55</sup> The Guardian. Rawlinson, K. and Dodd, V. (2019). Shamima Begum: Isis Briton faces move to revoke citizenship. [online]. Available at: <https://www.theguardian.com/world/2019/feb/19/isis-briton-shamima-begum-to-have-uk-citizenship-revoked> [Accessed 23 Jan. 2021].

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nationals and their children. For many those same children are seen as "ticking time bombs."<sup>56</sup> It has been reported that children as young as nine years old have been militarily prepared and indoctrinated with ISIS ideology, forming the "cubs generation" of ISIS.<sup>57</sup>

Despite the UK's hardcore approach towards the return of children of foreign fighters, it is important to note that there have been recent changes in trying to bring British children home. In November 2019, the UK took the first steps in repatriating a small number of orphaned children from the Syrian camps. Current Secretary of State for Foreign, Commonwealth and Development Affairs, Dominic Raab, stated that "innocent, orphaned children should never have been subjected to the horrors of war. We have facilitated their return home because it was the right thing to do."<sup>58</sup> On September 16, 2020, Dominic Raab announced the repatriation of another British child that was left orphaned by the collapse of ISIS; he stated that his department would "take the necessary and secure steps to bring unaccompanied British children back from Syria. These are children who have experienced the worst horrors of war".<sup>59</sup> Save the Children added: "This looks like a step in the right direction, but for this to translate into a real change of policy, we need to know that the government is working on how to bring all British children to the UK while we still can."<sup>60</sup> It is important to note that the UK has stopped all embassy services in Syria since 2011, making it almost impossible for British citizens to request any consular assistance in Syria to allow and facilitate their return to the UK.<sup>61</sup>

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<sup>56</sup> Renard, T. and Coolsaet, R. (2018). Security Policy Brief: Children in the Levant: Insights from Belgium on the dilemmas of repatriation and the challenges of reintegration. [online] egmontinstitute.be. Available at: [http://www.egmontinstitute.be/content/uploads/2018/07/SPB98-RenardCoolsaet\\_v2.pdf?type=pdf](http://www.egmontinstitute.be/content/uploads/2018/07/SPB98-RenardCoolsaet_v2.pdf?type=pdf) [Accessed 23 Jan. 2021]. (p.3)

<sup>57</sup> Ibid.

<sup>58</sup> <https://www.theguardian.com/world/2019/nov/21/some-british-citizens-in-syria-to-be-repatriated-within-days>

<sup>59</sup> <https://www.theguardian.com/world/2020/sep/16/uk-repatriates-child-orphaned-in-syria-after-isis-collapse>

<sup>60</sup> <https://www.savethechildren.org.uk/news/media-centre/press-releases/save-the-children-statement-syria-repatriation>

<sup>61</sup> Factsheet: Syrian Travellers. [online] Available at: <https://homeofficemedia.blog.gov.uk/2019/02/15/fact-sheet-returnees-from-the-conflict-zonein-syria/> [Accessed 17 Jan. 2021].

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The British government has expressed the support of returns for orphans and unaccompanied children only. These returns show that repatriation is logistically possible, but the government has avoided generalizing these practices to all the children in the camps in Syria. UK officials will keep on assessing every request on a case-by-case basis.<sup>62</sup>

A key concern for the UK is the likelihood that, given their past, child returnees may continue their political violence involvement as adults. Programs and services specific to the topic have not been created at the moment. However, existing best practices, professional codes of ethics, disciplinary decision-making protocols and national de-radicalization and rehabilitation programs should guide the means for dealing with the child returnees.

The UK Children and Young Persons Act of 1993 sets the age limit for criminal responsibility in England at ten years old.<sup>63</sup> Children over the age of 10 and under the age of eighteen are prosecuted as juveniles. It is important to keep in mind that youths are not immune to terrorist charges in the UK,<sup>64</sup> for example, in 2015, a 14 year old boy was tried in juvenile court on two offences of inciting terrorist acts, he was then found guilty and sentenced to life in prison, with a reevaluation of his dangerousness in the following five years.<sup>65</sup>

In response to the growth in arrests for terrorism and the different attacks in England, the UK developed the CONTEST strategy to protect the UK from various actors. The UK strategic

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<sup>62</sup> The Guardian. Sabbagh, D. (2019). No more orphans expected to be returned to UK from Syria. [online]. Available at: <https://www.theguardian.com/world/2019/nov/22/no-more-orphans-expected-to-be-brought-back-to-uk-from-syria-isis> [Accessed 17 Jan 2021].

<sup>63</sup> "Age of Criminal Responsibility," gov.uk, accessed June 11, 2017, <https://www.gov.uk/age-of-criminal-responsibility>.

<sup>64</sup> "Anzac Day Terror Plot: Blackburn Boy Sentenced to Life," BBC News, October 2, 2015, <http://www.bbc.com/news/uk-34423984>.

<sup>65</sup> Tom Whitehead, "Anzac Day 'Plot': British Boy, 14, Accused of Directing Terror Plot and Encouraging a Beheading," Telegraph, April 23, 2015, <http://www.telegraph.co.uk/news/uknews/crime/11558980/Anzac-Day-plot-British-boy-14-charged-with-inciting-terrorism.html>.

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framework to fight counter-terrorism is based on four core pillars "Prevent, Pursue, Protect, Prepare".<sup>66</sup>

### CONTEST STRANDS

Pursue	Prepare	Protect	Prevent
<ul style="list-style-type: none"><li>• To stop terrorist attacks</li></ul>	<ul style="list-style-type: none"><li>• Mitigate the impacts of a terrorist attack if one cannot be prevented</li></ul>	<ul style="list-style-type: none"><li>• Strengthen overall protections against terrorism</li></ul>	<ul style="list-style-type: none"><li>• Stop individuals from supporting or joining terrorist groups</li></ul>

HM Government, *The Prevent Strategy: A Guide for Local Partners in England: Stopping people becoming or supporting terrorists and violent extremists*, London: Department for Education, May 2008. [https://webarchive.nationalarchives.gov.uk/20121004145409/https://www.education.gov.uk/publications/eOrderingDownload/Prevent\\_Strategy.pdf](https://webarchive.nationalarchives.gov.uk/20121004145409/https://www.education.gov.uk/publications/eOrderingDownload/Prevent_Strategy.pdf)

The objectives of Prevent are to: "respond to the ideological challenge of terrorism and the threat we face from those who promote it; prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; work with sectors and institutions where there are risks of radicalization which we need to address."<sup>67</sup> Under "Prevent," which stops people from becoming terrorists or supporting terrorism, we find the Channel Program fully implemented in 2012 after an initial experimental phase in 2007. The process is a multi-agency approach to identify and provide support to individuals who are at risk of being drawn into terrorism.<sup>68</sup> This program is accessible to children and adults; participation is voluntary. The effectiveness of Channel and other de-radicalization programs was challenged after multiple failure incidents, which will be further discussed in Chapter V.

A non-governmental organization has created the United Kingdom's Anti-Terrorist Hotline and other online resources such as Imams Online, Active Change Foundation, Abdullah

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<sup>66</sup> Home Government, 10.

<sup>67</sup> Elshimi, M. (2017). *De-radicalisation in the UK prevent strategy: security, identity, and religion*. Routledge. <https://doi.org/10.4324/9781315271361>

<sup>68</sup> "Channel Guidance," gov.uk, April 23, 2015, <https://www.gov.uk/government/publications/channel-guidance>.

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X, JMAS and AVE to help fight radicalization in the UK amongst the most vulnerable population.

### United Kingdom's Anti-Terrorist Hotline

The Anti-Terrorist Hotline and its online portal in the United Kingdom not only alerts police to potential risk, but also aims to avoid radicalization.<sup>69</sup> The Science, Intelligence, and Communication Unit, which was founded in 2007, supports the program by bringing in academics from around the world, as well as specialists in linguistics and psychology, to develop creative counter-ideologies messages, which are then disseminated through social media, the internet, and news outlets.<sup>70</sup>

### Imams Online

Imams Online is a website that offers information for Imams and other Islamic leaders on safeguarding, civil leadership, interfaith relations, and job opportunities. It is supported by the Mosques and Imams National Advisory Board. The site published an open letter signed by over 100 UK Imams and Islamic scholars from different denominations of Islam in July 2014, urging British Muslims not to move to Syria or Iraq to take part in war. The letter urges "British Muslim communities not to succumb to any sort of sectarian divisions or social discord," as well as "to continue the generous and tireless effort to help all those affected by the Syrian crisis and unfolding events in Iraq, but to do so in a safe and responsible manner from the UK."<sup>71</sup>

### Active Change Foundation's "#NotInMyName" Campaign

Not in My Name, a video and social media campaign by young Muslims from London's successful Change Foundation reframed the anti-Iraq war slogan. It was developed to fight

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<sup>69</sup> Ian Cobain, Alice Ross, and Mona Mahmood, "Inside Ricu, the Shadowy Propaganda Unit Inspired by the Cold War," *Guardian*, May 2, 2016, <https://www.theguardian.com/politics/2016/may/02/inside-ricu-the-shadowy-propaganda-unit-inspired-by-the-cold-war>.

<sup>70</sup> Ibid.

<sup>71</sup> See Imams Online: <http://imamsonline.com/blog> (Link last accessed 23/01/2021).

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online terrorist propaganda disseminated by ISIS supporters on social media. It also aimed to give those who support Islam but not ISIS a voice. With over 200,000 views on YouTube, the social media campaign gained attention, and the hashtag went viral on Twitter.<sup>72</sup>

### Abdullah-X

The Abdullah-X initiative started as a largely offline initiative that interacted with young people at the grassroots level.<sup>73</sup> The project moved online, with the creation of a website and the distribution of videos through the YouTube channel. Videos<sup>74</sup> aim to counter the increasing prevalence of extremist content on such platforms, with subject topics such as 'More considerations on Syria and Iraq'<sup>75</sup> which explores the rationale behind what's going on in Syria in a digestible manner for youth, and 'The real meaning of jihad.'<sup>76</sup> All of the videos are intended to involve audiences in critical thinking about contemporary issues and to educate them about the true meaning of certain Islamic principles and terminology. The Abdullah-X counter-narrative videos reached over 50,000 viewers over a 6-week trial period using targeted Facebook, Twitter, and Google marketing tactics, brief yet persuasive content, and an engaging visual style, and videos had a high retention rate from viewers. When compared to other counter-narrative material online, the channel received remarkable subscription, sharing, and conversation figures by specifically discussing issues related to young Muslims. The site is still growing and releasing videos on a regular basis, with twelve available at the time of writing.

### Active Change Foundation

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<sup>72</sup> Active Change Foundation [www.activechangefoundation.org](http://www.activechangefoundation.org) and [www.facebook.com/activechangefoundation1](http://www.facebook.com/activechangefoundation1)

<sup>73</sup> See "Refuting Abdullah-X's video 'Five Considerations for a Muslim on Syria'". Available at <http://justpaste.it/5QUESTIONS> (Link last accessed 23/01/2021).

<sup>74</sup> See Abdullah-X [www.youtube.com/user/abdullahx](http://www.youtube.com/user/abdullahx) (Link last accessed 23/01/2021).

<sup>75</sup> 'More Considerations on Syria and Iraq' [www.youtube.com/watch?v=qTXCs6Wf410&list=UU2yfok6i9oMULvUbbo55ZLA](http://www.youtube.com/watch?v=qTXCs6Wf410&list=UU2yfok6i9oMULvUbbo55ZLA) (Link last accessed 23/01/2021).

<sup>76</sup> 'The Real Meaning of Jihad & Abdullah-X' [www.youtube.com/watch?v=GrptDtDrbSU&list=PLi8Lf-QA0OzmRepSjViEtXuGK\\_OTBZI\\_7](http://www.youtube.com/watch?v=GrptDtDrbSU&list=PLi8Lf-QA0OzmRepSjViEtXuGK_OTBZI_7) (Link last accessed 23/01/2021).

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The Active Change Foundation (ACF) is a London-based non-governmental organization that aims to fight violent extremism, gang abuse, and hate crime. The ACF aims to direct young people who are 'at risk' of participating in violent extremism (including travel to Syria) towards more meaningful life decisions through engaging with them. As an alternative platform for those wishing to help, the ACF has organized a variety of events to raise funds for humanitarian causes and raise awareness of the Syrian conflict. Alongside these efforts they have created a video entitled "The Truth About Jihad in Syria"<sup>77</sup> in which Hanif Qadir, the CEO and co-founder of the ACF, explains why fighting in Syria is counter-productive based on his experiences of jihad in Afghanistan.

### JIMAS

JIMAS is a charity organization that focuses on educating young people to develop a better understanding of the Islamic faith at universities, colleges and mosques.<sup>78</sup> JIMAS works to strengthen community ties and contribute positively to civil society by promoting "an organic, home-grown, indigenous follower of Islam, which is important to British Muslim concerns."<sup>79</sup> JIMAS has created a number of videos refuting the faulty justifications for violent jihad in Syria and Iraq, as well as committing suicide attacks, as part of this operation..<sup>80</sup>

### Against Violent Extremism (AVE)

AVE is a one-of-a-kind global resource created by Google Ideas, the Institute for Strategic Dialogue, and the GenNext Foundation in collaboration. Former radicals and survivors of violent extremism, including former members of militant Islamist organizations, are part of

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<sup>77</sup> Ibid.

<sup>78</sup> See JIMAS [www.jimas.org/index.html](http://www.jimas.org/index.html) (Link last accessed 23/01/2021).

<sup>79</sup> See 'Should I Travel to Syria for Jihad?' [www.youtube.com/watch?v=3L9r3TTCKXs](http://www.youtube.com/watch?v=3L9r3TTCKXs) (Link last accessed 23/01/2021).

<sup>80</sup> See 'What does the Holy Qur'an say about suicide missions?' [www.youtube.com/watch?v=ZUNU6Z3DB8E&list=UU0Zp4KU--ggWla6ecLodqmw](http://www.youtube.com/watch?v=ZUNU6Z3DB8E&list=UU0Zp4KU--ggWla6ecLodqmw) (Link last accessed 23/01/2021).

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AVE's network.<sup>81</sup> AVE mobilizes its members, individuals with the authority and reputation to effectively fight violent extremism and share de-radicalization strategies. AVE has built a marketplace where tiny, local grass-roots projects' needs for capacity development and skill gaps can be addressed. Small non-profits and projects working in the area of violence reduction and de-radicalization can use AVE to outline their expertise gaps and communicate with stakeholders (private sector, public sector, educators, and volunteers) who have those skill sets. The FREE Initiative, the first pan-European resource to provide practical advice on combating far-right extremism, was created by AVE members, who played a pivotal role in its capacity building.<sup>82</sup> FREE used video to document formers' and survivors' stories, which they then disseminated via their website as part of an online toolkit for professionals seeking to prevent far-right violence.

#### **Chapter IV: Australia's Policy on Return of Foreign Fighters**

On June 23, 2019, it was confirmed by Australian officials that 8 Australian children caught up in the Syrian war after their parents joined ISIS have been repatriated.<sup>83</sup> In 2014 notorious Australian terrorist Khaled Sharrouf made global headlines when he was photographed standing next to his young son holding a severed human head. His wife Tara Nettleton took their five children to Syria to join ISIS. They are now in Australia under the care of their grandmother Karen Nettleton who has spent over five years trying to rescue them by travelling to Syria and working with different aid agencies.

In April 2019, Prime Minister Scott Morrison indicated the Australian government was open to helping children of foreign fighters in their repatriation. However, PM Morrison stated that his government "would not allow any Australian to be put at risk" added, "the fact that

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<sup>81</sup> See Against Violent Extremism (AVE) <http://againstviolentextremism.org>

<sup>82</sup> See Far Right Extremism in Europe (FREE) Initiative [www.thefreeinitiative.com](http://www.thefreeinitiative.com)

<sup>83</sup> <https://www.theguardian.com/australia-news/2019/jun/24/children-isis-terrorist-khaled-sharrouf-return-australia-removed-syria>

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parents put their children into harm's way by taking them into a war zone was a despicable act. However, children should not be punished for the crimes of their parents."<sup>84</sup> The government has repeatedly cited two main reasons why it would not repatriate these women and children - the potential risk to Australian personnel involved in any rescue operation and the risk posed to Australians at home upon their return.

The first concern was addressed in November 2019 by the US by offering to assist Australia and other Coalition partners by facilitating foreign fighters and their families' return to their countries of origin. The US counter-terrorism official Nathan Sales claimed that it was a matter of urgency – while the ceasefire appears to be holding – to remove people from northern Syria and all home countries to then enact their responsibility to take back their citizens.<sup>85</sup> The Australian government rejected this offer. Leaving these people in Syria does not make Australia safer; SDF and other authorities have reported many escapes from these camps.

Save the Children and Human Rights Watch have estimated 70 children born to Australian nationals in the displacement camps.<sup>86</sup> One of the challenging aspects is determining Australian nationality for these children since most do not have identification documents or were born in ISIS with no official documentation. It has become apparent that there will be no comforting blanket government policy of bringing the children home if nationality cannot be determined through established procedures.<sup>87</sup> Like most other countries, Australia is reluctant and hesitant to support the repatriation of these individuals based on the threats they could pose to the rest of the population and the world. Australia has great tools to rehabilitate and prosecute

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<sup>84</sup>Ibid.

<sup>85</sup> <https://www.internationalaffairs.org.au/australianoutlook/foreign-fighters-and-the-trend-towards-statelessness/>

<sup>86</sup> Australian Security Intelligence Organisation, 'Opening Remarks: Senate Estimate Hearings' 11 December 2014, <[www.aph.gov.au/~media/Committees/legcon\\_ctte/estimates/sup\\_1415/AGD/Hartland\\_ASIO\\_20141211.pdf](http://www.aph.gov.au/~media/Committees/legcon_ctte/estimates/sup_1415/AGD/Hartland_ASIO_20141211.pdf)> [Accessed 3 February 2021].

<sup>87</sup> <https://www.lowyinstitute.org/the-interpreter/who-bears-responsibility-children-isis>

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these individuals due to its broad counter-terrorism laws. It also has the legal authority to monitor people through control orders. Many charities have partnered with the UN and other states in urging governments to take action and repatriate their nationals. The potential threat these children might pose must be assessed and dealt with according to local and international law.

Repatriating these children does not come without its complications and risks. However, Australia has resources and programs available to rehabilitate and prosecute where necessary.

Since 2010, Australia has been developing "soft" measures, such as community initiatives and university programs aimed at de-radicalization instead of "hard" measures like police empowerment and increasing reliance on security services.<sup>88</sup> This approach transferred into policy with Julia Gillard's government and adopted the Counter Violent Extremism (CVE) strategy that focused on disengaging radicalized individuals, support "at-risk groups and individuals," increase "community cohesion and resilience to violent extremism," and presents a counter-narrative to "challenge extremist messages."<sup>89</sup> Besides, the government also sponsored the Monash Radicalization Project, a four-year research project headed by the Global Terrorism Research Center meant to "generate new understandings of radicalization that will be of benefit to scholarly, policing, policy-making and prison system counter-terrorism stakeholders," initially using legal documents based on police surveillance information gathered during Operation Neath.<sup>90</sup> Organizations worldwide have been involved in three areas: youth engagement, social

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<sup>88</sup> Anne Aly and Jason-Leigh Striegher, "Examining the Role of Religion in Radicalization to Violent Islamist Extremism," *Studies in Conflict & Terrorism* 35, no. 12 (August 2012): 850; Marisa L. Porges and Jessica Stern, "Getting De-radicalization Right," *Foreign Affairs*, June, 2010, <https://www.foreignaffairs.com/articles/persian-gulf/2010-05-01/getting-de-radicalization-right>.

<sup>89</sup> Shahram Akbarzadeh, "Investing in Mentoring and Educational Initiatives: The Limits of De-Radicalisation Programmes in Australia," *Journal of Muslim Minority Affairs* 33, no. 4 (2013): 455-456;

<sup>90</sup> "Project Overview," Monash University, accessed February 08, 2021, <http://artsonline.monash.edu.au/radicalisation/about/>; El-Said, *New Approaches to Countering Terrorism: Designing and Evaluating Counter Radicalization and De-Radicalization Programs*, 80.

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coercion, and education. They target young Muslims at risk of radicalization; such the process often begins at a young age. Improving social coercion is key. It has been noted that Australian Muslims are more likely to be unemployed, live in poverty or prisons than the average Australian,<sup>91</sup> "isolated Muslim communities are more prone to radicalization due to feelings of alienation and disempowerment experienced globally by Muslims".<sup>92</sup> Education has become a cornerstone of Australian efforts to counter extremism through curriculums, websites, workshops and other programs to formulate and disseminate a moderate counter-narrative.<sup>93</sup> The majority of the program targeting youths was funded under the Building Resilience Grants Program.

#### Australian Muslim Youth Leadership and Peer Mentorship Program

The Australian Multicultural Foundation founded the Australian Muslim Youth Leadership and Peer Mentorship Program in 2011 to teach leadership skills to participants who would later return to their communities as mentors. They'd then use their new abilities to tutor and recognise members of their own groups.<sup>94</sup>

#### The Point

The Point is an online magazine that seeks to educate and inform younger readers about news and current affairs, with a particular emphasis on the effects of overseas conflict on local communities; it also includes articles on local and foreign politics, religion, society, culture, and technology.<sup>95</sup>

#### Building Resilience in the Community Program

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<sup>91</sup> Christian Albrekt Larsen, *Social Cohesion: Definition, Measurement and Developments*, (New York: United Nations Department of Economic and Social Affairs, 2014), 2, <http://www.un.org/esa/socdev/egms/docs/2014/LarsenDevelopmentinsocialcohesion.pdf>.

<sup>92</sup> Tim Aistope, "The Muslim Paranoia Narrative in Counter-Radicalisation Policy," *Critical Studies on Terrorism* 9, no. 2 (May 2016): 183.

<sup>93</sup> Akbarzadeh, "Investing in Mentoring and Educational Initiatives: The Limits of De-Radicalisation Programmes in Australia," 458-459.

<sup>94</sup> "The Australian Muslim Youth Leadership and Peer Mentorship Program," Australian Multicultural Foundation, accessed February 08, 2021, <http://amf.net.au/entry/the-australian-muslim-youth-leadership-and-peer-mentorship-program>.

<sup>95</sup> The Point Magazine can be accessed at <http://www.thepointmagazine.com.au>.

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The Australian Multicultural Foundation's Building Resilience in the Community Initiative was launched in 2013 to provide awareness to community members and service providers to help them identify and combat the attitudes and processes that can contribute to violent extremism.<sup>96</sup> The training is split into two parts: first, there are informative sessions for the general public or service providers, and second, there are train-the-trainer sessions for community members and service providers who want to perform the practice themselves in the future. On the website of the Youth Centre, there is a forum where you can ask a Muslim spiritual leader questions. The forum offers explanations for various concepts in Islam, such as jihad and the Islamic notion of nonviolence.<sup>97</sup>

#### Islamic Council of Queensland (ICQ)

Popular figures in Islam, such as Islamic scholars Dr. Mohammed Abdallah and Maulana Uzair Buksh, as well as World Featherweight Champion Bilal Dib, talk to Muslim youths about Islam's peaceful message focused on the Prophet Muhammad as a figure who brought "peace between warring communities for the greater good," according to the Islamic Council of Queensland. It sought to raise awareness among youths of the dangers of radicalization, the available assistance for those at risk, and the benefits of democratic participation. It also addressed the "passive resistance" of Muslim communities to extremism and tried to spur proactivity.<sup>98</sup>

#### Lebanese Muslim Association (LMA)

The Lebanese Muslim Association (LMA) has developed 15 programs to resolve youth problems and minimize social coercion. Some services are intended to encourage youth

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<sup>96</sup> <https://amf.net.au/entry/community-awareness-training-manual-building-resilience-in-the-community>

<sup>97</sup> "Building Community Resilience in Canterbury/Bankstown," The Youth Centre, accessed February 08, 2021, <http://www.theyouthcentre.com.au/community-resilience/>.

<sup>98</sup> Old Muslims say no to Extremism and Reclaim Islam from Radicals (Islamic Council of Queensland 2011).

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leadership and community engagement, as well as a sense of belonging.<sup>99</sup> Other projects focus on strengthening connections between the Muslim and non-Muslim communities, as well as offering targeted education to dispel myths and misunderstandings.

### Community Outreach (COR)

After seeing Muslim youths aged 12-16 roaming the streets, sometimes dropouts involved in drugs and/or with little to no family ties, a Muslim police officer in Melbourne named Sam al-Mugrabi created the Community Outreach (COR) initiative. To recognize these teenagers, this program utilizes three-person "liaison communities" composed of a social worker, counselor, and police officer. One of the liaisons will typically approach these young people and try to engage them in dialogue about work, schooling, and family in order to reintegrate them.<sup>100</sup>

Australia has not assisted in the repatriation of any of its nationals since the government helped 8 Australian children to return in June 2019. The children who have already suffered so much trauma. Being stuck in these inhumane, arbitrary and unlawful camps is likely to cause more distress, and fuel despair and violent radicalization.

## **Chapter V: Youth De-radicalization & Rehabilitation Programs**

### Reintegration & Rehabilitation Programs: UK

The Channel program is one of the most famous government led program established in the UK as a part of the Prevent strategy in response to increasing rates of radicalization. The program uses multiagency approach to identify individuals at risk, assess the nature and extent of that risk, and develops support plans focused on strengthening protective factors and addressing risk factors associated with radicalizing violent extremist. The UK government stated that the

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<sup>99</sup> "ECG Youth and Leadership," Lebanese Muslim Association, last modified 2013, <http://www.lma.org.au/youth-leadership/>.

<sup>100</sup> El-Said, *New Approaches to Countering Terrorism: Designing and Evaluating Counter Radicalization and De-Radicalization Programs*, 87.

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program is "about ensuring that vulnerable children or adults of any faith, ethnicity, or background receive support before their vulnerabilities are exploited by those that would want them to embrace terrorism".<sup>101</sup> The approach is "based on studies that have looked at sample groups of convicted terrorists and developed an elaborate assessment framework for ascertaining 'vulnerability factors' that are either causally related to or at least correlate with all of the individuals' psychologies".<sup>102</sup> Individuals who have been detected, screened, and found to be at risk of radicalization can be referred to therapy, spiritual instruction, civic and political participation, connecting with support networks, social housing, education, or health services through this program.<sup>103</sup> Since 2015, public institutions such as colleges, hospitals, and universities have been mandated to adopt the Channel program and create internal strategies to counter the threat of violent extremism. This is accomplished by cooperation among local governments and multi-agency stakeholders. Some plans include mentoring by education skills, life skills, anger management, substance and alcohol literacy, and other social services, in addition to supervising these plans in fighting radical ideologies.<sup>104</sup>

Its participants' vulnerability is evaluated according to three criteria<sup>105</sup>:

- Engagement with a group, cause or ideology,
- Intent to do harm, and
- Capability to cause harm.

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<sup>101</sup> HM Government. (2015). *Channel duty guidance protecting vulnerable people from being drawn into terrorism: Statutory guidance for Channel panel members and partners of local panels*. Retrieved January 15, 2021, from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/425189/Channel\\_Duty\\_Guidance\\_April\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf)

<sup>102</sup> Halliday, J. (2016). Almost 4,000 people referred to UK deradicalisation scheme last year. Retrieved January 15, 2021, from [https://www.theguardian.com/uk-Hafal \(Haval\) Ahmad: Youth De-Radicalization: A Canadian Framework 164](https://www.theguardian.com/uk-Hafal (Haval) Ahmad: Youth De-Radicalization: A Canadian Framework 164)

news/2016/mar/20/almost-4000-people-were-referred-to-uk-deradicalisation-scheme-channel-last-year

<sup>103</sup> HM Government. *CONTEST: The United Kingdom's Strategy for Countering Terrorism*. London: The Stationary Office, 2011, 6. Accessible Online: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97994/contest-summary.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97994/contest-summary.pdf)

<sup>104</sup> Home Government, 15–17.

<sup>105</sup> Home Government, Channel Duty Guidance: Protecting Vulnerable People from Being Drawn into Terrorism (London: Crown, 2015), 11, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/425189/Channel\\_Duty\\_Guidance\\_April\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf).

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Local councils have a lot of leeway in terms of how they install panels. Local intervention services, for example, will create various approaches to choosing intervention providers and handling referrals. Policies at the federal level that take into account evolving best practices will help standardize a higher level of local delivery, ensuring that disadvantaged people receive the same level of treatment everywhere.

Many have criticized the Channel program stating that it could actually be doing the opposite of its objective "promote extremism, rather than countering it".<sup>106</sup> The Channel network is entirely dependent on referrals from local authorities such as law enforcement, social workers, or other members of the community; this has the potential to increase bias perceptions and profiling while also offering early intervention. Instead of creating a system that focuses on all disadvantaged groups, the program referrals and emphasis were overwhelmingly centered on one ethnic group.<sup>107</sup> Some members of the Muslim community believe the program is operating against them, while others believe the program's ultimate aim is to gather information for the government.<sup>108</sup> De-radicalization initiatives should address all at-risk populations, not just one. Despite the introduction of the Prevent strategy in 2011, the threat level in the UK has remained at Extreme, with the recent March 2017 Westminster attack (by a British Islam convert with a criminal record) serving as a grim reminder of the enduring threat.

The most critical lessons from the UK experience with Channel are the importance of maintaining community trust and transparency by training local staff outside law enforcement, carefully selecting appropriate intervention providers, recording at risk individuals outside

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<sup>106</sup> Gayle, D. (2016). Prevent strategy 'could end up promoting extremism.' Retrieved January 15, 2021, from <http://www.theguardian.com/politics/2016/apr/21/government-prevent-strategy-promoting-extremism-maina-kiai>

<sup>107</sup> Briggs, R. (2010). Community engagement for counterterrorism: Lessons from the United Kingdom. *International Affairs*, 86(4). 971-981

<sup>108</sup> Chin, V. (2015). Collateral damage of counter-terrorism measures and the inevitable consequence of the social exclusion and marginalization of vulnerable groups. In M. Lombardi et al. (Eds.) *Countering radicalisation and violent extremism among youth to prevent terrorism*. (pp. 11-22). Washington, DC: IOS Press

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criminal databases, and using precise language. People are often unaware that referred individuals can voluntarily exist the Channel program at any given time and that their identity are internally protected from criminal databases. Unlike the Desistance and Disengagement Programme (DDP), which is a mandatory program that focuses on rehabilitating individuals who have been involved in terrorism or terrorism-related activity and reducing the risk they pose to the UK.<sup>109</sup>

Despite the fact that the CONTEST strategy foresaw the requirement for the evaluation of Channel, the UK government has not released indicators.<sup>110</sup> Despite several years of service, assessment is hindered by the lack of open source data on both outputs and outcomes. The program's open source evidence is limited, if not non-existent, particularly given that many referrals are children, and the referral is an output rather than an outcome. An access to information request to the National Police Chiefs' Council cited that 3955 persons were referred to the Channel program in 2015 alone, of which only 293 were identified as Muslim.<sup>111</sup> The referral is a production, not a result, and there is no detail about the evaluation or whether individuals become de-radicalized. The fact that approximately 4000 individuals were referred in 2015, for example, does not necessarily mean that prevention was accomplished. It could, however, lead to fearmongering as a result of overdiagnosis and seeing radicalization where none exists, as well as populations feeling threatened and a sense of government intervention into personal affairs.

### Reintegration & Rehabilitation Programs: Australia

The UK has consistently been held up as an international model for its terrorism prevention efforts, inspiring Australia's Countering Violent Extremism (CVE) plan. CVE is

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<sup>109</sup> <https://homeofficemedia.blog.gov.uk/2019/11/05/fact-sheet-desistance-and-disengagement-programme/>

<sup>110</sup> United Kingdom, *Channel Duty Guidance: Protecting vulnerable people from being drawn into terrorism, Statutory guidance for Channel panel members and partners of local panels*. (2015). Accessed February 17, 2021, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/425189/Channel\\_Duty\\_Guidance\\_April\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf)

<sup>111</sup> National Police Chiefs' Council. 07/03/2016 FREEDOM OF INFORMATION REQUEST REFERENCE NUMBER: 000026/16. Retrieved from <http://www.npcc.police.uk/Publication/NPCC%20FOI/CT/02616ChannelReferrals.pdf>

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based on the logic of predicting intention, countering actions until purpose is solidified within a perpetrator's mind, countering unacted-upon belief, disrupting thinking in the hopes of it becoming action, and disrupting motive in the hopes of it becoming intent.<sup>112</sup> Importantly, CVE believes that those who have a motive (such as promoting a political, religious, or ideological cause) will turn their motive into intent, and their intent into action. The national CVE policy regime in Australia continues to concentrate on creating "solid, resilient, and cohesive communities."<sup>113</sup> Similarly to the UK, initiatives and programs have been focused on early intervention strategies. Since 2010, the Australia New Zealand Counter-Terrorism Committee has reserved \$2 million dollars annually for the CVESC to co-ordinate CVE projects throughout Australia.<sup>114</sup> Australia's first tertiary intervention program was the Community Integration Support Program (CISP). CISP was founded in 2010 and is now well-known in the community (having partnered with several community-based organizations throughout its operation). However, while the continuing delivery of CISP is considered 'vitaly important' to Victoria's CVE efforts with Islamist extremists,<sup>115</sup> the results of the program's internal and external evaluations have not been released publicly.

Living Safe Together (LST) program was launched with the aim of building the capacity of community-based CVE services.<sup>116</sup> The program awarded a total of 42 one off grants, totaling just under \$2 million.<sup>117</sup> However, Australia's CVE efforts were hampered by a lack of

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<sup>112</sup> Commonwealth of Australia (2010) Counter-Terrorism White Paper: Securing Australia, Protecting Our Community. Canberra: Department of Prime Minister and Cabinet.

<sup>113</sup> Commonwealth of Australia. *National Counter-Terrorism Plan*. 2012. Accessible Online: <https://www.nationalsecurity.gov.au/Media-and-publications/Publications/Documents/national-counter-terrorism-plan-2012.pdf>

<sup>114</sup> Harris-Hogan, S., Barrelle, K., & Zammit, A. (2016). What is countering violent extremism? Exploring CVE policy and practice in Australia. *Behavioral Sciences of Terrorism and Political Aggression*, 8(1), 6–24. <https://doi.org/10.1080/19434472.2015.1104710>

<sup>115</sup> Victorian Government. (2017). Expert panel on terrorism and violent extremism prevention and response powers: Report 2. Melbourne: Victorian Department of Premier and Cabinet.

<sup>116</sup> Commonwealth of Australia, & State of New South Wales. (2015). Martin place siege. Joint commonwealth – New South Wales review. Canberra: Department of the Prime Minister and Cabinet & NSW Department of Premier and Cabinet

<sup>117</sup> Barker, C. (2015). Australian government measures to counter violent extremism: A quick guide.

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assessment activity. The Australian National Audit Office (ANAO) conducted an independent review of the LST program's activities and found "continuing shortcomings" and "considerable potential for change" in AGD's administration of CVE programs.<sup>118</sup> Although the AGD claimed to have done "qualitative evaluation work" to decide the merit of funding recipients, the department was unable to provide the ANAO with "any proof" of this work.<sup>119</sup> Furthermore, despite the program's limited definition, AGD deviated from their own assessment criteria in significant ways.<sup>120</sup> These results, though worrying, cast considerable doubt on the findings of AGD's previous internal assessment (on previous grant schemes), which found "no problems with the adequacy of the Department's processes."<sup>121</sup> Most problematically, when the ANAO enquired about the evaluation of individual LST programs, AGD was unable to provide even an evaluation plan.<sup>122</sup> When the LST program is paired with previous AGD-managed programs, it seems that despite investing nearly \$7.5 million on hundreds of community-based "prevention" projects, there is almost no evidence that this work was successful, or that these prevention efforts have any concrete significance to solving the issue of violent extremism. Yet despite any evaluation findings, or publicly available evidence of any kind to determine the effectiveness of Australia's CVE work,<sup>123</sup> this has not deterred successive governments from making spectacular claims of success.

Similarly to the UK de-realization and rehabilitation programs CVE programs and policy in Australia is lacking evaluation data by which to determine the effectiveness of CVE programs

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Canberra: Department of Parliamentary Services.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> While internal evaluation studies of CVE programs may have been undertaken, the author is unaware of their existence, and any findings do not appear to have been publicly released.

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to date. It is essential to keep in mind that de-radicalization programs in Australia do not have a multi-agency approach which could be beneficial to achieving its objectives. Additionally, vulnerable Australian communities have been stigmatized by previous CVE programs that have defined 'at-risk' populations too broadly.<sup>124</sup> Issues that CVE interventions claim to fix, in particular, often manifest at the group level (for example, systemic growth causes, inequality, or disadvantage) and lead to a broad range of negative social outcomes. The public is reassured that the government is addressing the issue of "young Muslim Australians" being "radicalized and misled", "with solid, de-radicalization programs, working with Muslim communities," according to the government.<sup>125</sup>

### Reintegration & Rehabilitation Programs: Canada

Canada, like the UK and Australia has made considerable investments in polices, programs and interventions aimed tackling violent radicalization and extremisms. The focus of countering violent extremism program in Canada have been on the people who have not yet crossed the line into terrorist acts.<sup>126</sup> Numerous government initiatives and programs focus on them imitating the factors that could lead to radicalization in a community and prevent the potential transition of young people to violent extremism.<sup>127</sup> The UK has consistently been held up as an international model for its terrorism prevention efforts, inspiring Canada's Prevent

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<sup>124</sup> Harris-Hogan, S. (2020). How to evaluate a program working with terrorists? Understanding Australia's countering violent extremism early intervention program. *Journal of Policing, Intelligence and Counter Terrorism*, 15(2), 97–116. <https://doi.org/10.1080/18335330.2020.1769852>

<sup>125</sup> Hodge, A. (2017) 'Our Best Allies Are Muslim Leaders', *The Australian*, URL (consulted 2 February 2021): <https://www.theaustralian.com.au/national-affairs/malcolm-turnbull-slaps-down-pauline-hanson-defends-australian-muslims/news-story/5360bb4155700cb3be4b64676de61ec1>

<sup>126</sup> Chin, V. (2015). Collateral damage of counter-terrorism measures and the inevitable consequence of the social exclusion and marginalization of vulnerable groups. In Lombardi, M., et al. (Eds.) *Countering radicalization and violent extremism among youth to prevent terrorism*. (pp. 11-22). Washington, DC: IOS Press

<sup>127</sup> Upal, A. (2015). Alternative narratives for preventing the radicalization of Muslim youth. *Journal for De-radicalization*. Spring (2), 138-162

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strategy.<sup>128</sup> The UK Prevent and Channel programs provide the basis for strategy frameworks for Canada, including: roles and responsibilities; how to identify at risk individuals; the types of support available to at-risk individuals; sharing of funding responsibilities; and, principles of information sharing between partners and principles of data collection.

Public Safety Canada (PSC) and the Royal Canadian Mounted Police (RCMP) are leading different de-radicalization and rehabilitation programs. It is important to keep in mind that the best program when targeting children will be a combination of government led and community based initiatives. In 2010 PSC with the collaboration of government departments and agencies, created the Combating Violent Extremism Working Group with the objective of "information exchange and collaboration: to prevent violent extremism."<sup>129</sup>

Canada established the Centre for the Prevention of Radicalization Leading to Violence program (CPRLV) in March 2015 in Montreal to serve the Montreal and Quebec areas as a non-profit organization.<sup>130</sup> Its plan included prevention and ability growth, testing, and therapeutic intervention, as well as a 24-hour hotline and additional online resources and guides, such as the behavior barometer, to identify radicalization-related behavior symptoms that contribute to violence.<sup>131</sup> Its policy, which is similar to that of the German program (Arabic for "life"), is to convince aspiring foreign fighters not to flee, not to participate in violence, and to return home in a manner that is coordinated with authorities.<sup>132</sup> Hayat has developed a strong international reputation, and its approach is being adopted by other countries, including the United Kingdom

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<sup>128</sup> Government of Canada. Building Resilience Against Terrorism: Canada's Counter-Terrorism Strategy. 2013. Accessible Online: <https://www.publicsafety.gc.ca/cnt/rsres/pblctns/rsln-cgnst-trrrsm/index-en.aspx#s6>

<sup>129</sup> PSC (Public Safety Canada). (2013). Risk assessment decisions for violent political extremism 2009-02. Retrieved February 10, 2021, from <http://www.publicsafety.gc.ca/cnt/rsres/pblctns/2009-02-rdv/index-en.aspx#Radicalization2>

<sup>130</sup> CPRLV. (2016c). Guides and tools. Retrieved July 15, 2016. Retrieved from <https://info-radical.org/en/totrain/guides-and-tools>.

<sup>131</sup> Ibid.

<sup>132</sup> Daniel Koehler, "Family Counselling as Prevention and Intervention Tool Against 'Foreign Fighters'. The German 'Hayat' Program," *Journal EXITDeutschland* 3 (2013).

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and Canada.<sup>133</sup> Hayat is a self-referral therapy program targeted at radicalized individuals' families and close friends, rather than the radicalized individual. The goal is to assist families in developing an atmosphere that will guide radicalized individuals away from abuse. In addition to a 24-hour hotline, Hayat services sometimes bring three or four families together to share experiences.<sup>134</sup>

Canada established two programs focused on interventions tailored to those potentially at higher risk of radicalizing or those who have already radicalized to violent extremism. The municipal government led Calgary ReDirect Program is a prevention and education effort focused on strengthening protective resources and addressing risk factors associated with radicalization to violent extremism.<sup>135</sup> ReDirect is a voluntary program that asks for community involvement in identifying individuals who may be at risk so that they can be referred to resources to help them. Correctional Service Canada (CSC) also joined the efforts to develop a program to address risk factors for radicalization to violent extremism among ideologically motivated offenders. More studies are needed to assess the applicability, efficacy, and validity of different interventions. CSC also uses cognitive behavioral programs to address violent radical ideology and the power of antisocial associates, as well as interfaith therapy and ethno-cultural services.

The RCMP conducts a National Security Youth Outreach Program which aims to engage youth on national security issues. Via presentations at colleges, high schools, and local community organizations, the initiative aims to inform and engage a wide spectrum of youth on

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<sup>133</sup> Ibid.

<sup>134</sup> "German Program Triggers International De-radicalization Network," Deutsche Welle, 9 March 2014, <http://www.dw.de/german-program-triggers-internationalde-radicalization-network/a-17898077>; Also, Curtin University has proposed an Australian version of Hayat, see Natalie O'Brien, "De-radicalisation Program 'Needs to Be Adopted in Australia'," Sydney Morning Herald, 26 September 2014.

<sup>135</sup> Calgary Police Department. (2016). Youth intervention. Retrieved February 15, 2021. Retrieved from <http://www.calgary.ca/cps/Pages/Youth-programs-and-resources/Youthintervention/ReDirect.aspx>

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national security concerns in Canada.<sup>136</sup> The RCMP has also released a number of CVE educational guidebooks including 'Radicalization: a Guide for the Perplexed' and 'Youth Online and at Risk: Radicalization Facilitated by the Internet'.<sup>137</sup>

Integrated University Center for Health and Social Services is working to stop radicalization to violent extremism by addressing risk factors and strengthening protective resources in the community.<sup>138</sup> Improving family ties to the group, cultivating alternate ideological narratives, encouraging a more complex and nuanced view of religion, supporting nonviolent channels for grievances, and organizing intercultural training sessions for practitioners who work with youth and neighborhoods are only a few of the program's activities. The Deepening the Conversation Project is a Canadian government-led initiative that seeks to improve community-wide proactive factors through a collection of first-person narratives that detail an individual's journey to violent extremism. These narratives are used to launch a dialogue with community organizations about violence in the sense of their own lives, as well as to explore individual and community action options.

Since these are relatively new programs, the evaluation of their long-term effectiveness and success is not currently available; however, success is likely if the program continues to follow the principles of community support and engagement. Open source evidence from the program continues to be very limited, if non-existent, especially given the fact that many referrals are children.

Canada is presently experiencing a growing radicalization problem, underscored by the October 2014 terror attacks that resulted in the deaths of two Canadian Forces members.<sup>139</sup> The

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<sup>136</sup> RCMP (Royal Canadian Mounted Police). (2014). Integrated national security enforcement teams. February 10, 2021, from <http://www.rcmp-grc.gc.ca/secur/insets-eisn-eng.htm>

<sup>137</sup> Ibid.

<sup>138</sup> <https://www.quebec.ca/en/health/health-system-and-services/service-organization/cisss-and-ciuss/>

<sup>139</sup> Bell, S. (2016). Canadian Council of Imams to open 'de-radicalization clinics' to battle 'growing problem' of extremism. Retrieved February 10, 2021 from <http://news.nationalpost.com/news/canada/canadian-council-of-imams-to-open-de-radicalization-clinics-to-battle-growing-problem-of-extremism>

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Canadian government with the help of different religious groups have decided to create an effective de-radicalization programs for young Canadians, focusing on social identity and community based initiatives. Similar to the two previous case studies there has been a shift in the way de-radicalization programs are being run in Canada, leaning towards a preventive approach rather than repression and providing support rather than stigmatizing individuals and communities. It has been difficult to evaluate their long-term effectiveness and success due to the lack of material and these programs being relatively new.

"Families and community groups are the foundation of a safe and resilient Canada. Everyone plays a part in keeping our communities safe".<sup>140</sup>

Demobilization, disarmament, and reintegration (DDR) is a distinct process from efforts to de-radicalize and reintegrate returning foreign fighters or those convicted of terrorist crimes, yet learning from post conflict DDR programs is helpful. In particular, DDR programming has highlighted the importance of community participation in reintegration and the need for specialized programs for women and children.

All of the many different de-radicalization programs that have been established in a number of countries have not been formally identified valid and reliable indicators of successful de-radicalization or even disengagement. Many researchers have described the evaluation of domestic and international CVE work as an extremely challenging process. This is due to the length of time taken for outcomes to take place, and building trust with individuals and communities who are partners of CVE interventions. Some individuals who are participating in these programs might be harder to reach and reluctant to engaged. Generally the decreased in terrorists incidents in a country can be useful to demonstrate the success of a program but there

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<sup>140</sup> Countering Violence Extremism, Public Safety Canada.

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are many factors that play a part in this. It is also important to keep in mind that many individuals see these programs as another way for the government to gain intelligence on terrorist organization.

The Canadian strategy to de-radicalization and rehabilitation should begin with a clear definition of program terms that are essential to the development of objectives and outcomes, such as: radicalization, children, disengagement reintegration and recidivism. None of the case studies provided insight on performance measurement. The three case studies reinforced conclusions drawn on similar studies in terms of the difficulty of identifying outcome indicators for the evaluation of program effectiveness. Success is generally based on recidivism rates for foreign fighters and ex-militants, or on an attitudinal change in members of the mentorship programs. The cases did demonstrate the requirement for vertical and horizontal policy coherence, from national strategy through to the municipal level.

### Lessons for Canada

There is no one size fits all approach to the repatriation and rehabilitation of the children of foreign fighters and there is also no single recipe for a successful program. However, the Government of Canada has the tools and the right platforms to expand the existing programs it has. It will need to re think specific and tailored programs to meet the individual needs of returning children. The path to radicalization is made of different steps, and the process of de-radicalization will also be like that. Having different options available will be beneficial to the individual and the government. In some cases a child might need extensive counselling and social support, while another many require religious and educational guidance. Canada will also need to combine different approaches to disengagement, by providing on-going support and mentoring long-term. Canada will need programs that are comprehensive, evidence-led and are capable of facilitating disengagement. In this context, the programs and initiatives used in other

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countries provide useful insights and lessons which could be used to expand upon Canada's existing disengagement programs and initiatives. All of these programs and initiatives will need to be well funded, adequately resourced and sustainable. This will be dependent on the political leadership of the country, it will require all parties political support, cooperation of multiple agencies and different levels of governments. These types of policies require implantations at the local level but resources and oversight is necessary from higher levels. This extra level of government is, however, particularly important for the Canadian case because police, schools and social programs are within provincial and municipal jurisdiction. A Canadian strategy would need to incorporate the roles and responsibilities of the provincial and municipal governments and their agencies. To achieve success, a long-term commitment will be required. As we learnt from the case studies community involvement is a fundamental aspect of any programs. Government do not have all the tools necessary to effectively establish de-radicalization and rehabilitation programs but they have the opportunity to learn valuable insights from each other.

#### Lack of Experimental Repatriation Frameworks in Canada, Australia and the UK

The lack of formalized frameworks and policies aimed at de-radicalizing and rehabilitating children return from the caliphate stems from the modern approach by psychologists, sociologists and policy makers to develop experimental strategies in a timely manner to help repatriate these children effectively. This stems from the increasing fear of arbitrariness and higher demands on what constitutes a scientific experiment. Modern social scientists conclude that scientific experimentation is not practicable. They argue that true experimentation requires an unfeasible degree of control and embarking on the development of policies and framework without proper experimental techniques and models.<sup>141</sup> This method of

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141 Morgan, M. (1990). The history of econometric ideas. Cambridge, UK: Cambridge University Press.

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thinking creates stagnation and offers no approachable solution often leaving children to remain in war-torn countries or refugee camps where they become further radicalized posing greater threats than if experimental frameworks were developed and optimized based on their shortcomings or failures. This method of scientific thinking presents an inadequate response to helping these child victims and only serves to exasperate the problem. Therefore, policy makers, sociologist, psychologists and others should consider approaching this dilemma through experimentation as proposed by Donald Campbell. Campbell proclaimed, "should be ready for an experimental approach to social reform, an approach in which we try out new programs designed to cure specific social problems".<sup>142</sup>

"Whenever possible, the demands of valid policy evaluation should prevail over humanitarian or practical objections to random assignment of people to treatments or to sustain monitoring during an experiment. Only when the true experiment is absolutely unfeasible *for* practical or moral reasons, another procedure may be followed. Then researchers must revert to a second-best quasi-experimental design."<sup>143</sup>

Campbell meticulously discussed several such substitute procedures with accompanying alternative statistical techniques and the diverse "threats to validity" to which they are susceptible.

This paragraph will draw connections between Campbells' criteria that were explained in Chapter II, and the different policies/ programs countries have adopted to tackle returning children of foreign fighters. The Canadian Government could use this model as a framework to construct and analyze an experiment that focuses on the repatriation of the children stuck in these camps. The following seven criteria have been chosen from the model presented by Campbell based on the closest relation to this policy experiment.

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142 Campbell, D. T. (1969). Reforms as experiments. *American Psychologist*, 24,409-429.

143 Dehue, T. (2001). Establishing the Experimenting Society: The Historical Origin of Social Experimentation According to the Randomized Controlled Design. *The American Journal of Psychology*, 114(2), 283-302. doi:10.2307/1423518

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1. *History*: The time passing while these children are still stuck in the camps impacts the experimentation results due to the high mortality rates and illnesses these children face. Therefore, the longer it takes for these children to be repatriated, the higher the impact on this experiment's outcome.
  2. *Maturation*: The lengthy processes for repatriation and, in some cases, the denial from certain governments in allowing for their return may impact the outcomes of the experiment by providing these children with higher chances of becoming radicalized within the camps by other ISIS members.
  3. *Instability*: The focus of this experiment will be on children under 18 years of age; this group is harder to research due to different legal and social policies put in place to protect their identities and information in countries like Canada, the UK, and Australia. In addition, it will try tackling different mental and physical traumas these children have experienced during their time within ISIS; these will need to be measured individually and will be different from each person.
  4. *Testing*: Children like adults might behave differently when being tested and questioned. Some might be more engaged while others do not want to participate or hide their true personality and thoughts.
  5. *Instrumentation and selection*: The experiment will be focusing on the children of foreign fighters. Based on reports from humanitarian organizations Canada, the UK, and Australia have less than 100 children repatriated. Governments could start by prioritizing those under the ages of one, orphans and ill children, as the first experiment participants.
  6. *Interaction effect of Testing*: The experiment will need to run for a longer period to analyze the difference in behaviours between the children that have been repatriated and

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reintegrated into society and those who are still stuck in the camps waiting for their turns.

The testing will need to focus on the children's behaviours and attitudes that are being reintegrated and the shift it had overtime to assess de-radicalization success.

7. *Irrelevant replicability of treatments:* These programs will need to be run on a case-by-case basis due to the experiment's complexity and vulnerability. Canada has the capacity and resources available to act on the matter. It also has access to international conferences and forums to learn from countries that have already repatriated and reintegrated high numbers of their nationals. Replications of policies and programs might not be possible or beneficial, but they could serve as a framework to establish what works for the country.

### The Five Eyes Alliance

One of the key issues of repatriation is identifying which children are capable of returning to a normal life with assistance and which children still hold alliances to extremist groups who may be returning to carry out domestic terror attacks. This intelligence is vital when creating successful rehabilitation and de-radicalization program frameworks as punishment for those who intend to repatriate for malicious intentions must exist in parallel to repatriating children in need of careful treatment. Once back in Canada, there is also an increased risk for lone-wolf attacks on Canadian soil. Lone wolf attacks are not a new tactic used by extremist groups, but because of ISIS, the tactic has gained more relevance. ISIS understood that lone wolf attacks would instill as much fear as their planned attacks. This major legal challenge has to do with the fate of those minors who wish to return from the Caliphate and whose initial decision to join might have been the result of coercion or psychological subjugation. This makes intelligence gathering and sharing between Canada, Australia and the UK through the Five Eyes Alliance a

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critical component in creating a framework that offers rehabilitative and punitive processes on a case-by-case basis. Thus, further reforms to intelligence agency powers, including those aimed at dealing more effectively with threats associated with the Islamic State group and child-aged foreign fighters. The sharing of intelligence information between these three countries, among others, is an important activity to identify which children are returning to their home countries for malicious purposes or to genuinely flee the horrendous conditions they have been subjected to in order to regain the normality of democratic life.

## **Chapter VI: Human Rights Approach**

### Legal Standards & Rights of the Child

The previous chapters examined the policies and programs to repatriate and rehabilitate children of foreign fighters in the UK and Australia and how such decisions have significant implications on their right to return to their home country. These restrictive policies have serious repercussions on children's wellbeing, welfare and dignity. The death of Shamima Begum's baby is a recent example of the impacts UK policies have on children's right to life, to be free from any discrimination, the safeguarding of their best interests. International Human Rights Law plays a vital role in protecting children affected by the foreign fighter phenomenon. The right to enter one's own country was established in the Universal Declaration of Human Rights (UDHR) in 1948,<sup>144</sup> and then added to international human rights treaties such as the ICCPR and CRC.

Canada, UK and Australia have incorporated and ratified many international treaties that have set the stage for a child's right-based approach within their domestic policies.

The International Covenant on Civil and Political Rights (ICCPR) was the first international

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<sup>144</sup> Universal Declaration of Human Rights (1948). [online] Available at: [https://www.ohchr.org/en/udhr/documents/udhr\\_translations/eng.pdf](https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf) [Accessed 21 Jan. 2019]

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adopted human rights treaty that set out a prohibition of arbitrarily depriving individuals of their right to return to their own country under Article 12<sup>145</sup> relating to the right to freedom of movement, which is of significance for this research. The article focuses on two main elements: one regards the internal aspect of moving freely within the country (Art.12(1)), and an external aspect relating to the right to move freely between States. This element also encompasses the right to leave one's country (Art.12 (2)) and the right to enter one's own country (Art.12(4)).

The Convention on the Rights of the Child (CRC) is one of the most significant treaties in protecting the rights to return children of foreign fighters. Canada ratified the Convention in 1991 and its Optional Protocol to the Convention on the Rights of the Child on children's involvement in armed conflict (OPAC).<sup>146</sup> The key principles of the CRC, such as the best interests of the child, the non-discriminatory treatment of children, their inherent right to life, survival and development, as well as other CRC's provisions are to be found in numerous Canadian national legislative acts protecting children's rights and human rights generally. Besides, all three countries have a duty of care to protect their national children abroad under the principle of "parents patriae," which has been upheld in a long tradition of jurisprudence.<sup>147</sup> The child's rights-based approach has been a push by the Special Representative of the Secretary-General for Children and Armed Conflict in 2018, in which it reaffirms that denying the return of children to their home States as a result of their alleged affiliation to armed groups, in the present context, ISIS, goes against "the best interests of the child and international protection

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<sup>145</sup> ICCPR. International Covenant on Civil and Political Rights. [online] Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [Accessed 21 Jan. 2019]. (Art.12)

<sup>146</sup> Treaties.un.org. UN Treaty Collection - Chapter IV Human Rights - 11. Convention on the Rights of the Child. [online] Available at: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-11&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en) [Accessed 29 Jan. 2021].

<sup>147</sup> <https://www.justice.gc.ca/eng/rp-pr/other-autre/lrc-rje/p3.html>

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standards."<sup>148</sup> Based on article 2 of the CRC, States cannot use laws to treat children in a discriminatory manner based on nationality, legal or another status.<sup>149</sup> They must protect children from being discriminated against and punished based on the status, activities, expressed opinions, or beliefs of their parents, legal guardians or family members".<sup>150</sup> The "Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups" the right to be free from discrimination must also apply to children who have been exploited and/or recruited by armed groups, such as ISIS, in the conduct of hostilities.<sup>151</sup> These children should have equal access to services that may support and facilitate their reintegration. In the present case, according to reports from Human Rights Watch, more than two-thirds of the children detained in Syrian camps did not voluntarily join ISIS. Rather they were obliged to follow their parents or were born within the Caliphate itself.<sup>152</sup> Considering the age group of the Canadian, British and Australian children of foreign fighters held in the detention camps in Syria, it is unlikely for these children, mostly under the age of 5 years old, to actively participate in the hostilities. From a child's right approach, for the children who have committed crimes and are over the minimum age for criminal responsibility, states are still encouraged to take alternative options to prosecution and detention as stated in the UN Beijing Rules and the OPAC.<sup>153</sup> Governments must assist in physical and psychological rehabilitation. Social reintegration of all children who

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<sup>148</sup> Undocs.org. (2018). A/73/278 - Report of the Special Representative of the Secretary-General for Children and Armed Conflict. [online] Available at: <https://undocs.org/A/73/278> [Accessed 31 Dec. 2021]. (para. 13)

<sup>149</sup> S/RES/2427(2018). [online] Available at: [https://undocs.org/S/RES/2427\(2018\)](https://undocs.org/S/RES/2427(2018)) [Accessed 31 Dec. 2021]. (para.20)

<sup>150</sup>(Art.2(2)).

<sup>151</sup> Paris Principles and Guidelines on children associated with armed forces or armed groups. [online] Available at: <https://www.unicef.org/emerg/files/ParisPrinciples310107English.pdf> [Accessed 31 Dec. 2021]. (para.3.3)

<sup>152</sup>Human Rights Watch. (2019). Fear Grips Women and Children Trapped in Syria Camps. [online] Available at: <https://www.hrw.org/news/2019/10/18/fear-grips-women-and-children-trapped-syria-camps> [Accessed 31 Dec. 2021].

<sup>153</sup> OHCHR. (1985). United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") - General Assembly resolution 40/33 of 29 November 1985. [online] Available at: <https://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf> [Accessed 31 Dec. 2020]. . (Rule 11.4)

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have been implicated in conflict is considered vulnerable and should be treated as "victims of violations of international law" first and foremost.<sup>154</sup>

Considering the case studies and the current state of discussion in Canada, it is fair to argue that such policies amount to discriminatory and unjust treatments towards foreign fighters' children. The children repatriated in the UK, Australia and Canada are all orphans. They are considered the most helpless and unthreatening by their governments since their parents cannot find legal avenues for repatriation. On one side, it is the right step towards solving the issue of children of foreign fighters. However, on the other, it seems to push for discriminatory treatment by only favouring children without parents, where only orphans would potentially stand a chance to return to their home country, leaving the rest of the children stuck in the horrible detention camps.

### Children in Armed Conflict

"Children associated with armed forces or armed groups: any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls used as fighters, cooks, porters, messengers, spies or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities."<sup>155</sup>

ISIS has heavily recruited children from among Syrian, Iraqi civilians as well as from abroad. The understanding of indoctrination, exposure to violence and living conditions in ISIS

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<sup>154</sup> UN Security Council Resolution. S/RES/2427(2018). [online] Available at: [https://undocs.org/S/RES/2427\(2018\)](https://undocs.org/S/RES/2427(2018)) [Accessed 31 Dec. 2020].. (para.20) See also: 2018 Addendum to the 2015 Madrid Guiding Principles - S/2018/1177. [online] Available at: [https://www.un.org/sc/ctc/wpcontent/uploads/2018/12/2018-Addendum-to-the-2015-Madrid-Guiding-Principles\\_as\\_adopted.pdf](https://www.un.org/sc/ctc/wpcontent/uploads/2018/12/2018-Addendum-to-the-2015-Madrid-Guiding-Principles_as_adopted.pdf)[Accessed 31 Dec. 2020].. (para.27)

<sup>155</sup> Drumbl, Mark A. Reimagining Child Soldiers in International Law and Policy. Oxford University Press.

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terrorists is required in order to develop programs that are needed if children from the "caliphate" return to their home country.<sup>156</sup>

Minors are an essential component of the continued existence of the caliphate. They are indoctrinated with the ISIS ideology from a young age through education, training and family members. It has been reported that ISIS's recruitment of children as young as seven for combat roles.<sup>157</sup> The definition of adulthood is based on perceptions of an individual's strength and physical maturity rather than age, "if they have armpit hair and can carry a weapon, they are considered old enough to fight."<sup>158</sup> Education plays a crucial role in the "caliphate." Teachers who worked in existing schools are required to follow a sharia course. A strict interpretation of Islam is taught, and everything that deviates from it is forbidden. Children who travelled with their parents from Western countries receive Arabic lessons. Subjects such as history, for example, focus only on the life of the Prophet Mohammed. Textbooks and course material illustrate battles and arms.

In adherence to the Paris Principles adopted by the international community in 2007, the United Nations (UN) officially defines a child soldier as:

A child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies or for sexual purposes.<sup>159</sup>

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<sup>156</sup> <https://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/>

<sup>157</sup> Patricia Zengerle and Jonathan Landay, "CIA Director Says Islamic State Still Serious Threat", Reuters, 16 June 2016. Available from [www.reuters.com/article/us-mideast-crisis-fighters-idUSKCN0Z21ST](http://www.reuters.com/article/us-mideast-crisis-fighters-idUSKCN0Z21ST).

<sup>158</sup> Interview with Majd (27, lawyer from Raqqa) in Sanlurfa, Turkey, 20 September 2020.

<sup>159</sup> "Child Recruitment and Use," United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict (blog), accessed Accessed 17 Jan. 2021, <https://childrenandarmedconflict.un.org/effects-of-conflict/six-grave-violations/child-soldiers/>.

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The Islamic State operating in Iraq and Syria recruited or used 293 children, or 73 percent, of all confirmed reports throughout the two countries.<sup>160</sup> Researchers estimate that in 2015, the Islamic State sent close to forty youths to their deaths in targeted suicide operations using explosive devices.<sup>161</sup> There are many reasons why children are being recruited; one of them is to compensate for the high casualty and defection rates. Therefore these children are substituting adults.<sup>162</sup> They also recruit children because of their physical and psychological characteristics. For example, children are used as spies or informants over adults because they are less likely to attract suspicions. ISIS recruiters target children because they are perceived as more ideologically malleable than adults; they view children as "blank slates," therefore making them easily indoctrinated.<sup>163</sup> Some of the children who joined armed groups have already dropped out of school and are working, children who have never worked before see joining armed groups as a path to economic independence. They are cheap labour because they are willing to work for lower wages than adults, and they are usually too young to have dependents to take care of.

ISIS has recorded the most significant number of foreign fighters. They target foreign children through social media by making efforts to isolate them from family and friends and to replace these relationships with a virtual community. Other foreign children have been taken into these war zones by their parents, who have been recruited.<sup>164</sup> Minors have different roles in the ISIS organization, and some are used as preachers because of their excellent communication

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<sup>160</sup> UN, 11, 24.

<sup>161</sup> Bloom, Horgan, and Winter, "Depictions of Children," 30.

<sup>162</sup> Mara Revkin and Ahmad Mhidi, "Quitting ISIS", Foreign Affairs, 1 May 2016. Available from [www.foreignaffairs.com/articles/syria/2016-05-01/quitting-isis](http://www.foreignaffairs.com/articles/syria/2016-05-01/quitting-isis).

<sup>163</sup> Anthoy Faiola and Souad Mekhennet. "They're Young and Lonely. The Islamic State Thinks They'll Make Perfect Terrorists", Washington Post, 11 February 2017. Available from [www.washingtonpost.com/sf/world/2017/02/11/theyre-young-and-lonely-the-islamic-state-thinks-theyll-make-perfect-terrorists](http://www.washingtonpost.com/sf/world/2017/02/11/theyre-young-and-lonely-the-islamic-state-thinks-theyll-make-perfect-terrorists).

<sup>164</sup> Graeme Wood, "The American Climbing the Ranks of ISIS", Atlantic, March 2017. Available from [www.theatlantic.com/magazine/archive/2017/03/the-american-leader-in-the-islamic-state/510872](http://www.theatlantic.com/magazine/archive/2017/03/the-american-leader-in-the-islamic-state/510872)

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skills, which allows them to convey the ISSI message effectively. Girls receive a religious education as well as they are prepared from a young age for domestic duties such as cooking, sewing, and looking after children. Once they reach puberty, girls are expected to marry an ISIS fighter. Marriage was one of the reasons for many European girls to join ISIS. Other young women were recruited on social media by ISIS girls who were seen as essential to the caliphate.

“The Security Council has emphasized that children who were recruited in violation of international law by armed groups and have been accused of committing crimes during armed conflicts should be treated primarily as victims of violations of international law”<sup>165</sup>

The increasing number of boys and girls under the age of 18 involved in terrorism-related activities calls for an appropriate response by states that are based on international human rights law and the rule of law. The Security Council resolution 2178 paragraph 4 calls upon States to prevent the recruitment of foreign terrorist fighters<sup>166</sup>, while resolution 2396 paragraph 29 stresses the importance of assisting women and children associated with foreign terrorist fighters who may be victims of terrorisms, and to take into account gender and age.<sup>167</sup>

International human rights law is established through treaties and international law. When states become part of these treaties, they are obliged to act accordingly. There are some rights that no matter what the circumstances are can never be derogated. These laws, including the CRC, should be respected even in times of armed conflict. Repatriating countries need to consider non-judicial measures as alternatives to prosecution and detention that focus on rehabilitation and reintegration of children formerly associated with armed groups. Children who have reached the age of criminal responsibility may be criminally liable for a particular action.

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<sup>165</sup> Security Council Resolution 2427 (2018), para. 20.

<sup>166</sup> Security Council Resolution 2178, (2014) para. 4

<sup>167</sup> Security Council Resolution 2396 (2017) para. 29-31

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The justice process should have as a primary goal, the ultimate rehabilitation and reintegration of the child into society. Some children may have been required to serve in designated terrorist groups in many different roles; they may also be victims of abduction, sexual violence and trafficking.<sup>168</sup> These children should not be punished for crimes committed in relation to these circumstances.

The assessment of the child's criminal responsibility should be made on a case by case basis. Many children of foreign fighters are under the age of criminal responsibility, which is 14 years as per recommendation from the Committee on the Rights of the Child. These children have no legitimate reason to be prosecuted. They should not be prosecuted for membership, nor affiliated based on family ties to armed groups. For children above the age of 14, countries should be using community-based alternatives to prosecution and detention. These could be a pretrial diversion, community service, probation and conditional or suspended sentences. As a signatory to the Paris Principles, Canada has committed to considering all children associated with or recruited into armed groups "primarily as victims of offenses against international law; not only as perpetrators,"<sup>169</sup> including those accused of crimes against international law.

The Beijing Rules, another international treaty<sup>170</sup> state that juvenile justice system shall take into consideration: the well-being of the child, and ensure proportional responses to offenders; the presumption of innocence as well as rights to notification charges, to counsel and representation, to the presence of guardian/ parent, to confront witnesses, and to appeal; judgement without delay, with the contemplation of release from detention; prohibition of capital punishment; most limited restriction on personal liberty as is possible; provision of education,

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<sup>168</sup> Security Council resolution 2427 (2018), para. 39.

<sup>169</sup> UN Children's Fund, Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, February 2007, [https://childrenandarmedconflict.un.org/publications/ParisPrinciples\\_EN.pdf](https://childrenandarmedconflict.un.org/publications/ParisPrinciples_EN.pdf).

<sup>170</sup> The Beijing Rules (1985), rule 11.4.

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vocational, or other rehabilitative services and attention to individual needs of females.<sup>171</sup>

Children should be detained only as a last resort, for the shortest possible period. Countries should be able to seek alternatives to detention; the implementation of community-based approaches will benefit both the minor and the society in the long run.

## **Chapter VII: Policy Recommendation for Canada**

This research has contributed to social science by introducing and examining a well-established framework on a new issue, the use of existing youth de-radicalization and rehabilitation programs as a basis for the creation of repatriation and reintegration policies/programs for children of foreign fighters. The availability of such programs will be crucial to improve children's chances of living a normal life, particularly as many are orphans because their parents are dead or imprisoned. The program implementation will need to focus on the different radicalization levels these children were exposed to when living under ISIS. These children will require social aid in basic needs such as water, food and shelter to other forms like education or life-skills workshops, which will assist with the slow reintegration process into the Canadian society.

Bringing these citizens home is complex. It involves the collaboration of the federal, provincial governments as well as humanitarian and international organizations. However, it can be done. Canada and other countries have repatriated some and, in some cases, hundreds of their citizens. The dire situation faced by thousands of children in north-eastern Syria's detention camps remains a major challenge for the international community. It is worsening by the pandemic's consequences. The Kurdish-led authorities who control the camps have begged

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<sup>171</sup> The Beijing Rules (1985). Standards for children in contact with the law also are enshrined in the Convention of the Rights of the Child (1989), International Covenant on Civil and Political Rights (1966), and General Assembly resolution 70/175 (2015), the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

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countries several times to repatriate their nationals because they lack the capacity and resources to manage them properly. A proposed recommendation plan should encompass a multi-faceted detention approach (for older children), de-radicalization, and disengagement when repatriating children from extremist nations. This type of approach would align with Donald Campbell's thinking since the government currently does not know which model will work best. If loopholes or failures occur, the framework should be modified.

The recommendations put forward to the Government of Canada is to repatriate Canadian children detained in northeast Syria urgently. The research provided by international humanitarian organizations and the reports filed by family members abroad, the children require urgent assistance. Canada should take repatriation measures, including verifying citizenship, issuing these children travel documents, and providing or coordinating safe passage from the camps to Canadian consulates or territory. Upon their return, the children should be offered rehabilitation and reintegration services, in addition to appropriately investigating and prosecuting those suspected of serious crimes in line with international fair trial standards. When determining criminal justice, the government and the courts should be mindful of the different roles these children may have served in ISIS, as well as their potential roles as victims. All governments must treat children affiliated with ISIS first and foremost as victims, keeping in mind that any recruitment or use of children below the age of 18 by non-state armed groups is a violation of international law. The Canadian government should prosecute and detain children only as an exceptional measure of last resort, in line with the CRC, its optional protocol of children's involvement in armed conflict, and juvenile justice standards. Provide these children with rehabilitation and reintegration services, including medical and psychological support. Tailor program for gender, age, educational needs, cultural backgrounds, and each child's

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circumstances. Government departments at the federal, provincial and municipal levels will be in charge of creating a detailed Government Response Action Plan outlining clear roles and responsibilities, partner and stakeholders, specific deadlines and deliverables. In addition, they should work in collaboration with each other. The action plan should be then signed by each department's heads to ensure a clear understanding of programs and priorities. All participating departments should be held accountable for their part in the policy implementation and program evaluation process.

Consequently, this research intended to examine how and what the Canadian government could do in repatriating the children of foreign fighters. To do so, this research has based itself on countries seen here as case studies and their approaches to the repatriation of their citizens. This research has intended to shed light on the current tension between reinforcing national security in a volatile context exacerbated by increasing jihadist terrorist attacks across the world and upholding state obligations and duty of care to protect and ensure children's rights foreign fighter's phenomenon. The jihadist threat has driven many countries to perceive foreign fighters' children as potential security risks frequently similarly to their parents; this has consequently undermined the protection of their fundamental rights as children. As underlined throughout the research, children have a right to return to their own country. It is important to keep in mind that all individuals are considered children under 18 years old, and a special set of protections apply accordingly. Canada has a responsibility towards those children as they are Canadian nationals. This perspective has been reaffirmed by the UN, which reiterates that home states should extend theory protection to their children's nationals located outside Canada. Also, the perception of those children in Canada is viewed as threats to national security rather than victims; this shows

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that the right to non-discrimination and fair treatment is not being upheld since they are mainly viewed in connection to their parents' affiliation ISIS. This goes against what the CRC states.

According to the UN Convention to the Right of the Child, children have the right to life, a name, protection, health care and education. However, for a particular group of children now stuck in northeast Syria, those rights seem like a distant reality. After surviving the horrors of war, just staying alive is an everyday battle for these children.

This research paper provides detailed information on the responsibilities Canada and other states have concerning children of foreign fighters. These children should be the priority; under international and national humanitarian law, they should be repatriated, reintegrated into society or prosecuted under international and national laws, but always proving that a child's best interest shall be a primary concern in all actions affecting them. This research has shown that it has been hard to create a successful de-radicalization program despite numerous programs globally. The majority of countries implemented these programs, yet no one has figured out the best approach. Countries' security concerns would be handled with the appropriate rehabilitation programs; if these children are being left in these temporary ISIS camps, the chances of being radicalized by other men and women are high.

The purpose of this research was to only focus on the repatriation of children of foreign fighters; in addition to the issues that follow with this group, there is also a much more difficult case, "the return of their parents." Future policies should keep in mind the unique psychological and physical distinctions of children and create programs tailored to their specific needs. Programs remain unclear, understudied and continue despite success claims that are not externally validated or empirically backed. Further research and evaluations must be done on de-radicalization and disengagement programs to evaluate their success rate and implementation

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strategies truly. It will allow us to expand further and fund current programs or restructure them all together in search of new solutions. This research could not cover all of the details that come with the repatriation and reintegration process; as previously mentioned, this is a fairly new phenomenon; some countries have repatriated many of their nations while others have taken a different approach. Nevertheless, this research aimed at going beyond merely mapping out the UK, Australia and Canada's counter-terrorism lack a child's right approach by analyzing programs that have been used in the past for child soldiers and children coming from war-torn countries and evaluating them based on their success as well as using them as a basis to create new programs for the returning children of foreign fighters.

Children should not be punished for their parents' actions and decisions—most were forcibly taken to the Islamic State's territories or born into them with no option to leave and then obligated to live according to its doctrine. Many of these children, possibly the majority, already have severe mental, physical, social consequences from having lived for an extended period in war zones. They have lost family members, seen terrible violence, and experienced unimaginable trauma. The children of Western countries could have a way out if their governments decide to repatriate these young children. The longer these minors stay in these ISIS camps, the more exposed they are to human rights violations, violence and radicalization, which at that point will be very difficult to reintegrate back into their communities.

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