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## **The repatriation puzzle of Belgian children of foreign fighters in Syria in the vacuum of post-war conflict resolution.**

Guervos de la Iglesia, Juan

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**The repatriation puzzle of Belgian children of foreign fighters in Syria in the vacuum of post-war conflict resolution.**

Juan Guervos de la Iglesia

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I would like to express my gratitude from the bottom of my heart,

To my belated grandfather Theo,

my parents,

my love Linda,

and my friend Amber,

for their unconditional loving support during the writing of this research.

Special thanks to my supervisor Dr. Joana Cook for her excellent guidance and knowledge during this process. I also wish to thank all of the respondents, without whose cooperation

I would not have been able to conduct this analysis.

Juan Guervos de la Iglesia

18<sup>th</sup> of March 2022

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## 1 Introduction

*There can be no keener revelation of a society's soul than the way in which it treats its children.<sup>1</sup>*

At the time of writing, the Syrian conflict has been ongoing for almost a decade. It has had many critical consequences, of which the creation of the Islamic State of Iraq and Syria (ISIS) is one. Furthermore, the conflict has led to the deaths of thousands and the displacement of millions. A consequence of this displacement has been large numbers of refugees migrating from Syria to neighbouring countries along with a smaller number migrating to European countries. These migration movements have caused domestic political pressure on various policies in European countries – mostly on integration policies.

The territorial defeat of ISIS, the subsequent withdrawal of U.S. troops from Syria, and the return of displaced citizens to their homes all point to the end of the conflict. Moreover, in March 2019, the Syrian Defence Forces (SDF) conquered the last stronghold of ISIS and declared a symbolic victory, and various indications suggest a diminished intensity of fighting despite continuing gunfights. Furthermore, new security issues have arisen, which suggest that the conflict is far from over. Active terrorist cells have gone dormant and (foreign) terrorist fighters have disappeared from the radar. However, their ideology still attracts individuals worldwide. Therefore, a highly explosive situation has developed, which has caused new security concerns for European intelligence and security services. In particular, the phenomenon of (returning) foreign terrorist fighters (FTFs) pose a perceived threat to these countries' security and society. European countries are struggling with this phenomenon and how to strategically measure the threat levels of every returning FTF individually. Some of these returning FTF's also return with children who were conceived in Syria or abducted from their countries of origin earlier. These children and the actual and perceived issues they face with repatriation and reintegration will be the focus of this thesis.

Research has attempted to identify the exact number of returning FTFs; however, the reliability of these figures is difficult to ascertain. Based on intelligence reports, Renard and Coolsaet (2018) estimated that more than 6,900 European FTFs have lived in Syria or Iraq.

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<sup>1</sup>Mandela, N (1995, May 8) Address by President Nelson Mandela at the launch of the Nelson Mandela Children's Fund, Pretoria, South Africa. [http://www.mandela.gov.za/mandela\\_speeches/1995/950508\\_nmcf.htm](http://www.mandela.gov.za/mandela_speeches/1995/950508_nmcf.htm)

The majority of these are men and women who left for Syria to join a terrorist organisation in the self-proclaimed caliphate of the Islamic State. The authors also reported that approximately 1,000 children were brought from European countries by their parents to join Islamic State. Moreover, Cook and Vale (2019) reported that between 1229 and 1502 FTFs in Syria or Iraq had a connection to Western European countries. This indicates that numerous European children who were brought to (or born in) Syria could potentially return to their country of origin (or that of their parent[s]) now that ISIS has been territorially defeated. This creates a multi-faceted puzzle for European governments regarding the legality, politics, and ethics of the situation (Babanoski, 2020). Male FTFs are actively detained and prosecuted if they return. However, for female FTFs and their children, the situation differs between countries. Luquerna (2020) estimated that from January 2019 onwards, more than 63,000 women and children were held in Al-Hol, the largest refugee camp in Syria. Moreover, she estimated that more than 7,000 of the children have nationalities other than Syrian or Iraqi, while 95% of the children in the camp are aged younger than 12 years. The facts underline the urgency of creating a framework or improving existing structures in European countries to deal with the potential return of these children and their case-specific needs, which should be exempted of stigmatization when discussing strategies of de-radicalisation, rehabilitation, and reintegration. Hence, when discussing these children in the creation of policies, the focus should be on considering them predominantly as victims of conflict with the goal of improving their emotional and physical wellbeing above anything else and refraining from any framing which stigmatizes them as perpetrators of violence or radicalization.

Part of the complexity of dealing with the children of returning FTFs stems from the fact that European countries struggle to define the various age groups and assess their involvement in the armed conflict. As the decision-making power regarding the retrieval of these children is exclusive to the government of the relevant nation state, the decision can thus be considered one with heavy political and societal consequences.

Nevertheless, Nyamutata (2020) highlighted that the denial of repatriation goes against normative and legal standards concerning children associated with armed conflict. He suggested that the current approaches of Western countries could be susceptible to criticism for violating the rule of law, such as the revocation of citizenship and denial of return. Hence, the driving forces behind the decision of repatriation are multi-faceted and can have several types of consequences: political, societal, security, and legal.

European countries have responded with different policies to the issue of returning (children of) FTFs (Laine, 2017). For example, the UK and Denmark have opted primarily to strip adult FTFs of their citizenship, citing security concerns. By contrast, Belgium has not followed suit, but has rather publicly stated that it will not repatriate FTFs and that they should be tried in Syria or Iraq. The case for children and their mothers is quite different in Belgium. The recent change in government in Belgium has promoted a more active approach to the repatriation of children and their mothers from Syria. In the Netherlands, the Court of Appeal ruled that the government was not legally required to assist in the repatriation of FTFs or their children. This was because the judge considered the process to entail too many security risks for the government officials involved (Coleman & Avdimetaj, 2020). In Norway, the debate about repatriating ISIS spouses even led to the collapse of the coalition government. In conclusion, the approaches of several European governments to date have been cautious for fear of public opinion turning against them.<sup>2</sup> Due to the highly politically sensitive nature of this debate, most European governments exhibited and shared a political unwillingness to repatriate FTFs and their children.

Due to the heterogenous policy responses of various European nation states, the European Union (EU) developed an initiative named the Radicalisation Awareness Network (RAN) to counteract radicalisation and promote reintegration through a multi-agency approach. The RAN involves a wide range of European, federal, and local actors working cooperatively on tailor-made solutions for the deradicalization, reintegration, disengagement, and repatriation of returnees.

Among all the countries in Europe, Belgium had the highest number per capita of FTFs departing for Syria.<sup>3</sup> Moreover, Belgium has the highest percentage of European children born in Syria under ISIS rule. According to Renard and Coolsaet (2018), among the 149 children aged below 12 years still present in Syria and Iraq, 80% were born there, whereas 20% travelled to the region with their parents. Therefore, most of these children – approximately 85% – are very young (aged below six years) and have not been educated or

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<sup>2</sup> Coleman J., & Cook, J. (2020). Shamima Begum, citizenship revocation and the question of due process. ICCT Perspective. Retrieved from <https://icct.nl/publication/shamima-begum-citizenship-revocation-and-the-question-of-due-process> ; Reuters. (2019, October 14). Denmark to strip foreign fighters of Danish citizenship. <https://www.reuters.com/article/us-syria-security-denmark-idUSKBN1WT1RN> ; Euractiv & Reuthers. (2021, March 5). Foreign fighters: Belgium to repatriate children and some mothers held in Syria. WwW.Euractiv.Com. <https://www.euractiv.com/section/global-europe/news/foreign-fighters-belgium-to-repatriate-children-and-some-mothers-held-in-syria/> ; ABC News. (2020, January 21). Norway Government collapses over decision to bring home Islamic State bride. <https://www.abc.net.au/news/2020-01-21/norway-government-collapses-over-is-spouse-repatriation-spat/11884868>

<sup>3</sup> Van Ginkel, B., and E. Entenmann (Eds.), 'The Foreign Fighters Phenomenon in the European Union. Profiles, Threats & Policies', *The International Centre for Counter-Terrorism – The Hague* 7, no. 2 (2016).

received military training or even been made to act as child soldiers.<sup>4</sup> This underlines the possibility of many children returnees soon, who should not be considered potential security threats but rather traumatised children in need of mental and physical support.

Therefore, this thesis aimed to analyse the impact of the multi-agency approach in Belgium. Belgium has a complex political structure with different levels of government. The working of the multiagency approach is therefore divided into different regional governments (Flanders & Walloon region) with different agencies responsible for the repatriation and reintegration of these children. The case of Belgium is unique in Europe as the multiagency approach is divided into two different systems within one country. This thesis has opted to investigate the Flemish part of the multiagency approach as Fernandez-Canadas (2019) has already analysed the French-speaking part. It also narrows the focus of this research substantially. Furthermore, the researcher is a Flemish-speaker, which offered enhanced accessibility to data as well as a network of officials who would otherwise be difficult to access due to the sensitive nature of the topic. This study is also the first to conduct a review of the workings of the multi-agency approach in Flanders. Furthermore, Belgium was chosen because it is the European country with the highest number of FTFs departing for Syria per capita, which made it a relevant case study. For now, research on the functioning of the multi-agency approach in Belgium is lacking, except for a study by Bokias Fernandez-Canadas (2019). Currently there is an ongoing reviewal, namely the *Evaluation and Mentoring of the Multi-Agency Approach* (EMMA)<sup>5</sup> for Germany, the Netherlands, and Belgium funded by the EU Internal Security Fund.

The overarching theme of this thesis focuses on the status of the children of FTFs in Belgium. To assess their current situation, this thesis sought to answer the following two intertwined research questions:

1. What barriers to repatriation (e.g., security risks, legal hindrances, or procedural gaps) currently exist, and how/do they impact/influence the repatriation of Belgian children from Syria?

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<sup>4</sup> Coolsaet, R., & Renard, T. (2018). Children in the Levant: Insights from Belgium on the dilemmas of repatriation and the challenges of reintegration. *Security Policy Brief*. <https://biblio.ugent.be/publication/8569049/file/8569052.pdf>

<sup>5</sup> de Waele, M. (2021). Evaluatie & Mentoring van Multi-Agency structuren (EMMA). VVSG. <https://www.vvsg.be/kennisitem/vvsg/emma>



2. For those who do return, what challenges are identified in the multi-agency approaches of the Belgian government to dealing with returned minors?

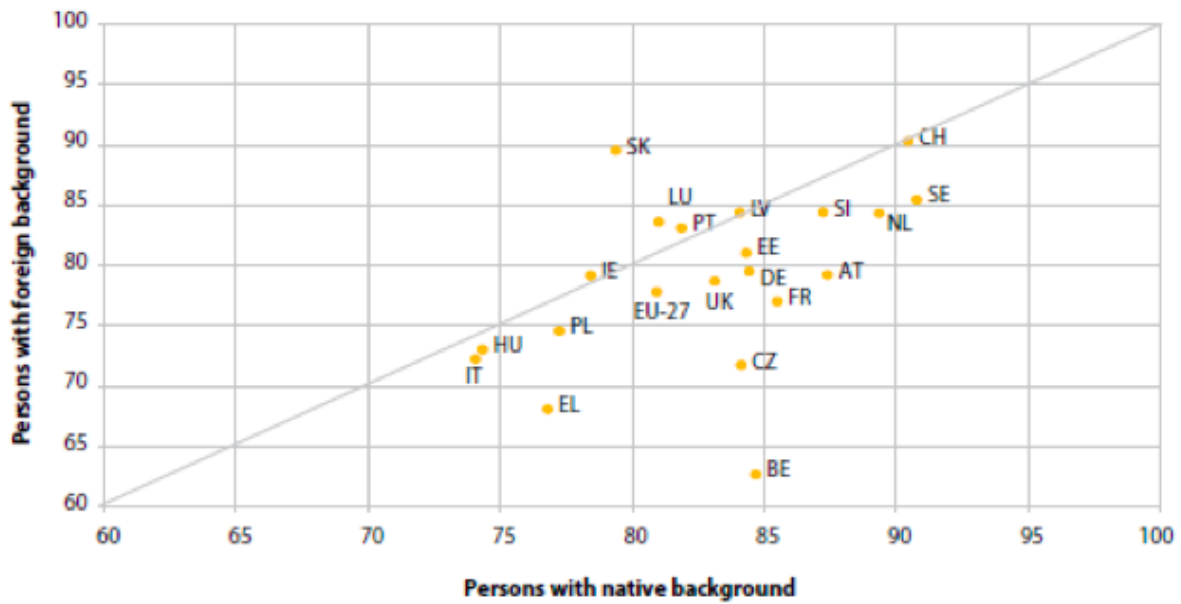
Through the analysis of the Flemish multi-agency approach, this research aimed to address issues of solvency that most states currently struggling with returning FTFs and their children can relate to.

This thesis contributes to a gap in the crisis and security management literature regarding the repatriation of these children and how to reintegrate them into Belgian society under the current framework of the multi-agency approach. Through detecting shortcomings or challenges encountered in the analysis, this study aimed to provide recommendations for future policy as well as for the functioning of the multi-agency approach in Flanders.

A goal of this research was to shed new light on the contested academic and societal debate of how to deal with child returnees and what factors obstruct their repatriation. This research also aimed to investigate how multi-agency approaches are used to manage those who have returned. Dealing with these children, who have experienced a specific trauma under extreme circumstances, necessitates a deeper understanding and in-depth analysis of the factors related to their repatriation and reintegration. This research sought to improve the conditions of these children by critically analysing the current procedures for handling their repatriation and reintegration in Belgium.

In addition, for the purpose of societal relevance, this study sought to deconstruct the stigma facing second- or already third generation embedded Muslim families related to an FTF in Belgium, which could cause them to feel stigmatised by society. It sought to help in bridging the gap between existing grievances in Belgian society concerning integration as well as common misconceptions about their dichotomous relationship with majority/minority citizens. Scholars have attributed these negative demographics to be a trigger for radicalization (Bakker & De Bont., 2016). Under these existing grievances and misconceptions one can find environmental conditions. These environmental conditions such as high unemployment rate and poor integration of Muslim youth have been widely researched by multiple authors (Alanya, Swyngedouw, Vanderzande & Phalet, 2017; Corluy, 2014; Corluy, Haemels, Marx & Verbist, 2015; Corluy, Marx & Verbist, 2011; Corluy & Verbist, 2014; Jesse, 2016; Pina, Á., Corluy, V., & Verbist, G., 2015). Jesse (2016) uses Framing Theory to explain how these strained environmental conditions are key factors to the

radicalization process. For example, high unemployment and poor integration of Muslim youth in Belgium can be seen as factors that make these individuals prone to radicalization. Furthermore, these conditions were used by radical Islamist movements (e.g., Sharia4Belgium) to radicalize individuals and facilitate their recruitment (Teich, 2015). A striking example is the fact that evidence has shown actual discrimination towards the minority side of second-generation Muslims within European labour markets.



**Figure 1: Employment rate: second generation migrants versus native background. Eurostat (2011)**

Corluy et al., (2015) points out that Belgium is faced with one of the largest discrepancies in the labor market between native citizens and second generation migrants. Figure 1 shows the discrepancy between individuals with a foreign background as compared with individuals with no foreign background in the labor market in Belgium. The Eurostat (2011) report clearly shows that this gap between persons with a native background and a foreign background is the largest in Belgium where 85 % of the natives are employed and just 62% of those with a foreign background. Most authors agree that ethnic minorities are overrepresented in unemployment statistics and that the gap with natives remains too high (Corluy, 2014; Corluy et al., 2015(a)(b); Corluy, et al., 2011; Corluy & Verbist, 2014). They also acknowledged a higher level of discrimination towards the second generations of Turks and Moroccans than others (Alanya et al., 2017; Phalet, K., & Swyngedouw, M. (2002).

By assessing the needs of these children, this study hopes to contribute to positively reintegrate them into Belgian society so that they can develop into integral members of society without facing the abovementioned examples of actual and perceived discrimination apart from the existing stigmatization of being the children of FTFs.

The remainder of this thesis is organised as follows. Chapter 2 presents the methodology. Chapter 3 reviews existing counter radicalisation literature with a specific focus on child returnees and the impact of the Syrian conflict on them as well as the role of ISIS therein. The review provides a conceptual framework for this specific case, in which certain definitions and concepts are described in order to operationalise them. In line with the essence of this research, Chapter 4 describes the existing universal legal rights of the child to define which rights and obligations they fall under in accordance with international law. Furthermore, it describes the Belgian legal framework and how questions regarding the repatriation of these minors are addressed in accordance with Belgian legislature. This chapter intends to provide a clear outline of the current situation in Belgium as well as under which rules the government operates by describing and defining the legal boundaries for these children and their repatriation. Doing so creates the basis for the research later.

Chapter 5 presents the analysis part of this study. It reviews the current procedures employed by the state in existing cases of repatriation as well as analyses how the current procedures deviate from or correlate with the existing legal framework and academic literature. The analysis focuses on the agencies involved in the Flemish implementation of the existing multi-agency approach. Furthermore, it examines how the policy has been implemented from the top down, that is, from the national to regional to local level. Further data were collected through 5 elite interviews with government and non-government officials related to the agencies involved at these levels. Finally, Chapter 6 presents the study's conclusions and limitations. Recommendations are provided for the functioning of the multi-agency approach in Belgium, which can hopefully improve the repatriation process for these children.

## **2 Methodology**

The goal of this research was to analyse the existing challenges in the multi-agency approach which are faced by the Belgian government considering the return of minors from Syria. Moreover, it aimed to analyse the impact of barriers to repatriation and how they influenced the repatriation of Belgian children from Syria.

The approach for addressing this dual research question was broken down into two parts. First, the author investigated and defined the barriers to the repatriation of the children of former FTFs. Once these barriers were defined, the author analysed their impact on the repatriation of children. Second, it analysed existing challenges related to the multiagency approach, which is the system under which this repatriation of minors is dealt with.

To operationalise this research question, the independent variable was set as the barriers to the repatriation of the children of returning FTFs. The dependent variable was set as the impact of these barriers on the multi-agency approach and the challenges derived.

To answer this research question, the following study was conducted. A single-case design was employed, for which Belgium was selected as the case. This selection was made due to the high number of Belgian FTFs who travelled to Syria and the resulting high number of children born or raised in Syria. The choice of Belgium was thus based on the inferred high numbers, which supported the study's aim of establishing reliable within-case results. Subsequently, the focus of this research was narrowed to the multi-agency approach in Flanders. The author described the agencies involved with the repatriation of child returnees in Flanders and the theoretical models on which the multi-agency approach is based. This was done to provide the necessary contextual background for the analysis.

This study was qualitative in nature, meaning that different components of the data were gathered through diverse collection methods. Most of the study was conducted as desk research focusing on a large literature review of secondary sources, such as academic articles, legal documents, and Flemish policy documents embedded within the topic. An analysis of these sources provided a basis for understanding them as well as making recommendations. The second method was conducting 5 elite interviews with (non)-government officials working within the framework of the Flemish multi-agency approach. Three were conducted through online meetings, one was conducted by phone, and another in person. This method enabled the policies to be cross-checked with officials to highlight discrepancies or areas where room for improvement could exist. The interviews were conducted with officials of

agencies involved with the return of children from Syria to Belgium: The counterterrorism unit of the Federal Police (Vandervelden & Gonzalez de Lara, 2021), a federal intelligence service, namely the Coordination Unit for Threat Analysis (CUTA, 2021), a Belgian ambassador for the Radicalisation Awareness Network (Heremans, 2021), a policy maker from the Flemish agency VVSG, responsible for implementing local taskforces (LTFs) in municipalities and cities (De Waele, 2021) and Child Focus, a non-governmental organisation concerned with the rights of these children in Belgium (Mahjoub, 2021). The interviews were conducted from February 2021 until June 2021. The aim of interviewing (non-)government officials involved with the procedural parts of repatriation and aftercare in Belgium was to obtain information about the current situation, based on which recommendations for the future would be suggested. The interviews were designed to offer a pragmatic view of a largely empirical research problem. Moreover, they were aimed at creating a greater understanding of the situation on the ground and the workings of the multi-agency approach and describing first-hand experiences of dealing with repatriation procedures.

In addition, the author participated in an official RAN webinar in May 2020 and discussed the future implications and possibilities of dealing with returning children and their mothers from Syria with (non-)government officials from most member states. This led to the creation of a policy paper of which the key outcomes are discussed in the subsequent analysis (RAN,2021).

Through gathering these data using the abovementioned methods, the author expected to be able to provide a set of recommendations to help in the assessment of various actors involved in the repatriation of children from Syria. The selection of the sources was based on the following three recurring dimensions of the repatriation of children of FTFs: the legal dimension, psychosocial consequences, and the security risks at hand. By combining elements from all three dimensions, the expectation was that a subsequent set of recommendations could be provided, from which all agencies can benefit in terms of their assessment of individual cases. Recommendations were formed based on the reflections found in the literature and criticisms in the interviews. They focused on the social welfare and well-being situation of the children, the legal framework that it is bound to, and the

(de)radicalisation process in relation to their personal circumstances.

## 2.1 Conceptual framework

This section describes and operationalises the main concepts and definitions that are applied in this research. By identifying the concepts that are relevant for understanding this study, this section provides the reader with the conceptual framework necessary for understanding the subsequent analysis.

First, the literature has demonstrated that numerous motives and factors can make an individual prone to radicalisation. Radicalisation can also be fuelled by different ideologies, such as far-right, far-left, and Islamism. Although these motives are extremely divergent and authors do not agree on one uniform path of radicalisation, it is necessary to define the term ‘radicalisation’ for this paper. This is because for many of the children returning from Syria, their reintegration into Belgium – the focus of this study – is being dealt with by an umbrella of organisations focused on countering and preventing (violent) radicalisation.

In this paper, radicalisation is defined as a ‘gradual and intentional process that consists of a set of activities that aim at changing the beliefs, feelings and behaviours of individuals with the intent of 1) Aligning them against the core values of societies in which individuals are based; and 2) Readyng them for intergroup conflict, whereby society constitutes an out-group that must be fought’ (Al Raffie, 2013, p. 72). This definition acknowledges radicalisation as a gradual process of events that can occur within or outside of the individual. This research applied this definition exclusively to the Belgian case, specifically considering it in relation to children returning from Syria.

The relationship between radicalisation and these children is determined by the fact that they lived in ISIS-controlled territories, which made them susceptible to being radicalised by the ISIS ideology, as has been discussed in relevant literature.

Second, it is imperative to define ‘returning Belgian children’ or ‘child returnees’. As the literature indicates, most of these children were taken to Syria by their parents and are the victims of parental abduction or were conceived there as a product of their parent(s) going to Syria as FTFs or marrying FTFs.

This research derived its focus from the definitions of the RAN (2017)<sup>6</sup> which categorised child returnees into the following three groups: 1. *Children who have left the EU (with their families or on their own) to live within a terrorist organisation abroad and who have returned (with their families or on their own); 2. Children who were born in terrorist conflict zones and who then travelled to Europe; 3. Children who were born in the EU to a mother and / or father who was involved with a terrorist organisation abroad (a female FTF returnee who has returned while pregnant with the child). In this case, the child has not lived in the EU before and has also not lived in the terrorist conflict zone. This category is also included in the manual because the returnee status of the parent(s) can have an effect on the child at a later stage in his / her life”* (p. 68).

For clarification purposes and the subsequent analysis, this definition is narrowed down to suit the specific context of the Belgian case. Therefore, when mentioning children or child returnees, this paper is referring to all Belgian children of FTFs who joined ISIS or an affiliated branch in Syria, who were born in Syria, or who were taken from Belgium under the age of 12 years and are now returning to Belgium or are still awaiting repatriation from Syria. This includes all children who have a parental link with Belgium and who can (possibly) derive Belgian citizenship as being children of at least one Belgian parent.

In addition, 12 years is also the threshold age that the Belgian government recently determined for actively repatriating children of FTFs.<sup>7</sup> From the age of 12 years, they could also be considered teenage (returning) FTFs and a case-by-case procedure for threat analysis and repatriation applies which is outside of the scope of this paper.

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<sup>6</sup> Radicalisation Awareness Network (RAN), ‘Responses to returnees: Foreign terrorist fighters and their families’, RAN (2017), [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran\\_br\\_a4\\_m10\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/ran_br_a4_m10_en.pdf), (accessed 17 January 2018), p. 68.

<sup>7</sup> Hiroux, D. (2021, March 4). België wil kinderen tot 12 jaar repatriëren uit IS-gevangenenkamp, IS-vrouwen worden “geval per geval bekeken.” vrtnews.be. <https://www.vrt.be/vrtnews/nl/2021/03/04/de-croo-kinderen-kamp/>

### 2.1.1 Operationalization of variables

In this research, Bronfenbrenner's ecological model of child development (1979)<sup>8</sup> was used to lay the theoretical basis for the operationalization of the multi-agency approach in Flanders. In this section the model will be explained more in depth whilst operationalizing it for the Flemish context used in this thesis. The model has been used in relation to children affected by armed conflict which is also applicable for the children in this thesis as they have experienced a similar situation. It sets necessary conditions for the child to develop their personal, cognitive and social development which is also necessary when thinking about strategies concerning repatriation and rehabilitation of these children from Syria as well.

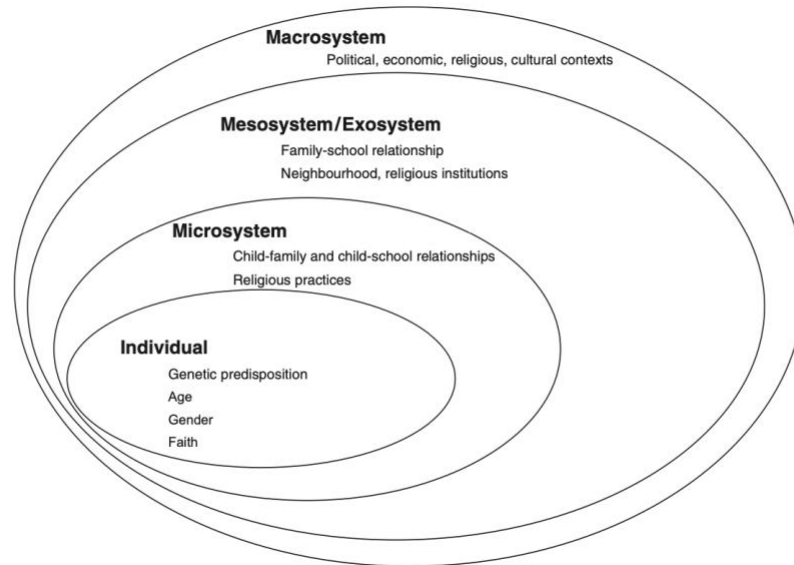
The model suggests a theoretical perspective for human development based on the interaction between a developing person and his or her environment. Bronfenbrenner stated that apart from the family home, 'the only setting that serves as a comprehensive context for human development from the early years onward is the children's institution' (p. 132). The model suggests that the understanding of such a context is based on the relationship between the impact of the primary setting of the child's environment and his or her cognitive, emotional, and social development through childhood and adolescence. Bronfenbrenner explained his model using the analogy of Russian dolls. The ecological environment consists of systems of development, where every system of development is nested inside the next. He argued that expanding participation into these different systems sets the necessary conditions for human development, which is defined as 'the process through which the growing person acquires a more extended, differentiated, and valid conception of the ecological environment, and becomes motivated and able to engage in activities that reveal the properties of, sustain, or restructure that environment at levels of similar or greater complexity in form and content' (Bronfenbrenner, 1979, pp. 288–289). Hence, when creating strategies to deal with returned children, the multiagency approach should focus on this expanding participation and how it can be quintessential to the children's development in the long term.

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<sup>8</sup> Bronfenbrenner, U. (1979). *The ecology of human development*. Cambridge, MA: Harvard University Press.



Figure 2 presents the social and ecological model of risk and protection for children affected by armed conflict, which was adapted from Bronfenbrenner's ecological model of child development.



**Figure 2:** The social ecological model of risk and protection for children affected by armed conflict (adapted from Bronfenbrenner, 1979).

At the core of the model is the developing child and his or her interaction with the immediate surroundings as well as the characteristics that define the child in terms of age and gender and form his or her notion of self. The first level is the microsystem, which defines *'the connections between other persons present in the setting, the nature of these links and their indirect influence on the developing person through their effect on those who deal with him at first hand'* (Bronfenbrenner, 1979, p. 7). For the children returning from Syria this microsystem has been in most cases solely the mother and upon return this situation changes as the mothers are detained and the child is placed with family members or foster care.

This is followed by the mesosystem, the exosystem, and ultimately macrosystem, which are described in the following paragraphs.

The mesosystem discusses the interactions outside of the direct environment in which the child actively participates. It comprises two or more settings in which the child participates with peers, such as school, home, or social work. Hence, it is the merging of several microsystems, where the developing person is experiencing increased levels of interaction. In the case of these children, the mesosystem operates within the multiagency approach and

includes peers such as teachers and classmates from their new (or old) school environment, social care professionals from the agency *Opgroeien* or/and the municipality in which the child resides which are responsible for the social wellbeing of the child in Flanders and officials from police and intelligence services responsible for security and safety concerns.

The exosystem discusses events in which the child might not actively participate but which nevertheless affect him or her. These are certain socialisation processes that occur outside of the physical presence of the individual. They relate to how the child's peers are being influenced by interactions in which he or she does not necessarily participate, such as influences derived from the interaction of parents with social or judicial services or their network of friends or other parents. The exosystem highlights an important part of the social ecological model of these children. In this case, the children are affected heavily by certain socialisation processes such as the decisions of the (youth) court concerning their placement or the detainment and prosecution of their parents. These decisions directly impact the child's development and environment when they return from Syria. Furthermore, they are discussed at LTF's and LIVC's where policing, municipal, and social work officials share information about the child. How they do this and how it works will be discussed in the analysis in depth later.

Lastly, the macrosystem defines the larger political, societal, and cultural contexts in which the systems are embedded. These are considered the blueprint of a society, which reflects the belief systems and patterns of a larger system in which the individual develops. In this case, the nation-state of Belgium or what Anderson (1983) would describe as an imagined community is the macrosystem. As mentioned earlier, many differences exist between nation-states concerning the handling of repatriation of minors from Syria. Thus, like Bronfenbrenner's model, the multi-agency approach entails a network of professionals, agencies, relatives, and institutions embedded within a certain belief system (Belgium) that interact with the child, influencing his or her development. This thesis will investigate how this specific model has influenced the multi-agency approach at the Flemish side and ultimately how their interdependence relates to the rehabilitation of these children.

The next chapter will scrutinize the literature concerning the impact of the Syrian conflict on these children, their possible repatriation from Syria to Belgium and the (existing) procedures which deal with this. By reviewing this literature, it will create the necessary background for the reader to follow the arguments presented in this thesis.

## Research Limitations

Multiple limitations of this research were expected. Although the conflict in Syria has technically ended, security concerns in the region and domestically still exist. Therefore, most information and intelligence on this topic remains confidential, which could have hampered the data collection. Practitioners could also have been willing to refuse to expose information or to share experiences due to professional confidentiality. That is, children are protected under international and national law and details about their cases are not made public. Lastly, the fact that every child's situation is different and should be treated on a case-by-case basis made it difficult to generalise the findings, which could have hampered the validity of the research. Thus, professional confidentiality and in-case differences could work against the findings' generalisability, making it difficult to produce more recommendations and stronger claims based on this data set.

This study had some limitations. First, the findings were obtained with a focus on Belgian children, and thus, they may not be generalisable to other European children who have endured a similar process of returning from Syria to their country of origin due that other rules and regulations apply to them. Although country-specific procedures vary greatly among Member States, the experiences that these children have lived through and the barriers they have faced exhibit similarities. Therefore, further research is necessary, such as comparative case studies concerning the working and implementation of the multiagency approach to validate these claims among European Member States. Furthermore, it should be noted that the agency *Opgroeien* responsible for the aftercare of these children and therefore the day-to-day practical implementation of the multi-agency approach in Flanders did not cooperate with this study due to budget and time restraints.

### **3 Theoretical Framework – Literature Review**

#### **3.1 The impact of the Syrian conflict on children**

This chapter scrutinises the literature that has addressed the most critical motive for repatriating these children, namely the psychological and physical impacts of the war in Syria on them. This chapter sets the scene for understanding their situation. Specifically, most of them are placed/displaced in refugee camps, where the conditions are inhumane. The literature has discussed the physical and psychological challenges to which these children are exposed in the camps and that result from the ongoing conflict. It has also discussed why these children should be repatriated and how questions of legitimacy and rehabilitation arise concerning their reintegration.

By highlighting these conditions described in the literature, this chapter provides several reasons why these children should be repatriated and how they should be treated. Thus, this chapter enables the focus of this research.

It should be noted that the available data on the impact of war on these children as well as evidence of their experiences in ISIS-controlled areas are rather limited. Access to these children and obtaining their testimonies are nearly impossible, and neither was it possible to conduct field research in ISIS-controlled areas due to security concerns. However, the available literature and scholarly research have identified multiple indicators related to physical and psychological trauma and drawn parallels with other conflicts and the role of children in war in general, thus providing useful insights for this thesis.

First, to create an understanding of what these children have gone through, it is imperative to describe the dire circumstances under which they have lived or are still living. Devakumar et al. (2015) discussed the immediate and long-term health effects on children of the war in Syria. The authors stated several ‘immediate costs of war’, such as death, injuries, food insecurity that leads to malnutrition, and diseases such as pneumonia and polio, which result from living in unhealthy conditions in overcrowded refugee camps. These increased health risks are also the case for the Belgian children awaiting repatriation, as Renard and Coolsaet

(2018) indicated that most of them remain in Al-Hol, the largest refugee camp in Syria. Whereas the immediate health risks threaten the lives of children through bombings and gunfights and then persist through unhealthy camp conditions, the long-term effects can also cause psychological problems for decades. Evidence has suggested that children who are exposed to war have a higher risk of developing mental health problems. Two systematic reviews of child mental health in ongoing and post-war contexts revealed increased levels of symptoms of post-traumatic stress disorder, depression, and anxiety as well as other emotional problems, such as sleep deprivation, social withdrawal, and somatisation (Ceri et al., 2016; El Khani et al., 2017; Kizilhan, 2019;).

In addition, Jabbar and Zaza (2014) investigated the impact of the conflict on Syrian refugee children in camps in Jordan. Although these children and their location differ from the focus of the present paper, their characteristics are sufficiently similar as they have lived through the same conflict under similar conditions. The authors compared the levels of anxiety and depression symptoms in groups of refugee children from the Ramtha district in Jordan, who had lived through the conflict in less stressful conditions with those of children from the Zaatari refugee camp in Jordan, who had lived next to the conflict at the border with Syria. The Zaatari children were the most distressed and the only ones who expressed suicidal thoughts. This could suggest that the children in the case at hand could also have suicidal thoughts, which should be considered when providing them with care upon their return to Belgium. In line with El Khani et al. (2017), Devakumar et al. (2015) attributed the increased numbers of mental health issues to two factors related to acute exposure to violence, namely the increased presence of weapons and the normalisation of violence within society. Vale described this as emotional reprogramming (2018), which is discussed later.

Another crucial factor to consider when dealing with returning children is the ideological indoctrination that they have undergone, as discussed by Kizilhan (2019) and Vale (2018). The authors have both examined the initial encounters of local children, predominantly boys, with ISIS. Vale (2018) discussed the indoctrination that these children have endured within ISIS territory and described the methods ISIS used to create a systemic and holistic strategy for radicalising minors. She described the initial stages of children's indoctrination under ISIS rule, providing insights into a previously undocumented field. Thus, Vale offered potential pathways for governments and agencies to deal with the repatriation and

reintegration of these returning children, enabling them to design strategies and approaches that deconstruct the recruitment mechanisms and indoctrination of ISIS by using insights from these initial stages. She differentiated between those children born there and those who were brought there. Those who were born there or lived under ISIS command have experienced ‘identity (re)construction from birth’ (p. 27). This means that the feelings and grievances of children that resulted from their deprivation of education and healthcare or a lack of male role models converted them into ‘ISIS cubs’.

The aforementioned authors have come to similar conclusions regarding the methods employed by ISIS. Children no longer had access to or knowledge of critical thinking, which would normally be present in their education. Their notion of identity or known patriarchal guidance was completely replaced by the hypermasculine jihadi fighter narrative of ISIS. This was achieved by kidnapping children from schools and family homes and encouraging them to watch public stonings, amputations, and beheadings or giving them weapons with the goal of desensitising them to violence. This is what Vale described as ‘emotional reprogramming’ or what Kizilhan described as ‘breaking their will’ – these children are programmed to accept violence, which facilitates them progressing to become future perpetrators of violence. In sum, the authors are aligned on several problems, which are recurring themes in the literature and have been continually faced by these children during the war and in camps as victims of the conflict. These problems are as follows:

- Fear of violence as well as physical and sexual abuse
- Displacement and a lack of a sense of belonging or identity
- Mental health-related trauma
- Problems derived from a lack of education, which prevent them from socialising or deprive them of recreation and the chance to play with other children.

These children do not only face the abovementioned short- and long-term mental and physical risks. If they remain in a politically and socially unstable Syria, they also face other possible hazards, such as joining a non-state armed group (NSAG). Specifically, existing feelings of fear and resentment combined with deteriorated access to health services, education, and employment while growing up can propel these children into the hands of NSAGs. The trauma the children experience in the ranks of armed groups – or living under their control – is calamitous and threatens to create a lost generation (Littman, 2017; Siobhan

& Van Broekhoven, 2018). Furthermore, intelligence services have assessed the risks of not repatriating these children and argued that they could ultimately join NSAGs; this combined with their feelings of resentment could make them return one day to perpetrate an attack against the home country that ‘abandoned’ them (Pokalova, 2020). Cook and Vale (2018) also raised concerns about leaving citizens in-theatre, especially the risks for minors and women. Minors face greater struggles with post-conflict rehabilitation due to the lack of adequate social services. The authors argued that this can increase security concerns, not only for European countries but also for local authorities and populations. This negative spiral causes larger numbers of traumatised, untreated children to be placed in detention centres or orphanages.

Therefore, Kizilhan (2019) rightfully argued that creating a post-conflict environment that is beneficial for the rehabilitation of these children is paramount to the success of reintegration and deradicalization approaches. He stated that ‘comprehensive psychosocial rehabilitation, including psychological therapy, should therefore form the basis of any resettlement or reintegration and the return of the children from IS captivity to normalcy’ (p. 4).

Much research has been conducted on the various methods for providing adequate support to children with mental health problems. Betancourt and Khan (2008) discussed suggestions for therapy based on developmental psychology-oriented processes. They considered the trauma and mental health of these children as dynamic processes in which the focus should be on the resilience capacity of the child to overcome these negative experiences. The authors also used Bronfenbrenner’s classical ecological model of child development to explain the social ecology of the child. Said ecology entails the entire nurturing physical and emotional environment of the child – from family to school and community settings – embedded within a certain cultural and political belief system. To the authors, war is a fundamental alteration of this social ecology of children, which endangers their physical and mental integrity. To restore this social ecology, the focus should be on protective processes focused on contextual factors at the family, environmental, and societal levels. At the micro level, the focus should be on the direct peers of the child, ensuring his or her protection and safety, whereas at the macro–meso level the focus should be on reintegration in communities through, for example, schools or social work.

Other authors have suggested methods for therapy or rehabilitation with a specific focus on children returning from Syria. Sischka, Ballusch & Lozano (2020) provided practical

examples of rehabilitation in Germany in which they addressed the need to tailor case-specific requirements. They addressed four overarching challenges that should be addressed in order to successfully rehabilitate children from Syria: the child's mental and physical well-being, deconstruction of the ISIS ideology, development of identity, and vulnerability to stigmatisation and discrimination. They argue that if one of these issues is not addressed, the child could continue to struggle with trauma, social isolation, or disinterest. In line with Betancourt and Khan, the priority is to strengthen children's resilience to radicalising influences. According to Van der Heide and Alexander (2020), this should be done by encouraging positive and stable relationships and giving them the ability to make new experiences. They argued that a child's participation and ownership in decisions and activities are crucial for them to develop a sense of personal control and worth. Additionally, Kizilhan (2019) argued that achieving positive change with former child soldiers and other young victims of ISIS rule are more likely if the children's life story; social, cultural, and religious contexts; as well as family are treated respectfully. To ensure that these conditions are provided for the child to develop, a culture of cooperation is deemed paramount (RAN, 2018). Such a culture entails a pluralistic approach in which different actors engage in a holistic-systemic strategy for improving the child's personal conditions.

The present research specifically focused on filling a gap in the literature on an under-researched area in the repatriation and reintegration of these children; specifically, it focused on the evaluation of these approaches and the methods used to reintegrate these children as a part of a larger process of countering (violent) radicalisation in European countries – and specifically the Flemish multi-agency approach in Belgium. Currently, in most European countries, practices have been developed for dealing with this specific issue. However, not many of these practices have been reviewed until now. At present, one review is ongoing. The EMMA Initiative evaluates the approaches in the Netherlands, Germany, and Belgium through a comparative case study. The present research aims to contribute by reviewing ongoing efforts and considering what implications are currently present in these multi-agency efforts in European countries.

To do so, this study investigated how this approach is operationalised, aiming to produce results about the functioning of the approach and to detect shortcomings or opportunities derived from the Flemish approach. Ultimately, this research hoped to offer results that could potentially be beneficial for other European counterparts in addressing the same obstacles



concerning these children. This research also aimed to contribute to the goal of reintegrating and assisting these children in the best possible manner based on the study's focus, combining practical insights from officials with relevant academic literature on the topic.

### **3.2 Dealing with returning foreign fighters & their children: The challenges for European policymakers**

This section reviews the literature that has discussed the complexity and diversity of responses from around Europe for dealing with returnees and their children.

Research has made noteworthy steps towards understanding the decision-making process of FTFs and the influence of contextual, demographic, and personal factors on their decisions. However, with the conflict in Syria slowly fading, another academic and policy issue arises, namely how countries should deal with the return of FTFs. Following Donald Trump's decision to withdraw U.S. troops from Syria, the physical presence of the Global Coalition against Daesh has declined significantly in recent years. Remaining military troops on the ground are now mainly supporting the Syrian Defence Forces to control most of the territory in Syria and Iraq in which the refugee camps and prisons are in which IS-fighters and relatives are being held captive. Therefore, new security challenges have arisen for Western countries, including the return of FTFs. Numerous FTFs remain at large, imprisoned in Syria or simply missing. The fear exists in most Western countries that these individuals could return to their country of origin to perpetrate terrorist attacks.<sup>9,10</sup> This fear underlines how relevant policy shall be formulated, with fear rather than with innovation and the will to reintegrate these fighters into society. One study focused on assessing the disengagement of defected ISIS fighters from Europe, Central Asia, and the Balkans who served in ISIS-controlled territories.<sup>11</sup> It suggested that some fighters were only temporarily disengaging and that the possibility of perpetrating an attack upon return was still valid. Therefore, significant parts of current security and intelligence concerns are focused on these returning FTFs. Security and intelligence agencies are primarily worried about the enhanced capabilities of these individuals since their battlefield experience in Syria and network would have given

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<sup>9</sup> Speckhard, A., Shajkovci, A., & Yayla, A. S. (2018). Defected from ISIS or Simply Returned, and for How Long? – Challenges for the West in Dealing with Returning Foreign Fighters. *Homeland Security Affairs*, 14.

<sup>10</sup> Jawaid, A. (2017). From foreign fighters to returnees: The challenges of rehabilitation and reintegration policies. *Journal of Peacebuilding & Development*, 12(2), 102–107.

<sup>11</sup> Speckhard, A., Shajkovci, A., & Yayla, A. S. (2018). Defected from ISIS or Simply Returned, and for How Long? – Challenges for the West in Dealing with Returning Foreign Fighters. *Homeland Security Affairs*, 14.

them the necessary tools for conducting attacks on European soil.<sup>12</sup> These concerns also exist for the children who remain in Syria. As previously mentioned, existing feelings of fear and resentment combined with deteriorated access to health services, education, and employment while growing up could propel these children into the hands of NSAGs. This, combined with ideological indoctrination, would provide these children with substantial training to perpetrate attacks in European countries at a certain stage in life. However, the probability of these children successfully carrying out an attack on European soil remains statistically rather low, as the EU Terrorism Situation and Trend Report (TE-SAT)<sup>13</sup> indicated that the incidence of these terrorist attacks has been decreasing since 2015.

All these challenges have led to an extensive academic debate on how to deal with this FTF diaspora in the short- and long-term. The main focus of managing these populations centres around the choice of whether to prosecute and incarcerate these fighters or rather to gradually attempt to reintegrate them into society.

Jawaid (2017) argued that although the phenomenon of FTFs is not new, the increased volume of fighters is. The author stated that more than 40,000 fighters from 120 countries have travelled to Syria and Iraq since 2011. More than 4,294 FTFs from 26 EU Member States have travelled to join ISIS, of which the majority came from Belgium, France, Germany, or the UK, and in smaller yet significant numbers from the Netherlands, Denmark, or Italy (Coolsaet, 2016a; Van Ginkel & Entenmann, 2016; Van Ostaeyen, 2019). This means that more than 10% of the total number of FTFs departing for Syria originated from Europe. This creates a multi-faceted puzzle for European governments in dealing with the possible repatriation and reintegration of these FTFs and their children. European countries have demonstrated highly diverse approaches, which have led to an abundance of studies.

From the literature, it became clear that diverse approaches – whether perceived or actual – for dealing with the reintegration of these FTFs and their children are proving challenging. Furthermore, the approach is completely different in most European countries in terms of prosecution, de-radicalisation, reintegration, or rehabilitation. Countries such as the UK, the Netherlands, France, and Germany have introduced repressive terrorism-related legislation to

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<sup>12</sup> Greenwood, M. T. (2019). When Foreign Fighters Come Home. *Perspectives on Terrorism*, 13(4), 27–38.

<sup>13</sup> Europol (2021), European Union Terrorism Situation and Trend Report, Publications Office of the European Union, Luxembourg. Retrieved from <https://www.europol.europa.eu/publications-events/main-reports/european-union-terrorism-situation-and-trend-report-2021-tesat>

facilitate judicial cases against extremists. In the Netherlands, the Court of Appeal ruled that the state was not legally obliged to repatriate Dutch citizens from Syria as government officials deemed the security risks to be too great (Coleman & Avdimetaj, 2020). Furthermore, Germany, the UK, and Austria have been at the forefront of revoking the citizenship of FTFs since 2011. However, most countries have made slight changes in their policy to a more reintegrative approach in recent years, thus investing in the long term (Jawaid, 2017). According to Renard and Coolsaet (2018), the policies in place have become more systemic and comprehensive while leaving room for improvement. De Goede and Simon (2013) already stressed the need for inclusive multi-agency cooperation, emphasising the importance of working together with civil society and local actors.

Therefore, the EU has developed an overarching initiative for responding to the policy difficulties posed by this lack of uniformity in response. A large role in this recent convergence is played by the RAN, a European-run initiative focused on countering radicalisation through adopting a multi-agency approach. The RAN focuses on enabling a wide array of European, federal, regional, and local actors to cooperate and share thoughts on cases. In theory, the initiative offers recommendations which could help counteract radicalisation by sharing information and knowledge, to actors from the intelligence community, policing services, social services, and regional and local governments involved with (de)radicalisation practices.

In practice, much reviewing is still underway. The Radicalisation Awareness Network (RAN, 2017) developed a manual of responses for dealing with returnees. This manual is a detailed set of 33 recommendations for EU Member States to adopt when formulating policy responses. It provides recommendations for practitioners on the following themes: risk assessment and multi-agency cooperation, prosecution and imprisonment, resocialisation, and particularly child returnees and gender issues. The recommendations focus on creating awareness and in-depth training for practitioners in contact with child returnees. Furthermore, the manual focuses on a rehabilitative approach in which specific attention is paid to the victim–perpetrator dilemma. It acknowledges that experience of working with children who have returned from Syria is highly limited in the EU. It also highlights the process of resettlement and the transitional environment in which the child is placed upon return, which can be considered a cause of further trauma. Interventions are aimed at deconstructing these children’s identities and building resilience for their new identity. The manual also suggests

that the success of rehabilitation is largely dependent on the influence of the social environment of the child. It suggests a three-fold approach based on early intervention and normalisation, a holistic multi-agency approach, and a tailor-made approach based on individual risk and needs assessments. This thesis aimed to develop guidelines and examples that are in line with this suggested approach and that are useful for practitioners dealing with returning children.

This aim is in line with Cook and Vale's (2019) suggestion from their research on the role of women and children in ISIS. They suggested that the most feasible approach for these returnees is a long-term monitoring process focused on a rehabilitation-first approach. By prioritising the needs and rights of these children, a conducive environment is created in which primarily healthcare, education, and psychological support are nurtured. Ultimately, this suggests the creation of a strongly embedded societal framework from which child returnees can derive a strong sense of identity, which can lead to their positive rehabilitation into society.

The next section reflects on the policies and multi-agency approach for dealing with this issue, specifically in Belgium. It discusses the literature on the repatriation and reintegration of the children of FTFs and how authors have defined this issue.

### **3.3 The repatriation of (child) returnees**

This section first presents a timeline of Belgian counter-radicalisation policies, how they were developed, and why the shift towards integrative policies for child returnees took some time. The literature often discusses pathways or policies of reintegration or deradicalization with a focus on adult FTFs, placing the role and importance of children behind those of adults. This research specifically examined the case of child returnees, how policies are being shaped and implemented with children as the focus, and which complications arise.

This section also discusses the changes that repressive policies concerning repatriation and radicalisation have undergone throughout the years and how they have led to more socio-preventive policies.

In Belgium, repatriation and reintegration go hand in hand with the implementation of radicalisation policies. Several authors in Belgium (De Goede & Simon 2013; De Schepper et al., 2015; Jesse, 2016; Teich 2015) have criticised the formulation of counter-radicalisation policies for being excessively based on repressive measures. Following the large-scale terrorist attacks in Brussels (2016) and Paris (2015), most European countries began to focus primarily on repressive measures as they would receive more political and societal support at the time. Coolsaet (2016a, 2018) argued that to convert to preventive policies, resources and time must be invested. While reviewing the Brussels attacks, Lasoen (2018) also argued that failures to detect the attacks plans were symptomatic of policy failure and not caused by an underachievement of services.

Belgian and especially Flemish policy started to shift to a more integrative approach when the government created Plan R (Vlaamse Regering, 2015). This plan aims to counteract radicalisation by defining the roles of the actors involved and how guidelines should be enforced. It is led by a national task force consisting of federal security and judiciary services that overlook regional agencies and local taskforces (LTFs). In these taskforces, various services share information on FTFs and propose case-specific measures (Coolsaet, 2017). As a result of this development, the federal government also created a law<sup>14</sup> that obliges municipalities to set up locally integrated security cells (LIVCs). LIVCs have a strong socio-preventive character, focusing on rehabilitative and reintegrative measures, whereas LTFs are more judicial and policing in nature. Hence, LTFs and LIVCs also possess information concerning returnees and are at the local level of the deradicalization and reintegration multi-agency approach in Belgium. According to Renard (2020), these developments are an attempt to make the overall Belgian approach more comprehensive, bridging security concerns with the socio-preventive issues at hand. In recent years, the focus has shifted towards disengagement in an attempt to provide long-term solutions without neglecting the potential threat of violent extremism.

In a series of publications, Renard and Coolsaet (2016a, 2018, 2020) reviewed how the Belgian penitentiary system deals with returnees and their reintegration. They also touched on increased radicalisation occurring within prison walls and how to counteract this development. The authors detected the following general changes in Belgian policy that have

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<sup>14</sup> Belgisch Staatsblad (2018). Wet tot oprichting van lokale integrale veiligheidszellen inzake radicalisme, extremisme en terrorisme (1). 30 Juli 2018. Raad van State. [https://etaamb.openjustice.be/nl/wet-van-30-juli-2018\\_n2018031809.html](https://etaamb.openjustice.be/nl/wet-van-30-juli-2018_n2018031809.html)

led to the improvement of multi-agency cooperation: improved cooperation between stakeholders outside and within prison, a framework in which several federal actors coordinate the rehabilitation of detained returnees with regional services in charge of disengagement, and the creation of databases that improve information sharing with all actors involved. This suggests that best practices can exist in Belgium and offers optimistic avenues to deal with their children in a similar manner as part of an all-encompassing strategy in which rehabilitation is central.

Coolsaet and Renard (2018) also highlighted that the current criminal-based approach views imprisonment as the end of the judicial process. Nevertheless, they argued that by 2020, most returnees should be released from prison as most would have completed a 5-year sentence given after being convicted of joining a terrorist organisation. This view creates new challenges in the long run, emphasising strategies which focus on monitoring individuals to ensure their complete disengagement from radical ideology. By doing so, the state can ensure diminishing security risks related to recidivism, such as preventing these individuals from perpetrating terrorist attacks in Belgium. Malet and Hayes (2020) studied the levels of recidivism among released FTFs and concluded that only a highly limited, nonsignificant proportion (>2%) have perpetrated an attack following their release. Although the numbers are very low, the high impact of terrorist attacks on society can unfortunately still cause significant damage. This suggests that every returned FTF should undergo a long process of monitoring and follow-up which prioritizes deradicalization, rehabilitation and reintegration which could prevent recidivism. How efficiently and feasibly this can be achieved with the current capabilities and resources of the Belgian services remains a question for further research.

Whereas all adult FTFs are immediately detained and prosecuted upon return, the case for minors is quite different. In practice, complications arise. Renard and Coolsaet (2018) listed several factors that complicate the repatriation of these children and their subsequent operationalisation. Territorial competence relies on the existence of parental authority over the child, which in some cases is non-existent as the parents are deceased or missing. To confirm parental authority, a DNA sample should be obtained. Collecting DNA samples from these parents can therefore be a difficult task as most are deceased, missing or still actively fighting. Therefore, the Belgian government is unwilling to send officials to Syria due to the high complexity of the mission and safety concerns for the officials involved. A combination

of political unwillingness, the unstable situation in Syria, and the practical problems of obtaining a positive DNA test to confirm identity and nationality are major hurdles to repatriation. Until recently, it was up to families themselves to bring their relatives to Belgian consulates or embassies to start the procedure. This meant transporting them from Syria to Turkey, a dangerous endeavour, as there is no Belgian consular representation in Syria. While the earlier complications are still present, they have diminished recently with the government's change in policy. Repatriation is ongoing, and almost 40 children have been repatriated up until June 2021 of which the majority is placed with relatives and only a small amount is placed with social services (OCAD, 2021). However, legal and practical complexities of repatriation are still present with children of which the parents have different nationalities (Vandervelden & Gonzalez de Lara, 2021).

Bokias Fernandez-Canadas (2019) and Renard and Coolsaet (2018) have indicated that room exists for improvement and have suggested recommendations. For example, they have suggested that the singularity of these children necessitates a coherent strategic approach. Thus, the existing multi-agency framework should be tailored to their specific circumstances. The narrative should be changed to a more pro-active and positive one, defining them as Belgian children and not ISIS children. Furthermore, a legal age threshold should be established at 18 for child returnees, which would help to operationalise practices of rehabilitation and repatriation. This could serve as a guideline for the identification, deradicalization and rehabilitation of foreign ISIS minors both in-theatre and upon their return to their countries of origin (Cook & Vale, 2018). Thus, the lack of coordination could be improved between the various bodies and actors, as the authors have mentioned.

The existing literature has described the Belgian approach – and more specifically that in the French-speaking part of the country. Therefore, the present research aimed to review the existing multi-agency framework in the Flemish-speaking part of Belgium as well as how these concerns of operationalisation and reintegration are dealt with there.

This section has scrutinised the existing literature on returning FTFs, their children, and the development of policies that concern these individuals upon their return. The literature has discussed the challenges for children remaining in Syria and for those returning with severe psychological and/or physical trauma from war. However, although the various authors have suggested tailor-made approaches that would benefit the rehabilitation of these children, practical examples are still lacking. The present research aimed to offer practical suggestions

for such a ‘tailor-made approach’, which could be beneficial for those working with individual cases. Furthermore, the literature has highlighted the risks involved with returning FTFs as well as explained the process of their judicial incrimination upon their return. Yet, this process remains quite unclear for children. Certain thresholds, such as unclear legal definitions of these children from a certain age, hampers enhanced cooperation between the involved agencies. A discrepancy exists between agencies in whether to use ten, twelve, or eighteen years as the upper age limit to work with returning minors. For example, the Belgian government has taken an official stance to repatriate every child up until 12 years and make a case-by-case decision for those children from the age of 12 until 18. By doing so, this political decision has divided these children into two age groups in which different actions are taken for each group. This makes it even harder for policing, social and intelligence services to work in a harmonized way as it suggests that those above 12 facing a pending threat analysis can be considered teenage FTF’s as well instead of victims (Coolsaet & Renard; 2018, 2020). On the other hand, international legal grounds establish the threshold at 18 years which makes this the legal working age for (youth) courts or social services. Hence, for these actors involved in the multiagency approach, depending on the age of the child, discrepancies exist in how to deal with them based on these different thresholds. Therefore, it could be argued that for children under the age of 12 repatriation is less obstructed than for those above 12. This suggests that disproportionality is present in the Belgian approach in the way they deal with the repatriation of minors based on age thresholds which are not in line with the international legal basis set at 18 years.

Furthermore, the literature has discussed the existing policies in Belgium and how they have developed from repressive to socio-preventive over time. Notably, these policies lack substantial content for dealing with returning children. Although the RAN suggests a certain pathway for dealing with them, a real framework is still missing in Belgium. Therefore, the present research analysed how to counteract this by providing recommendations based on practical insights. Ultimately, it aimed to suggest pathways to create an integrated framework from which not only the agencies dealing with these returned children can benefit but especially the children themselves.

The next chapter contextualises the legal setting in Belgium when dealing with child returnees. This is followed by an analysis of the multi-agency approach in Flanders concerning the repatriation of Belgian children from Syria.



## 4 Legal Framework

This chapter describes the functioning of the Belgian judiciary in relation to the case of child returnees. Section 4.1 highlights and defines the universal rights of children, establishing a legal basis through the *United Nations International Convention on the Rights of the Child* (UNCRC). Section 4.2 and 4.3 discuss existing cases dealing with the repatriation of FTFs and their children.<sup>15</sup> This demonstrates on which legal basis the court has ruled and if it is in violation of the UNCRC. Section 4.3 also explains which penalties FTFs are subject to under Belgian law for atrocities committed in the conflict. These verdicts are necessary for understanding what could indirectly happen to FTFs' children as a result of their conviction (e.g., female FTFs accompanied by their children upon return).

By examining these specific rulings, this chapter also unfolds the legal measures in place for dealing with returning children as well as the existing framework of child protection legislation. This framework provides a clear legal background of the case at hand while simultaneously identifying possible legal hindrances that could obstruct the process of repatriation and reintegration of these child returnees. Ultimately, it clarifies the Belgian government's legal position concerning repatriation in general, consulting the consular legal base. This should provide greater clarity about how repatriation is perceived from a legal perspective and not a political one. The goal of this legal framework is to strengthen the arguments presented in the analytical part of this thesis, and it is used for referral purposes later. Therefore, the creation of a strong legal foundation strengthens the analysis presented in this research.

### 4.1 Universal rights of the child legislation

Several documents have been created and ratified over time to protect the rights of children. The first initial steps were taken after the First World War when in 1924 the League of Nations adopted *The Declaration of the Rights of the Child*,<sup>16</sup> claiming universal recognition for the rights of children. Children's fundamental needs were summarised in five points that stated the obligations of mankind to ensure the best interests of children. The document

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<sup>15</sup> Van Poecke & Wauters (2021). The Repatriation of European Nationals from Syria as Contested before Domestic Courts in Belgium and Beyond. 10.13140/RG.2.2.24712.65289. [https://www.researchgate.net/publication/348658530\\_The\\_Repatriation\\_of\\_European\\_Nationals\\_from\\_Syria\\_as\\_Contested\\_before\\_Domestic\\_Courts\\_in\\_Belgium\\_and\\_Beyond](https://www.researchgate.net/publication/348658530_The_Repatriation_of_European_Nationals_from_Syria_as_Contested_before_Domestic_Courts_in_Belgium_and_Beyond)

<sup>16</sup> Geneva Declaration of the Rights of the Child, Adopted 26 September, 1924, League of Nations; retrieved from <http://www.un-documents.net/gdrc1924.htm>

discusses the well-being of children and their right to be recognised in terms of development, relief, assistance, and provision, and to be protected from any form of exploitation. Nevertheless, the document itself was not legally binding as it addressed “mankind” and not states, but it was indicative of the development of future legislation on children’s rights.

Further international developments in the field of children’s rights were put on hold due to the devastating effects of the Second World War. Finally, in 1950, the Social Commission of the United Nations adopted a draft declaration<sup>17</sup> that emphasised 10 broad principles regarding the rights of the child, which the people of the world should strive to attain. This declaration was referred to the United Nations Commission on Human Rights (UNHCR) for further consideration in 1951 but remained untouched until 1957 due to an extensive workload of drafting international covenants on civil, political, social, cultural, and economic rights at the time. After two years of discussion, the *Declaration of the Rights of the Child*<sup>18</sup> was unanimously adopted and proclaimed at the 841<sup>st</sup> General Assembly in 1959, describing children’s rights in 10 principles (UNHCHR, 2007).<sup>19</sup> This continued the progress for the recognition of children’s rights and paved the way for UNCRC<sup>20</sup> in 1989, which became the first internationally legally binding text enabling the fundamental rights of the child. It contains 54 articles that describe the economic, social, and cultural rights of children and are designed to improve or protect their living conditions.

Belgium signed and ratified the UNCRC in 1991, which means that it is legally binding. Belgium has also signed and ratified other UN documents which relate to the rights of children, and more specific to those involved in armed conflict or children in contact with juvenile justice.<sup>21</sup> In 2002, Belgium signed and ratified the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (OPCRC), which is also legally binding. The OPCRC describes the obligations and measures

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<sup>17</sup>United Nations (1950) Draft declaration of the rights of the child. Social Commission. document E/CN.5/221. <https://digitallibrary.un.org/record/577734>

<sup>18</sup> UN General Assembly, *Declaration of the Rights of the Child*, 20 November 1959, A/RES/1386(XIV); available at: <https://www.refworld.org/docid/3ae6b38e3.html>

<sup>19</sup> Office of the United Nations High Commissioner for Human Rights, (2007). Legislative History of the Convention on the Rights of the Child.

<sup>20</sup> UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>21</sup> 1. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (adopted 25 May 2000, entered into force on 12 February 2002), 2173 UNTS 222; United Nations International Children’s Emergency Fund, The Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (adopted February 2007); United Nations Committee on the Rights of the Child, General Comment No 10: Children’s rights in juvenile justice (adopted on 25 April 2007), CRC/C/GC/10; United Nations General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (adopted on 29 November 1985), A/RES/40/33.

that Member States should take to prevent children being recruited and used in war. The other documents do not have legally binding status, yet according to Bokias Fernandez–Canadas (2019) they do possess strong political weight and are internationally recognised as legal instruments in the field of juvenile justice. Therefore, they were still considered in this research with the acknowledgement that their legal implications are minimal.

Nyamatuta (2020) argued that child returnees should be viewed as child soldiers considering the following international humanitarian law. First, the *Paris Principles* defined a child soldier as follows: ‘Any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys, and girls used as fighters, cooks, porters, messengers, spies, or for sexual purposes. It does not only refer to a child who is taking or has taken a direct part in hostilities.’<sup>22</sup> Second, the OPCRC dictates under Article 4 (1) that armed groups that are distinct from the armed forces of a State should not under any circumstances recruit or use in hostilities persons under the age of 18 years.<sup>23</sup> As the literature has already mentioned that ISIS is an NSAG that actively recruited and indoctrinated children, they also fall under the legal definition of what NSAGs entail. This would mean that the abovementioned articles could provide protection for these child returnees if they are defined as child soldiers. By doing so, the children would be considered victims of war and not perpetrators. The liability would then be with the recruiter, namely ISIS, and not the recruited, namely the child.

#### 4.2 Review of the UNCRC and OPCRC considering child returnees

This section reviews articles of the UNCRC and OPCRC which are particularly relevant for the main scope of this thesis, namely Belgian children returning or who have returned from Syria and have been living in ISIS-controlled territories. This section first demonstrates how these children fit into the existing legislation and the specific protection they provide before

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<sup>22</sup> UNICEF, ‘The Paris Principles: Principles and Guidelines on Children Associated With Armed Forces or Armed Groups’, <[http://www.un.org/children/conflict/\\_documents/parisprinciples/ParisPrinciples\\_EN.pdf](http://www.un.org/children/conflict/_documents/parisprinciples/ParisPrinciples_EN.pdf)>

<sup>23</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; adopted and opened for signature, ratification, and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entry into force 12 February 2002, <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx>

analysing specific cases and procedures in Belgium involved with their repatriation and reintegration.

First, Article 3 of the UNCRC reiterates that all actions should be taken with the best interests of the child as the primary consideration. Therefore, the UNCRC recommends that all measures dealing with children considering the law should be implemented in a manner conducive and proportionate to the development of the child – case by case.

Article 19 of the UNCRC reiterates that State Parties should take all appropriate legislative, administrative, social, and educational measures to protect the child from all forms of physical or mental violence, injury, and abuse as well as other forms of exploitation while they are in the care of their parents or legal guardians. It further suggests that the State should take all appropriate measures to include effective procedures for establishing social programmes that provide necessary support for the child in terms of identification, reporting, treatment, and judicial involvement.<sup>24</sup>

Article 20 of the UNCRC discusses the situation under which the child is deprived of his or her family environment, or in whose own best interests cannot remain in that environment. Here, the conditions are described under which the State should ensure the provision of alternative care for such children, always considering the desirability of continuity in a child's upbringing and in his or her ethnic, religious, cultural, and linguistic background.<sup>25</sup>

These articles lay the legal foundation for States to ensure that a framework is in place for dealing with children who have been or are mistreated during the custody of their parents and that alternative care is ensured, carefully considering the child's specific background. Hence, considering the Belgian case at hand, this means that these children can also apply for alternative care following the certain mechanisms for this specific jurisprudence if it is proven that these children were mistreated.

Furthermore, the following articles discuss the rights of the child in relation to education and social security, setting standards of living for the child's mental, moral, and social

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<sup>24</sup> Convention on the Rights of the Child (adopted on 20 November 1989, entered into force on 2 September 1990), 1577 UNTS 3, Art. 19.

<sup>25</sup> Ibid, Art.20.

development.<sup>26</sup> Article 27 (3)(4) specifically states that State Parties should take measures to secure the recovery of maintenance for the child, both within a State Party and from abroad. It should provide material assistance when necessary as well as nutrition, clothing, and housing, always in accordance with national conditions and within their means. This article is susceptible to interpretation and could suggest that Belgium has the legal responsibility to assist these children when still in Syria.

Certain provisions of the UNCRC dictate what should specifically be done with children in armed conflict, whereas the OPCRC in its entirety focuses on that topic as it was designed to strengthen the implementation of the UNCRC. Article 4 (1) (2) of the OPCRC, as previously mentioned, prohibits any NSAG recruiting minors and gives State Parties the obligation to take all feasible measures to prevent such recruitment, including legal measures that prohibit and criminalise such practices. Again, the question could arise in court of whether Belgium has fallen short of preventing children from falling into the hands of NSAGs in Syria.

Article 38 (4) of the UNCRC obliges States Parties to take all feasible measures to ensure the protection and care of children affected by an armed conflict.<sup>27</sup> Article 39 of the UNCRC dictates that States Parties should take all appropriate measures to promote the physical and psychological recovery and social reintegration of child victims. This should be done in an environment which fosters the health, self-respect, and dignity of the child.<sup>28</sup> Article 40 states the rights of every child who has been alleged or accused of violating national or international law. Also crucial for a child's reintegration is the obligation to the child when deprived of his or her liberty, as stressed in Article 37, to remain in contact with the outside world. This suggests that the child should always maintain contact with family, relatives, or persons of representative organisations.

In addition, Article 40 (3a) discusses the establishment of a minimum age below which the child shall be presumed not to have the capacity to infringe penal law. These provisions suggest a minimum age threshold of criminal responsibility, which in Belgium has been set at the age of 12 years in correlation with the proposed UN standard up until 2019.<sup>29</sup> Recently, a

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<sup>26</sup> Ibid, Art. 25; Art.26; Art 27; Art 28.

<sup>27</sup> Ibid, Art.38 (4).

<sup>28</sup> Ibid, Art. 39.

<sup>29</sup> United Nations General Assembly, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (adopted on 29 November 1985), A/RES/40/33, Rule 4.

revised general comment of the CRC has recommended that the minimum age limit should be raised to 14 years<sup>30</sup>. Therefore, it must be noted that the children who are the focus of this thesis fall outside of the scope of prosecution, which enables their rights and protects them as victims and not offenders. The next section reviews the existing legislation in Belgium and how cases have been dealt with.

#### 4.3 Belgian legislation and procedures for (child) returnees

Van Poecke and Wauters (2021) reviewed different cases in Belgium about the repatriation of Belgian nationals before domestic courts in Belgium, and then compared them with proceedings in Germany, the Netherlands, and France. They found that in all four legal systems, the cases were dealt with differently. Countries in which constitutional duty or civil law between the state and citizens is more entrenched had a more straightforward approach for dealing with nationals abroad in conflict areas. This was the case for Germany and the Netherlands. For Belgium, the cases varied between international and national legal bases of human rights, consular, and criminal law. This lack of uniformity in legal approaches creates complexity for court procedures, which has resulted in an impasse at the national level, with existing cases referred to the European Court of Human Rights (ECHR). What follows is a brief overview of the cases discussed as they offer detailed information on which legal grounds the court has ruled as well as describe the legal situation of current cases in Belgium concerning child returnees.

The first case was initiated by BA and TW, two sisters-in-law who followed their husbands to Syria as early as 2013 and who were convicted of participation in activities of a terrorist group in March 2018 when they were still in Syria.<sup>31</sup> In the meantime, they had given birth to three children and were detained with them in Al-Hol. In May 2018, the two women initiated a proceeding before the Court of First Instance of Brussels to file a request to compel the

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<sup>30</sup> United Nations. (2019). Convention on the rights of the child. Committee on the Rights of the Child. General comment No. 24 (2019) on children's rights in the child justice system. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsqIkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAIgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2BF0RPR9UMtGkA4>

<sup>31</sup> Court of First Instance of Brussels, Dutch-speaking, Summary Proceedings, Decision of 19 July 2018.

Belgian state to repatriate their children relying on humanitarian law, specifically on the basis of Articles 3 (prohibition of torture) and 5 (right to liberty and security) of the ECHR.<sup>32</sup> The court ruled that in order to have ECHR jurisdiction for States, States have to have extraterritorial jurisdiction over a certain area with a certain effective control over it. The court ruled that the applicants had not shown that the Belgian state exercised geographical control over the Kurdish zones of Syria, such as Al-Hol. Regarding the children, the court stated that there was no such procedure in place for repatriation and that the principle of the separation of powers could not allow a civil judge to order the state to organise a military mission to Syria to repatriate them.<sup>33</sup>

This could demonstrate that legal barriers to the repatriation of children exist. Moreover, the fact that the judge explicitly stated that there is no legal procedure for the process of repatriating children can be considered a legal barrier. Whereas adults do fall under certain judicial procedures of extradition or prosecution, for children this is non-existent, as the case suggests.

The applicants then went to appeal, claiming that due to their criminal conviction they could request the Belgian government to issue a detention order, thus enabling their repatriation. The Court of Appeal ruled that there is no such right of extradition or transfer for those purposes.<sup>34</sup> Notwithstanding, the applicants filed a new case with the same request, which normally – following the principle of *res judicata*<sup>35</sup> – should not be accepted. However, new evidence concerning the changing conditions in the camp was admitted and the Court accepted the case.<sup>36</sup> The Court still agreed with the Belgian state that it has no jurisdiction in Syria and thus could not exercise governmental authority in Syria. What happened next was quite surprising. The Court argued that based on consular and customary international law Belgium had a duty and possibility to assist its nationals.<sup>37</sup> The court distinguished between the children and the mothers. The children had been victims of serious crimes and were in a

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<sup>32</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms [1950] ETS3 5 (ECHR).

<sup>33</sup> Court of First Instance of Brussels, Dutch-speaking, summary proceedings, decision of 19 July 2018. Nr.18/28/C.

<sup>34</sup> Court of Appeal of Brussels, Judgment of 12 September 2018, No 2018/KR/45 [https://www.rechtbanken-tribunaux.be/sites/default/files/Nieuwsartikels/geanonimiseerd\\_261218.pdf](https://www.rechtbanken-tribunaux.be/sites/default/files/Nieuwsartikels/geanonimiseerd_261218.pdf)

<sup>35</sup> A matter that has been adjudicated by a competent court and therefore may not be pursued further by the same parties. [https://www.lexico.com/definition/res\\_judicata](https://www.lexico.com/definition/res_judicata)

<sup>36</sup> Court of First Instance of Brussels, Dutch-speaking, summary proceedings, decision of 26 December 2018, No 2018/XX/C [https://www.rechtbanken-tribunaux.be/sites/default/files/Nieuwsartikels/geanonimiseerd\\_261218.pdf](https://www.rechtbanken-tribunaux.be/sites/default/files/Nieuwsartikels/geanonimiseerd_261218.pdf)

<sup>37</sup> Belgian Consular Code of 21 December 2013 (as amended) <link>. Chapter 13 was inserted by the Law to amend the Consular Code of 9 May 2018 [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&table\\_name=wet&cn=2018050906](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2018050906) Vienna Convention on Consular Relations [1963] 596 UNTS 261

war zone, which would make them able to claim consular assistance. The mothers, following their own decision to travel to Syria, were not entitled to such assistance as stipulated by the Belgian Consular Code.<sup>38</sup> The Belgian state appealed the decision and the Court of Appeal accepted based on *res judicata*.<sup>39</sup> As the Belgian government was obliged to provide consular assistance to the children where possible, this case unsurprisingly inspired later appeals in other cases. Notwithstanding, as the Supreme Court ruled *res judicata*, it did not change the outcomes of other cases.

Another case was initiated by AG, a woman who had travelled to Syria in 2013, married, and given birth to two children. She was arrested and detained in Turkey where she reached out to the Belgian Embassy to provide the necessary travel documents for her and her children. To establish Belgian nationality, the children's filiation had to be established by competent Belgian authorities. The Court decided that no specific legal basis exists on which those children could rely for enforcing the delivery of those documents as their Belgian nationality or residency was not proven. Nevertheless, the Court argued that considering the *jus sanguinis*<sup>40</sup> principle that the mother was Belgian, the Belgian state was the most diligent state for remedying the emergency situation by delivering the requested documents.<sup>41</sup> This was interesting as it set a precedent for other children in similar positions to obtain nationality and travel documents with greater ease, ultimately accelerating the repatriation procedure.

When discussing certain legal implications concerning the repatriation of these children, another case that should be highlighted is that of FZG. FZG was taken by her father to Syria when she was a minor. She initiated her summary proceedings when she turned 18, in which she requested her right to consular assistance and asked the Belgian state to provide her with travel documents to facilitate her repatriation to be present at her criminal trial, as she faced charges of joining a terrorist organisation, thus upholding her right to a fair trial.<sup>42</sup> The Court ruled, on the same pretext as the first ruling, that she was not entitled to consular assistance. However, the Court decided that as FZG was underaged, the best interests of the child as

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<sup>38</sup> Art. 83 of the Belgian Consular Code: 'Are not entitled to consular assistance in the circumstances as described in Article 78, Belgian citizens who: (1) have travelled to an area for which the Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation advises against all travel; (2) have travelled to an area where there is an ongoing armed conflict; [...]'. Decision of 26 December 2018 (n 29) 16–17.

<sup>39</sup> Court of Appeal of Brussels, Judgment of 27 February 2019, No 2019/KR/4.

<sup>40</sup> The principle that the nationality of children is the same as that of their parents, irrespective of their place of birth; from <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100027515>

<sup>41</sup> Court of First Instance of Brussels, Dutch-Speaking, summary proceedings, decision of 19 December 2018, 14 <https://www.rechtbanken-tribunaux.be/sites/default/files/Nieuwsartikels/vonnis191218.pdf>

<sup>42</sup> Court of First Instance of Brussels, French-Speaking, summary proceedings, decision of 11 June 2019, No 19/37/C (not published) 2-3



stipulated in the UNCRC or Article 22bis of the Belgian Constitution<sup>43</sup> should have been considered. Belgium has the obligation to act and rely on consular and diplomatic means to repatriate their nationals. If not, they would fail to do best justice to the best interests of the child. In a rather Kafkaesque scene, the Belgian government initiated a repatriation operation, ultimately repatriating the girl from Jordan on a military flight to Belgium in June 2019. Notwithstanding her completed return, the Belgian state appealed this decision and won the appeal on the basis that she was no longer underaged when the procedure was initiated, making the best interests of the child irrelevant.<sup>44</sup>

Already with these few cases, this research has demonstrated the wide variety of decisions and appeals in Belgium, from which it is difficult to derive any type of grounded legal procedures. The repatriation of child returnees remains a contested and debated topic in Belgian courts, in which the lack of uniformity of procedural law creates an impasse for future repatriations and severely hinders the repatriation of Belgian children from Syria. Other practical complications arise as the Belgian state has no jurisprudence in Syria. Most individuals remain in Syrian refugee camps under Kurdish command. Furthermore, the Belgian government has no consular representation in Syria and cannot give legitimacy to Kurdish courts as it would create geopolitical problems with Turkey. Hence, the children and women are stuck in a legal vacuum with few legal tools at their disposal.

For those who have found a (clandestine) way to return, certain procedures are put in place. Bokias-Fernandez (2019) conducted pioneering research by analysing the Belgian practices concerning the repatriation and reintegration of children returnees, specifically focusing on the French-speaking child protection and juvenile justice systems. She recommended that rehabilitation programmes should be structured around the needs of the child and that the roles of their identity and environment herein are quintessential to providing sustainable long-term solutions. Her work provided insights into the French-speaking procedures and describes the legal landscape quite well. It also provided the necessary instruments and tools for defining children as victims of a violation of international law, which should be considered when assessing individual cases of child returnees. She argued that these children should exclusively be dealt with through the child protection system as this serves the dual purpose of protecting public safety and holding the children accountable while protecting

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<sup>43</sup>Belgian Constitution of 1831, [https://www.dekamer.be/kvvcr/pdf\\_sections/publications/constitution/GrondwetUK.pdf](https://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/GrondwetUK.pdf)

<sup>44</sup> Court of Appeal of Brussels, Judgment of 9 January 2020, No 2019/KR/39 (not published) 7-8.

their rights and best interests. Bokias-Fernandez then set out to explain the juvenile protection justice system in the French-speaking part of Belgium. Child returnees are dealt with by the Crown Prosecutor youth section, which can refer the case to the Youth Court, and this court has jurisdiction over the cases in its borough or who are found there. It can sentence the child to provisional custody (or with family) in accordance with the child's unique circumstances until the age of 12 years under supervision of the involved social services. After that age, a similar assessment is made, which can maintain the same provisional decisions until the age of 20. This suggests that the existing system in place in the French-speaking part of Belgium can effectively manage the return of child returnees in the long run. It offers viable pathways of reintegration and rehabilitation, relying on the cooperation of different judicial and social agencies in an already embedded framework. Legally, the Belgian government has decided that children up to the age of 12 should be actively repatriated and treated as victims.

The analytical chapter that follows discusses the Belgian practices in the Flemish-speaking region of Belgium and in doing so contrasts them with the findings of Bokias-Fernandez (2019) on the French-speaking region. Thus, this thesis also provides a generalisation of the Belgian (legal) procedures based on the review of both regions.

## **5 Analysis of the Repatriation and Rehabilitation of Belgian Children from Syria**

The overarching theme of this thesis is the status of the children of FTFs in Belgium. To assess their current situation, this thesis sought to answer the following two intertwined research questions:

1. What barriers to repatriation (e.g., security risks, legal hindrances, or procedural gaps) currently exist, and how do they impact/influence the repatriation of Belgian children from Syria?
2. For those who do return, what challenges are identified in the multi-agency approach of the Belgian government dealing with returned minors?

First, this analysis describes the various barriers to repatriation encountered derived from the literature and the conducted interviews. The various barriers are categorised into different themes to provide clarity and structure to the analysis: legal, communication, structural, political, procedural and psychologic. It analyses where and how these barriers impact the repatriation and rehabilitation of Belgian children from Syria. Finally, policy recommendations are offered based on the evidence obtained from this case study.

By analysing these hindrances or barriers, this thesis provides an overview of clear structural shortcomings for the Belgian situation as well as where to improve the structures involved with repatriation and rehabilitation (e.g., multi-agency approach). Furthermore, the use of interviews in this thesis provided valuable and unseen information from those directly involved with the topic at hand. This analysis thus contributes to the greater academic field and can be useful for practitioners looking for critical observations on how to improve the repatriation and rehabilitation of Belgian children from Syria.

Second, this analysis discusses how the multi-agency approach is operationalised in Belgium, more specifically in Flanders, through measures and services and how it can be improved based on the evidence presented in this thesis. Through interviews with practitioners and officials from a subset of organisations involved with the repatriation and rehabilitation of these children, this thesis sheds new light on the functioning of the multi-agency approach as well as what can be done in the future to more efficiently improve the rehabilitation of children, adhering to their best interests as stipulated by the UNCRC.

Lastly, this chapter concludes by providing a set of policy recommendations as well as guidelines for practitioners to improve procedures when dealing with the repatriation of children from Syria. It also acknowledges the limitations encountered during this study and offer pathways for further in-depth research.

### 5.1 Discussing the barriers to repatriation

From the literature and the interviews conducted, it became apparent that barriers or hindrances existed. This analysis presents the findings and categorises the barriers that are frequently discussed but have not been categorised yet as in depth as is done in this research. This thesis, by demonstrating a structural framework of hindrances and barriers, it provides an analytical tool that can be of use for academics and practitioners working in the field.

During this research, this thesis identified various barriers and hindrances that were categorised in the following themes: legal, communication, structural, political, procedural, and psychological. By doing so, it presents the reader with a clairvoyant structure. Nevertheless, the found barriers and hindrances cannot be solely seen as independent as the research demonstrates that most of them are interdependent.

| <b>Identified Barriers to repatriation and rehabilitation</b>                |  |  |  |  |  |
|--|--|--|--|--|--|
| Legal  | Communication  | Structural & Financial                       | Political  | Procedural   | Psychologic  |
| Legalisation of documents<br><br>Lack of legal basis for information sharing | Reticence to share culture<br><br>Translation issues<br><br>Slow bureaucracy | Underfunding of social and policing services | Unwillingness due to adverse public opinion<br><br>Diplomatic ties with Turkey | Lack of procedural uniformity<br><br>Difficulties in Syria (Consular, SDF) | Traumas<br><br>Separation of mother and child<br><br>Deteriorated access to psychosocial aftercare |

For the interviews, a questionnaire<sup>45</sup> was created based on the abovementioned categories, which were coded into a set of fixed questions to which all respondents replied openly yet in a structured manner. The interviews were structured to enable common threads to be found in the respondents' answers, thus validating the data. For triangulation purposes, not only were government officials selected but also NGOs such as Child Focus, thus widening the panorama from merely a top-down selection of government officials to a more pluralistic landscape of European, federal, and local actors involved. This is in line with the holistic dimension of the multi-agency approach. It must be noted that the interview with CUTA was done following the Chatham House rules and therefore the personal information of the interviewee cannot be included in the Annex.

It should also be clear that these different agencies involved in the repatriation procedures have different priorities based upon the organization they represent. Child Focus focusses on the wellbeing of the child, Federal Police considers both mothers and children with a socio-preventive strategy for the children whilst incriminating their mothers for their acts on the other hand. CUTA focusses on the protection of the state and its assets in which the children and their parents are secondary actors to the interests of the state. RAN deems to be an overarching advisory organization in the return of these children from Syria to European countries, heavily focusing on information sharing and networking between officials from Member States. They operate with the best interests of the child in mind. Furthermore, VVSG has a more structural focus, and their main target is the optimal working of Flemish cities and municipalities, integrating these children is a complementary task which falls under the LTF's and LIVC's in their territory. They do not play an active role in the repatriation process but are facilitators of the LIVC's in which cases of repatriation were discussed.

### **5.1.1 Legal barriers**

From the literary and legal reviews, this thesis already identified various legal barriers such as the lack of judicial procedures in Belgium to deal with the extradition of children or the lack of consular assistance in Syria. This made it extremely difficult for children to obtain birth certificates or other citizenship documents which complicated repatriation. Therefore,

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<sup>45</sup>Questionnaire available upon request.

some children also encountered difficulties with being registered in the National Register upon return as their birth certificates don't exist. The case of A.G previously mentioned the problems with obtaining documents for these children.

Another legal issue considering the legalization of documents became apparent when registering certain children's names which were not accepted by Belgian municipalities. For example, a child was born in Syria and received the name of "mujahideen"<sup>46</sup> which for Belgian citizenship registration services is considered an inadequate name for its literal translation. According to various interviewees, the Belgian legislation concerning registration of names is not adapted for these circumstances, leaving the child without the possibility to register its name (De Waele, 2021; Vandervelden & Gonzalez de Lara, 2021).

Apart from the already mentioned issues with the obtaining or legalization of citizenship documents, other legal hindrances were highlighted by the interviewees which will be discussed further.

Another issue was found within the information sharing structures of the LIVC and the willingness to share information between agencies in general. Flemish practitioners had no legal standing to share information concerning these children in the meetings conducted at LIVC level. Although the current legislation in Belgium has been updated and offers since 2017 through Art 458 *bis*, *ter* and *quater* of the Penal Code<sup>47</sup>, the possibility for social care professionals such as psychologists or social workers to discuss information about their clients in meetings without breaching confidentiality if secrecy in those meetings is guarded. The respondents pointed out that this legal standing is only valid under federal jurisdiction and that social care professionals working for Flemish authorities or agencies do not fall under this federal Penal Code making it impossible for them to share information with and within LIVC's which are held in Flemish municipalities. This legal gap clearly hampers the possibilities for cooperation and information sharing in LIVC's which are exclusively held at

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<sup>46</sup> mujahideen, Arabic mujāhidūn ("those engaged in jihad"), singular mujāhid, in its broadest sense, Muslims who fight on behalf of the faith or the Muslim community (ummah). Its Arabic singular, mujāhid, was not an uncommon personal name from the early Islamic period onward. Retrieved from <https://www.britannica.com/topic/mujahideen-Islam>

<sup>47</sup> Belgian Penal Code (2017). HOOFDSTUK VI. - ENIGE ANDERE WANBEDRIJVEN TEGEN PERSONEN. Art. 458bis, 458ter, 458quater. retrieved from [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=1867060801&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1867060801&table_name=wet)

the Flemish side and for which legislation has recently been adopted. This gap is further discussed in the review of the multiagency approach.

The respondents state that another legal issue became apparent when local youth courts were suddenly involved with cases of federal prosecution offices. This had never been the case before as these prosecution offices deal exclusively with minors on the one hand and adults on the other.

For example, a legal problem occurred when parents were prosecuted as FTF's in front of a federal court for their criminal acts in Syria. Their lawyer could immediately be granted right of access to the casefiles of the youth prosecutors office regarding the child's case, which could contain valuable information about the parents' case which then could be used in federal court. Such information could possibly compromise the safety and security of the child if this information was used in the federal case. The interviewees explain the situation as follows: if the child in a video testimony states that their father killed a particular person, this could have consequences for the child's safety if this testimony was accessed by the lawyer of the parent and used in court. That is, the testimony can be read by third parties after it is published, which would then possess vulnerable information about the child (e.g., name, pictures, and age). Considering that some of these children have lived in Syria alongside high-ranked IS officials with extensive networks this could jeopardize their safety as they could possess valuable information about these dangerous individuals which they would rather not have shared (Vandervelden & Gonzalez de Lara, 2021). They also stated that certain laws in Belgium make cooperation with other European domestic services during repatriation impossible. For example, the *Salduz*<sup>48</sup> law and more specifically, *Salduz IV*<sup>49</sup> law creates difficulties for repatriation of FTF's and their children in Belgium whereas in Germany for example this specific framework does not exist and the

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<sup>48</sup> Belgisch Staatsblad (2011). Wet tot wijziging van het Wetboek van strafvordering en van de wet van 20 juli 1990 betreffende de voorlopige hechtenis, om aan elkeen die wordt verhoord en aan elkeen wiens vrijheid wordt benomen rechten te verlenen, waaronder het recht om een advocaat te raadplegen en door hem te worden bijgestaan (aangehaald als : wet Salduz). 13 Augustus 2011. Raad van State. [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&table\\_name=wet&cn=2011081313](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2011081313)

<sup>49</sup> Belgisch Staatsblad (2016) Wet betreffende bepaalde rechten van personen die worden verhoord. 24 November 2016. Raad van State. [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=2016112102&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2016112102&table_name=wet)

detained can answer questions knowing that these will be added to the file later and can be used in court without violating any legal basis.

The *Salduz* law was created to protect the rights of the detained person. It states that every detained person that is placed in preliminary custody and being interrogated, has certain rights granted to them. These include the right to have an attorney before the first hearing. Thus, when police or other intelligence services physically repatriate a detained person (FTF) or their children from Syria, every question they pose to them can be considered as a breach of the *Salduz IV* law in a later lawsuit as the detained were not assisted by a lawyer at the time of repatriation. Therefore, Belgian services were also withholding in doing these repatriations as they could jeopardize the latter judicial process and the detainee's proof of culpability. The analysis shows that certain legal barriers exist in Belgium that hinder the repatriation and reintegration of child returnees. It suggests that the existing framework fails short of providing the best conditions for these minors to return and leaves them facing legal and administrative burdens upon return. Legal action should focus on creating more legislation specifically aimed at preventing or dismantling legal hindrances for child returnees.

### **5.1.2 Communication issues**

The fact that Belgium has 3 different official languages: Flemish, French and German and a complex administrative system creates issues in this case as well. The interview with Federal police services highlighted translation issues with case transfers from federal to regional authorities (Gonzalez de Lara & Vandervelden., 2021). Translating an entire case from French to Flemish for example, can be a lengthy endeavour in which much time is lost before the actual case is transferred. Officially appointed translators are limited in these high-sensitive cases and therefore their availability is limited. Therefore, once returned, the children could still be facing a deadlock for some time before being proceeded. This is a stressful period for the returning child as it cannot start adequately reintegrating. It pauses their personal development and limits their interactions with their peers or relatives if no decisions are made in these cases.

Similar issues were discussed by the VVSG when discussing the working of the LIVC. For example, when the youth court decides to place children with their grandparents, some of these grandparents would only speak Arabic, creating the need for an Arabic translator to be



added to the table of the LIVC. Or to communicate with certain children born in Syria and of whom their upbringing was exclusively in Arabic (De Waele, 2021). Thus, translation and language barriers can obstruct the procedures in place and cause time and language constraints which are not beneficial for the child's swift rehabilitation. In addition, when these children were discussed at a meeting of the LTF or LIVC, the youth court asked them not to discuss them, blocking any information sharing between the partners present.

What also became clear from the interviews, is this reticence to share- culture deeply embedded in the fragmented Belgian political & policing system which became even more apparent after the Brussels attacks.<sup>50</sup> A lack of trust has been considered one of the leading barriers to improve the working of the multiagency approach. Most services involved are not willing to share information with each other as they are scared that this would damage their own credibility or leave them exposed. Belgium has a long history of cases of which the most striking are *The Brabant Killers*<sup>51</sup>, *Dutroux*<sup>52</sup> or *the Brussels Attacks* where a series of investigative errors have severely damaged the reputation and willingness of these services to share information. Unfortunately, that embedded reticence is now also apparent in the case of these children as most interviewees suggested in several examples found throughout this analysis. (De Waele., 2021; Gonzalez de Lara & Vandervelden., 2021; Heremans., 2021; OCAD., 2021).

### 5.1.3 Structural & financial issues

As the agency *Opgroeien* stated in their answer to this thesis' request for participation that they were underfunded and that they did not have the time "to do anything but their essential tasks" it demonstrates the need for an extra investment in social services. Lasoen (2018) also previously addressed a structural underfunding to be present in the intelligence services

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<sup>50</sup> The Brussels Times. (2021, March 19). Five years on from terrorist attacks, intelligence services still have problems cooperating. <https://www.brusselstimes.com/news/belgium-all-news/160775/five-years-on-from-terrorist-attacks-intelligence-services-still-have-problems-cooperating-brussels-airport-maelbeek-federal-police-sgrs-defence-ibm-bavak-de-croo>

<sup>51</sup> Mathtys, J. (2017, November 13). Ghosts from a (terrorist?) past: the Brabant Killers in Belgium. Leiden Security and Global Affairs Blog. <https://www.leidensecurityandglobalaffairs.nl/articles/ghosts-from-a-terrorist-past-the-brabant-killers-in-belgium>

<sup>52</sup> The Brussels Times. (2021b, August 15). The Dutroux case, and how it changed Belgium. <https://www.brusselstimes.com/news/belgium-all-news/181344/the-dutroux-case-and-how-it-changed-belgium>

which lead to failures in the Brussels Attacks. Furthermore, an article<sup>53</sup> published by the Wall Street Journal discusses a secret report explaining the malfunctioning of Belgian police services in mistakes occurring prior to the Brussels and Paris attacks which could have prevented the events from happening. A clear call for more funding of policing and intelligence services in a parliamentary review<sup>54</sup> of the attacks in 2018 has so far not brought any financial or structural changes. This is in line with what respondents from Federal Police or VVSG and the agency *Opgroeien* noted as well in the field. Hence, an underfunding of Belgian social, policing and intelligence services clearly puts more pressure on the entire system and creates problems of scale for the repatriation and rehabilitation of these children in the short and long-term. Cases take longer to be processed due to a lack of means and/or staff which makes children face lengthy bureaucratic processes giving them lesser chances of access to social services and adequate aftercare.

#### **5.1.4 Political & procedural issues**

As mentioned before, one of the procedural hurdles which hampered repatriation is the inability of Belgium to negotiate with the Kurdish-dominated Syrian Democratic Forces (SDF) in charge of the Syrian camps where most women and children were held. These problems of legitimizing the SDF could cause uncomfortable diplomatic relations with Turkey, a contested ally and strong geopolitical player in the area. Turkey does not legitimize the SDF nor Kurdistan in their claim for autonomy and has been in a dispute with the Kurds since 1978. This makes it impossible for Belgium to have bilateral talks with the SDF about repatriation without jeopardizing official diplomatic relations with Turkey. This is where Child Focus came into play. As the interviewee stated that they are an independent organ free of government subsidies they were able to play an intermediary and informal role in this process of repatriation. The government used their position to help them informally with active repatriation from Syria, from inside the camps. Furthermore, the Kurds were not in

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<sup>53</sup> Pop, V., & Maremont, M. (2017). Belgium's Botched Hunt for ISIS Cell --- Secret parliamentary report offers new details on how badly police erred in unmasking terrorists before Paris and Brussels attacks. Wall Street Journal, p. A.1.

<sup>54</sup> Bruggeman, W. (Ed.). (2018). Parlementaire onderzoekscommissie terroristische aanslagen 2016: Conclusies en aanbevelingen (Vol. 16). Gompel&Svacina.

favor of letting children go without their mothers as it would cause legal problems with UN Guidelines<sup>55</sup> concerning unaccompanied minors (Mahjoub, 2021).

Another important barrier to repatriation, is political unwillingness as a result of an averse public opinion. During years, an averse public opinion was also one of the greatest setbacks for the actual repatriation of these children and their parents. This was the case in most countries where a large feeling of resentment towards everything related to Daesh-ideology was established after the perpetration of attacks on European soil and the horrible images broadcasted from Syria. Most respondents agreed that in the initial years it was difficult to work when there was no political backing for their operations. Child Focus stated that the public opinion was strongly against the repatriation of the parents and less against those of children (De Waele, 2021; Mahjoub, 2021). This could explain why the first repatriations were carried out with orphans as their return would be considered less problematic for the public opinion.<sup>56</sup> On a positive note, the Corona pandemic helped reorientate public opinion and debate which benefitted these children's return. As they were no longer in the eye of the public debate, a result of less social interactions occurring during the pandemic, made it easier to reintegrate them in communities in which they had lived before and were they carried certain stigma (De Waele, 2021). Nevertheless, it can be considered a political and public decision which slowed down their return. On the contrary, the literature pointed out that if these children were not repatriated and left in a war-torn Syria, with limited social services, it could create potential security risks for European countries. These children could join NSAGs and channel their feelings of resentment and anger towards the countries that left them behind, in violent training and ultimately the perpetration of attacks at a later stage (Pokalova, 2020; Siobhan & Van Broekhoven, 2018). Hence, a discrepancy exists between what the literature suggested and what was done by European countries at first. The initial thoughts of policing services and European governments was that the conflict would not last

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<sup>55</sup> Office of the United Nations High Commissioner for Refugees. (1997). Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. February 1997. <https://www.unhcr.org/publications/legal/3d4f91cf4/guidelines-policies-procedures-dealing-unaccompanied-children-seeking-asylum.html>

<sup>56</sup> De Volkskrant. België haalt IS Weeskinderen terug uit Syrische kampen. (2019) Retrieved from <https://www.volkskrant.nl/nieuws-achtergrond/belgie-haalt-is-weeskinderen-terug-uit-syrische-kampen~b51747ce/?referrer=https%3A%2F%2Fwww.google.com%2F>

long and that the majority of those who went to Syria would die in conflict without having children. Therefore, as this was the mindset of the intelligence and police services at the beginning of the conflict, action plans were not created in case these FTFs produced children. Thus, they were focused on the terrorism aspect of individuals joining a terrorist organisation rather than on the possibility of them having children who could then return. However, this failure of foresight to predict the probability of FTF's having children is difficult to measure in retrospect as there are not many precedents in the history of recent conflict which confirm this trend.

Also, a lack of procedural uniformity was found in the direct aftermath of the repatriation flights from Turkey. The children arriving at the airport in Belgium were regularly faced with a legal vacuum as they had to await the last-minute decision of the youth prosecutor to place them with relatives or foster care before being able to leave the airport (Vandervelden & Gonzalez de Lara, 2021). More procedural problems were apparent in the first twenty-four hours upon landing. According to the respondents of Federal Police, it was dependent on the decision of the youth prosecutor if children were sent to the hospital first or to grandparents or custody directly after landing. Difficulties were twofold. First, not all received essential medical checkups upon arrival. As mentioned by Devakumar et al. (2015), these children were possibly exposed to short- and long-term health risks in Syria. This alone, should be a sufficiently strong argument to force every repatriated child to visit a hospital upon landing for an extensive medical check. Second, in case the decision was taken to send them to a hospital, hospital directives still had the possibility to deny these children entrance based on presumptions of hostile feelings towards their FTF parents and plausible security concerns for the hospitals (Vandervelden & Gonzalez de Lara, 2021). The respondents of Federal Police, VVSG and CUTA all declared in the interviews that these procedural errors became less through the exertion of pressure by policing services on magistrates to take decisions concerning the cases much earlier than the actual moment of repatriation. This prevents that the tired and traumatized children must remain at the airport awaiting a decision and can instead receive medical care immediately after landing. Procedural uniformity should therefore be further harmonized as it can ensure a less traumatic experience of repatriation for the already troubled child undergoing many (environmental) changes.

What is interesting here, is that further uniformity in this (medical) procedure was also caused undeliberate by the Covid-19 pandemic. This made that every child that was

repatriated after the start of the pandemic was immediately sent to a hospital to receive medical checkups (Vandevelden & Gonzalez de Lara, 2021).

The respondent from VVSG also mentioned that there are more structured procedures in place nowadays with regards to the separation of mother and child. This extremely traumatic moment impacts greatly on the child, as most of them have only been exclusively nurtured by their mothers whilst living in Syria and are not known to any other microsystem. Before, separation could occur at the airport. Now, it occurs after the medical check in the hospital, unless the child is younger than 3, than it will accompany the detained mother to prison where a special ward<sup>57</sup> exists for imprisoned mothers and their toddlers. This prevents further trauma at a young age from developing (De Waele, 2021).

Certain procedural differences exist between the agencies involved at communitarian levels, Agency *Opgroeien* in Flanders and *Aide de La Jeunesse*<sup>58</sup> in the Brussels-Wallonie community, with the day-to-day follow up of these children. Upon repatriation, depending on the decision of the youth prosecution office appointed, it will be placed with one of these two agencies. Child Focus argues that at the Flemish side, a faster and swifter system was in place for their rehabilitation. The children, after their hospital checkups and depending on the youth court's decision were placed much faster with foster care or relatives than in the French-speaking counterpart. Child Focus argues that the levels of observation and guidance at the French speaking part were not as efficient as at the Flemish side.

From the interviews apart from the already mentioned legal discrepancies it became clear that at a Belgian level procedural uniformity at practical levels of working with these children did not exist. A certain negligence was apparent which hinders the best interests of the child. This thesis argued that the lack of procedural uniformity at a federal level, derived from the interviews and research in this thesis, demonstrates a failure at state level to provide these children with better conditions for rehabilitation to help process their trauma adequately.

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<sup>57</sup> Vlaamse Overheid. Agentschap Opgroeien. Draaiboek Radicalisering Jongerenwelzijn.  
[https://www.jeugdhulp.be/sites/default/files/documents/draaiboek\\_radicalisering.pdf](https://www.jeugdhulp.be/sites/default/files/documents/draaiboek_radicalisering.pdf)

<sup>58</sup> AGAJ. Agency responsible for the protection and support of minors in Brussels & Walloon region.  
<http://www.aidealajeunesse.cfwb.be>

In addition, when considering international cooperation such as joint missions of repatriation or exchanging best practices with other Member States, it would be hard for Belgium to participate, not only because of legal concerns, but also because of the abovementioned (regional) procedural differences which could obstruct cooperation at international level.

### **5.1.5 Psychologic issues**

These children have faced severely traumatic experiences, as mentioned earlier in this thesis by Cook and Vale (2018) or Kizilhan (2019) or Van der Heide and Alexander (2020) which can deter their adaptation to new environments because of their PTSD or other trauma.

Upon return, health care practitioners face the challenging task to identify and heal these children's trauma as much as possible, knowing the brutalities that some of them have seen or were forced to undergo. Following the Bronfenbrenner model, it should be quintessential to create a nurturing environment in which the child's needs are central. Kizilhan (2019) argued that it is paramount to create a post-conflict environment in which the successful rehabilitation of these children is based on comprehensive psychosocial rehabilitation. Vander Heide and Alexander (2020) encourage positive and stable relationships and they argue that child participation and ownership in activities and decisions should be crucial when developing a sense of belonging and personality. Therefore, this thesis suggests that all of the above should be taken into consideration when looking at cases in Flanders.

In this thesis, hindrances were discussed that are of psychologic nature and which can hamper the mental and physical recovery of the child if they are not in line with the established RAN manual guidelines on how to deal with returned minors (RAN, 2017).

First, it should be noted that for these hindrances not much research could be retrieved from primary sources as the Flemish agency *Opgroeien*, which is responsible for the implementation of these psychosocial structures, was not participative in the collection of

data for this research. They did publish a report<sup>59</sup> in which they describe general guidelines in how they deal with returned minors and give examples of local projects, yet it doesn't give much information on the practical implementation of their daily working. No results could be obtained to see whether children actively have ownership in their daily routines and how their life is practically organized. This thesis emphasizes the importance of further research concerning the abovementioned topics to create a deeper understanding for long-term strategies with regards to the psychosocial rehabilitation of children returning from Syria.

Nevertheless, the interviews and the RAN-seminar demonstrated that other psychological hindrances are very present in these cases. Some children were severely mutilated by explosions or gunfighting in Syria and suffer from physical injuries such as scars, amputations or limb deformation due to malnutrition. Problems with motor skills are also present. The respondent from VVSG discusses a case where a child did not know how to walk up a set of stairs as it had never seen stairs before or had to learn to play with toys (De Waele, 2021). Children were also severely mentally impacted and show high levels of cognitive distress and severe PTSD upon return (RAN, 2021). Most, if not all, must be socialized and rehabilitated into a completely alien environment which poses great challenges for practitioners and teachers which have no previous experience with these specific cases of children of FTF's. Other examples include violent physical behavior, drawings which show past experiences related to bloodshed and violence endured or children which particularly have problems with developing speech and language (RAN, 2021). It should be noted that each child deals with trauma differently and that some are more resilient than others to trauma which offers viable pathways to swifter rehabilitation based on case-specific approaches. Therefore, it is important to have policies in place which are tailored to the special needs of each child.

The respondents of Federal Police and VVSG stated that certain barriers to education for example impede this process. Some children left Belgium before completing elementary school, as a result of parental abduction to Syria and face many challenges upon return. For example, a child who left Belgium at the age of 10 and returns at the age of 14 has missed

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<sup>59</sup> Vlaamse Overheid. (2018). Agentschap Jongerenwelzijn. Draaiboek radicalisering Jongerenwelzijn: Handvatten voor de preventie, aanpak en omgang met radicalisme in de Jeugdhulp – Jongerenwelzijn.  
[https://www.jeugdhulp.be/sites/default/files/documents/draaiboek\\_radicalisering.pdf](https://www.jeugdhulp.be/sites/default/files/documents/draaiboek_radicalisering.pdf)

four years of essential education which normally allows children to go from elementary school to secondary schools. These children face administrative issues as they are not able to register with secondary schools as they don't have certificates which demonstrate that they completed elementary school (De Waele, 2021; Gonzalez de Lara & Vandervelden, 2021). Furthermore, their cognitive and educational development was obstructed for several years in Syria where they were indoctrinated and desensitized by IS-ideology (Cook & Vale, 2018). Also, an important hindrance to their rehabilitation, is based on the role in which they were socialized under IS command. Respondents suggested that based on specific gender roles attributed to these children in Syria, they must be re-socialized differently upon return (Gonzalez de Lara & Vandervelden, 2021; RAN, 2021).

For example, a 12-year-old boy in Syria which had already been recruited as male fighter and had to adhere to this hypersexual image of masculinity is upon return confronted with a framework in which this does not exist anymore. This also is the case with girls which were socialized to be domestic households from a very young age onwards. This faces problems of identity for children who must learn to become children again and all the capabilities which belong to that age and sex and suggest that rehabilitation practices should focus on gender-oriented approaches (Sischka, Balluch & Lozano., 2020; RAN 2021). It should be noted that no information was found through this research which suggests that this gender orientated rehabilitation exists in practice in Flanders.

## 5.2 The multiagency approach reviewed

This section will start with defining the multiagency approach and how it evolved from a local project in Denmark to a global recommended approach to deal with violent extremism, radicalization and more recently with rehabilitation which concerns the focus of this thesis, child returnees. Subsequently, this section will analyze how the multiagency approach is implemented in Belgium, specifically in Flanders through the LIVC's, LIVC-R and LTF's. These cells were created to detect radicalization at an earlier stage and were designed to create long-term tailored solutions for cases related to CVE and (child) returnees based on the multiagency approach. This analysis will be done by the reviewal of policy documents such as *Draaiboek LIVC-R*<sup>60</sup>, *Vraag en Antwoord Fiche LIVC-R*<sup>61</sup> from the Agency *Binnenlands*

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<sup>60</sup> Vlaamse Vereniging voor Steden en Gemeenten (2021). *Draaiboek LIVC-R*. Vlaamse Overheid.  
<https://www.vvsg.be/Leden/Radicalisering/Draaiboek%20LIVC-R.pdf>



*Bestuur* which is the Flemish agency responsible for regional governance under which the LIVC's, LIVC-R and LTF are controlled. In addition, it looks at the legal framework in Flanders, specifically the legislation concerning the abovementioned cells through Art 458 ter and quater<sup>62</sup> of the Belgian penal code and the design<sup>63</sup> and ratification<sup>64</sup> of a Flemish decret concerning participation and information sharing in the LIVC. Furthermore, the analysis reviews the recent action plan<sup>65</sup> made by the Flemish government for the period of 2020-2024 to combat radicalization, extremism, terrorism and polarization on the presence of strategies or actions to be taken with child returnees. This review was done to detect shortcomings in the practical implementation of the Flemish multiagency approach and concludes with providing recommendations in line with what the relevant literature, legal framework and theoretical models have suggested concerning dealing with returning and rehabilitating children.

### 5.2.1 Origins of the multiagency approach

The multiagency approach or working is a term used to define a process in which actors of different organizations, mostly working in crime prevention or socio-preventive services through multidisciplinary cooperation and information sharing attempt to jointly tackle the prevention of crime, or more specifically, radicalization and extremism. The multiagency approach finds its origins in Aarhus, Denmark where best practices with cooperation between police services, social services and other crime prevention services were so successful that it

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<sup>61</sup> Vlaamse Regering (2021). Lokale integrale veiligheidscel inzake radicalisme, extremisme en terrorisme – Vraag en Antwoordfiche LIVC-R. Agentschap Binnenlands Bestuur. [https://www.jeugdhelp.be/sites/default/files/documents/draaiboek\\_livc.pdf](https://www.jeugdhelp.be/sites/default/files/documents/draaiboek_livc.pdf)

<sup>62</sup> Belgian Penal Code. (2017). HOOFDSTUK VI. - ENIGE ANDERE WANBEDRIJVEN TEGEN PERSONEN. Art. 458bis, 458ter, 458quater. retrieved from [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&cn=1867060801&table\\_name=wet](https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=1867060801&table_name=wet)

<sup>63</sup> Vlaams Parlement. (2021). Ontwerp van decreet houdende de machtiging van de Vlaamse deelnemers aan en de regeling van de modaliteiten van deelname aan de lokale integrale veiligheidscellen inzake radicalisme, extremisme en terrorisme. 19 maart 2021. <https://docs.vlaamsparlement.be/pfile?id=1685073>

<sup>64</sup> Vlaamse Regering. (2021). Decreet houdende de machtiging van de Vlaamse deelnemers aan en de regeling van de modaliteiten van deelname aan de lokale integrale veiligheidscellen inzake radicalisme, extremisme en terrorisme. 21 mei 2021. [https://etaamb.openjustice.be/nl/decreet-van-21-mei-2021\\_n2021031630.html](https://etaamb.openjustice.be/nl/decreet-van-21-mei-2021_n2021031630.html)

<sup>65</sup> Vlaamse Regering. (2021). Actieplan ter preventie van gewelddadige radicalisering, extremisme, terrorisme en polarisatie 2020–2024. Vlaamse Overheid, Agentschap Binnenlands Bestuur.

led to the so-called Aarhus model<sup>66</sup>. The central idea is based on the principle of inclusion, in which participation in common cultural and societal life is deemed essential. It is a system in which the interventions of these services through early prevention and exit strategies can transform the individual's entire belief system into legal modes of citizenship and adjacent valid participation in society (Bertelsen, 2015). The Aarhus model has been considered a best practice to counteract extremism and radicalization in Europe and for that reason policymakers, politicians and academic tend to look there for inspiration when creating multiagency approaches to deal with returning foreign fighters or radicalized individuals in their own Member State. Hemmingsen (2015) discusses the strengths of the Aarhus model in depth and suggests that this strength is based on four decades of experience with such collaboration in relation to crime prevention from already existing structures developed from other purposes than specifically preventing extremism and radicalization (p.7). Both authors suggest that the success of the approach rests entirely on a fundamental understanding of Denmark's framework to crime related behavior and how to change it both top-down as bottom-up over time.

This is an important and valid point. It should be noted that although much of the theoretical basis of the multiagency approach is derived from the Aarhus model, the cultural, structural and legal systems of another country, i.e Belgium, are completely different to the Danish. This thesis argues that the culture of information sharing based on decades of building knowledge and experience, nor the legal framework is as present in Belgium as it is in Denmark. How this causes problems of transferal and implementation of the multiagency approach in Flanders, specifically concerning the repatriation and rehabilitation of child returnees, is discussed in the subsequent review.

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<sup>66</sup> Bertelsen, P. (2015). Danish preventive measures and de-radicalization strategies: The Aarhus model. *Panorama: Insights into Asian and European Affairs*, 1(241), 53.

### 5.2.2 The multiagency approach in Flanders

In Flanders, the Aarhus model helped inspire the creation of *Plan R*<sup>67</sup> in 2015. The mayors of Flemish cities Antwerp, Mechelen and Vilvoorde which were facing large amounts of FTF's leaving for Syria had visited Aarhus looking for inspiration how to counteract radicalization in their municipalities. Upon return, they wrote a manual<sup>68</sup> in which they also called for action on a federal and regional level. This led to the creation of the Plan R, a comprehensive federal action plan based on multi-agency cooperation to counteract and prevent extremism and radicalization. This plan describes the foundation for the creation of LIVC's and the improvement of existing LTF's supervised by a National Task Force (NTF) in which federal policing and intelligence agencies participate. Final responsibility is with the National Security council in which the Ministers of Interior, Defense and Justice, the vice-minister and the Prime minister are seated. It suggests a comprehensive approach for the prevention of radicalization employing socio-preventive measures through the deepening of information sharing between services. LTF's are operational information sharing platforms for intelligence and police services in fixed regional zones. They ensure the follow up of radicalized individuals using a FTF's dynamic database and suggesting measures at local levels. LIVC's are suggested to implement and develop preventive, cohesive and/or repressive measures based on the recommendations of the LTF, on a municipal level. According to Plan R, the LIVC is considered the actual platform on which information-sharing between participants of the LTF and LIVC should take place. As there was no legal obligation for municipalities to create these LIVC's, most municipalities were reluctant to create them as they didn't understand their purpose or simply didn't have enough people and funding to do so (De Waele, 2021).

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<sup>67</sup> Vlaamse Regering. (2015). Actieplan ter preventie van radicaliseringsprocessen die kunnen leiden tot extremisme en terrorisme. Retrieved from <https://lokaalbestuur.vlaanderen.be/preventie-van-gewelddadige-radicalisering-en-polarisering>

<sup>68</sup> Somers, B., De Wever, B., Bonte, H., & Creemers, J. (2013). *Beheersen van moslimradicalisering: Handreiking voor beleid en praktijk*. Antwerp.

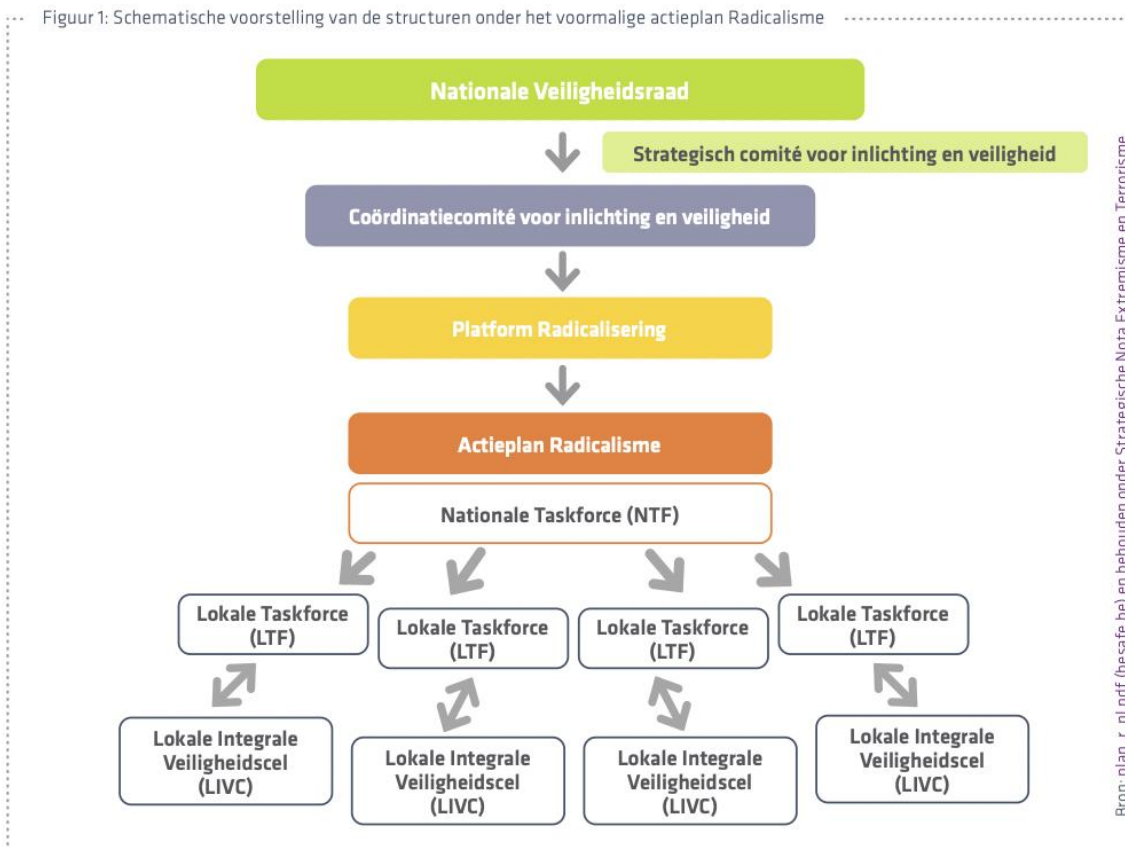


Figure 3. Schematic organizational structure of the initial Plan-R as described in *Draaiboek LIVC-R*. from <https://www.vvsg.be/Leden/Radicalisering/Draaiboek%20LIVC-R.pdf>.

In 2018, a law<sup>69</sup> was ratified which obliged the creation of LIVC-Rs to counteract radicalization, extremism, and terrorism in every municipality and which enabled mayors of adjacent municipalities to create joint LIVC-R's to reinforce information sharing and cooperation between them. This law was important as it replaced the initial recommendation in Plan R into a legal obligation for municipalities. It obliges the participation of three actors: the mayor held responsible for the functioning of the LIVC, the local chief of police as the information officer which has a bridging function between LTF and LIVC-R and the municipal clerk responsible for the coordination of preventive measures taken by the municipality. It furthermore suggests the participation of other local services involved with this theme. This was a big step forward, one which was necessary to develop the multiagency

<sup>69</sup> Belgisch Staatsblad (2018). Wet tot oprichting van lokale integrale veiligheidscellen inzake radicalisme, extremisme en terrorisme (1). 30 Juli 2018. Raad van State. [https://etaamb.openjustice.be/nl/wet-van-30-juli-2018\\_n2018031809.html](https://etaamb.openjustice.be/nl/wet-van-30-juli-2018_n2018031809.html)

approach in-depth, legally and practically. A survey by VVSE has shown that more than 85% of Flemish municipalities have installed a LIVC-R as of 2018.<sup>70</sup> It also lists difficulties encountered by municipalities. More than 38% of the municipalities find it hard to maintain it active due to a lack of cases. Furthermore, 23% acknowledges the lack of judicial framework to share information and 17% lacks a clear tool for data processing. No specific mention of dealing with child returnees is found in the survey. This suggests that municipalities in practice refrain from using LIVC-Rs to deal with child returnees.

According to De Waele (2021), a possible explanation for this behavior could be found in the role of the agency *Opgroeien*. The agency considered itself the socio-preventive actor responsible in Flanders for the wellbeing of children and therefore also took ownership over the rehabilitation process of these children. When doing so, they internally set up procedures without the active participation of the LIVC or other local socio-preventive actors orbiting within the child's *micro*, *meso* or *endosphere* such as grandparents, teachers, or other preventive services. This caused a rupture in the multiagency approach, which was divided into two sub approaches. On the one hand, the agency *Opgroeien*, and on the other, the LIVC. According to De Waele (2021) & Heremans (2021), a certain distrust had grown with social workers towards the LIVC as they were initially created to deal with foreign fighters and had a strong emphasis on safety & security. Social workers were distrusting of the LIVC because of the security aspect in its name and considered them more of a security cell than a multi-agency actor. This perception had made them less willing to share information and participate.

Furthermore, respondents agreed that since agency *Opgroeien* has taken control of the day-to-day responsibilities of these children, the amount of case-information received by other agencies is limited. Since the agency *Opgroeien* only has the legal obligation to communicate with the youth prosecution offices responsible for the child, most of the respondents stated that they have no information whatsoever about the developments of the child once they are placed with this agency.

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<sup>70</sup> Vlaamse Vereniging van Steden en Gemeenten. (2020). Bevraging radicalisering en polarisering. <https://www.vvsg.be/Leden/Bestuur/VVSG%20Bevraging%20Radicalisering%20%26%20Polarisering.pdf>

This can be considered an actual gap in the optimal working of the multiagency approach as the information sharing through different agencies becomes very limited from this stage on.

Furthermore, neither the old<sup>71</sup> nor the new<sup>72</sup> action plan mentions specific actions which relate to child returnees. The new plan focusses mainly on the disengagement and deradicalization of individuals in depth which does not concern these children much. The plan lists 8 objectives in which measures are presented to counteract extremism and radicalization and shows the amount of funding available for each sub-action. In section 7.1, it does discuss briefly the optimisation of policy and procedures with regards to returning minors from IS-controlled territories. It suggests that the initial manual<sup>73</sup> created to work with radicalized youth will be used and updated based on the experiences of the agency *Opgroeien* working with these children. When taking into consideration that these action plans are the main policy instruments in Flanders, to deal with everything related to extremism, radicalization or repatriation of foreign fighters, the content concerning child returnees is insufficient. It should also be noted that if these children are dealt within this framework, practitioners and policymakers should be cautious of the risks of possible stigmatization (Abbas & Kanhai., 2020; Cook & Vale., 2018). Labelling these children's reintegration under radicalization, extremism or IS-related strategies can impact negatively on the child's development which goes against the purpose of their rehabilitation. This is an important point which should be taken in consideration for actual cases and future repatriations in what should be defined as a joint effort to provide the best conditions for these children in the long run.

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<sup>71</sup> Vlaamse Regering. (2015). Actieplan ter preventie van radicaliseringsprocessen die kunnen leiden tot extremisme en terrorisme. Retrieved from <https://lokaalbestuur.vlaanderen.be/preventie-van-gewelddadige-radicalisering-en-polarisering>

<sup>72</sup> Vlaamse Regering. (2021). Actieplan ter preventie van gewelddadige radicalisering, extremisme, terrorisme en polarisatie 2020–2024. Vlaamse Overheid, Agentschap Binnenlands Bestuur. <https://beslissingenvlaamseregering.vlaanderen.be/document-view/60A79830364ED900080004BA>

<sup>73</sup> Vlaamse Overheid. Agentschap Jongerenwelzijn. (2018). Draaiboek radicalisering Jongerenwelzijn. Handvatten voor de preventie, aanpak en omgang met radicalisme in de Jeugdhulp – Jongerenwelzijn.[https://www.jeugdhulp.be/sites/default/files/documents/draaiboek\\_radicalisering.pdf](https://www.jeugdhulp.be/sites/default/files/documents/draaiboek_radicalisering.pdf)

### 5.2.1 Functioning of the multiagency approach reviewed through the working of LIVC, LIVC-R and LTF.

When one of the first children returned to the town of Beringen, this became the first active case for a LIVC in Flanders. Mistakes were made and procedures needed time to develop as it became clear from this case. For example, the grandparents of the child were summoned to the first meeting of the LIVC-R and we're overwhelmed by the amount of government officials from different services that were present at that initial meeting. This was because a lot of pressure existed on this repatriation and the development of procedures had been too shortsighted. The LIVC's and municipalities involved with early repatriations did not have much information about the return of these cases as OCAD did not communicate much until they had landed (De Waele., 2021; Gonzalez de Lara & Vandervelden., 2021). Therefore, time constraints were apparent to put procedures and structures in place which would help the smooth return of these children. All respondents agreed that a great discrepancy also existed between the knowledge available in rural or urban LIVC-R's. Most cities have better funding, information and services at hand to deal with this topic whilst rural communities focused too much on using the existing policing services instead of developing a socio-preventive framework necessary to deal with these children.<sup>74</sup> The emphasis was more on threat-analysis than prevention or reintegration in rural communities, whilst OCAD (2021) has clearly stated that these children should be treated as victims in line with what the relevant legal articles and literature stipulate as well. This shows a discrepancy in the working of the LIVC-R based upon their geographic location. Urban LIVC-R are more prepared to deal with repatriation whereas local regions have less knowledge and services available. To smoothen procedures, OCAD, together with the agency *Opgroeien* and the VVSE created a manual in 2018 for practitioners to deal with these children in a more structured way.<sup>75</sup> This manual describes the steps that should be taken specifically with child returnees. It shows willingness of the involved services to improve the functioning of the multiagency approach in Flanders having the best interests of the child in mind.

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<sup>74</sup> Interviews. (De Waele, 2021; OCAD., 2021; Gonzalez de Lara & Vandervelden; Mahjoub.; 2021; Heremans, 2021).

<sup>75</sup> Vlaamse Overheid. Agentschap Jongerenwelzijn. (2018). Draaiboek radicalisering Jongerenwelzijn. Handvatten voor de preventie, aanpak en omgang met radicalisme in de Jeugdhulp – Jongerenwelzijn.[https://www.jeugdhulp.be/sites/default/files/documents/draaiboek\\_radicalisering.pdf](https://www.jeugdhulp.be/sites/default/files/documents/draaiboek_radicalisering.pdf)

However, practical and legal difficulties arose with information sharing in LIVC-Rs or LTFs for federal and Flemish actors. For example: local police, municipality workers or social services such as the *OCMW*<sup>76</sup> which form part of an LIVC or LTF fall under federal jurisdiction. This means that for information sharing and professional secrecy, art 458 of the Penal code applies to these actors and the addition of art 458 *ter & quater* allowed them shared confidentiality when discussing information within LIVC-Rs or LTFs. Before this addition in 2018, there was no legal standing for these actors to share information. For Flemish actors involved in these cells such as the agency *Opgroeien*, *VVSE* or other social actors<sup>77</sup> dealing with the wellbeing of child returnees in relation to education or mental health, no legal standing existed until recently a decree<sup>78</sup> has made it possible for them to share information without breaching confidentiality. The ratification of this decree received criticism<sup>79</sup> from the Children's rights commissariat in Belgium for putting pressure on the rights of these children and that it would be directly opposed to the Child protection law<sup>80</sup> which states that information concerning minors should remain classified. This demonstrates that since the legal obligation to create LIVC-Rs in 2018 it has taken up until June of 2021 before all actors involved in these cells can legally share information and that criticism still exists concerning its legal validity in general. This can be considered a crucial gap of the functioning of the multi-agency approach in Flanders over a disproportionate period which negatively impacts all procedures present in these cells concerning the reintegration of child returnees. Whilst all actors currently have a legal standing to share information with each other within those cells, there is still no legal basis for which they can share information between different cells in different municipalities (De Waele, 2021). What is being shared within a LIVC-R, is legally constrained to remain within that meeting or cell. For example, if

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<sup>76</sup> OCMW is the Public Centre for Social Welfare, present in every municipality in Flanders. Retrieved from [https://en.wikipedia.org/wiki/Public\\_Centre\\_for\\_Social\\_Welfare](https://en.wikipedia.org/wiki/Public_Centre_for_Social_Welfare)

<sup>77</sup> Centre for Educational Support. <https://onderwijs.vlaanderen.be/nl/ouders/ondersteuning-en-begeleiding/leerlingenbegeleiding/centrum-voor-leerlingenbegeleiding-clb>

<sup>78</sup> <sup>78</sup> Vlaamse Regering. (2021). Decreet houdende de machtiging van de Vlaamse deelnemers aan en de regeling van de modaliteiten van deelname aan de lokale integrale veiligheidscellen inzake radicalisme, extremisme en terrorisme. 21 mei 2021. [https://etaamb.openjustice.be/nl/decreeet-van-21-mei-2021\\_n2021031630.html](https://etaamb.openjustice.be/nl/decreeet-van-21-mei-2021_n2021031630.html)

<sup>79</sup>Knack (2021). Decreet LIVC-R's goedgekeurd in Vlaamse plenaire. 12 May 2021. [https://www.knack.be/nieuws/belgie/decreeet-livc-r-s-goedgekeurd-in-vlaamse-plenaire/article-belga-1733767.html?cookie\\_check=1644498964](https://www.knack.be/nieuws/belgie/decreeet-livc-r-s-goedgekeurd-in-vlaamse-plenaire/article-belga-1733767.html?cookie_check=1644498964)

<sup>80</sup> Belgisch Staatsblad (1965). Wet betreffende de jeugdbescherming, het ten laste nemen van minderjarigen die een als misdrijf omschreven feit hebben gepleegd en het herstel van de door dit feit veroorzaakte schade. Raad Van State.

([https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg\\_2.pl?language=nl&nm=1965040806&la=N](https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=nl&nm=1965040806&la=N))



the returned child has relatives in different municipalities, the cells of those municipalities cannot exchange information at this level. Currently a legal loophole is employed to deal with this situation. Information officers can share information with each other, and they then pass it on to their respective cells. In best scenarios, the overarching LTF comprises multiple LIVC-Rs which makes it easier to discuss it at LTF level. This suggests that although the legal framework to share information has deepened significantly, more legislation is needed to resolve pending issues.

Practical problems arise as well and are diverse. At local levels, problems with confidence exist. The reticence to share is quite high between regions and services. OCAD (2021) attributes this to problems with confidence between municipalities where LIVC or police refuse to work with each other. To ensure support on the long term for these children it is necessary to receive feedback occasionally. De Waele (2021) stated that this problem with trust originates from the initial goal of the LIVC for the detection of FTFs which made social workers resentful of working with such a security centered approach. He argues that if the finality of the LIVC was the prevention of crime in line with the Aarhus model instead of the prevention of radicalization, the model would have more chance to succeed. Heremans (2021) attributes this resentment to a lack of knowledge with local workers to deal with this phenomenon and suggest that time is needed and a willingness to build bridges is imperative to the success of the multiagency approach.

Furthermore, the VVSE report<sup>81</sup> showed also that 70 % of existing cells don't have socio-preventive actors taking part in them. This suggests that they are not focusing on socio-preventive measures or taking actions which benefit strategies that are necessary for these children to develop in the best possible way upon return. As these children are being considered victims of this situation and should be handled as such, most of these cells which were created to deal with this specific phenomenon, do not have socio-preventive actors present. How can these children recover from trauma, reintegrate and (re)socialize into a society in which the socio-preventive nature of these solutions is not present in most cells that deal with child returnees? This is a painful reality that should be underlined and addressed in future policies. For now, this analysis has presented some of the issues with the Flemish multi

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<sup>81</sup> Vlaamse Vereniging van Steden en Gemeenten. (2020). Bevraging radicalisering en polarisering. <https://www.vvsg.be/Leden/Bestuur/VVSG%20Bevraging%20Radicalisering%20%26%20Polarisering.pdf>

agency approach and has identified several barriers to repatriation. Based upon the results of this research and in line with the identified challenges by the RAN (2021) this research will now conclude with recommendations to the functioning of the multi-agency approach to improve the conditions for Belgian child returnees' reintegration and rehabilitation in Flanders which was the goal of this research.



Figure 4: Main challenges for practitioners dealing with child returnees and their mothers from Daesh<sup>82</sup>.

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<sup>82</sup> RAN (2021). RAN FC&S multi-meeting ex post paper. Online. European Commission. [https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/publications/ran-fcs-multi-meeting-dealing-returning-children-and-their-mothers-daesh-taking-stock-and-going\\_en](https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network-ran/publications/ran-fcs-multi-meeting-dealing-returning-children-and-their-mothers-daesh-taking-stock-and-going_en)

## 6 Conclusion

This research has identified several barriers or hindrances which have obstructed the initial process of repatriation of child returnees to Belgium, specifically in Flanders. It has, through the analysis of policy and legal documents and data from interviews, demonstrated multiple issues with the functioning of the multiagency approach in Flanders and more precisely with the operational cells, LIVC and LTF dealing with the repatriation and reintegration of minors at a local level. By doing so, this thesis has *conducted pioneering research* by being the first to analyse the multiagency approach in Flanders. The information presented in this thesis serviced its goal to provide recommendations and new pathways for practitioners, academics and officials involved with child returnees and rehabilitation strategies. The recommendations presented below can therefore be used by Belgian policymakers or European counterparts for strategical and academic purpose.

First, the existing legal framework has shown improvement with the addition of art 458 and the Flemish decret to extend the legal possibilities of information sharing between services and in the operational cells. However, additional legal articles should be created to fill the existing gaps still present with information sharing at local levels and between LIVC-Rs for example. This is quintessential for the development of trust and cooperation between partners involved in the multiagency approach at federal, regional and local levels of implementation. This ensures the foundation for a long-term process of confidence building and knowledge sharing which improves the follow-up of cases while deepening cooperation between services.

The multi-agency approach needs time to develop, so this fact should be acknowledged, as should the fact that best practices such as the Aarhus model are not always transferable to other countries due to different political, social, and legal structures present. Therefore, when developing cooperation and legal structures further, it is important to do this wary of the complex political structure and judicial tools adhering to Belgium. While best practices can suggest effective pathways, understanding domestic structures when developing a national approach for conducting reintegration and rehabilitation of these children is imperative. Thus, a framework should focus on domestic strengths which produces the best possible outcomes for the best interests of these children in a national context.

Furthermore, this research argues that adequate psychologic aftercare starts with exclusively defining these children as victims. The child's participation and ownership in decisions should be central in rehabilitation strategies to deal with their traumatic experiences. The emphasis is currently too much on radicalisation and disengagement strategies. These children fall under an umbrella of organizations and manuals built initially to counter or prevent radicalization which could lead to a certain stigmatization which is counterproductive. The operational cells, LIVC and LTF have shown that in many cases they lack the presence of socio-preventive actors who have experience working with traumatized minors. Additionally, funding for social and policing services involved with the aftercare of returned children should be increased to improve existing structures at federal, regional, and local level. An underfunding of these services has been addressed by the respondents and literature and leads to less time and resources available to deal with the reintegration of child returnees which is counterproductive for their cognitive, social, and personal development.

Furthermore, more research could be conducted on the possible relationship between the pandemic and the reintegration of minors from Syria. It is interesting how the pandemic has positively affected the repatriation of children in terms of healthcare received upon return or caused reduced attention and stigmatisation in the media which facilitated an easier return to an environment in which social contacts had been diminished due to the pandemic. These elements suggest that the pandemic could have contributed to a swifter reintegrative environment for these children yet more research is needed.

This thesis has analysed the situation in Flanders and concludes that, although mistakes have been made in the process, the dedication and willingness of those practitioners involved and ongoing efforts give the impression that in the years ahead, Belgium will try to give its soul to improve the conditions of these children who deserve this more than anyone.

Therefore, further research should focus on how the practical implementation of the rehabilitation of these children is dealt with on the short and long term to ensure continuity and control.

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## LIST OF FIGURES

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Figure 3: Schematic organizational structure of the initial Plan-R. From Vlaamse Overheid. Agentschap Jongerenwelzijn. (2018). Draaiboek radicalisering Jongerenwelzijn. Handvatten voor de preventie, aanpak en omgang met radicalisme in de Jeugdhulp – Jongerenwelzijn. [https://www.jeugdhulp.be/sites/default/files/documents/draaiboek\\_radicalisering.pdf](https://www.jeugdhulp.be/sites/default/files/documents/draaiboek_radicalisering.pdf)

Figure 4: Main challenges for practitioners dealing with child returnees and their mothers from Daesh. From RAN (2021). Dealing with returning children and their mothers: taking stock and going forward. RAN FC&S multi-meeting ex post paper. Online. European Commission. <https://ec.europa.eu/home-affairs/networks/radicalisation-awareness-network->

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