

# Why repatriate “Jihadist fighters” Belgian children?

## What exactly are we talking about?

Since the first returns from Syria, numerous children’s rights organisations<sup>1</sup> have been demanding that the Belgian authorities organise the safe return of children, victims of their parents’ decision to join the so-called Islamic State. 56<sup>2</sup> Belgian children are currently living in detention camps governed by the Kurds<sup>3</sup>, in North-East Syria. Their living conditions are extremely unfavourable to their development. Most of them are under 6 years old. At least 5 Belgian children have died for reasons directly linked to their living conditions: malnutrition, lack of health care, cold, dehydration... And yet, in December 2017, the National Security Council took a stand in favour of a systematic repatriation of children under 10, while for children over 10 years old, this would be assessed on a case by case basis. While the argument of the Belgian State’s incapacity to act militarily and diplomatically on site is automatically put forward, due to a lack of diplomatic representation and ground troops on site, the situation is the same as in June 2019, when 6 children were repatriated with the assistance of Belgian authorities. Repatriation is therefore technically and diplomatically possible.

## They are children...

When ratifying the United Nations Convention on the Rights of the Child (OHCHR), Belgium committed to putting the protection of children first. The country also signed the three optional protocols of the OHCHR which reinforce this responsibility in terms of protecting children against their participation in armed conflicts and any type of exploitation. While questions of safety must be taken into consideration, they must not, under any circumstances, affect the child’s rights and his or her best interests. And children are children until the age of 18.

## Our answers to questions that we are entitled to ask ourselves as Belgian citizens

- **Are these children all “radicalised” and, therefore, dangerous?**

The probability of these children having carried out military training or having been brainwashed is extremely low as most children concerned were born in the camps and know very little about the proto-“Islamic State”; they are too young, most of them are under 6 years old.

Conversely, given their young age, the likelihood of them easily integrating into our values and our lifestyle is extremely high. It should also be noted that these children are exposed to Belgium through their parents: several parents raise them in Dutch and/or in French, and they know Belgium very well through the connections that they have via WhatsApp and Skype with their grandparents. For these children, Belgium is therefore not necessarily a foreign or faraway country.

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<sup>1</sup> DGDE (General Delegate for children's rights), KRC (Key Results for Children), CHILD FOCUS, ...

<sup>2</sup> The numbers may vary between Belgian authorities and children’s rights organisations, and the criteria regarding who should be repatriated are not the same. Rights protection organisations consider all children between the ages of 0 and 18, in accordance with the United Nations Convention on the Rights of the Child.

<sup>3</sup> Al-Hol and Roj

Experience has shown that the perfect way for them to reintegrate is through school and leisure activities. All experts<sup>4</sup> agree that one of the fundamental elements, upon which the reinsertion of these returning children must be based, is their quick integration into a “normal life”.

- **Might as well leave them over there, it is safer...**

Doing nothing is likely to cause these children to develop resentment towards Belgium in years to come, which could provide fertile ground for further recruitment by Jihadist groups, who are still active in these areas and in the camps. We must protect them from recruitment. Until now, these children have been under the Kurdish militia’s wing. But for how long? The Kurdish authorities have publicly declared that they would like European states to repatriate all their citizens.

In addition, due to the current situation in the detention camps, without concrete help from Belgium, their country of origin, women feel abandoned and powerless in front of their children, who are at risk of dying due to severe food and drinking water shortages, and lack of basic hygiene and medical care in a desert area. Should it be decided to leave them alone out there - without any prospect of a future and without their children, even though they have protected them from this harmful environment for so many months) - the risk of desperate actions (which could develop into acts of violence) cannot be excluded, especially for those who may still be radicalised.

- **These children are not Belgian.**

In Belgium, nationality is acquired via the mother and father. Mothers of Belgian nationality who have notified the authorities in our country that they wish to be repatriated, have systematically reported the birth of their children to the Belgian authorities. If this declaration is not deemed to be sufficient, a DNA test is still possible, which has already been done for families who have come back via their own means. Furthermore, the Belgian security and intelligence services are well informed of the presence of individuals who had left the territory and who now live in the camps, especially regarding mothers and children. In fact, families living in Belgium (grandparents, uncles, aunts, etc.) have all collaborated with the police. In conclusion, their connection with Belgium is easy to prove. In the same way, most are identified and located.

- **OK for the children, but without their mothers!**

From a political point of view, the issue of the mothers’ return is an obstacle regarding their children’s return. And yet, the principle of respect for the child’s best interests, established by the UN’s Convention<sup>5</sup> under article 3, requires Belgium to repatriate the mothers wherever possible. In addition, some courts have given a ruling to this effect. Article 9 of the Convention relating to the rights of the child requires States to make sure that a child is not separated from his/her parents unwillingly, unless the competent authorities decide that such a separation is necessary in the best interests of the child.

We have an obligation to protect all these children. This obligation can only be fulfilled by acting in the best interests of the child; here, this means that the children need to be repatriated with their mothers, as soon as possible.

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<sup>4</sup> RAN Manual Radicalisation Awareness Network, Response to returnees: foreign terrorist fighters and their families, July 2017.

<sup>5</sup> The United Nations Convention came into force in Belgium on 15th January 1992 following the approval of a law and of the decrees from the various federated entities. The decree of approval was adopted by the French Community on 3rd July 1991.

Having said this, many other reasons, especially linked to the context, may be used in support of the mothers' repatriation with their children.

These children have suffered (and are still suffering) premature stress in a prolonged, repetitive and intense manner. These are incredibly young children who have grown up exclusively by their mother's side. The environment in which they are growing up is particularly anxiety-provoking: shut away in tents of 3 square metres, without any toys for development or stimulation, without any books to escape, without schools to learn and socialise, with a lot of danger and tension. The only reassuring figure is their mother. Their mothers, as their only attachment figure, act as a buffer and allow them to grow despite this environment that is harmful for their development.

This, at any rate, is what emerges from the reports concerning the two visits to the detention camps in North-East Syria in October 2018 and June 2019, and from encounters with Belgian mothers and children. It was noted that the psychological impact of various traumatising situations on children was relatively limited, in part thanks to the protection and care from their mothers. The mothers have been able to protect their children from traumatic stress and anxiety, caused by imprisonment in overpopulated prisons, time in confinement cells, and bombings and gunfire. In the same way, over these past few months, in the detention camps also, the mothers have been doing everything they can to protect their children from extreme temperatures, malnutrition, and untreated wounds and illnesses. The direct link that this creates between mothers and children cannot be broken without causing permanent psychological damage. Such a profound separation would seriously hinder the children's social integration in society. Such a separation would only increase the trauma.

In addition, it is easy to imagine the resentment that could build up in these children when they understand that the Belgian State decided to leave their mothers out there. For children who have come back with their parents, there is an immediate need to work on the risk of children making heroes<sup>6</sup> of their parents, as a reaction to the demonisation of their parents by society. It is to be feared that this risk would be even greater if separated. Explanations would be necessary to justify such a separation in order to avoid these children wrongly believing that they have been abandoned. How, under these conditions, will they accept their parent-child relationships? How will they experience a necessary family loyalty? In the long term, what will happen to their mothers on site? There is a high risk of mothers wanting to come back at any cost, and thereby risking their lives. So, what valid and sufficient explanation will be given to these children, enabling them to join our society without resentment?

Of course, the mothers ran this risk for their children in the first place but admittedly, these mothers who are asking for repatriation are seeking protection for their own children. They are acting as mothers. And they know that the price to pay is prosecution and punishment.

- **Their mothers are radicalised, so the children are too!**

There was a time when these women made a more or less conscious decision, for various reasons, to join the caliphate and to take their children with them, to follow their husband, or to get married once there and to have children within the proto-"Islamic State". Today, all women who have made themselves known to the Belgian authorities wish to turn themselves in and be prosecuted and punished by the Belgian justice system. It is, however, difficult to judge their state of mind. It is up to the experts and specific organisations to work with these women to initiate a disengagement, if this is deemed necessary.

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<sup>6</sup> Thierry Baubet, Etats généraux psy sur la radicalisation, Paris, December 2018.

Moreover, recent testimonies and stories from mothers show that some reject extremism and can no longer be deemed as “radicalised”. They speak mostly of the oppression, humiliation, intimidation, terror and violence that they have experienced in the caliphate. Furthermore, numerous women have explained their various attempts to escape the proto-Islamic State’s reign of terror. All they can hope for now is to live a normal life, forget the “Islamic State” as quickly as possible, find peace, and be a “good mother” to their children by allowing them, in particular, to go back to school.

- **Why repatriate mothers with children given that they will be separated because of their detention?**

Indeed, condemned mothers will have to do time in prison once they get back. Consequently, they will be *de facto* physically separated from their children. But in this case, they will be able to keep regular contact with their children, either by telephone or letter, or when their children visit them as provided for by the rules. Relationships with their children will be dealt with depending on the age of the children and depending on their best interests, which will be assessed by the competent authorities. Therefore, some children, if they are under 3 years old, may accompany their mothers in a penal institution.

- **Who will look after these children in Belgium if they return?**

In all cases, the children will be temporarily entrusted to specialised institutions who will assess their physical and mental health in order to determine their best interests. At the end of this evaluation, several care scenarios adapted to each family situation will be made available to the child protection professionals or a judge who will decide on the best care for the child either with family, a foster family or in an institution.

The rationale is to prioritise the child’s wider family environment if the members of the family (grand-parents, uncles, aunts, etc.) are deemed fit to welcome them in conditions suited to their proper development, in terms of educational capacities but also material resources. When a child is welcomed into a family, the family is accompanied by services specialised in youth support, who work with families to support parents and provide supervision. Keeping siblings together is also important where possible. The journey of every one of these children and the type of care are unique.

However, the services concerned by these children are ready to welcome them and the professionals from various sectors have been trained to meet their particular needs. And the number of children, specifically 69, is to be divided between the services that depend on the French community and the Dutch-speaking community. These children and mothers represent a very small minority in the population.

- **Leave them to come back on their own and then we will see!**

Families, and men and women on their own have come back via their own means in the past. However, the crossing of borders has become more and more complicated and risky. Now, it is next to impossible. In addition, leaving the Al-Hol and Roj camps would immediately expose these mothers and children to excessive risks linked to illegal migratory journeys: extortion, trafficking, criminal or sexual exploitation, rape... Furthermore, these camps are in the middle of the desert, and travelling to the nearest bordering country, which is Turkey, would be particularly difficult in any weather conditions.

- **And their parents...?**

One of the main reasons put forward by policymakers opposing the repatriation of children is linked to the parents' return. According to the United Nations Convention on the Rights of the Child, children cannot be separated from their parents. Repatriating these children would therefore involve repatriating their parents. In Belgium's case, there are around 55 Belgian adults<sup>7</sup> in the camps and prisons. Consequently, it is important to focus on the issue of the parents.

- **They are a threat to our safety.**

One of the arguments often used against the repatriation of Belgians in Syria is based on safety. Bringing them back here would represent a too significant risk for the safety of our country. All security experts agree, nevertheless, that from a safety point of view, the repatriation of Belgians in Syria is preferable to the current situation. Paul Van Tigchelt, the director of the Threat Assessment Coordination Body (OCAM: *Organe de Coordination pour l'Analyse de la Menace*), in early September 2019, confirmed that the best safety option was to repatriate all immigrants. Later, Frédéric Van Leeuw, the federal prosecutor, agreed wholeheartedly by publicly confirming that the number of individuals, adults and children, was certainly manageable in terms of legal proceedings for adults.

The argument most often put forward by security experts is the unstable situation in the camps and the risk of renewed conflict. The risk is that the Kurds would no longer be able to manage the camps. This could cause a real possibility of escape for our fellow Belgians and a possibility of them disappearing into "thin air", in an uncontrollable manner.

Nonetheless, we need to qualify how much of a genuine risk each one of them represents. It is up to the competent authorities, following enquiries, to judge the dangerous nature of these individuals for our society. A repatriation will allow the justice system to do its job under appropriate conditions and to take the necessary coercive measures depending on the genuine risk that they represent.

In this respect, several people who left for Syria have already come back to Belgium. Since the beginning of the conflict, around 140 Belgians have returned. In 2018, the Belgian experience revealed three encouraging statistics<sup>8</sup>. First, the danger that the returning FTFs represent decreases. Next, the FTFs' participation in an attempted attack lowers the success of the attack as the FTFs are monitored and followed. Finally, disengagement levels after prison are very high: up to 75% of disengagement amongst women and men who went to Syria, according to Belgian authorities (Coolsaet & Renard, 2020). There is very little recidivism in this respect. Very few have turned back to terrorism.

- **These mothers are abusive, it would be best to take their children away from them! Or deprive them of their parental rights!**

Can the fact that they took their children to a war zone be considered as abuse? If so, it is potentially reason enough to take the child away. At this stage, we do not have enough information to confirm this. It will be up to the competent services and professionals to evaluate this and inform the competent authorities, prosecutors and the children's assistance and protection services, so that they can take the necessary measures.

The loss of parental rights is an extremely severe decision and must meet one of these three conditions: if the parent has been given a criminal sentence or penalty for an offence

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<sup>7</sup> These figures were quoted by the director of the OCAM (Threat Assessment Coordination Body) at the Foreign Affairs hearing on 16th October 2019. These adults are considered to be Foreign Terrorist Fighters (FTFs).

<sup>8</sup> "Foreign Fighters and the Terrorist Threat in Belgium", Rik Coolsaet, Thomas Renard, Egmont Institute, published online (10th January 2020)

committed on his/her children; if the parent jeopardises the health, safety or morals of his/her child through ill-treatment, abuse of authority or severe negligence; or if the parent marries someone who has lost their parental rights. Only the family Court judge can decide this, regarding the child's best interests. The withdrawal of parental rights will therefore always be decided on a case by case basis.

- **They are terrorists, they should not be here!**

Admittedly, most parents of children in Syria have already been convicted for crimes of terrorism. Nevertheless, since 2015, the accusation of terrorism has become an extremely broad accusation affecting people who have committed acts of violence, as well as anyone who left Belgium to go to Syria. These people have been convicted for having provided "material and moral support" to terrorism. This seems to be the case for all Belgian mothers in Syria, who have been convicted for going to Syria, and not for acts of violence that they may have committed. For the fathers, the competent authorities must consider their journey on a case by case basis. What is certain is that these mothers will be charged, and a prison sentence awaits them upon their return. But it has not been proven that they have directly committed any acts of violence.

- **We need to strip them of their Belgian nationality.**

Since 2015, the law reforms on Belgian nationality have facilitated the deprivation of nationality regarding issues of terrorism. This measure does not apply, however, to those with dual nationality who became Belgian after they were born. Most Belgians in Syria concerned by this measure are all people who were born and who grew up in Belgium. They are part of the "second generation". While the deprivation could allow Belgium to rid themselves of a legal responsibility, the family and social links between fellow citizens will not just simply disappear. They all have very strong connections with Belgium, which they consider their home country. To relinquish this responsibility will undoubtedly fuel resentment, which could end up being dangerous in the long term.

- **We need to deradicalize them all!**

Many are opposed to the return of Belgians from Syria because they believe they are radicalised, and that they are incapable of readjusting to our society. This argument is based on the idea that the people who left to join the caliphate reject our way of life and are committed to ideas which go against our society. They believe that it would not be possible to "deradicalize" them.

If we consider the term "deradicalization", we need to analyse its root, "radicalisation". While both terms are now used in ordinary language to refer to acts, especially acts of terrorism, of fundamentalists claiming to be followers of Islam, they actually cover a particularly complex and multidimensional reality.

The process of radicalisation is not linear and can evolve and take a wide variety of routes. Even if there are some recurring factors, the ideas and reasons that push a person to turn his/her radical ideas into violent extremism are different and complex<sup>9</sup>. There are, therefore, as many radicalisation processes as there are "radicalised people". The variety of personal journeys that may lead to a radicalisation process cannot, therefore, be offset by a single tool used to *deradicalize* an individual, like waving a magic wand to reverse this process<sup>10</sup>.

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<sup>9</sup> See: "The Concept of Countering Violent Extremism", CSS Analyses in Security Policy, no.183, December 2015, Editor: Christian Nünlist.

<sup>10</sup>"Fanatiques désenchantés", Cahiers de psychologie clinique 2017/2 (n° 49), pages 83 to 104, Renaud Maes

Furthermore, radicalisation is not an irreversible condition. A so-called “radicalised” person can change, evolve and change his/her points of view - which has been the case for most of the 140 Belgians who have returned from Syria.

The objection regarding returning Belgians from Syria, due to their radicalisation, is therefore based on an idea of radicalisation as a linear and irreversible process, and ignores the different studies which show that it is a complex process of development of extreme ideological, political, religious, social, economic or personal convictions which can challenge the *status quo* and which rejects compromise.

A number of researchers in the academic world actually discredit the term “radicalisation”, and prefer to study the analysis of contexts and living conditions potentially causing these people to break with the society in which they live. These include their relationship with education, disqualification regarding employment, the influence of social networks, the loss of strong and collective values, institutions and the public authority, sources of belief dissemination...

It is not because the development of a “*deradicalization*” tool is a vain wish, an illusion that nothing is done regarding people suspected or convicted of participating in a terrorist offence. Rather, specialised services deal with them in a context of detention or freedom to incite reflection on the need to disengage from violence with regard to his/her radical ideas. This is done with a view to reintegrating them into our society.

### **The #BRINGTHEMBACK<sup>11</sup> Group**

With the support of the General Delegate for Children's Rights

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<sup>11</sup>The #BRINGTHEMBACK Group is made up of the following leading figures: Nadia Fadil (KULeuven), Marijke Van Buggenhout (VUB- Voicing Youth at Social Risk), Gerrit Loots & Hannan Jamai (VUB - Voicing Youth at Social Risk), vzw Moeders van Europa and Marianne Koplewicz (Editions du souffle).