Good Practices on Addressing the Challenge of Returning Families of Foreign Terrorist Fighters (FTFs)

Introduction

This document synthesizes the major themes and outcomes of a series of regional workshops, launched in London, the United Kingdom, in November 2017, and continued in Tunisia, Indonesia, and Spain in 2018. The non-binding guidelines for good practices that follow should be considered, as appropriate, in accordance with the circumstances and domestic legal standards of each state, as well as applicable international legal obligations.

The global terrorist threat is more adaptive and geographically diffused than ever. Key to ISIL/Da'esh's strategy to control territory in the Levant has been its recruitment of more than 40,000 foreign terrorist fighters (FTFs) from over 100 countries into its ranks, cueing a significant challenge for international policymakers, local governments, and communities alike. With the territorial demise of ISIL/Da'esh, the flow of FTFs to Syria and Iraq has reduced significantly, and the remaining combatants and their families – including women and children who travelled or were brought with the combatant, as well as those who were married or born in conflict – may travel to their country of origin or elsewhere. FTFs and their families have only begun to leave the conflict zone in modest numbers. Nevertheless, the operational training, networks, and trauma experienced by those embedded with ISIL/Da'esh amplify the risk they pose to their country of destination and highlight the urgent imperative of addressing criminal accountability, rehabilitation, and reintegration for each returning FTF and family member with existing mechanisms, procedures, systems, and programs whenever possible, and always in accordance with applicable international law, including international human rights law, international refugee law, and international humanitarian law.[1]

Returning and relocating families present complex policy challenges that require comprehensive action addressing the unique circumstances of each returnee.[2] Timely detection and identification of returning FTFs and their family members is complicated by the various travel routes they use, and measures they often take, to avoid detection, which can impede efforts to track and monitor travel. International

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[1] For concrete guidance to states in their efforts to implement UN Security Council Resolutions 2178 (2014), 2396 (2016), and other relevant resolutions in compliance with international human rights law, international humanitarian law, and international refugee law, see UN CTITF Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism, *Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters*, https://www.ohchr.org/EN/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web%20final.pdf.

[2] The term "returnee" in this document will be used to refer to individuals who traveled, or attempted to travel, to a country other than their country of residence or nationality, including to a conflict zone, in support of a terrorist organization or to otherwise engage in terrorist activity and are returning or relocating back to their home countries or elsewhere. The term includes both FTFs and their accompanying family members, including family members such as children born in conflict and new spouses who may not have originated from the FTF's home country.

cooperation and internal integration procedures that could provide early warning of returnees often could be improved. Many returnees lack identification or citizenship documents, making identification and verification at border crossings difficult. Additionally, states have different legal frameworks and resource capacities that warrant different approaches in assessing an individual's culpability and determining the appropriateness of criminal investigation, prosecution, and interventions. Women, juvenile recruits, and children may merit special attention, and their human rights must be respected regardless of the threat these individuals may pose or the criminal activities in which they may have participated. Children should be treated with care given that they are often victims and lack control in the decision to travel or participate in violent activities abroad, and because the compulsory recruitment and direct participation of children in hostilities is prohibited under applicable international law. Family members – accompanying FTFs voluntarily or involuntarily – may be victims, perpetrators, witnesses, or a combination of all of these. Given this complicated and diverse categorization of returning family members, states should develop tailored approaches to meet the needs of these individuals yet ensure that their countries' laws are enforced and their society is kept safe.

Good Practices

A. Detection, Identification, and Intake of Returning Families

Good Practice 1: Invest in information collection and processing capabilities and leverage open-source data to identify returning families of FTFs.

States can lawfully use a wide range of information sources – including intelligence, social media, local community leaders, family, friends and acquaintances, social-service providers, and employers – to anticipate and detect returnees.[3] Such timely information can prompt early preparations for the returnees' processing, criminal investigation when appropriate, and contact with the receiving local community and family. To preserve their legitimacy, respect the rule of law, and uphold human rights to include the right to privacy, these mechanisms should be subject to oversight and held to account for unlawful or arbitrary infringements.

Good Practice 2: Enact intelligence- and information-sharing mechanisms and cultivate relationships to ensure the timely detection and identification of returning FTFs and their families.

Mechanisms, tools, and fora for sharing intelligence, law enforcement information, and local public analysis in and among relevant agencies and organizations can assist with the cooperative exchange of large amounts of data while respecting human rights, including the right to privacy. It is highly

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[3] *GCTF Antalya Memorandum on the Protection of Soft Targets in a Counterterrorism Context* Good Practice 1 notes that information need not be sensitive or classified to be valuable. Publicly available information can be analyzed to assess enemy capabilities and intentions, and this analysis can be shared with all levels of government, local communities, and the private sector. Governments should also fuse sources of information (law enforcement, intelligence, terrorist communication, network analysis – classified and open source) together to produce robust and comprehensive assessments.

recommended that states connect and provide information to existing multilateral tools and databases as appropriate.[4] In implementing the provisions of United Nations Security Council Resolution 2396, regarding advanced passenger information (API) and Passenger Name Record (PNR) data, including the obligation to establish API and PNR systems, states should develop and deploy new tools, consistent with national and international laws and policies, to process API and PNR, and share relevant information, in time for other transit states to manage the return of suspected FTFs and the families who are accompanying them.[5]

States also could strengthen cooperative bilateral agreements with countries where FTFs are active and transit countries where FTFs commonly break their travel to receive information about detentions and deportations of suspected nationals. States should respect the right to citizenship guaranteed by the UN *Universal Declaration of Human Rights* when taking measures that deny entry by seeking cooperation with the appropriate country to respect, protect, and fulfill their rights and avoid aggravating the challenge of stateless persons; overwhelming capacity; and consigning families or unaccompanied minors to living in refugee or internally displaced persons camps, long-term residential care settings, impoverished environments, or locations without necessary support systems. Whenever possible, states should seek ways to receive information about the whereabouts and fate of their suspected nationals in conflict zones, including through UN-linked aid organizations. National government agencies should forge and maintain partnerships with first-line professionals in local communities, such as social workers and community police officers, who may have information about potential returnees.

Good Practice 3: Implement border management systems to enable the detection, identification, and initial assessment of returning family members of FTFs.

Border management processes that integrate international databases, country systems, and local border-post procedures are integral to ensuring first-contact responders are equipped with all necessary information to respond to a returnee upon arrival. Mechanisms to enhance the circulation of sensitive or classified information related to FTFs and their family members for these officials' use could be developed and implemented as appropriate. Such integrated information should be accessible by first-contact responders to ensure they can efficiently make an initial assessment regarding the validity of the returnees' claims, which can guide immediate actions. States can consider establishing a focal point for first-contact responders to consult when handling returnees to ensure consistent, fair, and legal treatment. In locations where consulates might handle cases for other countries without a diplomatic presence, procedures could be developed to cooperatively reconcile differences among national policies.

Good Practice 4: Use intake interviews to categorize returning family members for next steps.

Initial intake interviews are essential tools for categorizing returnees to enable a risk-based and needs-based approach. Such interviews could be helpful to guide future interventions. Factors that may be

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[4] Existing databases include, among others, INTERPOL's diffusion notices and databases, including the Foreign Fighter Database, as well as the European Union's (EU) second generation Schengen Information System (SIS II) and EUROPOL's Focal Point Travelers.

[5] GCTF, *The Hague – Marrakech Memorandum on the Good Practices for a More Effective Response to the FTF Phenomenon*, Good Practice 10, 15. www.theGCTF.org

assessed during intake include: (a) determining where the returnee came from; (b) whether their travel to a conflict zone was voluntary, coerced, or forced; (c) the organization(s) they affiliated with and why they joined; (d) the severity of activities and crimes they participated in; (e) their level of trauma; (f) emotional, physical, or sexual and gender-based violence (SGBV) experienced or committed (keeping in mind that men and boys also are frequently victimized sexually); (g) their motivation for return; (h) their level of radicalization to violence and commitment to violent extremism; (i) their receptiveness to intervention and treatment where needed; (j) the environment into which they intend to reintegrate; (k) family dynamics and power/status relationships; (l) the conditions that catalyzed their radicalization to violence and travel to the conflict zone; and (m) the level of risk they pose to society.[6] Initial interviews should be followed-up by further, more comprehensive evaluations.

B. Individually Tailored Interventions

Good Practice 5: Implement a comprehensive, structured, and individually tailored risk and needs assessment protocol to evaluate each returning family member to inform response strategies.

Risk and needs assessments enable authorities to build tailored responses to ensure they address needs, are commensurate with the risk, and do not further radicalize to violence returnees, members of their families, or local communities.[7] Such assessments should be professionally administered by a coordinated, cross-sectional, and multi-disciplinary approach with a systematic methodology, and they are considered most accurate when they employ structured professional judgment tools based on triangulation from a variety of sources – including risk assessment checklists, interviews, and other information.[8] They should be individually administered to each returnee, and re-administered iteratively, and they should focus on the needs of the individual as much as the risks associated with them to ensure they do not stigmatize or limit the freedom of expression, even if their opinion is extreme but not prone to violence.

For those States whose legal systems permit it, consider to develop risk assessment tools for the judiciary based on a case-by-case approach to be used when considering alternative or additional measures to prosecution and/or detention to assess the level of threat posed by returnees. Those States may also wish to consider the possibility for the judiciary to re-evaluate the risk at regular intervals. Authorities involved should be aware that such models are not predictive; however, they are important tools to identify needs and risks that may require further evaluation, treatment, or intervention. These assessments potentially

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[6] GCTF, *Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses*, Recommendation 6. www.theGCTF.org.

[7] GCTF, *The Hague – Marrakech Memorandum on the Good Practices for a More Effective Response to the FTF Phenomenon*, Good Practice 16. www.theGCTF.org

[8] There are a few risk assessment models that are available for use. States should evaluate their own context and needs when making determinations on the appropriate model for them. The RAN CoE Returnee 45 model was developed specifically for assessing FTFs as a framework to guide general investigations into the motivation, commitment, and other risk factors that exist in an individual. ERG+22 and IR46 are models specifically suited to assessments in a multi-agency environment; VERA-2 was developed to apply to different types of violent extremists, terrorists and unlawful violent offenders motivated by religious, political or social ideologies; TRAP 18 exists to track the long-term prognosis of individual actors; and HCR 20 is a model to assess the risk of violence without a specific focus on extremist violence.

have the greatest impact when whole-of-person in scope, and when they also account for age; gender dynamics; disabilities and cognitive development; psychological criteria; medical conditions requiring attention; education, qualifications, and skills; trauma and other conditions that require psycho-social support or could manifest through violent behavior; and cognitive status that could indicate an openness to rehabilitation. Coordination mechanisms and comprehensive case-file systems are important to inform key stakeholders of incoming returnees, and results should be shared with subsequent case workers to enable appropriate follow-up.

Good Practice 6: Adopt tailored and targeted actions and approaches for state responses to returning family members of FTFs based on the specific circumstances of each returnee.

Rehabilitation and reintegration programs are essential to addressing returning families of FTFs as administrative measures when incarceration may not be the best option, as a component of support provided to those in detention, and as voluntary non-judicial options for consenting returnees who have not been prosecuted or convicted.[9] Regardless of whether such programming occurs in detention or outside of the criminal justice context, rehabilitation programming will often require continued mental health support, skills building, basic education, healthcare, employment assistance, legal assistance, economic support, social support, local community dialogues and outreach, and monitoring and evaluation. Cooperation among stakeholders – including law enforcement officials, mental health professionals, social workers, educators, local governments, and local community organizations – can be an effective way to ensure efficient use of often limited resources. States can consider creating operational coordination mechanisms or convening a case conference among stakeholders, including civil society actors where appropriate, to coordinate responses and ensure the activities of one stakeholder do not undermine efforts of another.[10]

If possible, it is important to treat each returning family member as an individual but part of a coordinated family plan that focuses efforts on mothers and their children to avoid further compounding trauma, especially in the case of children.[11] Efforts to understand the needs and circumstances of each returning family member – and to foster trust and cognitive openings to rehabilitation – can be enhanced by assigning each individual a single case officer as a focal-point to help each returnee navigate rehabilitation

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[9] UN CTITF, *Basic Human Rights Reference Guide: Conformity of National Counter-Terrorism Legislation with International Human Rights Law*, Guiding Principles and Guidelines 42 and 50. www.un.org.

[10] GCTF, *Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism*, Good Practice 6-8. www.theGCTF.org.

[11] It is essential for any response policy to be trauma-informed and focus on the strengths of the returnee to encourage a sense of empowerment to combat the loss of control that is a primary aggravator of trauma and can be magnified by a reintegration process controlled by others. Traumatization is not a static event; it is a dynamic process that becomes more complex over time, and living with violent conflict in unstable political or social environments can compound trauma. Repeat victimization related to discrimination, stigmatization, unemployment, and the absence of peer networks or socialization is a serious concern. It demands trauma awareness training to recognize trauma signals for all individuals likely to be in contact with returning family members and a gradual, phased approach to addressing trauma that emphasizes safety, coping strategies, relationship-building, and stability before processing the trauma memories. (RAN. *RAN Health and Social Care Working Group Ex-Post Paper: PTSD, Trauma, Stress and the Risk of (Re)Turning to Violence*. https://ec.europa.eu.)

and reintegration programs and resources. Such a case officer can refer individuals to programs suitable to his or her cognitive state and risk factor.

Good Practice 7: Incorporate robust, evidence-based mechanisms for monitoring and evaluation (M&E) into programs developed for returning FTFs and their families.

Empirically based M&E programs can serve, at a minimum, two crucial purposes: (a) track the progress of individual returnees and (b) provide quantitative and qualitative metrics of programmatic success and challenges to justify continued support or drive changes where necessary. In both cases, to be effective, M&E efforts could be integrated as an ongoing part of any intervention to account for the long-term nature of these programs. M&E efforts should be deliberately designed and tailored to the specific context, since standardized indicators that mark certain behaviors or attributes as universally risky can increase stigmatization, sacrifice local community engagement, and risk over-reporting.

C. Criminal Justice Responses to Enable Criminal Accountability of Returnees

Good Practice 8: Develop and implement appropriate legislation and implementing procedures to enable criminal accountability for returnees.

Prosecution may not always be an option given the possible lack of evidence, deficiencies in legal codes, and generally recognized international standards and norms that encourage the consideration of alternatives to imprisonment for certain categories of vulnerable individuals where available and appropriate.[12] Thus, legal approaches available for returning family members should be tailorable to the specific circumstance of the individual returnee on a case-by-case basis.[13] States may wish to review their legal frameworks to determine if there is the ability to use appropriate alternative or additional measures to prosecution and/or detention (among which are rehabilitation programs) either in the pre-trial or post-conviction stage if the facts of the case warrant such a response.[14] States may also consider examining their laws or criminal codes for any gaps that would prevent prosecution of returning FTFs and their accompanying family members where there is evidence of criminality. States should have appropriate legal basis to conduct criminal investigations and prosecute where appropriate, while respecting international legal obligations, to reinforce the importance of accountability and prevent impunity. It is

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[12] See generally: UN CTITF, *Basic Human Rights Reference Guide: Conformity of National Counter-Terrorism Legislation with International Human Rights Law*, Guiding Principles and Guidelines 42 and 50. www.un.org; *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)* General Assembly Resolution A/RES/40/33 (29 November 1985); *United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*, General Assembly Resolution A/RES/65/229 (21 December 2010); *United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care*, General Assembly Resolution A/RES/46/119 (17 December 1991).
[13] GCTF, *Initiative to Address the Life Cycle of Radicalization to Violence: Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses*, Good Practice 8. www.theGCTF.org.
[14] GCTF, *Initiative to Address the Life Cycle of Radicalization to Violence: Recommendations on the Effective Use of Appropriate Alternative Measures for Terrorism-Related Offenses*, www.theGCTF.org; GCTF, *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context,* www.theGCTF.org.

crucial that domestic criminal laws effectively address conduct such as travel to a foreign country to join a terrorist group or to engage in terrorist activity or provide support (to include financing and personnel) to a terrorist group, and procedures could be enacted to facilitate the use of intelligence information, as well as information collected by the military on the battlefield for judicial investigations and prosecution in ways that uphold evidentiary standards, respect human rights, and protect collection sources and methods.[15]

When circumstances dictate that returnees should lawfully be biometrically enrolled or placed in a database or on a watchlist, states should ensure there are mechanisms in place to regularly assess the necessity of these measures and to remove them from the database as appropriate; and for the returnee or returnee's parents, family, guardian, or advocate to have a means to remedy a wrongful listing; and to ensure the complete destruction of information as appropriate.

Good Practice 9: Offer prison rehabilitation programs to facilitate eventual reintegration.

Prisons and detention centers should offer robust rehabilitation programs and services to prepare returnees in custody for release and reintegration. Such programs should provide access across a range of stakeholders to prisoners, which may include mental health professionals, religious actors and scholars, victims' advocates, legal representation, former violent extremists, community influencers, education and employment skill programs, and family members.[16] Consideration should be given on a case-by-case basis, based upon tailored risk and needs assessments and periodic re-evaluations, whether a convicted individual participating in a rehabilitation program should be segregated from or integrated into the general prison population.[17] For instance, states should consider the transition for individuals subject to segregated housing into the general prison population before release from confinement. To ensure continued rehabilitation and reintegration after release, as well as deter recidivism, states could appoint an organization with access to each detainee's comprehensive case-file and responsible for coordinating the transition from a detention rehabilitation program to post-release rehabilitation and reintegration programs and legal monitoring procedures, as appropriate. In this effort, prisons should forge partnerships with existing rehabilitation and reintegration programs, civil society organizations, and local community leaders, where relevant.[18]

Good Practice 10: Provide training to law enforcement officers to ensure the fair, firm, and consistent treatment of returning family members of FTFs.

Professionals who may have contact with returnees outside of a detention center could benefit from training in information gathering and proper interviewing techniques, as well as appropriate interactions with children and women, to enable successful investigations, prosecutions, rehabilitation, and

[15] GCTF, *The Hague – Marrakech Memorandum on the Good Practices for a More Effective Response to the FTF Phenomenon*, Good Practice 11. www.theGCTF.org.
[16] IIJ, *Prison Management Recommendations to Counter and Address Prison Radicalization*, Recommendations 1 and 15. www.theIIJ.org.
[17] GCTF, *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*, Good Practices 4 and 7. www.theGCTF.org.
[18] Ibid., Good Practices 20 and 22. www.theGCTF.org.

reintegration programs. Government officials – which may include border and immigration officials, criminal investigators, uniformed police, court employees, prosecutors and judges, prison personnel, parole officers, and local community/municipal authorities – who might interact with returning family members of FTFs may also receive training on professional conduct; human rights and responsibilities of FTFs; FTF-related rules; and firm, fair, and consistent techniques to cultivate transparency, trust, and mutual respect. Training could be provided to border, security, consular, and other front-line officials on intake procedures for returnees. Training for those who process returnees in custody should align with existing good practices to guard against further radicalization to violence and include awareness of the vulnerabilities, prevention, and protection against sexual and gender-based violence while in detention.[19]

D. Responses for Returning Children

Good Practice 11: Approach child returnees in accordance with professional assessments of the child's development and prioritize the child's best interests.

The best interests of the child should be a primary consideration when taking actions concerning children, and any such action should comply with international human rights obligations, including the *UN Convention on the Rights of the Child,* as applicable.[20] Child returnees should be treated with care, and, where applicable, the victims of a violation of international law prohibiting the compulsory recruitment of children under the age of 18.[21] Returning children should be subject to a comprehensive evaluation that includes a determination of age and developmental stage, in addition to needs and risks where appropriate, which should be taken into account when making decisions regarding appropriate interventions and possible threats to public safety to guide custodial, supervision, and placement decisions.[22] Mental health professionals who specialize in children and trauma should be involved in processing children to mitigate the risk of inflicting new trauma when receiving and processing returning children. In addition, law enforcement officials should review criminal actions undertaken by child returnees to inform decisions regarding criminal proceedings.

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[19] GCTF, *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*. www.theGCTF.org; IIJ, *Prison Management Recommendations to Counter and Address Prison Radicalization*. www.theIIJ.org.

[20] The United Nations, *Convention on the Rights of the Child*, A/RES/44/25 (20 November 1989), Article 3.

[21] UNODC, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System*, www.unodc.org.

[22] "The development of a child has various stages. A person's decision-making capacity, planning, judgement, expression of emotions and impulse control are under development up until his/her mid-twenties. Common child behavior linked to adolescent brain development includes mood swings, impulsive behavior, risk-taking behavior, failure to fully evaluate longer-term consequences or risks of actions, and difficulty handling change. For example, a child may not fully appreciate the reach and consequences of his/her activities on social media and the internet. Furthermore, while developing their identities, children often go through a period of trying out different personas, which do not have the permanence of adult personalities. Children are often still in the process of developing viewpoints relating to basic moral and humanistic questions and may thus be easier to indoctrinate and less likely to resist persuasive and manipulative propaganda." (GCTF, *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context*, Footnote 11. www.theGCTF.org)

Good Practice 12: Ensure international law and juvenile justice standards for returning children in the justice system are respected.[23]

International child rights, as set out in the *UN Convention on the Rights of the Child* as applicable*,* and juvenile justice standards as appropriate should form the foundation for prosecuting, detaining, rehabilitating, and reintegrating child returnees. States should respect under any circumstances the minimum age of criminal responsibility, below which children cannot be prosecuted, as defined in domestic legislation and in accordance with the *UN Convention on the Rights of the Child*, as applicable.[24] Those subject to criminal investigations or legal proceedings should be handled primarily, where possible and in accordance with the national legal system, through a specialized juvenile justice system.[25] In both the juvenile justice system, and in the exceptional cases where children are tried in adult courts, juvenile justice standards should apply to ensure laws, standards, and norms on juvenile justice are adhered to; rights for legal representation and to understand the charges are upheld; the input and involvement of parents and families are sought and listened to; and the child's identity and privacy are protected to prevent stigmatization.[26] Privacy concerns are especially acute for children who may be subject to surveillance, searches, interviews, media interest, arrest, and detention.[27] Special procedures compliant with applicable international law should apply in these cases, as children should be guaranteed their rights with the involvement on their parents and families and with only lawful, proportionate, and non-discriminatory limitations. [28]

Good Practice 13: Consider diversion mechanisms and alternatives to incarceration when prosecuting children.

Children under 18 years of age should only be detained as a measure of last resort, remain detained for the shortest period necessary, and be separated from adult detainees.[29] Where prosecution is warranted for returning children, as stated in Good Practice 7 of the GCTF *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context*, authorities should consider diversion mechanisms or

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[23] GCTF, *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context,* Good Practices 1. www.theGCTF.org

[24] The United Nations, *Convention on the Rights of the Child*, A/RES/44/25 (20 November 1989). While the convention itself does not establish the minimum age, reference is made to the recommendations of the Committee on the Rights of the Child to 12 years as the absolute minimum age. States Parties should adhere to changes if the Committee updates its guidance.

[25] GCTF, *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context,* Good Practice 5. www.theGCTF.org

[26] Ibid.*,* Good Practices 1 and 6. www.theGCTF.org

[27] Ibid.*,* Good Practice 5. www.theGCTF.org.

[28] For further guidance, see UNODC *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System,* www.unodc.org.

[29] For concrete guidance to states in their efforts to implement UN Security Council Resolutions 2178 (2014), 2396 (2016), and other relevant resolutions in compliance with international human rights law, international humanitarian law, and international refugee law, see UN CTITF Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism, *Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters*, https://www.ohchr.org/EN/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web%20final.pdf.

alternatives to arrest, detention, and imprisonment, as submitting children to criminal proceedings may raise their vulnerability to violence and radicalization to violence, as well as increase their risk for sexual assault. Diversion mechanisms – carefully tailored to the situation of the child and offense committed – to channel children who are accused of terrorist-related offences upon their return into non-judicial programs could accelerate the rehabilitation and reintegration process. For older children who may be held criminally liable, and for whom diversion into non-judicial programs may not be prudent, appropriate, or desired, judges should consider possible alternatives to institutional care and detention.[30] When incarceration is necessary, it is incumbent upon states to treat children in way that respects their rights in accordance with applicable legally binding obligations and to continue to seek involvement of parents and families, and child advocates, as appropriate.

Good Practice 14: Approach rehabilitation and reintegration programing for children through a lens of socialization and education to promote disengagement from violence and prosocial behavior.

Returning juveniles may have been exposed to violence, may have been victims of violence, and may have perpetrated violent acts, making trauma particularly acute among children. Rehabilitation programs for returning children should include social support components, including vocational training, mental health support, and mentoring and educational elements for children as well as parents and families, all aimed at supporting reintegration and avoiding recidivism.[31] Given that trauma healing is most pronounced in a context of 'normalcy', trauma sensitization training should be given to family members, teachers, coaches, and others with regular contact with children. In cases where children are placed into foster care, it is important to ensure foster families are trained in therapeutic parenting to be prepared and respond to expressions of previous traumatic experiences and unique behavioral challenges. To ensure continuity of care, states might consider designating hospitals that specialize in child psychology with experience in psychotraumatology as reference institutions.

In many cases, it may be useful to approach returning children through a lens of socialization, focusing on critical thinking skills, social intelligence, and empathy. Families, as well as faith-based and community organizations – including the education system – can be critical for socialization and to reduce stigma against returnees. Education systems can instill values, skills, and tools necessary for resilient communities and individuals by shaping citizenship, including for the returning family members of FTFs. Families can provide support and relational connectedness to help avert dissociation from local communities. While family and community-based support is essential to rehabilitation and reintegration, states can consider providing training on the effective use of online and social media for the dissemination of information and alternative narratives in ways that can resonate specifically with children. In all cases, programs should seek the active participation of the child, respecting and considering their viewpoints and perspectives, as well as those of their parents and families.

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[30] GCTF, *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context,* Good Practices 7 and 8. www.theGCTF.org.
[31] Ibid.*,* Good Practice 13. www.theGCTF.org.

E. Responses for Returning Women

Good Practice 15: Criminal justice procedures and custodial measures should be informed by dynamics specific to women and girls.

It is important for legal policies, frameworks, and officials to recognize that women can play an important role in the process of radicalization to violence and often willingly and actively partake in extremist violence. Prosecutors and judges should remain aware of biases that can prevent women from being held accountable. When women are incarcerated, prison authorities and detention facilities should take special care to apply the relevant and appropriate provisions of the *UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules)*.[32] Consistent with the United Nations standards and norms on crime prevention and criminal justice, including the *Bangkok Rules* and the *Standard Minimum Rules for the Treatment of Prisoners,* prison officials should be provided training on the humane treatment of women to ensure dignity, respect, and well-being. Women prisoners are at particularly high risk of sexual and gender-based violence in prison – steps should be taken to protect them from all forms of sexual misconduct by prison staff and other prisoners.[33]

Good Practice 16: Develop gender-informed responses and incorporate gender dynamics into rehabilitation and reintegration programming for women and girls.

Programming should be responsive to the ways in which women and girls experience violent extremism and conflict, which can be significantly different than the experiences of other genders. Women who travelled with male FTFs – even those who did so voluntarily – often had different motivations than did the men, and they may respond better to alternative narratives that are designed specifically to resonate with women and girls and the drivers that drew them to violent extremism.[34] Further, women and girls often may be subject to, or may have willingly or unwillingly witnessed or perpetrated, sexual and gender-based and other forms of violence and coercion, which can produce an additional layer of trauma and stigma. Additionally, women may face unique obstacles to rehabilitation and reintegration such as norms that restrict their activities and vulnerability to abuses from security officials. Law enforcement can effectively engage with returning women in a manner that is constructive and respectful of their potential trauma and concerns by ensuring that female security personnel are visible and prominent in communities. Likewise, assigning a government focal point for women returnees in local communities – as well as providing non-government alternatives for women who are distrustful of government authorities – as key figures to address the unique concerns of women can be effective in facilitating the rehabilitation and reintegration process.[35] In addition to ensuring rehabilitation and reintegration interventions include women in all programming, to include livelihood and education support, responses

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[32] United Nations General Assembly Resolution A/RES/65/229 (21 December 2010).

[33] For concrete guidance to states in their efforts to implement UN Security Council Resolutions 2178 (2014), 2396 (2016), and other relevant resolutions in compliance with international human rights law, international humanitarian law, and international refugee law, see UN CTITF Working Group on Promoting and Protecting Human Rights and the Rule of Law while Countering Terrorism, *Guidance to States on Human Rights-Compliant Responses to the Threat Posed by Foreign Fighters*, https://www.ohchr.org/EN/newyork/Documents/Human-Rights-Responses-to-Foreign-Fighters-web%20final.pdf.

[34] GCTF, *Good Practices on Women and Countering Violent Extremism,* Good Practice 10. www.theGCTF.org.

[35] GCTF, *Good Practices on Women and Countering Violent Extremism*, Good Practice 1, 9. www.theGCTF.org.

for returning women and girls could include modules specifically designed for them, involving domestic, sexual and gender-based violence, parenting, and empowerment and networking programs.

Good Practice 17: Leverage the unique role of women as local community influencers and family leaders into local programming.

Women are critical stakeholders in the reintegration of returnees, and an effective rehabilitation and reintegration system recognizes and promotes the significant and varying roles of women as sources of influence within families and local communities, including in civil society, educational and faith-based institutions, the private sector, and in government. Focusing on women in these programs will more appropriately address localized narratives and gender dynamics. Engaging and empowering women across multiple sectors creates inclusive institutions that build trust with the public; result in more localized, credible, resonant, and effective policies and programs; and enable socially cohesive and resilient societies.[36] While women and mothers may have early warning of recidivism or radicalization to violence of local community and family members, and women should be encouraged to share such information, it is important to avoid the intimidation, militarization, or instrumentalization of women in those efforts.

F.   Role of Families and Communities

Good Practice 18: Involve local stakeholders to account for the unique context existing in local communities.

Local community engagement tends to work best when multiple sectors within a local community are involved in the initiative, including local governments, private-sector businesses, faith-based organizations, NGOs, academia, local healthcare providers, teachers, and the media. Inclusion of local actors from conception through implementation of responses, as well as monitoring and evaluation, can help ensure programs maintain continuity of care and are contextually appropriate to account for the particular requirements, culture, concerns, grievances, remedial systems, capacity, economic markets, and housing markets found in local communities. Moreover, engaging a diverse cadre of local organizations is necessary to reflect the diversity of returnees. Partnerships with trusted and credible local community leaders should be systematically cultivated to impart legitimacy and reduce stigma. Civil society and faith-based organizations should be given the legal latitude, clarity, and policy space to enable their interactions with people who may have links to violent extremists or violent extremist organizations. Families, nuclear and extended, play an essential role in design, implementation, and success of these initiatives, and local governments often are best positioned with open access to respond to returnees. Such a comprehensive set of partnerships can help ensure that engagement has the best chance of reaching a broad cross-section of individuals within the local community, and it could provide engagement officials with more tools to respond to local community needs.

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[36] Ibid., Good Practice 3, 13, 14. www.theGCTF.org.

Good Practice 19: Take proactive measures to build social cohesion and resilient local communities with the capacity to absorb the reintegration of returnees.

Proactive efforts, such as community-oriented policing where relevant, that treat families and local communities as partners rather than informants or collection assets can be effective to build bonds of trust and foster support. Authorities should consider conducting and using existing research to understand local dynamics and grievances to map the concerns present and approach local communities with a strategy tailored to the local dynamics and the issues they face. Some families and local communities may provide a permissive environment for the development of violent extremist views and have little interest in rehabilitation. In these cases, it is essential to invest in violence prevention efforts to battle the social drivers and address the grievances that have eroded social cohesion to build resilience and mitigate the risk of recidivism and of others becoming radicalized to violence by returnees. Other families and communities might be resistant to rehabilitation programs due to fear and stigma. Here it is important to deploy a carefully crafted communications strategy and appropriate action plan to generate community buy-in. Approaching messaging through the lens of returning children could increase empathy and generate support for rehabilitation programs; in such efforts it is important to avoid using images or stories of children in an exploitive way. In some cases, families may be hesitant to engage with government authorities for fear that such engagement will result in legal action against a returning family member. Training programs to increase the capacity and knowledge of families who are receiving returning family members can help assuage these concerns and aid with rehabilitation, socialization, and addressing trauma.

Good Practice 20: Recognizing the diversity of returning families and avoiding the identification of responses with any particular religion, culture, ethnic group, nationality, or race can help to reduce stigma of returning families.

It may be useful for countries to carefully consider the potential stigmatizing effects of policies and programs for returnees to avoid aggravating grievances and social alienation, which could undermine rehabilitation efforts and encourage terrorist recruitment activities. Social identities are complex, and creating dialogue channels serves as a first step for returning families and communities to begin the reintegration process by facilitating interactions that can enable social learning and the acknowledgement of commonalities to reduce stigma toward returnees. Programs that include roles for the whole community, not an ethnocentric constellation of social groups, may raise awareness and foster cross-cutting affiliations that can accelerate the reintegration process by helping to build a sense of belonging for returnees.

Conclusion

Addressing the challenge of families of returning FTFs can involve a uniquely broad, coordinated, and organized coalition of partners, including local and municipal governments, law enforcement authorities, mental health professionals, civil society organizations, religious leaders, local community members, and families. Such a cadre reflects the wide-ranging stakeholders involved in addressing the return of FTF family members with diverse motivations and experiences returning to countries and communities with vastly divergent contexts. In all cases, however, addressing the returning families of FTFs requires a careful

balance of a security and care perspective, always in full accordance with international human rights law, to mitigate risk and provide necessary support. Family members – especially women and children – need specialized social, medical, and mental health support. Their unique vulnerabilities to exploitation, stigmatization, and sexual and gender-based violence while in conflict, and in some cases while in processing and in their countries of destination, reinforces the importance of respecting human rights and the rule of law.

Nonetheless, returning family members may pose a significant security risk. Strengthening international cooperation, improving information sharing among internal agencies and departments, and codifying procedures by which intelligence information can be shared with and used by law enforcement are vital to detect, identify, and respond to returnees and their families in a timely manner and in compliance with international human rights obligations. Upon return, individually tailored risk and needs assessments and interventions are necessary to design response programs for each individual. Social cohesion is essential for successful reintegration of families of FTFs, and addressing environments and social drivers of radicalization to violence will encourage long-term cultivation of resilience in pluralistic societies and provide a sense of belonging for returnees to guard against (re-)radicalization to violence and ease reintegration. Given such a wide array of relationships required, a premium must be placed on cooperation and partnership to ensure a whole-of-government strategy is coherently translated into all-of-stakeholder action to address the entire ecosystem of drivers of violent extremism and galvanize whole-of-society responses to returning family members of FTFs.