I. Background

The development of terrorism throughout the 20th and 21st centuries has been characterized by the increasing involvement of children.¹ This is explained by the fact that terrorism evolves with consideration of the counter-measures applied against it.² To direct qualified human capital in the battlefield, children have been identified as expendable resources, thereby commonly participating in suicide operations or typically performing minor auxiliary roles. In the aftermath of the 11th September 2001 (9/11), oppressive counter-terrorism measures lowered the probability of terrorist acts operational success and to avoid detection, terrorist groups became less hierarchical and more decentralized. The involvement of children in terrorism is a strategic changing of tactics and reflects the necessity to ensure an organization’s survival.³

In fact, equally to women, children are associated with innocence and presumed to be inherently non-violent. Children recruited and exploited by terrorist groups are victims of violence at multiple levels. Violence experienced during enlistment and association with terrorist groups includes ferocious recruitment methods, enslavement, sexual exploitation and threat.⁴ The malleability to indoctrination, enhances the vulnerability of children as targets for coercion or induction by other means to involve in criminal offences, including acts of terrorism, war crimes or crimes against the humanity.⁵ In this respect, the criminalization of child conduct may lead to a secondary victimization within the justice system.⁶ Criminalization, in conjunction with the absence of effective mechanisms of rehabilitation, fails to address children as victims. While the question of child soldiering remains one of the most pressing concerns in international law, this phenomenon disproportionately aggravates in circumstances where children engage with terrorist or violent extremist groups.⁷ Too broad and ambiguous definitions of terrorism may allow for the criminalization of membership to terrorist organizations, which bypass considerations of the actual degree of involvement of the minor concerned to criminal activities. These same terms may lead to an avoidance of established legal standards of due process in national courts and to the deprivation of judicial safeguards amounting not only to a violation of the rule of law but also conflicting with the juvenile justice system.

II. Context

The United Nations has acknowledged the importance of ensuring the protection of children against serious forms of violence in the field of crime prevention and criminal justice, including recruitment and exploitation by terrorist and violent extremist groups. The relevant legal provisions that define violence against children and the duty of States to take

² Id. supra note at 14.
⁵ Id. supra note 3 at 9.
⁷ Id. supra note 3 at 5.
all necessary measures to protect children from violence are outlined in several international instruments and mark the depth of shared international commitment to an effective, sustained, and multilateral response to the issue.

a) The United Nations Office on Drugs and Crime

The United Nations Office on Drugs and Crime (UNODC) provides technical assistance to Member States in their endeavor to address complex challenges associated with children recruited and exploited by terrorist and violent extremist groups. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (Model Strategies and Practical Measures) mandates UNODC to assist Member States in implementing measures aimed at preventing and responding to violence against children including various forms of exploitation, recruitment, use and victimization by criminal groups, terrorist entities or violent extremist groups. The United Nations Global Counter-Terrorism Strategy mandates UNODC to provide States, upon request, with assistance in developing and maintaining effective and rule of law-based criminal justice system recognizing the potential status of every child, alleged as, accused of or recognized as having infringed the law, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with applicable international law and with particular obligations arising from the Convention on the Right of the Child (CRC). The United Nations Economic and Social Council (ECOSOC), in view of the specific mandates of UNODC in crime prevention, criminal justice and terrorism prevention, requested it to continue its work in the prevention of the recruitment and exploitation of children and youth by violent criminal or terrorist groups. By recognizing the duty of States to protect members of society, in particular children, from the threats associated with terrorism and violent extremism, in accordance with international law, and standards and norms relating to children rights, UNODC exerts substantive efforts to strengthen the capacity of the justice system to achieve this aim, also in cooperation with relevant institutions and actors from other systems.

The necessity for improved cooperation between governments, United Nations entities, non-governmental organizations, professional groups, academic institutions and the civil society, is reiterated by the Model Strategies and Practical Measures and the Guidelines for Action on Children in the Criminal Justice System. Inviting the participation of the civil society is to recognize the complementarity of its role, together with crime prevention, the criminal justice system, child protection agencies, health education and social sector in creating a protective environment and preventing and responding to incidents of violence against children.

b) The Alliance of NGOs on Crime Prevention and Criminal Justice

The Alliance of NGOs on Crime Prevention and Criminal Justice (CPCJ Alliance) is dedicated to the promotion of policies that foster the development of effective and transparent crime prevention and criminal justice strategies and practices domestically, regionally and globally. The CPCJ Alliance provides substantive encouragement in international cooperation and multidisciplinary approaches, advocates respect for the dignity and rights of victims of crime and abuse of power, and of those in conflict with the law, and advance the protection and restoration of the well-being of all persons and communities affected by crime. CPCJ Alliance Members are Non-Governmental Organizations (NGOs) in consultative status with ECOSOC with a substantive interest in various aspects of crime prevention, criminal justice administration and the treatment of offenders. The CPCJ Alliance has undertaken a proactive role in supporting UNODC,

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13 Id. supra note at 1.5.
ECOSOC and United Nations Member States (UN Member States) in the areas of crime and terrorism prevention and criminal justice. In this framework, CPCJ Alliance Working Parties activities include but are non-limited to

a) Identifying principles and strategies for civil society, in particular CPCJ Alliance NGOs, the United Nations and UN Member States to address crime and terrorism and support preventative action in this context;

b) Building capacity of UN Member States in strengthening the preventative dimension of terrorism and crime while promoting accountability, transparency and the rule of law;

c) Enhancing existing efforts of civil society, in particular CPCJ Alliance NGOs, and provide recommendations to UNODC and ECOSOC on how to optimize contributions and participation in the area of terrorism prevention.

c) The Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups

The Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups is to be established within the CPCJ Alliance and in support of its ends. Its purpose is to create a functional platform for civil society engagement, in particular CPCJ Alliance NGOs, in the prevention of violence against children and recruitment and exploitation by terrorist groups. The Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups aims at prioritizing and strengthening United Nations and UN Member States activities regarding the issue. As to best serve such aim, the Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups will establish a close collaboration with UN agencies as well as UN Member States and increase the functionality of the United Nations system in preventing violence against children through effective contributions of the civil society.

III. Rationale

The phenomenon of child recruitment and exploitation by terrorist groups and its consequences represent a key concern to States and society and the necessity to address it through coordinated efforts has been internationally recognized as a priority. The recruitment and use of children by terrorist groups constitute serious forms of violence against children. Exposure to violence inflicts extensive harm to the individual child, impairing personal, intellectual and social development or constituting a ground for further involvement in criminal activity while also highly impacting societies and societal structures in the short and long-term.

As the recruitment and exploitation of children by terrorist groups is to be addressed through tailored approaches, comprehensive strategies to prevent violence consist of the efforts of different State and non-state actors, including various types of professionals, civil society and community-based organizations. Enhancing effective coordination in different sectors is crucial when threats to the safety of the child are especially serious and require coherent and integrated detection and intervention efforts.

The relevance of civil society involvement in a comprehensive and multidimensional response to the threat of terrorism has been stressed by the UN Global Counter-Terrorism Strategy affirming the determination of UN Member States to “further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.”

15 Id. supra note 10.
16 Id. supra note at 3(d).
The objectives of the Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups are the following:

- Identify key strategies and practices for civil society, in particular CPCJ Alliance NGOs, and focus specifically on areas in which civil society has a comparative advantage and could make tangible contribution to international efforts in preventing violence against children and the recruitment and exploitation by terrorist groups;

- Analyze international legal instruments that are relevant to the issue of children recruited and exploited by terrorist groups and explore opportunities to enhance civil society efforts, in particular CPCJ Alliance NGOs, in conformity with the existing framework;

- Identify existing gaps and provide consistent guidance, resources and expertise to strengthen the preventative dimension of violence against children and the recruitment and exploitation by terrorist groups through the efforts of the civil society;

- Promote policies that foster the development of effective and transparent crime prevention and criminal justice strategies while encouraging a culture of justice in support of children victims of violence.

This shall be accomplished by:

- Reviewing and identifying areas of preventative efforts of violence against children that are currently weak or can be addressed by civil society and non-state actors so as to complement existing international and State level efforts while promoting accountable, transparent and effective rule of law-based justice responses to children recruited and exploited by terrorist groups whether they are in contact with the justice system as victim, witnesses or alleged offenders;

- Establishing a mutually satisfactory collaboration with UN Member States interested in enhancing preventative efforts in the area of violence against children and the recruitment and exploitation by terrorist groups and coordinating efforts based on comparative advantage;

- Facilitating access to research and systematic data collection, analysis and disseminating information to support the development of evidence-based programs aimed at preventing violence against children and the recruitment and exploitation by terrorist groups;

- Providing substantive background and high-quality research and disseminate information in the area of terrorism and conditions conducive to violence against children and the recruitment and exploitation by terrorist groups;

- Organizing in a systematic manner the current ad hoc interactions between civil society, the United Nations and UN Member States and establishing and ensuring regular flow of information among relevant entities;

- Building agenda on the issue of violence against children recruited and exploited by terrorist groups and coordinate CPCJ Alliance activities in this area by organizing and facilitating theme-oriented activities, presentations and thematic parallel events to major United Nations conferences, relevant meetings and other appropriate venues at the local and global level;

- Originating substantive discussion and creating opportunities for engagement in open dialogue on the issue of children recruited and exploited by terrorist groups involving UN agencies, and key experts in the field in consultative processes and briefings.
IV. Participation

In order to tackle the very complex and multifaceted phenomenon of violence against children recruited and exploited by terrorist and violent extremist groups is essential to count on the coordinated efforts of a variety of actors and institutions from different systems. The Working Group on Children Recruited and Exploited by Terrorist and Violent Extremist Groups aims to rely on multidisciplinary and multi-sectorial support. CPCJ Alliance Members are non-governmental organizations having consultative status with the ECOSOC that have a substantial interest in various aspects of crime prevention, criminal justice administration and the treatment of offenders. CPCJ Alliance Members, have substantive expertise and knowledge to address conditions conducive to violence against children and to the recruitment and exploitation of children by terrorist groups.