



UNODC

United Nations Office on Drugs and Crime

DISCUSSION PAPER 3¹
REHABILITATION AND REINTEGRATION

Expert Group Meeting

on

**The Treatment of Children Recruited and Exploited by Terrorist
and Violent Extremist Groups by the Justice System**

13 – 15 December 2016

Vienna International Centre

Room M7

¹ This document is an unofficial paper drafted exclusively to serve as basis for discussion at the Expert Group Meeting. The views expressed in this document are those of the authors and do not necessarily represent the views of, and should not be attributed to, UNODC or the United Nations in general.

DISCUSSION PAPER 3²
REHABILITATION AND REINTEGRATION

Table of contents:

INTRODUCTION	3
3.1 CHALLENGES OF RELEASE, REHABILITATION AND REINTEGRATION PROCESSES	3
A. Addressing social reintegration in diverse contexts	3
B. Release and demobilization of children in conflict	4
C. Multi-layered challenges of reintegration processes	5
D. Promoting reintegration through justice measures	8
<i>Questions for Discussion</i>	9
3.2 APPLICABLE INTERNATIONAL LEGAL FRAMEWORK	9
A. International legal framework on release and reintegration of children associated with armed groups or terrorist groups.	9
B. International legal framework on reintegration of children in contact with the law	10
C. International Legal Framework on separated children, and children in cross-border situations	14
3.3 PROMOTING EFFECTIVE REHABILITATION AND REINTEGRATION OF CHILDREN RECRUITED AND EXPLOITED BY TERRORIST AND VIOLENT EXTREMIST GROUPS	17
A. Child- sensitive DDR Programmes	17
<i>Questions for Discussion</i>	18
B. Social services and community-based reintegration programmes	19
<i>Questions for Discussion</i>	19
C. Social Reintegration of Children in contact with the Justice System	20
<i>Questions for Discussion</i>	20
D. Reintegration through family reunification and repatriation	21
<i>Questions for Discussion</i>	22

² This document is an unofficial paper drafted exclusively to serve as basis for discussion at the Expert Group Meeting. The views expressed in this document are those of the authors and do not necessarily represent the views of, and should not be attributed to, UNODC or the United Nations in general.

INTRODUCTION

Children recruited and exploited by terrorist and violent extremist groups require special care and support to be effectively reintegrated and become constructive members of society. These children may have been exposed to extreme violence, they may experience a strong disconnection from or rejection by society, or they may face strong stigma within their families and communities.

The diverse personal circumstances of these children, as well as their different contexts, make the design of effective reintegration programmes a complex endeavour, which requires the commitment and cooperation of a variety of institutions and actors. This paper proposes an analysis of this issue in three main sections:

- The first section briefly outlines the key challenges that Member States face when promoting the reintegration of children. Specific attention is devoted to the release processes, the key aspects of reintegration programmes, and the role of the justice system in promoting social reintegration.
- The second section outlines the international legal framework related to the reintegration of children, and their right to be released from an armed group, as well as the right of children who have crossed national borders.
- The third section identifies some of the key measures aimed to promote the rehabilitation and reintegration of children recruited and exploited by terrorist and violent extremist groups. This section serves as a basis to discuss recommendations.

In order to facilitate the gathering of relevant inputs and experiences during the Expert Group Meeting, a list of key questions for discussion are included in the first and third sections of the paper.

3.1 CHALLENGES OF RELEASE, REHABILITATION AND REINTEGRATION PROCESSES

A. Addressing social reintegration in diverse contexts

Social reintegration can be defined as any intervention aimed to support children recruited and exploited by terrorist and violent extremist groups to successfully integrate in the community, economically, socially and psychologically.

This description highlights two key components of reintegration processes. The first concerns the rehabilitation of the individual child, and addresses his or her specific needs. The second focuses on restoring or creating the bond between the child and her or his social environment, and thus demands that the needs of the families and communities are taken into account as well. In order to be comprehensive and effective, reintegration programmes should take into account the personal situation of the individual child, and at the same time be adapted to the context and society in which the child needs to assume an active role.

The circumstances of the child determine the need for specific approaches. Public authorities may become aware of the child's situation while she or he is still associated

with terrorist or violent extremist groups. In such cases, favouring the children's release is the first step to begin the reintegration process. Demobilization and release are complex procedures that need to be tailored to the needs of children in order to prevent secondary victimization.

In other instances, reintegration programmes assist the child when returning to the family and the community, through the support of child protection and welfare systems. While this may be the less traumatic transition for children, they may still require appropriate assistance.

Finally, children in contact with the justice system, and specifically children who are alleged as or accused of having committed offences, may face further challenges in their reintegration into society. Justice proceedings, and in particular measures such as deprivation of liberty, are often applied as corollary of punitive approaches rather than rehabilitative efforts. This can easily lead to additional stigmatization of the child, in turn enhancing her or his isolation from society.

The reintegration of children recruited and exploited by terrorist and violent extremist groups may pose specific challenges. Practitioners need to take into account that these children may have been subject to violence, even extreme forms of violence, and adopt appropriate responses. In addition, these children may be considered prone to violence themselves, and States are required to balance the objective to preserve public safety with their obligation to take into account the best interests of the child. Furthermore, public authorities may come in contact with children who have been separated from their families, or are not nationals of their State, and will be required to make a decision on possible family reunification or repatriation. Another key concern is that the situation of girls may be easily overlooked in the design of reintegration programmes, and thus their specific needs are easily underestimated or disregarded.

Lastly, lack of resources, inadequate legal and policy frameworks, need for skilled practitioners, and insufficient coordination of the different institutions and actors that need to be involved in these practices, contribute to undermining the results of reintegration processes.

B. Release and demobilization of children in conflict

Terrorist and violent extremist groups often recruit children to use them in the context of conflict (*see Discussion Paper 1, 1.1 A and 1.1 B, page 3 to 5*). These children may serve support roles or they may be actively engaged in hostilities or in carrying out terror related attacks. Regardless of the role they are carrying out, they are living with the group, and are therefore subjected to the group's control. In order to promote and support their reintegration into society, it is essential to first demobilize them and favour their release to civilian actors.

When children are recruited by terrorist and violent extremist groups, carrying out a negotiation for the purpose of their release can be especially complex. On the one hand, the nature and objectives of violent extremist groups makes them more reluctant to negotiate with States or even neutral actors. On the other hand, the fact that Member States, as well as international organizations, strongly condemn these groups can prevent any attempt at negotiations.

This also entails that government agencies, UN missions, intergovernmental, or private entities contracted to run DDR programs may have particular issues in accepting persons, including children, connected to a terrorist group into official DDR programs. In this regard it is important to ask the question: what legal risks (possible criminal responsibility for providing shelter, food and other forms of support to a “terrorist”, violation of provisions in grant agreements concerning financing of terrorism) or reputational risks does acceptance of persons demobilized from a terrorist group into a DDR program entail?³

Furthermore, designing and implementing release processes that guarantee access to children is especially difficult. First of all, in contexts of conflict, it is problematic to identify with certainty individuals below eighteen years of age. Secondly, when eligibility criteria are designed according to traditional criteria for adults, they tend to be limited to combatants, and as a result children in support roles may be overlooked. This has especially serious consequences for girls.

Even when children have accessed release processes, the passage to reintegration programmes should be organized carefully. As there may be risks associated with direct release of the child into the community, children usually spend a period of time in interim care centres. However, when children are seen as security threats their release into the community can be prevented, and they may therefore remain in the interim care centres for an indefinite period of time, in a situation of *de facto* administrative detention.

Finally, it is worth considering that not all children who are associated with armed or terrorist groups will enter an official release process. It is estimated that approximately 30 per cent of children formerly associated with armed groups do not enter formal release programmes, but demobilize ‘spontaneously’.⁴ This may be for a variety of reasons, including a fear of being detained, or because they are excluded from released programmes, which is often the case for girls.⁵ In these instances, it is debatable whether promoting access of the child to an official programme is the best course to fulfil the child’s best interests.

C. Multi-layered challenges of reintegration processes

Achieving social reintegration is the ultimate objective of any action taken by public authorities that affects children who have been recruited by terrorist and violent extremist groups. Reintegration programmes are crucial to determine the child’s future in society.

Addressing the consequences of violence endured by the child is a primary concern. It is important to note that this issue is not limited to conflict areas and remains relevant in relation with child returnees from a foreign conflict theatre, both those who travelled

³ James Cockayne and Siobhan O’Neil, ‘Introduction’ in James Cockayne and Siobhan O’Neil (eds.) ‘UN DDR in an Era of Violent Extremism: Is It Fit for Purpose?’, United Nations University (2015), p. 54. Available at: <https://collections.unu.edu/eserv/UNU:5532/UNDDR.pdf> Last accessed 2 November 2016

⁴ UN Integrated Disarmament, Demobilization and Reintegration Standards (2006), Module 5.30, para. 8.4

⁵ Bruce Oswald, ‘DDR and Detention in UN Peace Operations’ in James Cockayne and Siobhan O’Neil (eds.) ‘UN DDR in an Era of Violent Extremism: Is It Fit for Purpose?’, United Nations University (2015), p.95. Available at: <https://collections.unu.edu/eserv/UNU:5532/UNDDR.pdf> Last accessed 2 November 2016

there on their own and children who were taken along by their parents (*see Discussion Paper 1, 1.1 A and 1.1 C, page 4, 5, 7*).

In this framework it is essential to guarantee access to health care. Children who have been involved in conflict, in particular, may have sustained physical injuries or be suffering from acute or chronic diseases, which may well have been left untreated and significantly impact their future development and reintegration. Further, children and especially (but not exclusively) girls who are recruited are at particular risk of sexually transmitted diseases that endanger sexual and reproductive health.⁶ Girls recruited and used by these groups may also become pregnant and require access to maternal health care and support.

The effects of violence can have severe short and long-term impacts on the child's psycho-social development. Research has found that children recruited by armed groups in Sierra Leone and Uganda exhibited high rates of PTSD, depression and other psychological illnesses,⁷ and traumatic events, such as serving as a combatant or executioner, increases the risks of developing severe mental health disorders.⁸ Untreated, such disorders are likely to impair a child's ability to eat, sleep, concentrate and learn.⁹ Poor educational results may, in turn, inhibit children's employment prospects. Studies also show that gender has an impact on the reaction to extremely violent events, and in particular girls have higher chances of developing post-traumatic stress disorder¹⁰, which can be associated not only with stronger exposure to traumatic events, but also with more limited access to treatment.¹¹ Access to psycho-social support is an important part of a child's immediate rehabilitation, as well as a precondition for continued development and reintegration in society.

In parallel, public authorities are concerned that children may continue to be "radicalized" (and likely to take violent action) after demobilization, release or return from travel abroad. These concerns relate not only to children who joined a terrorist or violent extremist group as a result of so-called radicalization, but often also include children who were abducted or otherwise joined the group without necessarily sharing the objectives of the group (e.g. because of economic incentives). Exposure to violence and indoctrination may result in normalization to violence, and adoption of violent extremist beliefs. The exploitation of children to carry out violent acts has reinforced these considerations and led to development of the so-called "deradicalization programmes", which aim to integrate psycho-social support with processes designed to promote an ideological shift away from the acceptance of violent behaviour. At the same time, such programmes pose additional challenges in relation to their definitional basis, the selection

⁶ Matthew Happold, *Child soldiers in International Law*, New York: Juris Publishing, (2005), p. 18

⁷ Shane Dixon Kavanaugh, 'The Uphill Battle To Saving ISIS' Child Soldiers', *Vocativ* (2015)

⁸ Elisabeth Schauer and Thomas Elbert, 'The Psychological Impact of Child Soldiering' in Erin Martz (ed.) *Trauma Rehabilitation After War and Conflict Community and Individual Perspectives* (2010), pp. 311-349

⁹ Elisabeth Schauer and Thomas Elbert, 'The Psychological Impact of Child Soldiering' in Erin Martz (ed.) *Trauma Rehabilitation After War and Conflict Community and Individual Perspectives* (2010), pp. 311-349

¹⁰ Amone-P'Olak, K., *Psychological impact of war and sexual abuse on adolescent girls in Northern Uganda*, (2005)

¹¹ Gender differences in posttraumatic stress disorder. Olff, Miranda; Langeland, Willie; Draijer, Nel; Gersons, Berthold P. R. *Psychological Bulletin*, Vol 133(2), Mar 2007, 183-204

of target groups, the voluntary participation, as well as their potential for discrimination and secondary victimization.

The role of the families and communities is particularly decisive for the purposes of reintegration programmes. They can provide a support system to the child, contribute significantly to their personal rehabilitation, and at the same time facilitate access to educational and employment opportunities. As the recruitment by violent extremist groups usually leads to the separation of the child from her or his family and community, reintegration programmes need to address this broken or damaged relationship.

The association with such groups can seriously impact the perception of the child amongst both the family and the community. Children may face rejection for having broken important social norms, acted directly against the family or their values and beliefs, or because of community pressure. Some armed groups, including terrorist and violent extremist groups, make it a deliberate tactic to force children to commit atrocious violence against their family and community in order to prevent defection and force the child to remain associated with the group.¹² Community ostracism and rejection is also particularly likely in circumstances where women have become pregnant and given birth to children as a result of rape. Recent research conducted by UNICEF examining the situations of women and girls in northern Nigeria after escaping from Boko Haram has found that women returning from captivity with children were regarded with ‘deep suspicion’, perceived to be carrying the dangerous offspring of Boko Haram fighters.¹³ Biologically deterministic views consider such children to be harbouring the “bad blood” or “juju” [witchcraft charms] of their violent fathers; as one north-eastern Nigerian saying goes: “*a child of a snake is a snake*”.¹⁴ Similarly research conducted on the aftermath of the conflict in Sierra Leone found that females associated with armed groups who returned home with children were liable to be subject to stigmatization, and their children labelled as “undesired”, “children of bad memories” or “children of hate”.¹⁵

Rather than being regarded as victims, female survivors of sexual violence, and their children, are often considered as potential perpetrators of violence, likely to bring further harm, destabilization and suffering to their communities. As the authors of the UNICEF report write: “*many perceive these victims of conflict as being partly responsible for the violence and losses suffered by entire communities during the insurgency*”.¹⁶ Reintegration programmes are therefore faced with the challenge to address the concern to prevent or reduce the stigmatization of the child and its potential consequences, which can even lead to the child re-recruitment.

¹² A/HRC/30/67, Report of the United Nations High Commissioner for Human Rights on violations and abuses committed by Boko Haram and the impact on human rights in the affected countries (2015), para. 44

¹³ UNICEF and International Alert, Bad Blood, Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria, research summary, (2016)

¹⁴ *ibidem*

¹⁵ Mazurana, D. E., McKay, S. A., Carlson, K. C., & Kasper, J. C. (2002). Girls in Fighting Forces and Groups: Their Recruitment, Participation, Demobilization, and Reintegration. *Peace and Conflict: Journal of Peace Psychology*, 8(2), 97–123.

¹⁶ UNICEF and International Alert, Bad Blood, Perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria, research summary, (2016)

A different set of challenges are encountered when families are also involved with terrorist and violent extremist groups, and specific difficulties arise when attempting to reintegrate the child in an environment that shares such beliefs.

Finally, the exploitation of children by terrorist and violent extremist groups is characterized as a transnational phenomenon. Children may enter in contact with public authorities in a State where they are not nationals. Tracing the family of the child, or deciding on the opportunity of repatriation on the basis of the child's best interests require an assessment of risks facing the child, as well as of the conditions that would be more suitable to her or his reintegration.

D. Promoting reintegration through justice measures

When a child undergoes justice proceedings as an alleged offender, the reintegration process can be complicated by an additional set of challenges. Justice measures are based on the notion of accountability and guilt that may contribute to social stigma. In addition, when deprived of her or his liberty, the child is physically isolated from her or his community, family and activities. Accordingly, such measures have the potential to disrupt the personal development of the child and pose additional obstacles to their return to society as active members.

When it comes to children recruited by terrorist and violent extremist groups, their perception as security threats has very tangible and significant consequences in relation to their treatment within the justice system. They range from overreliance on 'tough' approaches during arrest, and interrogations, to the application of longer, more severe sentences. Beyond contributing to secondary victimization, such approaches also foster the sentiment of injustice and disenfranchisement of children and young people with respect to public authorities and institutions. These responses may end up contributing to isolation, and ultimately, identification with the narratives and discourses promoted by terrorist and violent extremist groups.

Moreover, the conditions in detention facilities are associated with increased risks of spreading indoctrination. Social isolation, personal crisis, frustration, lack of trustful social interaction with the staff of the detention facility, overcrowding and insufficient staff may contribute to such danger. In these contexts, the personnel needs to prevent contagion of other children, while at the same time effectively promoting a behavioural shift in those who hold violent extremist beliefs.

For these reasons, all possible measures should be taken to ensure that children are deprived of their liberty for the shortest period of time. In particular, justice practitioners should have the possibility to choose alternatives to judicial proceedings, and alternatives to custody, in order to promote the reintegration of children since their earliest contact with the justice system. Such choice shall take into account the specific needs and situation of the child, and integrate rehabilitation and reintegration components.

Additionally, when a child is deprived of liberty, reintegration-oriented approaches must be integrated in the child's treatment, such as educational and vocational training, and the promotion of the child's contact with the outside world.

Girls in the justice system as alleged offenders mostly suffer from low representation, which enhances the possibility of being treated as adult women, rather than gaining

access to tailored programmes for children. This can especially hinder reintegration processes, as they should be tailored to the specific level of development of the child.

Questions for Discussion

- **Are there ongoing release processes that tackle children recruited by terrorist and violent extremist groups?**
- **How many children have access to reintegration programmes following their exploitation by terrorist and violent extremist groups?**
- **What are the criteria to determine who accesses such programmes?**
- **What are the prevailing attitudes of the community to children who have been recruited by terrorist and violent extremist groups in your country?**
- **Are girls regarded differently than boys?**

3.2 APPLICABLE INTERNATIONAL LEGAL FRAMEWORK

This section is dedicated to the international legal framework applicable to children recruited and exploited by terrorist and violent extremist groups in relation to three key aspects: i) the obligation of States to promote the demobilization and release of children; ii) the obligation of States to promote the reintegration of children, including children in contact with the law either as victims or as alleged offenders; iii) the obligation of States in relation with children separated from their family, who may or may not have crossed national borders.

A. International legal framework on release and reintegration of children associated with armed groups or terrorist groups.

According to Article 39 of the Convention on the Rights of the Child, Member States have an obligation to promote physical and psychological recovery and social reintegration of children affected by neglect, abuse, exploitation, as well as armed conflict. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

This includes the right of children to be released from armed groups. Article 6.3 of the Optional Protocol to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict imposes on States the obligation to take all possible measures to ensure that children who are recruited are demobilized or “otherwise released from service”.¹⁷ It also provides that such process should be accompanied by appropriate assistance, in view of promoting the child physical and psychological recovery and reintegration.

Already in 1999, the UN Security Council adopted resolution 1261, which urged Member States to facilitate the demobilization, release and reintegration of children used as

¹⁷ Optional Protocol CRC on children and armed conflict, Article 6.3

soldiers.¹⁸ This call has been reiterated in various Security Council Resolutions, including resolution 2225 of 2015, which again urges Member States, United Nations entities, regional and sub-regional organizations to ensure the release and reintegration of children formerly associated with armed forces or armed groups¹⁹, as well as the immediate, safe and unconditional release of abducted children “including through establishing standard operating procedures on the handover of children to relevant civilian child protection actors, as well as to seek to ensure their family reunification, rehabilitation and reintegration”.²⁰

In addition, the “Paris Principles”, which apply to the situation of all children associated with armed forces and armed groups, describe the unlawful recruitment of children as a violation of their rights, and establish that their release, protection, and reintegration “must be sought at all times, without condition and must not be dependent on any parallel release or demobilization process for adults.”²¹ Where formal DDR processes exist, special provisions should be adopted for children. However, the lack of formal processes shall not prevent actions aimed at pursuing the release of children from armed groups.²² A series of specific provisions on crucial aspects to take into account when designing and implementing release processes are also included.²³

Furthermore, the Principles establish that “children’s reintegration into civilian life is the ultimate goal of the process of securing their release from armed forces or armed groups. Planning for reintegration should inform all stages of the process and should commence at the earliest possible stage.”²⁴ Reintegration should also include appropriate ongoing support to families and communities, to foster the understanding that children are primarily victims and thus address their perception as a security threat.²⁵

The General Assembly has recently, in its 2016 resolution on the review of the Global Counter-Terrorism Strategy stressed that the obligation “to take relevant measures to effectively reintegrate children formerly associated with armed groups” extends to children associated with terrorist groups.²⁶

B. International legal framework on reintegration of children in contact with the law

When it comes to children in contact with the justice system, the international legal framework is very clear in setting forth the obligation of States to promote the social reintegration of the child, whether she or he is considered as a victims of violence²⁷, or whether she or he is alleged as, accused of, or recognized as having infringed the penal law.²⁸ Above all, it is also an integral part of taking action concerning the child that is

¹⁸ UN Security Council resolution S/RES/1261 (1999)

¹⁹ UN Security Council Resolution 2225 (2015), para.9

²⁰ *ibidem*, para. 5

²¹ Paris Principles,(2007), principle 3.11

²² Paris Principles,(2007), principle 3.12

²³ Paris Principles,(2007), principle 7.0 to 7.24

²⁴ Paris Principles,(2007), principle 3.15

²⁵ Paris Principles,(2007), principle 7.39

²⁶ UN General Assembly Resolution 60/288 (2006)

²⁷ Convention on the Rights of the Child (1989), Article 39

²⁸ Convention on the Rights of the Child (1989), Article 40.1

based on their best interests²⁹, and promoting the right of children to survival and development.³⁰

In the case of child victims, Article 39 of the Convention on the Rights of the Child, as stated above, includes the requirement to promote their recovery and social reintegration. Other instruments specify and detail how this objective should be pursued.

Effective assistance should be provided to child victims, including “support services such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services”,³¹ in order to promote their reintegration. In particular, “emphasis should be placed upon family- and community-based rehabilitation rather than institutionalization.”³² Moreover, children have the right to right to receive reparations in order to achieve redress and reintegration.³³

As far as children alleged as or accused of having infringed the penal law are concerned, Article 40 of the UN Convention on the Rights of the Child requires States to take into account the “desirability of promoting the child's reintegration and the child's assuming a constructive role in society”.³⁴

Additional international standards and norms on juvenile justice highlight the need to select the most appropriate measures to promote the social reintegration of children. In particular, according to the UN Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,³⁵ States should promote “the use of non-coercive treatment, education and assistance programmes as alternative measures to judicial proceedings and the development of alternative non-custodial interventions and effective social reintegration programmes”.³⁶ In order to do so, the Beijing Rules recommend “sufficient discretion should be allowed at all stages of prosecution and proceedings, and at different levels of juvenile justice administration”.³⁷

No limitation to the application of diversion or alternatives to custody is envisioned on the basis of the nature or gravity of the offence, and moreover the same guarantees are to be applied to children who may enter in conflict with the law following their association with an armed group. UN Security Council resolution 2225 encourages “Member States to consider non-judicial measures as alternatives to prosecution and detention that focus on the rehabilitation and reintegration [...] taking into account that deprivation of liberty

²⁹ Convention on the Rights of the Child (1989), Article 3

³⁰ Convention on the Rights of the Child (1989), Article 6

³¹ ECOSOC Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005), para. 22, United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, A/RES/69/194, (2014), Strategy V, measure 21 (a)

³² UN Guidelines for Action on Children in the Criminal Justice System (1997), para 46

³³ ECOSOC Resolution 2005/20 Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, (2005) para. 35

³⁴ Convention on the Rights of the Child (1989), Article 40.1

³⁵ United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, A/RES/69/194, (2014)

³⁶ United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (2014), Strategy XI, measure 31

³⁷ UN Standard Minimum Rules for the Administration of Juvenile Justice , (1985), Rule 6.1

of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid wherever possible the use of pre-trial detention for children.”³⁸

The obligation to promote the reintegration of the child goes beyond the selection of the appropriate measure, and includes efforts to provide assistance. According to the Beijing Rules, States shall take steps throughout the proceedings to provide children in conflict with the law “with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process”.³⁹ Such assistance will require close cooperation between child justice sectors, social welfare and child protection, and education sector.⁴⁰

The international legal framework also deals specifically with children deprived of their liberty, where training and treatment shall aim to assist them to assume socially constructive and productive roles in society.⁴¹ For this reason, activities provided should be meaningful and “promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them in developing their potential as members of society”.⁴²

The provisions on education and vocational training are vital for enhancing a child’s life chances, facilitating the child’s reintegration and reducing the rate of recidivism. Article 28 CRC enshrines the right of children to education on the basis of equal opportunity, and according to Article 2 CRC such right should be ensured to each child without discrimination of any kind. The right to education continues to apply to children even when they are deprived of their liberty, and the CRC requires that they should receive the same standards of and access to education as enjoyed by all other children.⁴³

Every child should have the right to receive vocational training in occupations in order to prepare her or him for future employment. Similar provisions can be found in Havana Rule 42, Rules 66(1) and also in Beijing Rules 26.1 and 26.2.⁴⁴ International standards set out the requirements for exercise and recreational activities. Every child has the right to a suitable amount of time for daily free exercise. This should take place in the open air

³⁸ UN Security Council Resolution 2225 (2015), para. 6

³⁹ UN Standard Minimum Rules for the Administration of Juvenile Justice , (1985), Rule 24.1

⁴⁰ UN Guidelines for Action on Children in the Criminal Justice System, (1997), Guideline 42

⁴¹ UN Standard Minimum Rules for the Administration of Juvenile Justice , (1985), Rule 26

⁴² United Nations Rules for the Protection of Juveniles Deprived of their Liberty, (1990), Rule 12

⁴³ Detailed standards for the education to be provided to children in detention can be found in the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), Section E and also in Havana Rule 18(b) as well as in UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), Rules 26.1, 26.2 and 26.6.

⁴⁴ Havana Rule 18(b) read together with Rule 45 provide that, where possible, children should be provided with the opportunity to perform remunerated labour. Labour is primarily viewed as a complement to vocational training that enhances the possibility of finding suitable employment when children return to their communities. Children should not be expected to work for free and should be equitably remunerated. In order to protect this particularly vulnerable group of children, however, it is important that national labour laws explicitly apply to children in custodial facilities in the same way as to other children in the community, and that any work that children undertake does not interfere with their education. All laws and regulations on child labour should comply with the international standards set out in the CRC and International Labour Organisation Convention on the Worst Forms of Child Labour.

whenever the weather permits it. During this time, appropriate recreational and physical training should be provided.⁴⁵

It is further established that maintaining the connection between the child, and the family, the community, and the outside world in general is a precondition for a successful reintegration. As such persons who have an interest in the child should be guaranteed easy access throughout the period when a child is deprived of his or her liberty.⁴⁶

Moreover, Beijing Rule 28.1 provides that, upon evidence of satisfactory progress towards rehabilitation, even offenders who had been deemed dangerous at the time of their institutionalization can be conditionally released whenever feasible. Like probation, such release may be conditional on the satisfactory fulfilment of requirements, specified by the relevant authorities, for example, relating to ‘good behaviour’ of the offender, community programme attendance, or residence in halfway houses.

Beijing Rule 29.1 requires that efforts shall be made to provide semi-institutional arrangements that may assist juveniles in their proper reintegration into society. In addition, according to the Havana Rules, competent authorities have the responsibility to accompany the child in her or his return to the community. In this view, specific procedures, “including early release, and special courses should be devised to assist this end”.⁴⁷ Such services extend to the period following their release, in order to ensure that the child is provided with “suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration.”⁴⁸ The Rule also highlights how coordination between different stakeholders, namely those responsible for the child while in detention, and those who will support the reintegration process, is necessary to support reintegration effectively.

The necessity to support reintegration of children is also reflected in relevant international instruments related to the situation of children in contact with the law because of their alleged involvement in terrorism related activities. The international legal framework related to countering terrorism does not contain provisions relating to release, rehabilitation, and reintegration of offenders, whether adult or children, beyond requiring that State Parties take into account the grave nature of terrorism-related offences⁴⁹ and respect applicable provisions of international law, including international law of human rights, and due process guarantees. The rights, standards and norms relating to justice regarding children in contact with the law set forth in the preceding section thus remain fully applicable.

This was reconfirmed also by the General Assembly in its July 2016 resolution on the review of the Global Counter-Terrorism Strategy, stating that “every child alleged as, accused of or recognized as having infringed the law [in connection with terrorism offences], particularly those who are deprived of their liberty, [...] should be treated in a

⁴⁵ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, (1990), Rules 18(c), 41, 47 and 62.

⁴⁶ UN Guidelines for Action on Children in the Criminal Justice System (1997), Guideline 20, Havana Rules 59 to 62.

⁴⁷ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, (1990), Rule 79

⁴⁸ United Nations Rules for the Protection of Juveniles Deprived of their Liberty, (1990), Rule 80

⁴⁹ See e.g., article 4 (b) of the International Convention for the Suppression of Terrorist Bombings, UN Security Council resolution 1373 (2001), para 2.(e)

manner consistent with his or her rights, dignity and needs [...] and urges Member States to take relevant measures to effectively reintegrate children formerly associated with armed groups, including terrorist groups”⁵⁰.

The Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context of the Global Counterterrorism Forum (GCTF) calls on States to “[d]evelop rehabilitation and reintegration programs for children involved in terrorism-related activities to aid their successful return to society”⁵¹.

C. International Legal Framework on separated children, and children in cross-border situations

When children become separated from their parents, guardians and family, and in cases where they have crossed a national border, States are tasked with finding durable solutions for each individual unaccompanied or separated child remaining in their territory.⁵² The ultimate aim of a durable solution is to address the child’s protection needs, take into account the child’s views and, wherever possible, find alternative family care or support.⁵³

• Right to Family Reunification

International humanitarian law, which applies in the context of armed conflict, confers obligations on States to take steps to unite families in the context of an armed conflict, some of which have been interpreted as forming part of customary international law and therefore apply to all parties in an armed conflict situation.⁵⁴ In international human rights law, the right to family reunification is a part of the right to family life, which is enshrined in international and regional human rights treaties.⁵⁵

Article 22 of the CRC explicitly requires States Parties to take ‘appropriate measures’ to ensure that a child refugee or asylum seeker (regardless of whether they are accompanied or not) receives appropriate protection and humanitarian assistance. For this purpose, States Parties are required to provide, as they consider appropriate, co-operation in any efforts by the UN and other competent IGO or NGO partners to “protect and assist such a

⁵⁰ General Assembly Resolution 70/291, Global Counter-Terrorism Strategy, (2016), para 18

⁵¹ Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context Good Practice 11, accessed at <https://theijj.org/wp-content/uploads/English-Neucha--tel-Memorandum-on-Juvenile-Justice.pdf>.

⁵² *ibidem*, para 80

⁵³ *ibidem*, para 79

⁵⁴ See in particular Article 74 of Additional Protocol I (1977) in the context of an international armed conflict; Article 4(3)(b) of Additional Protocol II (1977) for non-international armed conflicts falling within the scope of that instrument (see Part [] on Recruitment for more details); and Articles 25, 26 and 140 of the Fourth Geneva Convention (1949); Mooney, E. and Paul, D., 2nd Working Paper of the SRSG for Children and Armed Conflict: The Rights and Guarantees of Internally Displaced Children in Armed Conflict, (2010), p 44

⁵⁵ Universal Declaration of Human Rights, (1948), Article 16(3); International Covenant on Civil and Political Rights (1976), Articles 10(1) and (3), 17 and 23; International Covenant on Economic, Social and Cultural Rights (1966), Article 10; American Convention on Human Rights (1978), Article 17; African Charter on Human and People’s Rights (1981), Article 18

child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family.”⁵⁶

The CRC Committee regards family tracing as an ‘*essential component*’ of the search for a durable solution for unaccompanied and separated children, and considers that this should be prioritized except where this would be contrary to the best interests of the child or may jeopardize the fundamental rights of those being traced.⁵⁷

Article 9(1) of the CRC establishes the general rule that children should not be separated from their parents against their will unless it is in their best interests. The CRC Committee in General Comment No.6 (2005) interprets Article 9(1) to mean that “all efforts should be made to return an unaccompanied or separated child to his/her parents.”⁵⁸ The Paris Principles also make it clear that this principle continues to apply to former child soldiers, regardless of how they left armed forces/groups.⁵⁹

However, the general obligation to keep or reunite children with their parents is subject to an important exception: children may be separated from their parents where “competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.”⁶⁰ In making this determination, full account must be taken of the views of the child.⁶¹ Separation may therefore be permissible, for example, in cases involving abuse or neglect of the child by parents,⁶² although other best interest considerations also apply.⁶³ This may be the case if the child’s parents or primary caregiver retains an association with terrorist or violent extremist groups.

- **The Principle of Non-Refoulement**

The principle of non-refoulement may become relevant to the question of reintegration and family reunification when a child has crossed a border, either during the recruitment by a terrorist or violent extremist group, or later, as a result, for instance of the conflict between armed forces and said group. This principle obliges States not to extradite, expel or otherwise remove a person to another State where that person faces a real risk of being subjected to persecution on a prohibited ground, arbitrary killing, torture or other serious violations of human rights.

The principle of non-refoulement is a fundamental principle of international law. It has its origin in refugee law, and is also a fundamental principle of human rights law, particularly under Article 3 of the Convention against Torture, as well as under Articles 6

⁵⁶ Convention on the Rights of the Child (1989), Article 22(2)

⁵⁷ UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, , para 80

⁵⁸ UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, para 81

⁵⁹ *ibidem*, para 7.6.4

⁶⁰ UN Convention on the Rights of the Child, (1989), Article 9(1)

⁶¹ UN Convention on the Rights of the Child, (1989), Article 12; UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, para 81

⁶² UN Convention on the Rights of the Child, (1989), Article 9(1)

⁶³ UN Committee on the Rights of the Child, (1989), General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, para 81

and 7 of the International Covenant on Civil and Political Rights. The principle is also a norm of customary international law and reflected in the international counter-terrorism conventions and protocols.⁶⁴

In the context of the transfer of children recruited and exploited by terrorist and violent extremist groups, various aspects of the non-refoulement principle become particularly relevant. First of all, refugee law and human rights law remain applicable in counter-terrorism, including the principle of non-refoulement. The principle of non-refoulement applies to all forms of transfer of a person from the jurisdiction of one country to another, whatever the legal label: extradition, expulsion, deportation, rendition, family reunification.

Under international refugee law there are grounds of exclusion from refugee status and exceptions to the principle of non-refoulement which may apply with regard to persons reasonably suspected of being involved in terrorism.⁶⁵ States have been using these exceptions as part of their counter-terrorism strategies to deny access to asylum protections to persons suspected of having terrorist links. However, there are no such exceptions to the principle under international human rights law.⁶⁶ The national security and public order exceptions that may permit the refoulement of a person under refugee law do not apply where the refoulement would result in exposing the person to serious human rights violations.⁶⁷ Under human rights law, the principle of non-refoulement is non-derogable and applies fully also to persons suspected, accused or convicted of terrorism offences.

The principle of non-refoulement applies also where foreign or multinational forces operating on the territory of a State deprive a person of his/her liberty and subsequently intend to hand that person in their control over to the host State (or a third State).

As far as children are concerned, “States shall not return a child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child [...] either in the country to which removal is to be effected or in any country to which the child may subsequently be removed. Such non-refoulement obligations apply irrespective of whether serious violations of those rights guaranteed under the Convention originate from non-State actors or whether such violations are directly intended or are the indirect consequence of action or inaction.”⁶⁸

Examples of ‘irreparable harm’ that preclude non-refoulement include those contemplated under Article 6 of the CRC relating to the right of the child to life, survival

⁶⁴See, e.g., Convention for the Suppression of the Financing of Terrorism (1999), Article 15.

⁶⁵Convention on the Status of Refugees (1951), Article 33(2)

⁶⁶See UNODC, Module 4 of the Counter-Terrorism Legal Training Curriculum, Human Rights and Criminal Justice Responses to Terrorism, Chapter 7, available via https://www.unodc.org/documents/terrorism/Publications/Module_on_Human_Rights/Module_HR_and_CJ_responses_to_terr ; and UNHCR, Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, (2007), at paras 11, 17-22, available via <http://www.refworld.org/docid/45f17a1a4.html>, accessed 30 October 2016

⁶⁷UNHCR, Advisory Opinion, para 11

⁶⁸UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, para 27

and development, and Article 37 of the CRC which includes the prohibition against torture, inhuman or degrading treatment or punishment of children; prohibited punishments (death penalty and life imprisonment without the possibility of parole); and principles governing the deprivation of a child's liberty). Crucially, the CRC Committee regards under-age recruitment and participation in hostilities as entailing 'a high risk of irreparable harm involving fundamental human rights,' including the right to life.⁶⁹

3.3 PROMOTING EFFECTIVE REHABILITATION AND REINTEGRATION OF CHILDREN RECRUITED AND EXPLOITED BY TERRORIST AND VIOLENT EXTREMIST GROUPS

This final section of the paper is intended to provide a basis for discussion on measures aimed to promote release and reintegration of children recruited and exploited by terrorist and violent extremist groups. It will introduce key considerations to take into account during release processes, as well during reintegration, in particular when children are in contact with the justice system or separated and in cross-border situations. Throughout the discussion, it should be taken into account that the participation of the child and training of practitioners coming into contact with children are basic requirements for effectiveness of reintegration measures.

A. Child- sensitive DDR Programmes

Efforts to deal with conflicts in which large numbers of children became associated with armed forces and armed groups have in recent years led to the development of principles for child specific DDR processes.

The challenge is to examine how these principles can be adapted in relation to children recruited and exploited by terrorist and violent extremist groups. The development of DDR principles specific to children recruited and exploited by terrorist and violent extremist groups will have to learn from the parallel process of adapting DDR principles and processes (for adults) to contexts in which the combatants to be demobilized and reintegrated are connected to violent extremist groups, without losing sight of the specific vulnerability and rights of children.

Disarmament: *“the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants...”*

De-mobilization: *“the formal and controlled discharge of active combatants from armed forces or other armed groups”*

Reintegration: *“the process by which ex-combatants acquire civilian status and gain sustainable employment and income. Reintegration is essentially a social and economic process with an open time-frame, primarily taking place in communities at the local level.”⁷⁰*

⁶⁹ UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, para 28

⁷⁰ Introduction to the Integrated DDR Standards (2014)

In the context of children, the Paris Principles define release as including “the process of formal and controlled disarmament and demobilization of children from an armed force or armed group as well as the informal ways in which children leave by escaping, being captured or by any other means. It implies a disassociation from the armed force or armed group and the beginning of the transition from military to civilian life. Release can take place during a situation of armed conflict; it is not dependent on the temporary or permanent cessation of hostilities. Release is not dependent on children having weapons to forfeit.”⁷¹

In addition, child-specific DDR programmes have an additional objective: to rehabilitate and reintegrate children, recognizing that they were unlawfully recruited under the age of 18.

Key aspects

The discussion during the meeting will focus in particular on the following aspects:

- a) the timing of release processes addressing children;
- b) the design of eligibility criteria, including consent;
- c) safety measures;
- d) coordination between release and reintegration phase and in particular the question of interim care centres;
- e) specific needs of girls during release processes.

Questions for Discussion

- **How do the proscription of terrorism (at international and domestic level) and the criminalization of terrorism offences affect the eligibility to take part in demobilization and reintegration programmes?**
- **Is there a difference in this regard between DDR regarding adults associated with terrorist and violent extremist groups and children recruited and exploited by terrorist and violent extremist groups?**
- **Should child-sensitive release processes include so-called deradicalization programmes? If so, who, how and at what stage should decide whether deradicalization shall be an aim/ a component of a child-specific DDR process?**
- **How can release processes take into account the needs of girls recruited and exploited by terrorist and violent extremist groups?**
- **Should children demobilized following recruitment and exploitation by terrorist and violent extremist groups begin a reintegration process straight upon demobilization?**
- **How can the passage from demobilization process to reintegration**

⁷¹ Paris Principles, (2007), principle 2.6

process be facilitated?

- **Are there lessons to be learned from child-specific DDR processes that can be usefully applied to the reintegration of children recruited and exploited by terrorist and violent extremist groups outside an armed conflict context?**

B. Social services and community-based reintegration programmes

This section broadly considers the delivery of social services and community-based programmes that are oriented towards facilitating the social reintegration of children recruited and exploited by terrorist and violent extremist groups. They will include a variety of services, some addressing a broad scope such as child protection services, services providing health and psychological support for children victims of violence, programmes of reintegration for disaffected children, and others with a more specific focus, such as tailored programmes for the reintegration of children associated with armed groups, and services to provide reparations to children victims of recruitment.

Reintegration-oriented services are based on multi-agency cooperation and often involve partnerships between government, local authorities, local community organizations, international agencies, and international NGOs. In addition, the involvement of civil society organizations, which have strong knowledge of the local community, can often contribute to identifying the drivers of violent extremism in a particular community which will assist in developing tailored rehabilitation and reintegration programmes.

Key aspects

The discussion during the meeting will focus in particular on the following aspects:

- a) timing of reintegration programmes;
- b) provision of health care, including psychosocial support;
- c) support to and involvement of families and communities including measures aimed at reducing stigma of children recruited by terrorist and violent extremist groups;
- d) education and economic opportunities;
- e) specific assistance to child victims of violence and exploitation;
- f) so-called “deradicalization” programmes and shift from violent extremist ideologies;
- g) specific needs of girls.

Questions for Discussion

- **What strategies and measures can promote and support the involvement of families and communities in reintegration processes?**

- **What measures can contribute to preventing stigmatization of children?**
- **How can education, vocational training, and other skill-based programmes be integrated effectively into community based reintegration measures?**
- **What measures can be taken to ensure the provision of health care and psychosocial support to children?**
- **What are good practices where resources are particularly scarce, or the number of children formerly recruited and exploited by terrorist and violent extremist groups is particularly large?**
- **How can reparations schemes be implemented effectively to address the needs of child victims of recruitment and exploitation by terrorist and violent extremist groups?**
- **What measures can be taken to promote the behavioural shift of a child who holds violent extremist beliefs and behaviours?**
- **What measures can be taken to promote participation of the child throughout the reintegration process?**
- **How can effectiveness be evaluated?**

C. Social Reintegration of Children in contact with the Justice System

Any action taken against a child who is in contact with the justice system should have the purpose to promote the child's social reintegration. However, since the contact of the child with the justice system may lead to stigmatization, hardship, and, in the worst case scenario, to secondary victimization, this section intends to briefly refer to measures and programmes that are instrumental to promoting effective social reintegration.

Key aspects

The discussion during the meeting will focus in particular on the following aspects:

- a) applicability of measures that are conducive to the social reintegration of the child;
- b) justice mechanisms to promote social reintegration of child victims (to be considered jointly with support measures for child victims under section B);
- c) measures to promote the reintegration of children deprived of their liberty;
- d) so-called deradicalization of children deprived of their liberty;
- e) measures to ensure girls have equal access to reintegration programmes when in contact with the law.

Questions for Discussion

- **What measures can contribute to the social reintegration of children in contact with the justice system on grounds related to their recruitment by terrorist and violent extremist groups?**

- **How can the reintegration of children deprived of liberty on grounds related to their recruitment by terrorist and violent extremist groups be promoted?**
- **What measures can be taken to facilitate the involvement of the family during justice proceedings and justice measures targeting children recruited and exploited by terrorist and violent extremist groups?**
- **How can so called de-radicalization programmes be effectively implemented with regard to children deprived of liberty?**
- **What are the specific challenges to coordination between the justice system and other actors responsible for the child reintegration process in the context of children recruited and exploited by terrorist and violent extremist groups? How can such cooperation be promoted in that context?**
- **Should States with dedicated programmes to assist victims of terrorism extend their application to children recruited and exploited by terrorist and violent extremist groups?**

D. Reintegration through family reunification and repatriation

When children become separated from their family or have crossed a national border, reintegration measures may need to include family reunification or repatriation of children.

Reunification may take place in the host country, country of origin or a third country and assessment must be carried out to determine which option is in the best interests of the child. Key stages and issues involved in family reunification include: assessment; identification, registration and documentation; tracing; verification and family reunification and follow-up.⁷²

‘Repatriation’ is most commonly used in the context of asylum and refugee protection and can be described as the voluntary return of a person to, and reintegration in, their country of origin.⁷³ Repatriation may take place as part of the family reunification process where a child has expressed a desire to return to his or her own country, or there may be a decision by State bodies to repatriate children formerly associated with a terrorist or violent extremist group who have crossed an international border. Repatriation may take place even when the child’s family cannot be traced based on the fact that the child’s home State will support and care for the child.

Repatriation, however, “is not an option if it would lead to a ‘reasonable risk’ that such return would result in the violation of fundamental human rights of the child, and in particular, if the principle of non-refoulement applies.”⁷⁴ It is also worth emphasizing that

⁷² Inter-Agency Guiding Principles on Unaccompanied and Separated Children, (2004) p 30-31

⁷³ UNHCR, Handbook on Voluntary Repatriation: International Protection, (1996), part 2.3; UNHCR, Voluntary Repatriation, retrieved from <http://www.unhcr.org/uk/voluntary-repatriation-49c3646cfe.html>, accessed 31 October 2016

⁷⁴ UN Committee on the Rights of the Child, General Comment No. 6 (2005), para 84

non-rights-based arguments such as those relating to general migration control cannot override the child's best interests.⁷⁵

Key aspects

The discussion during the meeting will focus in particular on the following aspects:

- a) application of the best interests determination (BID) in cases involving children recruited and exploited by violent extremist and terrorist groups;
- b) 'reasonable risks' that would prevent repatriation of children;
- c) child-sensitive approach to family reunification and repatriation measures.

Questions for Discussion

- **How can the best interests determination be applied effectively to children recruited and exploited by violent extremist groups?**
- **What risks should be taken into account when assessing the opportunity of family reunification?**
- **What specific risks should be taken into account when assessing the possibility of repatriation for children accused of terrorism related offences?**
- **How can family reunification and repatriation processes ensure participation of the child?**

⁷⁵UN Committee on the Rights of the Child, General Comment No. 6 (2005), Treatment of Unaccompanied and Separated Children Outside Their Country of Origin, CRC/GC/2006/6, (2006), para 85.