

**CHILDREN AFFECTED BY
THE FOREIGN-FIGHTER PHENOMENON:
ENSURING A CHILD RIGHTS-BASED APPROACH**

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The critical phenomenon of individuals who travel abroad for the purpose of perpetrating, planning, preparing for or participating in terrorist acts – so-called foreign fighters – has been high on the agenda of the international community. Following the territorial collapse of the Islamic State in Iraq and the Levant (ISIL) in particular, increased attention has been focused on such individuals and their families, many of whom are detained in camps, returning to their countries of origin or travelling to a third country. Thousands of children are among them.

Some of the children accompanied their parents to conflict zones, and an unknown number were born to parents who are foreign fighters. Others were recruited across borders and travelled by themselves to join terrorist groups. Although some did not travel across borders, there are concerns that the children may face consequences because of their family ties to individuals suspected of being foreign fighters.

Acknowledging the challenges posed by

Significantly, the Security Council acknowledged that children may be especially vulnerable and in need of particular psychosocial support, such as post-trauma counselling, and stressed that children need to be treated in a manner that respects their rights and protects their dignity in accordance with applicable international law.

Against this background, the Office of Counter-Terrorism worked closely with partners, including legal scholars, civil society organizations, think tanks, international organizations and Member States, to develop this handbook to support Member States by providing practical guidance.

In addition, at the instruction of the Secretary-General, my Office has coordinated the inter-agency development of key principles for the protection, repatriation, prosecution, rehabilitation and reintegration of women and children with links to United Nations-listed terrorist groups, which lay out key human rights, humanitarian and operational principles to

highlight the central role of the United Nations, Saudi Arabia and Belgium, the general contribution made by the handbook.

The handbook is intended to be a guide for the implementation of the Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Elimination of All Forms of Discrimination against Women. It is intended to be a practical guide for Member States to implement the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Elimination of All Forms of Discrimination against Women.



ist fighters". The Council recognized that such individuals may "be travelling with family members they brought with them, with families they have formed or family members who were born while in conflict zones." Noting that children are among such family members, the Council further notes that children may be especially vulnerable and in need of specialized support, such as post-trauma counselling, stressing that they need to be treated in a manner that respects their rights and dignity, in accordance with applicable international law.

groups or brought to the territory by their families.

4. The Security Council recognizes that such children are victims of the most grievous human rights violations by armed groups, including designated terrorist groups. Designated terrorist groups, including ISIL and Boko Haram, recruit and use children across national borders. In Syria for example, 76 children verified to be recruited by armed groups were of 17 nationalities. Some children may also be kidnapped and transferred across borders by designated terrorist

The United Nations Security Council resolution 2178 (2014) defines "foreign terrorist fighters" as those "who travel or attempt to travel to a State other than their States of residence or nationality, and other individuals who travel or attempt to travel from their territories to a State other than their States 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"(para. 6(a)). Various concerns have been raised with the term, including from human rights and humanitarian law perspectives. See section on terminology.

Security Council resolution 2396 (2017); By June 2018, for example, at least 1,175 children and 435 women were deprived of liberty in three sites across the north-eastern part of the Syrian Arab Republic on the basis of suspected family ties with Islamic State of Iraq and the Levant fighters, among them 43 nationals. S/2018/969, para. 24.

Security Council resolution 2396 (2017), preamble.

Security Council resolution 2427 (2018).

A/72/865, para. 16

S/2018/969, para. 15.

especially for children who have special rights and needs in this regard. They lack access to adequate food, sanitation, and basic services, such as health care and education. Critically, many children with possible links to individuals suspected of being foreign fighters may face the risk of statelessness and many lack official documentation or birth certificates. In Iraq, for example, up to 13,000 children younger than 12 years old reportedly lack birth certificates or other documentation to establish their nation-

counter-terrorism architecture within a larger international legal framework. Both the Security Council and the General Assembly have reaffirmed this in relevant counter-terrorism resolutions. Further, Pillar IV of the Global Counter-Terrorism Strategy adopted by the General Assembly in 2006 stressed that all measures to prevent counter terrorism must be based on human rights and the rule of law, and that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but are rather complementary and mutually reinforcing.

9. In resolution 2396 (2017), the Security Council called upon Member States “to assess and investigate suspected individuals whom they have reasonable grounds to believe are terrorists, including suspected foreign terrorist fighters and their accompanying family members, including spouses and children, entering those Member States’ territories; to develop and implement comprehensive risk assessments for those individuals; and to take appropriate action, including by considering appropriate prosecution, rehabilitation, and reintegration measures” and emphasizes that Member States should ensure that they take all such action in compliance with domestic and international law. Similarly, the General Assembly, in its sixth review resolution of the Global Counter-Terrorism Strategy, called upon Member States to develop and implement “prosecution, rehabili-



12. The *Handbook* aims to assist States in tak-

13. The *Handbook* seeks to contextualize States' counter-terrorism obligations under the United Nations Security Council resolutions within the broader international human rights and humanitarian normative frameworks, particularly those concerning child rights and children and armed conflict. With respect to the relevant Security Council resolutions, the present *Handbook* seeks to further build on the existing guidance provided by the Security Council Counter-Terrorism Committee, established pursuant to resolution 1373 (2001) concerning counter-terrorism for implementing relevant resolutions in a manner that ensures full protection and promotion of the rights of the child, including its Madrid Guiding Principles on stemming the flow of foreign terrorist fighters and the 2018 Addendum to the 2015 Madrid Guiding Principles on foreign terrorist fighters, without purporting to create any new obligations for Member States.

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19. The o

concerns that the term may also lead to stigmatization and dehumanization, especially for children. The *Handbook* uses the term “foreign terrorist fighters” when referring to the use of the term as reflected in relevant Security Council resolutions.

Children affected by the foreign fighter phenomenon

24. The *Handbook* uses the broad term “children affected by the foreign fighter phenomenon” to recognize the diverse ways in which the phenomenon impacts children. This affirms the principle that international standards for child rights should apply to all children, regardless of their situation or age. The diverse groups of children may include, but are not limited to, children who fall into one or more of the following categories: children accompanying family members who crossed borders to join designated terrorist groups; children who travelled to areas of conflict to join such groups; children who were taken by such groups across borders; children who directly participated in hostilities; children who were born in conflict zones or areas impacted by the foreign fighter phenomenon and children who were identified by authorities to be linked with such groups by virtue of familial relationship even when they

See also United Nations Counter-Terrorism Implementation Task Force Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism, guidance to States on human rights-compliant responses to the threat v5097 Tile via eign

mane treatment for detained persons, including detained children, the respect for family life as much as possible, and the right of detained persons to correspond with their families.

International refugee law

34. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol, along with regional refugee instruments, are the core legal instruments of the international refugee regime, complemented by customary international law and international human rights law. These instruments define the term “refugee” and establish an international framework for the protection of refugees, setting out the obligations of States towards refugees on their territory or otherwise under their jurisdiction, and the basic minimum standards of treatment for individuals defined as refugees. The *principle of non-refoulement* is the cornerstone of international refugee protection. Enshrined in article 33 (1) of the 1951 Convention, the principle provides that a refugee may not be expelled or

Geneva Conventions of 12 August 1949, common art. 3; Additional Protocol II to the Geneva Conventions, art. 5;

otherwise forcibly returned to a country where his or her life or freedom would be threatened based on race, religion, nationality, membership in a particular social group or political opinion.

35. The 1951 Convention provides for the exclusion from refugee status of persons with regard to whom there are serious reasons for believing they have committed certain serious crimes or heinous acts. International refugee law also permits exceptions to the principle of *non-refoulement* when an individual has been determined to pose a danger to the security of the country or to its community in certain specific circumstances. However, given the potentially serious consequences of denying refugee status or protection from *refoulement* to a person who otherwise may face harm upon return to his or her country of origin, these provisions should be interpreted in a restrictive manner. In view of the particular circumstances and vulnerabilities of children, the application of these provisions to children always need to be exercised with great caution. A thorough and individualized analysis of all circumstances in each case should be undertaken, considering the rules and principles that address the special status, rights and protection afforded to children under international and national law. In particular, these principles related to the best interests of the child, the mental capacity of children and their ability to understand and

consent to acts that they are requested or ordered to undertake need to be considered.

1. Ibid., art. 1F.

2. Ibid., art. 33(2).

3. UNHCR, Guidelines on International Protection: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees (2003), available at www.refworld.org/docid/3f5857684.html, para. 2; UNHCR, Background Note on the Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees (2003), available at www.refworld.org/docid/3f5857d24.html, para. 4; UNHCR, Guidance Note on Extradition and International Refugee Protection (2008), available at www.refworld.org/docid/481ec7d92.html, paras. 13–16.

36. The 2006 Global Counter-Terrorism Strat-

1. UNHCR, Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Ref-



egy adopted by the General Assembly in 2006 recognizes that effective counter-terrorism measures and protection of human rights are not conflicting goals, but rather are complementary and mutually reinforcing. For example, a national criminal justice system based on respect for human rights and the rule of law is considered one of the best means for effectively countering terrorism. At the same time, conditions under which human rights are violated are recognized as being conducive to violent extremism. As the Secretary-General António Guterres has also stressed, “Without a firm basis in human rights, counter-terrorism policies can be misused and abused. They can actually make us less safe, by undermining good governance and the rule of law... [T]errorism is fundamentally the denial and destruction of human rights, and the fight against terrorism will never succeed by perpetuating the same denial and destruction.”

37. In light of the above, the present section seeks to identify overarching international human rights and humanitarian law requirements that apply when States are developing and implementing measures relevant to children affected by the foreign fighter phenomenon. The section identifies how States must comply with the relevant international legal principles, including those affirmed under Security Council resolutions on children and armed

conflict. These principles are discussed in the context of the relevant Security Council resolutions on counter-terrorism, which repeatedly highlight that all counter-terrorism measures should be in compliance with international law, particularly human rights and humanitarian law.

38. As stated above, the Convention on the Rights of the Child has been ratified by nearly all Member States. Many of its provisions are now also part of customary international law that binds all States, even if they have not ratified the Convention. All States parties to the Convention have an obligation to apply the rights and provisions under it to each child within their jurisdiction. All rights under the Convention always apply to all children, including during periods of armed conflicts and are non-derogable. States parties should make every effort to ensure that the rights and provisions under the Convention are implemented at all times, including during times of armed conflict.



39. The Convention on the Rights of the Child provides that States parties must ensure, without discrimination, the rights of all children within

General Assembly resolution 72/284 (2017), preamble.

General Assembly resolution 70/674 (2015), Plan of Action to Prevent Violent Extremism (United Nations Plan of Action to Prevent Violent Extremism).

Secretary-General's speech at SOAS, University of London, on “Counter-terrorism and human rights: winning the fight while upholding our values”, 16 November 2017, available at www.un.org/sg/en/content/sg/statement/2017-11-16/secretary-general's-speech-soas-university-london-“counter-terrorism”.

There are 12 progressively stronger resolutions on children and armed that form the basis of child protection in conflict settings, including extremist contexts. The Security Council adopted the resolution 2427 in July 2018, the latest in that regard.

their jurisdiction. Each State's party to the present Covenant undertakes to respect and ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant without distinction of any kind. "Subject to their jurisdiction" has been interpreted to mean within the State's power or effective control, even if that individual is not in the State's territory.

40. States have the duty to respect, protect and fulfill the rights of all children who are present "in their territory or subject to their jurisdiction".



1.1. International Humanitarian Law

44. International human rights law, including the Convention on the Rights of the Child, should be respected, even in times of armed conflict. An armed conflict exists whenever there is resort to armed force between States (international armed conflict) or when there is protracted armed violence between government authorities and organized armed groups or between such groups within a State (non-international armed conflict).

45. Different sets of rules apply to international armed conflict and non-international armed conflict. The core international humanitarian treaties that are applicable to international armed conflict are the four Geneva Conventions of 1949 and Additional Protocol I of 1977. As far as children are concerned, Protocol I sets out a general rule that “[c]hildren shall be the object of special respect and shall be protected against any form of indecent assault” and that “[t]he Parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason”. As far as non-international armed conflict is concerned, common article 3 to the Geneva Conventions and Additional Protocol II of 1977 are the core applicable rules. In relation to children, Protocol II provides that “[c]hildren shall be provided with the care and aid they require” and then sets out specific measures to be taken, including the obligation to take all appropriate steps to facilitate the reunion of families temporarily separated.

46. Moreover, customary rules of interna-

Additional Protocol I to the Geneva Conventions (1977), art. 77 (1).

Additional Protocol II to the Geneva Conventions (1977), art. 4 (3).

48. To paraphrase UNICEF, all children have one thing in common—their rights. The Conven-

immigration status or statelessness. This means that States cannot apply laws in a discriminatory way or treat any child differently based on his or her nationality, legal or other status, or alleged affiliation to foreign nationals who are suspected of being or who are fighting with armed groups on their territory. The principle equally applies to those children suspected of being foreign fighters. The principle of treatment without any adverse distinction founded on race, colour, religion or faith, sex, birth, wealth or any similar criteria is also contained in international humanitarian law and applies to persons who are being detained.

52. Significantly, the principle of non-discrimination means that States must protect children from discrimination and punishment based on the “status, activities, expressed opinions, or beliefs” of their “parents, legal guardians, or family members.” This has significant implications for children affected by the foreign fighter phenomenon. Children cannot be discriminated against, by law or by practice, even when their parents or primary caregivers are suspected or convicted of being foreign fighters. Such discrimination would constitute collective punishment. Children must not be discriminated

Committee on the Rights of the Child, general comment No. 6 (2005), para. 12.

Ibid.; Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families No. 22 (2017) of the Committee on the Rights of the Child, para. 21.

Geneva Conventions of 12 August 1949, common art. 3(1).

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 (The Human Rights Committee found the detention of a minor child whose parent was deemed a security risk to be “arbitrary and contrary to article 9, paragraph 1 of the Covenant”).

against or punished because of their parents’ or family members’ alleged or proven involvement in armed groups, including designated terrorist groups. That also means that children born to foreign fighters should not have that status reflected in any way on their birth certificates.

53. Children recruited and used in hostilities by designated terrorist groups have a right to equal access to services that can assist in their reintegration. Reintegration measures should avoid stigmatization and be free from negative distinctions between children who were recruited and used by designated terrorist groups and those who were not. While individualized assessments are needed to ascertain each child’s rehabilitation and reintegration needs, all children who have been involved in conflict are vulnerable and should be treated primarily as victims and survivors of human rights violations. At the same time, when properly understood, the non-discrimination principle does not prevent, and in fact calls for, differentiation based on different protection needs. Such different protection needs may derive from age, gender, disability and other factors, as well as the nature of linkage with designated terrorist groups and the specific experiences of individual children and/or groups of children.

The Paris Principles (2007), principle 3.3.

Security Council resolution 2396 (2017); Security Council resolution 2427 (2018).

Committee on the Rights of the Child, general comment No. 6 (2005), para. 18.

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of adequate State efforts towards the realization of rights, exacerbated by discrimination, could provide opportunities for exploitation by violent extremists. Consequently, ensuring human rights-compliant reintegration strategies and programmes for children affected by the foreign fighter phenomenon would contribute to public security.

safeguards to assess and determine the child's best interests. Best-interests assessments are generally required for individual children in situations in which they may be at risk of violence, abuse or exploitation and/or when they are separated from their parents or legal guardians. A child's best interests should be assessed and determined in a manner that ensures their holistic development and free exercise of their rights, including the rights to family life, freedom from violence and a nationality, among others, and to promote their human dignity.

1. *Principles of the Convention on the Rights of the Child*

69. Another critical principle under the Convention on the Rights of the Child is a child's inherent right to life and to maximum survival and development. The term "development" should be interpreted in its broadest sense, encompass-

75. In implementing a human and child rights-based approach, the four principles summarized above under the Convention on the Rights of the Child and other international instruments provide the key framework. In addition, the following considerations should guide the treatment of children affected by the foreign fighter phenomenon, including in situations in which such children are considered security risks.

cern at the use of detained children for information-gathering purposes, and emphasizes that children who have been recruited in violation of applicable international law by armed forces and armed groups and are accused of having committed crimes during armed conflicts should be treated primarily as victims of violations of international law.

witnessed or been forced to take part in serious human rights violations and atrocities. There should be a proper evidence-based assessment of the impact that these experiences have had on each child, including on their personal and educational development, physical and mental health and ability to trust and feel safe. In cases in which it is suspected that the child has participated in serious crimes, including crimes related to terrorism and atrocities, such assessments should also consider the age of the child, the availability of evidence and the circumstances of the case, while treating the best interests of the child as a primary consideration, in accordance with domestic and international law.

82. In cases in which it is considered that a child may pose an actual, proven security threat, authorities must still use the least restrictive response possible and adhere to the principles of justice for children. Assessments must still take into consideration what is required in rehabilitation in a manner that is respectful of the child's

dural safeguards in place. Such assessments should be multidisciplinary and include various experts, such as social workers and child psychologists. It should be done in an age and gender-sensitive manner with the entire situation of the child being considered.

- e. Provide the opportunity to children to express their views, and have them taken seriously, according to their capacity to make decisions concerning themselves.
- f. Never use potential links of children or their parents to the foreign fighter phenomenon as grounds for denying the protection afforded to the child under international human rights, humanitarian and refugee law.
- g. Train judges, law enforcement and other stakeholders working with children affected by the foreign fighter phenomenon on their obligations under international law, including the Convention on the Rights of the Child and relevant national child rights law and standards, with the support of the United Nations.
- h. Implement the recommendations from the Committee on the Rights of the Child before the next national review with a view to making concrete improvements in the status of the rights of the child holistically at the national level.



84. The right to nationality is a fundamental right provided for in a number of international human rights instruments. Ensuring national-

among all children, including those affected by the foreign fighter phenomenon. The section also briefly examines human rights concerns in relation to discriminatory nationality laws and the use of DNA tests to establish a child's nationality.

.1.1 Nationality rights

88. The right to a nationality is a fundamental human right. A number of international conventions and the Universal Declaration of Human Rights provide for this right. Under the Convention on the Rights of the Child, all children should be registered immediately after birth and are entitled to a name and a nationality. In addition, States that are party to the 1961 Convention on the Reduction of Statelessness must provide nationality to children born on their territory who would otherwise be stateless.

89. Establishing, registering and documenting a child's nationality and birth is critical because it provides grounds for the child to secure other rights, such as health care, education, freedom of movement and protection in the labour market. A lack of documented nationality could also result in prolonged detention in immigration facilities, among others, which should be avoided, as it is never in

UNCHR and UNICEF are jointly leading a global campaign to help children and adolescents affected by the conflict in Syria. The campaign aims to ensure that children and adolescents are not recruited or used as child soldiers, and that they are not subjected to sexual violence or other forms of abuse. The campaign also aims to ensure that children and adolescents are not deprived of their nationality, and that they are able to return to their homes and communities. The campaign is being implemented in cooperation with the Syrian Arab Republic and the United Nations High Commissioner for Human Rights.

92. Arbitrary deprivation of nationality is prohibited under international law. While the deprivation of nationality is permissible under international law in certain situations, it must not be arbitrary or unreasonable under the particular circumstance. It thus must be carried out in accordance with due process protections and other procedural safeguards to ensure that

1. **Arbitrary Deprivation of Nationality**

91. States should never deprive a child of his or her nationality. This remains the same for children affected by the foreign fighter phenomenon who are often victims of violations of international law by multiple groups. (See section 1.3.1 on treatment of children primarily as victims.) Children should not have their nationality status affected based on the status of their parents or any alleged affiliation or association resulting from coercion or manipulation. Deprivation or denial of nationality is never in the best interests of the child, as this is likely to result in economic, emotional, social and immigration consequences. From a security perspective, deprivation of nationality of a child contributes to creating greater insecurity by leaving children with no support to recover or reintegrate and increases marginalization, which may lead to turning to violent extremism in the future.

Interregional Crime and Justice Research Institute, Report on Children and Counter-Terrorism (2016), 42.

status is dependent on that of their parents'. Deprivation of nationality of a parent could impact a child through derivative loss whereby the child's nationality lapses as a direct consequence of the withdrawal of nationality from the parent or when the child is born after the parent is deprived of nationality. Again, such a negative impact on a child's status is likely to be contrary to the non-discrimination principle in penalizing the child based on the status, activities, expressed opinions, or beliefs of the child's parents and is likely to impact the enjoyment of other rights, including the right to family life.

94. Another way deprivation of nationality may impact a child affected by the foreign fighter phenomenon is when a person targeted for deprivation of nationality is still a child. As recruitment and use of children by armed groups is a violation of their rights and other provisions of international law, children who have been recruited or used should be considered primarily as victims. (See section 1.3.1 on the treatment of children primarily as victims.) Therefore, simply serving in an armed group should not be grounds for deprivation of nationality. In addition, in making any determination that children have committed crimes that are seriously prejudicial to the vital interests of the State, principles of juvenile justice must be applied, including a careful assessment of children's mental capacity to commit the crime, maturity and capacity to understand the nature and the consequences of his or her acts. In short, stripping of a child of nationality goes against the best interests of the

child and is most likely to be contrary to any proportionality requirement.



Committee on the Rights of the Child, concluding observations: Australia (1997) (CRC/C/15/Add.79), paras. 14 and 30, expressing concern that in some instances children can be deprived of their citizenship in situations in which one of their parents loses his or her citizenship; United Nations Interregional Crime and Justice Research Institute, Report on Children and Counter-Terrorism (2016), 42.

Convention on the Rights of the Child (1989), art. 2(2).

operation with other States. The States that are parties to the 1961 Convention on the Reduction of Statelessness are required to provide a nationality to children born in their territories if they otherwise would be stateless.

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97. The Convention on the Elimination of All Forms of Discrimination Against Women obligates States parties to ensure that women have equal rights with men to confer nationality on their g—() Tj 1T B2 0(80.1 (a)]f [.641)] TJ 0 Tc ET () -287 154.809525NatTm (g)30 (h) 30(y(t)T 30(g)sd (h) 30 (t) 11 0

when the child's purported father is involved in terrorist activities. States must ensure procedural safeguards that ensure every child's birth registration, possibly without requiring the father's information or marriage status. Conferral of nationality to children should always take place without stigmatization or discrimination on any grounds.

growth and well-being of all its members and particularly children." The use of DNA testing to confirm a child's link to his or her possible

1. *Guidelines for the Use of DNA Testing to Determine Parentage and Eligibility for Nationality of Children Born to Individuals Suspected of Being Foreign Fighters*

99. Some countries use DNA testing to determine parentage, and thereby eligibility for nationality of children born to individuals suspected of being foreign fighters. DNA testing should be used only to establish eligibility for nationality on an exceptional basis, because of the invasiveness of the measure. Logistical challenges, including access to DNA testing in areas affected by conflict, are likely to make it difficult for many children to be reunited with their families or to be repatriated to their country of nationality if DNA testing is required. States utilizing this measure should perform a careful analysis of each child's respective situation, ensuring that all necessary information regarding their personal circumstances and background is solicited. In addition, given that the long-term implications of using biometric data on the enjoyment of various human rights are not fully understood, the use of such a method should be limited and should not be undertaken in a way that undermines the best interests of the child or a group of children.

Guideline 100: Family

100. The Convention on the Rights of the Child describes the family as "the fundamental group of society and the natural environment for the

connection, including through family tracing.

101. In deciding whether to grant a child citizenship or the right to re-enter a country, States should thus consider their obligations to respect the rights of the extended family or community as provided for by local custom, and to care for and foster the development of a child. Likewise, States considering a solution for a child who has been permanently deprived of his or her family environment must give due regard to continuing a child's upbringing in their ethnic, religious, cultural and linguistic background, an evaluation which may call for returning a child to the environment in which he or she was born or partially raised. This is a consider-

forth in the Convention on the Rights of the Child.
The use of firewalls may be such a measure to

or herself as the parent of a child, including for the purposes of the operation of the nationality law.

- g. Consider the full array of available evidence in helping to establish the parent–child relationship to ensure the recognition of nationality, and do not discount evidence but rather recognize the facts established by documentation that is issued by non-State entities. Allow non-documentary forms of evidence in the absence of birth registration.
- h. Given its invasiveness, use DNA testing only as a last resort for establishing the parent–child relationship. If DNA testing is required, make it accessible, removing barriers to access, both physical and practical. DNA test results, once they have served the purpose of establishing a biological connection between the child and his or her parent or parents, should be destroyed.



- i. Ensure all children born on State territory have access to immediate birth registration. Birth registration is essential to protect a child and determine his or her identity and nationality. Children should also be provided with a birth certificate.



- j. Avoid the use of deprivation of nationality as a counter-terrorism measure. This is increasingly understood to be counterproductive to security aims and is likely to be considered arbitrary under international law.
- k. In the event of the use of deprivation of nationality in the narrow cir-

cumstance that is found to be seriously prejudicial to the vital interests of the State or engagement in the military service of a foreign State, that measure should be imposed only following a careful assessment of necessity and proportionality, and with full respect for procedural safeguards to guarantee due process, including transparency and an effective appeals mechanism.

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j d'icia i e e, e, i g ha he i ca
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e e, h e e e hefa i e i e a d
ai ai fa i e a i i a ke e e e ha

Ad ed b he U ed
Na i Ge e a A e b i 2010, he G ide-
je ai e ha ce he i e e ai f
he C e i he Righ f he Chi da d
f e e a i i f he i e ai a
i e c ce i g he e ci a d
e -bei g f chi de h a e de i ed f
a e a ca e h a e a i k f bei g .
The G ide je eek e e ha chi de
d d he e e i - f-h e ca e
e ce ai . The G ide je f he eek
ha he e a d ai f - f-h e
ca e ided i a ia e he igh

119. The a e e f a chid' be
 i ee a ie a he he a chid i
 e i ed ai ai e a e ai a d
 di ec c ac ih hei a e , a fa a
 ib e. Whe e a ai i j dged be i he
 be i ee f he chi da d, ece a , he chi d
 ha he igh ai ai i kage a d e ai
 ih hei a e a d fa i , i c di g ib i g ,
 e a i e a d e i h h he chi d ha
 g e a e ai hi , e i i i
 he chid' be i ee . Sae h da e
 he ai feach chid' e ai hi ih hei
 a e i deci i c ce i g he fe e
 c e gh f ii if ii de e i ed be i
 he chid' be i ee c i e hei fa i
 e ai hi .

120. E e he e a ai i dee ed be
 i he be i ee f a chid, he chi d ha
 he igh i f ai c ce i g he a e .
 Th , he chi d h d be i f ed, he e e
 ib e, f he he eab f he ab e a e
 e he i i f he i f ai d be
 de i e a he e -be i g f he chi d. S ch
 i f ai h d be ided i a a g age
 ha ca be f de d b he chi d. A
 a i ed ea ie , a chid, h e e a ai

i de e i ed be i hi he be i ee ,
 i ha he igh, he e e ib e, ai
 ai e a e ai a d di ec c ac ih
 b h a e a eg a bai , e ce if ch
 c ac i c a he chi d' be i ee .

121. Chi de e a a ed f hei a e d e
 hei a e ' de e i i ca ce ai a
 e ie addi i a eci i c di g f ig-
 a i ai T begi ih, i ca e i hich he
 a e he i a ca egi e a e acc ed
 fa ci e, a e a i e de e i h d be
 ade a ai abe a d a i ed a ca e-b -ca e
 bai , ih f c ide ai f ibei ac
 f diffe e e e ce he be i ee f he
 c ce ed chi d. Whe de e i i i
 e fa a e ca be a ided, Sae h d
 ide chid e e e he i k f
 i e ce ha he a be e ed i g
 he a e ' i ai ack edgi g he
 c e e a e f he ci i a j ice
 e , chid eci age cie , hea h,
 ed ca i a d cia e ice ec . Tha
 a a e i e Sae adde he
 e i bi i f he edia a d e f ce
 egi ai ec he igh i ac f h e
 chid e a d e e hei ig a i ai

Convention on the Rights of the Child (1989), art. 9(3);
 Committee on the Rights of the Child, general comment No.
 14 (2013), section V, para. A(1)(c).

Committee on the Rights of the Child, general comment
 No. 14 (2013), section V, para A(1)(c).

Convention on the Rights of the Child (1989), art. 9(4).

Committee on the Rights of the Child, Report and Rec-
 ommendations of the Day of General Discussion on "Children
 of Incarcerated Parents" (2011), available at [www.ohchr.org/
 Documents/HRBodies/CRC/Discussions/2011/DGD2011Re-
 portAndRecommendations.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/DGD2011ReportAndRecommendations.pdf), para. 44.

Committee on the Rights of the Child, Report and
 Recommendations of the Day of General Discussion
 on "Children of Incarcerated Parents" (2011), para. 33.

122. I e a i he i ca ce a ed a e,
chi d e ha e he igh eg a i i hei
a e (), a g a i i i hei be i e e .
T e e ha he chi d ca e e ci e he igh
i i hi he a e , i i ec e ded ha
he a e be de ai ed i a faci i c e he
chi d.

123. The following are the correct answers:

a. A child has the right to be heard. The child's views should be taken into account in all decisions affecting him or her. If a child is capable of forming his or her own views on the subject, the child's views should be given due weight.

b. The child's views should be taken into account in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.

c. The child's views should be taken into account in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.

d. The child's views should be taken into account in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.



e. Make a decision on the right to be heard for the child's views. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.

The child's views should be taken into account in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.

f. The child's views should be taken into account in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her. The child's views should be given due weight in all decisions affecting him or her.

i ab he e each i di id a i be a d
he eci c ca e a ai ab e he chi d. The
a e h d ha e a a i ide if i g he
chi d' ca egi e, he i i i he chi d'
be i e e .

j. P ide ecia eci ea e f a
chi d h ha bee e a a ed f hi he
a e i a ca egi e , i di g he
he e a a i i d e he de e i f he
a e ca egi e , a ch e a a i
ig ca i ea e chi d e' e abi i .

k. E e a ia e a e a i e ca e f e a-



124. The e a i a i f chi d e affec ed
b he f eig ghe he e a d hei
fa iie h a e ide f he c f
igi a e ' a i a i ha bee a
c e i i e i e ce ea . S ch chi-
d e a i c de h e h e e ec ied
ac b de b de ig a ed e i g
a d ha e a eed i de e de , h e h
e e b gh b fa i e be h c ed
b de j i de ig a ed e i g , a d
h e h e e b i di id a h c ed
b de j i de ig a ed e i g .

125.

(see also 1.2.2 above) the *non-refoulement* principle of international law.

1.1

ided ha he l e a i a C e a
Ci i a d P i i ca Righ i a icabe S a e
f i g i

134. Peejig a e' (ic dig a chid') e hec heehi he fa i ie a a a iefe ece ih fa i ife. Sae a bjec aidi id a a bi a a f iefe ece ihhi he fa i . The eefac ha e be fhefa i e ide ihe e i f ec de ece ai ga a ee he igh ee he e i f ha c . He e, hie Sae ha e he dice i de aidi id a he igh e-e i i fa egi i ae ai , ch dice i a be eeci ed a bi a i . Whe e ici e-e e ac ae ba ed ae i ha he e i a hea ai a ec i , cha e i h d be ca e f b a ia ed; he i e he e ici c d be c ide ed be a bi a iefe ece ih fa i ife.

135. A aied i cha e 5, de he O ia P c he C e i he Righ f he Chid he i e e f chid e i a ed c ic, Sae a ie ha e he biga i e e he ehabia i a d e i e g a i f chid e affec ed b a ed c ic, ic dig he f e i g g h e he e e e

136. Sae a e e i ed aid chid e h e e ec i ed b a ed g i hei j i d i c i b e i g f hei

h ica a d ch gica ec e a d cia e i e g a i i h he g a f afeg a d i g hei igh de e i a e i e ha i fee f i e e e . The ef e, Sae h d ide chid e h e e ec i ed i hei j i d i c i a d he c ed b de . The Sec i C i a ec g i e hei a e f i e a d a ia e e i e g a i a d e habia i a i a e chid e a cia ed ih f e i g g h e e i g e ca i g f c i c e . The C i ha e ha i ed ha chid e a bee ecia i eed f a ic a - ch cia , cha - a a c e - i g , e i g ha chid e eed be ea ed i a a e ha b e e hei igh a d e ec hei d i g i , i acc da ce ih a icabe i e a i a a . F effec i e a d i e e habia i a d e i e g a i f chid e i c ic - affec ed a ea , e a ia i c i e f a i a i a be c i ca a d i he be i e e f he chid . I hi e g a d , he Secia Re e e a i e f he Sec e a - Ge e a f Chid e a d A ed C i c ha ca ed Sae facia e he e fa chid e h d i g c i e h i f he e f e habia i a d e i e g a i

Ar...

137. The C e i he Righ f he Chid, ided i i a icabe, biga e Sae a - ie de e a d i e e effec i e c a ec i icie , ic dig eci c ea e di ec ed a ec i g chid e' igh a d e e a i g i f c

International Covenant on Civil and Political Rights (1966), arts. 17 and 23; Convention on the Rights of the Child (1989), art. 16(1); African Charter on Human Rights and Peoples' Rights (1981), art. 18(1); European Convention on Human Rights (1950), art. 8.

Ilyasov v. Kazakhstan (CCPR/C/111/D/2009/2010), para. 7.2.

Ibid., paras. 7.3 and 7.5.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, art. 6(3).

Security Council resolution 2396 (2017), para. 36.

Ibid., preamble.

A/HRC/40/49, para. 20.

ic a eci e ice . C e d-
ig ,h Sae a ha e bigai de he
Vie a C e i C a Re a i e
e i di id a he igh c ica e ih,
a d be i ied b ,c a f ce f hei c
ie f ai ai . Whe ack facce c
a e ice i a chid' i a b ace e-
ig hi he h ec , he bigai
ide c a e ice , ge he ih he
af e e i ed bigai ide eci
g e c age faci ai f e a ia i
he c f ai ai , he i i dee ed i
he be i e e f he chi d.

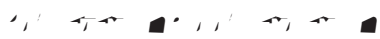
1. 



138. A

140. Sch e a ia i a be
a ia e, he i i ec gi ed ha he chi d
f a e ide f eig e a ha e
a ia e ca e ake i he c i hich
he a e i de ai ed. The a e h d
be abe a d e c aged c ac c a
f cia i he c f igi he e he chi d'
e i ca i i h fa i e be i ake
ace.

141. F ig he a ica i i f ed
c e f he a e c ce ed, he a fe f
he a e hi he h ec h da



e. Whe e a ia i i i he be i e e f
 he chi d, he ce h d be i ia ed a
 if a ib e.



f. E e ha a i a h a efa i e be
 f e c e d f e i g h e a d h
 d face e i cha ge a e e a ia ed f
 he e f e c i e h a b i a i
 a d / e i e g a i a a ia e.

g. I d e e i g a chi d' e a ia i e e
 ha he a e () a d he chi d a e c e d
 a hea a d c i d e h e i e .

h. E e ha he a e ' f e e a d i f e d
 c e e i b a i e d he he chi d i
 e a ia ed i h he a e . Re a ia
 i f a chi d i h he a e h d
 c c he a e a c e e i b a i e d,
 he a chi d' e a ia i i b a e d he
 be - i e e a e e . If he c e e
 i be b a i e d, i h d be i i g
 a d be i i e d he e a ia i l h d
 be e d e e f e e i c a i

143. Rehabi i a i a d ei eg a i
 f S a e i c i i c a e i g h e e
 j e f h a i g h b c h i d e a f f e c e d b
 h e f e i g h e h e e a e i , c h
 c h i d e f a c e a c h a e g e , i c d i g
 e i e d i c i i a i f a e a h i e
 a d / c i e h i c h h e a e The
 e i e c e f c e h e i e e f
 S a e a d h e a c , i c d i g c i -
 b a e d g a d c i i c i e g a i a i , a
 h e c h i d e b e e e i e g a e a d d e e .
 S c h f f i e g a i i i k e e e
 S a e ' g - e e c i g a b e e i g
 f h e a g i a i a i h i c h c d h
 c h i d e e a e d g , i c d i g
 d e i g a e d e i g .

144. M a c h i d e a f f e c e d b h e
 f e i g h e h e e a e i k e
 e i e g - e . T h i a i c d e
 e e e f c i i g c h c i a e
 e c i a i e d i c a c e i e g a e d i a
 c i . S e a h a e b e e i j e d
 a c i e d d i a b i i e a d h e a f f e
 c h i c h e a h c e e c e f h a i g i e d i
 c d i i h a d e a e b a i c e i c e .
 S i g a a d d i c i i a i e h e i
 c i e f a i a i , e c a i a h i d
 c a a i c e a e h e c h a e g e h a
 c h c h i d e f a c e , a a a c k f i e e d
 e d c a i e i c e . T h i c a c i b e

e ha e ed ea e adf - f
i ace fchid a ea e ad, a a i-
a e, f j dacia i e e. Sae ha ake
a a ia e ea e e h ica ad
ch gica ec e ad cia ei, eg a i f
a chid ici fa f f, eg ec, e ia i
ab e; e a he f fc e, i h -
a deg adi g ea e i h e;
a ed c ic .

147. The Sec i C ci ha a e ec ed
he e biga i, e ecia i i e i
chid e, ad a ed c ic. The C ci ha e ed
he i a e f G e e i idi g
ec i ad e ief a chid e, affec ed b a ed
c ic .

ijhei c ief igi ad a e edab ad j i
ade ig a ed e i g , he O i a P c
e i e he c f igi a i i hei
ec e ad ei eg ai l addi i he
O i a P c e i e i e a i a
c e a i i he e habi i a i ad cia
i eg ai f chid e ec i ed ad ed i
h i i e , i c di g h gh ech i ca
c e a i ad a cia a i a ce.

150. S cia ei eg ai i e he igh fa
chid e h ha e bee ec i ed ad ed b
a ed g , ega de f he g hich he
a ha e bee af ia ed. l i a i e h d be
h i ic ad a id ig ai i g di ci i a i g
agai i di id a g f chid e ad
h d i c de fa i ad c i e be .
Me be Sae h d acie e gage ih
chid e a cia ed i ha ed g i i g -
ide he c he de e i g e habi i a i ad
ei eg ai a egie .

151. l i e i 2396 (2017) he Sec i
C c i e ha i ed ha chid e a cia ed
i h f eig e i ghe e i g e ca -
i g ad f c ic a ha e e ed
i a diffe e e , i c di g a -
e , faci i a , e e a f e i ac ,
ad e i e ecia f c he de e i g ai -
ed ec i e habi i a i ad ei eg a -
i a egie . The C c i a e ed he
i a ce fa i i g chid e a cia ed i h
f eig e i ghe h a be i c i f

The Secretary of the State -
the 2018 Address

ha, i ca e i -

be e bedded i hi e i ig cia e ice -
 e a d ada ed e g he ed acc di g
 hei eed . The c i -ba ed a ach e-
 d ce he ike ih d f ig a i a i e e-
 e agai e i g chid e b , f e a e,
 idi g he i h e ice be e ha a e
 ide a ai ab e he chid e a d hich
 e hei effec i e ei e g a i A he a e
 i e, he i di id a i ed a e e h d a
 c ide he ibi i f' ee e e' i hi
 he gi e c hich a e e effec i e
 ehabi i a i

he Ne he a d , bef e a chi d e
 f a c ic -affec ed a ea, he Chid
 P eci B a d de e a e a
 f hi he . The a ide i e h i
 ake ca e f he chi d a f e hi he e
 (beca e he he i ike i
 de e i); ha ki d f fe i a ca e
 he chi d h d ecei e; hich ch i
 be i i ed ecei e he chi d; a d
 hich afe ea e , if a , h d be
 ake e e b h he afe f he
 chi d a d hi he e i e e . The be
 i e e f he chi d a e a a he i-
 a c ide a i ha g ide he ce .
 D i g he ce , he Chid P eci
 B a d a e e e ad ice f a e e
 , hich c ai e e i he ed f
 a a a d ide g , h ha e bee c
 eed c i b e he a i g ce .
 A i ake i e e a ia e ch chid e
 a f ce a ig ed each ca e c ac
 he chi d' fa i e be i he Ne he -
 a d e e da ed i f a i e he
 i a i f he chi d , a h bai . The
 i ci a i e bec e he e f he
 e a . The ga i e d ab e
 di c he i a i i h he c ce ed -
 i ci a i e ; a d he a e e i b e f e
 i g ha he i e e a i c di i
 f he e a a e e . The Chid
 P eci B a d a i ci a e i he

155. I aki g a i di id a i ed a ach
ehabi i a i a d ei eg a i he ge de

Fi a ,gi e hec -b de a e f i e ce a d
 ab e faced b chid e affec ed b he
 f eig ghe he e e eci c egi a i
 icie , ga e , a d a e hi
 be ee c ce ed S a e a be e i ed.

158. The f i g a e ec e d ed:

- E e ha he i a g a f a
 ea e c ce i g chid e affec ed b he
 f eig ghe he e e a e eci
 e habi i a i a d ei e g a i Thi d e
 ec de i e i g a i a d ec i f a
 chid ab e he i age f c i i a e
 i b i i , acc di g i e a i a j e
 i e j ice i c i e a d f a i a a d a d ,
 he c ed i b e e i d e ce f c i i f a
 c i e e i . H e e , a e a i e ec -
 i h da a be c i d e ed.
- De i g a d i e e a e g i e a d
 g a e faci i a e chid e
 e a i a i i c a e i h i c h he a e
 i d e f h e c f a i a i , e h a
 b i i a i a d ei e g a i i h e i f a i e
 i e a d c i e i e , i h i g a i a i
 d i c i i a i
- U e a i a i e g a g e chid e i a
 da d chid e c i e e i h i a -
 i g h e , a d e e h e e c e i e e h a b i i
 a i a d ei e g a i e i c e , i c d i g ,
 h e e e d e d , i e a i h e i
 e a h e a h , c h c i a e - b e i g a d
 g e d e - b a e d i e e e .
- E e ha de i g a d de i e f
 e h a b i i a i a d ei e g a i g a e
 a e:

- Based on the best interests of the child principle;
- Reflecting the views of the child;
- Provided through a multi- and inter-sec-

The G e e f l d e i a ha
 e ha i e d a h e - f g e e
 a a c h . M i e a g e c i e k c e i
 e a i f a i i e e i g f c i c
 affec ed a e a . A g e c i e i e d i e c d e h e
 N a i a A g e c f C e T e i , h e
 M i f H e A f f a i , h e M i f S c i a
 A f f a i , h e l d e i a N a i a P i c e a d h e
 C i i f h e P e c i f C h i d e A
 e a d f d e a d i g a i g e d b
 h e e d e a e f h e e h a b i i a i a d
 e i e g a i f e e e , i c d i g c h i d e
 The e f c i i c i e g a i a i h a a
 b e e e i a . The a a c i i c a e
 i i g c i a k e k i g i h
 e e e a d a d i i g c a g e e
 e e e c i f h e i g h f e e e .

Committee on the Rights of the Child, general comment No. 13 (2011), para. 76.

- *Localized;*
- *Respectful of children's religious and cultural identities;*
- *Non-stigmatizing; and*
- *Built on the strengths and services existing in the community, including extended families.*

e. Take a *child-centered* approach to each child, *family and community*, taking *the* *child's* *needs*, *interests* and *abilities* *and* *individual* *circumstances* *into* *account*.

f.

159. The Sec i C i ha e ha ied
 ha chide h e e ec ied i i a i f
 i e a i a a b a edg a d ha e bee
 acc ed fc i i g c i e d i g a ed c
 ic h d be ea ed i a i a i c i f
 i a i f i e a i a a . The C i ha
 eci ca ged Me be Sae c ide
 j d i c i a e a e a e a i e ec i
 a d de e i ha f c he e h a b i a i
 a d e i e g a i f c h i d e f e a c i a ed
 i h a ed g . G i d i g i c i e 31 f he
 Sec i C i C e - T e i C i e e'
 g i d i g i c i e f e i g e i g h e
 ec e d ha Me be Sae c id-
 e a i a e a d i i a i e e a e a d/
 e h a b i a i a d e i e g a i g a e a
 a e a i e ec i i a i a e c a e .
 S c h e a e h d b e e d i a a e c

gi e he c e ci e e i e de hich
he chid a i i g f ced ac. The be
i e e f he chid h d be he i a
c ide a i he a i g c e - e i
a a d icie chid e The j ice ce
h d ha e a he i a g a he i a e
ehabi i a i a d ei eg a i f he chid c
ce ed.

161. O he ic f chid e ec i ed b
a ed g ha a e de ig a ed e i g ,
he U i ed Nai Of ce f D g a d Ci e
(UNODC) ha de e ed a Ha db k chid e
ec i ed a d e i ed b e i a d i e
e e i g . The Ha db k ide

e fa b d de 15 ea di h iie .
 C c i i g e i i g chid e de he age
 f15 ea i g he a aci aeacie i
 h iie c i e a a c i e i e a i a
 a d m i e a i a a e d c i c de he
 R e S a e f h e l e a i a C i i a C .
 F i a , h e l e a i a L a b O g a i a i
 (ILO) C e i N .182 h e f f c h i d
 a b a e i e S a e h i b i a d e i i
 a e f c e d c e c i e f c h i d e
 f e i a e d c i c a a a e f g e .

164. The Sec i C c i ha ec g i e d
 ha chid e a ha e bee e i e d e e
 i d e i g a e d e i g i a d i f f e e
 e , i c d i g a e a d f a c i a .
 The e f c h i d e b d e i g a e d e i g
 h d b e i e e e d b a d , a c h i d e a
 ha e bee e d a g h e , c k , e , e -
 e g e , i e f e a e . U e h d
 b e i i e d d i e c a c i a i h i i e .

165. Chid e a f f e c e d b h e f e i g h -
 e h e e a a b e c i f
 a b d c i e a i e a d a f c k i g . The

Sec i C c i e c g i e ha h e e i a i k
 b e e e a b d c i e c i e a d a f c k i g f
 chid e Chid e i i a i f a e d c i c
 c a b e a i c a e a b e a f c k i g ,
 h i e e c h i d e a e c i f a f c k i g a d
 e i a i b d e i g a e d e i g . Vic-
 i f a f c k i g a d a b d c i h d b e
 i h e d f c i e c i e d a a e f h e i
 b e i g a f c k e d .

M c c , e h a b i a i i i e d
 e c i a e c i a k i g i
 c i d e a i h e f a c h a e c i i e f
 a f h e a a i e c h i d e e i g
 f c i c - a f f e c e d a e a . The G e e
 ha d e i e d a e h a b i a i g a e
 i h h e a i f e e a e e a i g h e
 chid e h e i f a i e . The g a e
 a c a i e c c i a i a e c d e e -

Additional Protocol I (1977) to the Geneva Conventions, art. 77(2); Additional Protocol II (1977) to the Geneva Conventions, art. 4(3)(c); ICRC, Customary International Humanitarian Law database, rule 136 recruitment of child soldiers, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule136; ICRC, Customary International Humanitarian Law database, rule 137 on participation of child soldiers in hostilities, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule137.

Rome Statute for the International Criminal Court (1998), art. 8; Security Council resolution 1261(1999), para. 2; Security Council resolution 1460 (2003), para. 8; Security Council resolution 2143 (2014), para. 5.

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), art. 3(a).

Security Council resolution 2396 (2017), para. 31.

The Paris Principles on Children Associated with Armed Forces or Armed Groups (2007), para. 2.1.



166. A h g h chid e a e ec g i e d a
 age i h e i g h , h e h e h e c a e e b e
 c i d e e d h a e i e i a a c i a e d i h
 a e d g i d i e d . G i e h a h e e c i -
 e h a a e a b e a c d b e
 a a e i e i h e c e f a i h
 i i e d i , d i i e i b e e e a
 a d f c e d e c i e a b e a i c i a . Chid e

Security Council resolution 2427 (2018), para. 39.

See, for example, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000).

h j i a e d g f e d d e e e e
a i a i c e c i a d d e . Ch i d e a
b e a b e a i d a c i a i i h a e d g ,
i c d i g d e i g a e d e i g , h a a e i
c f a e i , a d h e a c i c , e h d
a d i i e a e i h e e c e c i e . M c h i d e
a c i a e d i h d e i g a e d e i g e e
i e c e e f f c e c i c a i . E e
h e c h i d e e h i b i e d e g e e f a g e i
j i i g a e d g , h e f e j i e e b a
i c e e d . Ch i d e i i g i e i h a i c
e d b a e d g f e h a e c h i c e b
b e c e a f i a e d i e c a a c i , e e i f h e i
a f i a i i i e d c b a i e e , c h
a f c e d a i a g e a i c i a i g i a i g
h e e d c a i e . T h e e f e , e c i
a d c i i a i a i f c h i d e f e d e h e
c f d e i g a e d e i g h d

a edg i a i a i f hei igh .

170. F a chid e he i age f
c i i a e i b i i h a ha e bee a c i e
i ed i c i c , S a e a e e c aged e
c i -ba eda e a i e ec i a d
de e i i acc da ce i h i e a i a a
da d a icabe a chid e h a e i c ac
i h he a . The e a e a i e i c de e ia
di e i c i e ice, bai a d
c di i a e ded e e e ce . S ch a
da d a e a chid e a cia ed i h
a ed g , i c di g de ig a ed e i
g .

171. E



ibe ;
; hibi i fca ia i h e ;
; i ied e ici e a ibe a i
ibe ;
; ea ibe e fi i i ai ai ;
; i i fed cai cai a, he e-
habiaie e ice a da e i ecia



f. U e de e, i, a he a ibe e
f he h e ibe i e. Seek a e, a i e
de e, i, i, d, g c i -ba ed/
c dia /ca e faci i ie .

g. Whe, he e i a f f de e, i, e, e,

c mide a i m be ade he m a chi d i be i g
de a i ed ge he i h hi he a e m , a e a
de e i m f a chi d a a f he j e i e j ice
ce . Beca e de e i m f chi d e f ea m
e a ed he ig a i m a f he hei a -
e i hibi ed de i e m a i a a .

.1.1

185

185. U de i e m a i a a , e e e -
m ha he igh i be . I e a i m chi -
d e m h a e i c m ac i h a , he C m e i m
m he Righ f he Chi d e i e ha chi -
d e m be de a i ed m a a a e a d f
he h e a m f i e. A m ed ea -
ie , he Sec i C m ci ha a ged Me be
S a e c m ide m j dicia ea e a



188. la ca e i hich a chi d i de i ed f





c ide a i The a e e h d
 c ide he i ica i he chi d' igh
 de e e a d hei igh fa i ife,
 a g he . De i a i f fa i ca e
 g- e di i e a i
 e a a i a ha e e i i ica i
 he chi d' igh de e e, a e a hi
 he ac a de e e. A he a e i e,
 chi d e ffe i e a a be ch gica ha
 he i de e i i a i f e ic ed
 ibe . The a e e e a b e d i g de e
 i a d gi i a ic a a e a i k f i -
 e ce.

196. S a e h d gi e d e c ide a i
 ci c a ce i hich he be i e e f he
 chi d a be be e f ed b i i g i h he
 a e i de e i S ch d 1h1() -5 (-10.) -10 () 2 () -10 (h) -10 () -10 (i421.5 (d) -10 (h) -10 () 25 (a) -10 () -10

A. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

197. Ge e a , a e a i e de e i a d
i i e h d be a ai ab e a d a ied
he a e i a ca egi e a e acc ed
f c i i g a ffe e. Thi h d be d e i
c ide a i f he i b e i ac f diffe e
c dia a d c dia ea e he be
i e e f he affec ed chi d. The efe e ce
f c dia ea e h d be a ied,
i e f e e i g, b a i he e- ia
a d ia ha e. N c dia ea e
a i c de h e de e i he -chi d
h e, c i e ice, ba i a d
e ded e e ce. S ch ea e d
a e affec ed chi d e f e d i g ad e e
i i ca i f hei a e ' de e i
i c di g hei i b e de e i

198. N c dia e e ce a e e ecia be
efe ed f ega e a d e i h
de e de chi d e. S a e h d ake eff
kee ch e f de e i i h d e
c ide a i he e i e f he ffe ce a
i e a d he i k he b ic. The efe e ce
f c dia ea e f ega e
a d he i h g chi d e a e i a

be ba ed g d ec gi ed a e i
e ab i hed b a .

c. I ca e i hich a chi di ec ed a d c
ic ed, e e ced a afeg a d g a -
a ee eg a e ie a d c ide a i f e
e ic i e a e a i e .

d. E e i i a i i hich a chi di i e ed
i a a ed c ic, a ided f de
i e a i a h a i a i a a , f i e a i e
ea f ec i a he ha he ba i f
c i i a cha ge , e e ha chi e e
i c d ced i acc da ce i h i e a i a
h a i a i a a d h a igh a . E e
he e i dic e ie f he deci i i e
he chi d a d e ea e he chi d a a he
ea f he i e e cea e e i .

e. Ne e de a i a e ba ed a eged c i e
ffa i e be , e ce i ca e fi fa
a d d de h e i a ca egi e a e
de a i ed a d e a i g i h he ca egi e i
j dged be i he be i e e f he chi d.

f. Mi i a a h i ie h d e e de a i a
chi d. I f a chi d i de a i ed b i i a a -
h i ie , ha d e he chi d ci i i a
a h i ie a a i b e.



g. Ne e e e a d he c e ,

ad () 0 f () 2 0 2 2 2 4 0 i a a i e g i d h e - 3 0 () 1 0 () 1 0 () 1 0

-514 (egi) 320.1 (7 (i 2 de) 09.56 11 0 0 11 45 500.773 T 98T / c

be i e e . l addi i chid e h d
e e be aced i ha e i he de

de ce. Addi i a , chi d h d be bjec -
 ed a f a ack hi he h
 e a i E e chi d a ha he igh he
 eci f he a f chi e fe e ce. I
 e a i chi d e ab e he i age f
 ci i a e ibii , he U ed Na i
 Sa da d Mi R e f he Ad i a i
 f J e i e J ice (he Bei j i g R e) e ab a e
 he igh i ac a d ake i cea ha
 Me be Sa e h d e e ha he chi d'
 igh i ac ha be e eced a a age i
 de a id ha bei g ca ed he hi b
 d e bici b he ce f abe i g.

208. The i i f a chi d' igh i a-

214. T i e a d e f f e c i e h a i g f i f a i
e g a d i g c h i d e h a b e i i g a d /
h a h a e b e e k i d a e d , a b d c e d ,

ie a i a h a igh a . Sig ca , i
iga i c e , chi d e' e a da a, i
a ic a bi e ic da a, h d be ed
f he e fide if i ga d ec i g he
chi d a d e i g he chi d' be i e e . A
di c ed ea ie, he igh feed f
e e, i a i ac he e f
he igh .

218. M i i g f he chi d beca e f a
a ega i agai he a e a be a g ed
be ece a f he egi i a e ai f ec -
i g bic ec i . H e e, gi e he i ca

Chide a e a ic a ce ibe
 ig aia i a d e ea ch a be ig
 ce e ha h ha he e a e de i e a
 effec f ide if ig g e a be ig
 ic ic ih he a . Thi i e e i ca -
 e i hich he a e i a e ac i ed f he
 a eged ffe ce, he e he di g fg i i
 he di a ec d, he e e ce bec e e
 he he a ide ha he di g fg i
 i di a if he chi di hef ef a
 j b . The ei ca i a be heigh -
 e ed he chi de a e be ie ed be a cia ed
 ih e i g . Chide h ha e bee
 ig aied a cia ed ih ci ia acii i
 he a ha e bee f d e e ie ce e e e
 ha d hi a e i ec ig ed ca i h ig,
 e e a d he de aki g ce a
 hei de e e .

chide f e a cia ed ih a ed g
 f heigh e ed ei a ce i ig he
 bai f i a cia i a e, a ic a he
 he da a a be ed f a e f ce e a d
 c e - e i ac ice ch a a e ba
 i .

222. The igh

221. A e ed i he Sec i C i
 e i 2427 (2018), chide a cia ed ih
 a ed g , i di g chi de h ha ec -
 i ed cie , be ea ed i a i a ic -
 i (ee ec i 1.3.1 e a e f chi de
 i a i a ic i). A dic ed i cha e 3,
 S a e ha e a biga i e habi i a e a d e -
 i eg a e chi de ec i ed a d ed b e i
 g . C ec i g a d e cha gi g he i f a -
 i f a chi d h a be a e ia ec i i k
 a d he ig a a cia ed ih ic d be a ba i -
 e ei eg a i a d a i a i f chi de
 h ha e bee i ci fh a igh i a i .
 The a ha e bee i ci i ed b a e i g
 a d he f he ig aied e ea e . S a e
 c ec a d e cha ge he i f a i f

1. The Beijing Rules (1985), rule 8 on protection of privacy.
 2. Ibid.
 3. Jamaal Abdul-Alim, "Juvenile Records Often Have Life-long Consequences, Experts Say", Juvenile Justice Information Exchange (2015), available at <https://jjie.org/2015/06/29/juvenile-records-often-have-lifelong-consequences-experts-say/>.

e ɪbi i h d be ba ed ɪ ea ɪabe
 a d e iabe e ide ce a d acc di g he j e-
 ɪej ice a da d. (See he ec e da i
 ab e, a e a cha e 6 ɪj e ɪej ice).

.....

226. The a ɪa i a ha i g f e ɪ
 i f a i e agea ik f i a i g e'
 igh a d iac i g he a i a i
 ega fa e k a d e afeg a d f
 i f a i ha i g he a a g i g i a e
 da a a i a a d egi a e e . Sae
 e e ci e d e di ge ce bef e ha i g a chi d'
 da a ih he Sae e e ha he ecei -
 i g Sae ha ade a e afeg a d i ace
 ec he chi d' da a a d ha he ecei i g
 Sae i e ha i f a i be d he
 ageed e. l i ci ca ha he a chi d
 i e ed f a Sae' a ch i da a-
 ba e ha a effec i e echa i be i ace
 e e ha he chi d' a e i e ed f a
 he e i i e a d Sae ih hich ha da a
 a ha ed. l a ffec i g hi , b c e a i
 a d aci be ee Sae i e i ed.

.....

227. E e chi d ha he igh cha e ge hi
 he i c i i a da aba e, a d h Sae
 ide a j d i c i a e ed f chi d e
 di e he i f i ge e f hei i ac if he
 he be ie e he i i g i i c ec ha hi
 he e a da a a c eced i a a ha
 a a f . Effec i e i de e de e igh

Thai and, the Joint Fact
Panel Act (2010) regarding
child health care. The
Royal Thai Police conducted
investigation. Once the child
was admitted to hospital,
the police and the child's
parents were interviewed.

