



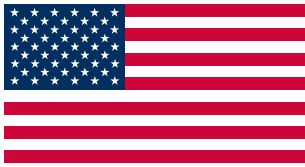
The International Institute for
Justice and the Rule of Law

IIJ JUVENILE JUSTICE PRACTITIONER'S NOTES

Investigators

*A publication under the
IIJ Juvenile Justice Initiative*





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The International Institute for Justice and the Rule of Law

Inspired by the Global Counterterrorism Forum (GCTF), the IJJ was established in 2014 as a neutral platform for training and capacity-building for lawmakers, judges, prosecutors, law enforcement, corrections officials, and other justice sector practitioners to share and promote the implementation of good practices and sustainable counter-terrorism approaches founded on the rule of law.

The IJJ is an intergovernmental organisation based in Malta with an international Governing Board of Administrators (GBA) representing its 14 members: Algeria, France, Italy, Jordan, Kuwait, Malta, Morocco, the Netherlands, Nigeria, Tunisia, Turkey, the United Kingdom, the United States, and the European Union. The IJJ is staffed by a dynamic international team headed by an Executive Secretary, who are responsible for the day-to-day operations of the IJJ.

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Preface

Children impacted by terrorism – whether as victims, witnesses, or alleged offenders – increasingly find themselves in criminal justice systems tasked with enforcing national counter-terrorism laws. These laws most often mandate severely restrictive measures and harsh penalties. Balancing the special rights and needs of children with the demands of counter-terrorism legal frameworks poses significant challenges for justice sector practitioners. Without specialised training and a working knowledge of the legal rights afforded to children under applicable international law, justice sector stakeholders – including investigators, prosecutors, judges, detention personnel, and defence counsel – may find themselves ill-equipped to effectively handle terrorism matters involving children.

Given their inherent vulnerabilities, children are disproportionately impacted by offences committed by terrorist actors. In some cases, children are recruited against their will, or without fully understanding the consequences of their actions. They are easily manipulated by adults who prevail upon them to carry out violent attacks or who seek their involvement to provide support for terrorist organisations. This manipulation can also be driven by those who take advantage of religious, cultural, political, or economic conditions to encourage child involvement in terrorism-related offences.

To address the challenges that arise when handling child cases in the counter-terrorism context, the International Institute for Justice and the Rule of Law (IJJ), with funding from the Governments of Switzerland and the United States, embarked on the Initiative to Address the Life Cycle of Radicalization to Violence. The IJJ Juvenile Justice Initiative started with development by the International Institute for Justice and the Rule of Law (IJJ) of the Global Counterterrorism Forum (GCTF) *Neuchâtel*

Memorandum on Juvenile Justice in the Counterterrorism Context (hereafter *Neuchâtel Memorandum*), which sets out thirteen Good Practices designed to provide guidance for all relevant actors on the handling of terrorism cases involving children.¹

The *Neuchâtel Memorandum*, endorsed by the GCTF in September 2016, reinforces the obligations enumerated by the *United Nations Convention on the Rights of the Child (CRC)* to treat children involved with terrorism with “the respect, protection, and fulfillment of their rights as defined by the applicable international legal framework, as applied by national law”.² Since its entry into force on 2 September 1990, the *CRC* has been ratified by 196 countries and contains obligations on the handling of child cases in all matters, including terrorism. These obligations are binding under international law on all states that have ratified the *CRC*. (The United States has not ratified the *CRC*, but recognises the need to establish specialised juvenile³ justice systems that protect the rights of the child and ensure that the best interests of the child are a primary consideration in terrorism cases.)

The IJJ Juvenile Justice Initiative developed a strategy to promote visibility and implementation of the GCTF *Neuchâtel Memorandum*, including the development of the *IJJ Juvenile Justice Toolkit*⁴ (hereafter *IJJ Toolkit*). The latest phase of the IJJ Juvenile Justice Initiative has aimed at helping the countries served by the IJJ to implement the *Neuchâtel Memorandum* Good Practices. This phase started by raising awareness of the *Neuchâtel Memorandum* during a series of five regional workshops for practitioners from the Sahel, Middle East-North Africa (MENA), East Africa, Western Balkans and Southeast Asia. The workshops, conducted between October 2017 and November 2018 in Yaoundé, Cameroon, Valletta, Malta, and Bangkok, Thailand, welcomed participants from a total of 27 countries.

¹ <https://www.thegctf.org/DesktopModules/DnnSharp/SearchBoost/FileDownload.ashx?file=356&sb-bhvr=1>

² GCTF, *Neuchâtel Memorandum*, Good Practice 1; See also The *United Nations Convention on the Rights of the Child (CRC)*, Articles 37 and 40.

³ In this one instance, we use the terminology of the United States (U.S.) system as we are making a specific reference to the U.S. specialised process for handling of juvenile criminal cases.

⁴ Available on the IJJ website at: <https://theijj.org/wp-content/uploads/2021/09/IJJ-TOOLKIT-JUVENILE-JUSTICE.pdf>

Other participants, experts and facilitators included representatives from international organisations and NGOs such as the African Court of Human and People's Rights, the Association of Southeast Asian Nations (ASEAN), the Centre for Democracy and Development in Nigeria, the Council of Europe (CoE), the European Commission, Hedayah, the International Red Cross, the Organization for Security and Cooperation in Europe (OSCE), the Penal Reform International, the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the United Nations International Children's Emergency Fund (UNICEF), and the United Nations Interregional Crime and Justice Research Institute (UNICRI), as well as the Swiss and United States governments.

All five workshops utilised the *IJJ Toolkit*, which sets out the relevant international framework for each Good Practice of the *Neuchâtel Memorandum*, which includes case studies to illustrate how countries have responded to children involved in terrorism-related activities within international standards. Each section ends with a reflection exercise, permitting practitioners to consider their knowledge of standards and ways to implement the *Neuchâtel Memorandum*.

The IJJ organised each workshop around the five sections of the *IJJ Toolkit*, which mirror those of the *Neuchâtel Memorandum*, namely: (1) the status of children under international law; (2) preventing children's exposure to violent extremism and recruitment by terrorist groups; (3) justice for children; (4) rehabilitation and reintegration of children into society; and (5) capacity-building, monitoring, and evaluation of specialised child justice programmes. The *IJJ Toolkit's* exercises and assessments facilitated the discussions at the workshops and called for each delegation to describe how their national laws, regulations, and practices might respond to the specific issues raised by the hypothetical situations presented. Expert facilitators led open discussions in which participants freely exchanged national experiences, including challenges encountered, successes achieved, and solutions developed, in implementing the Good Practices of the *Neuchâtel Memorandum*.

The IJJ, assisted by consultants, incorporated feedback from participants at these events into the *IJJ Juvenile Justice Notes for Practitioners*, a set of practice guides – one each for investigators, prosecutors, judges, defence counsel, and detention personnel. The principal purpose of the *IJJ Juvenile Justice Notes for Practitioners* (hereafter *IJJ Notes for Practitioners*) is to provide practical guidance to practitioners on how to implement the *Neuchâtel Memorandum*, and to provide examples of how countries have already implemented some of its principles. The *IJJ Notes for Practitioners* are consistent with the *United Nations Convention on the Rights of the Child* and are largely based upon the information shared during the five regional workshops, but also incorporate material published by international organisations, court decisions, and research conducted by the drafters.

Following the drafting of the *IJJ Notes for Practitioners*, the IJJ convened a Juvenile Justice Focus Group consisting of, in addition to the drafters, other child justice experts and practitioners from Africa, the Middle East, Europe, and the United States, who met in Valletta, Malta, in March 2019. Members of the Focus Group reviewed and discussed the draft *IJJ Notes for Practitioners* and offered suggestions for amendments aimed at making them as relevant as possible for all practitioners in the field. Following the incorporation of those suggestions, the IJJ submitted the draft *IJJ Notes for Practitioners* to peer review by practitioners and organisations with leading roles in the field of child justice. After incorporating comments and suggestions received from the peer reviewers, the IJJ finalised the *IJJ Notes for Practitioners* and is pleased to present them.

Introduction

The Global Counterterrorism Forum (GCTF) *Neuchâtel Memorandum on Good Practices for Juvenile Justice in a Counterterrorism Context* (hereafter *Neuchâtel Memorandum*) reinforces the obligation imposed by the *United Nations Convention on the Rights of the Child* (hereafter *CRC*) for countries to treat children⁵ allegedly associated with or involved in terrorism-related acts with “the respect, protection, and fulfillment of their rights as defined by the applicable international legal framework, as applied by national law”. Consequently, parties to the *CRC* must strive to create “appropriate child-specific procedures for cases involving children”.⁶

Police and investigators play a key part in terrorism-related cases involving children. Oftentimes, it is the police who have the first contact with children. The various contexts in which this can happen may include scenarios as distinct and diverse as apprehending children suspected of terrorism-related offences, coming into contact with children assessed and identified as at-risk (e.g. children groomed by terrorist organisations), and unexpectedly encountering children in the course of special investigative techniques targeting individuals other than children.

The nature and the circumstances of an initial contact are likely to have a lasting impact on a child. Many children involved in terrorist offences have been forcibly recruited or otherwise coerced by adults who take advantage of their age, lack of discernment, and malleability in order to force them to associate with terrorist groups. As a result, international child justice principles recognise that children involved in terrorism offences should be treated by the justice system primarily as victims.⁷ Many of them may have been exposed to extreme violence and physical danger

prior to apprehension. Police and other investigators need to be keenly aware of these realities and should develop operating procedures and protocols that take them into account. In dealing with children encountered during a counter-terrorism investigation, police should be sensitive to the individual circumstances and vulnerabilities of children. They should understand how children’s cognitive, emotional, and psychological development can be severely harmed by forced recruitment and the trauma they often experience from participation in terrorist offences. Understanding these factors will allow police and investigators to develop child-sensitive operational procedures that can improve their investigative capacities and avoid possible further victimisation of children by the criminal justice system. Because children are undergoing cognitive and emotional development and lack decision-making capacities, they are more easily coerced to confess guilt, which is discouraged by the *CRC*.⁸ This calls for investigators to pay special attention to interviewing techniques applicable when investigating cases involving children.

This *IJJ Juvenile Justice Note for Investigators* (hereafter *IJJ Note for Investigators*) offers “action points” regarding how investigators and police can address the issues mentioned above by employing and promoting effective practices to support child-specific procedures for children involved in terrorism-related offences. The *IJJ Note for Investigators* aims to capture and build upon the discussions, presentations, and suggestions of practitioners participating in the five regional workshops and the focus group meeting implemented under the IJJ Juvenile Justice Initiative. This Note also highlights examples of how specific countries implemented the guiding principles of the *Neuchâtel Memorandum*.

⁵ The *CRC* defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. In addition, some legal systems allow for special consideration for young adults above the age of 18 years. While this *IJJ Note for Investigators* refers to “children”, it does not preclude specific measures from applying to young adults above the age of 18, consistent with the *Neuchâtel Memorandum*.

⁶ *CRC*, Article 40 (3); *Neuchâtel Memorandum*, Section III, Good Practice 5 at p. 6.

⁷ For further information on the applicable international legal framework regarding children suspected of or charged with terrorism-related offenses, please see the *UNODC Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System* (2017). Regarding the key principles that should inform any action directed towards these children, please see the *UNODC Roadmap on the Treatment of Children Associated with Terrorist and Violent Extremist Groups* (2019).

⁸ Article 40(2)(b)(iv) of the *CRC*, *supra* note 1.

Investigators and police from both common law and civil law criminal justice systems participated in the development of this *IJJ Note for Investigators*, offering suggestions for both action points and examples of successful implementation.⁹ At times, the workshops and focus group discussions noted the differences between the operation of these two criminal justice systems, and the distinct roles played by judicial actors in each system. While the differences in legal traditions make developing specific and detailed action points challenging, the following action points have been prepared with the goal of providing both civil and common law system investigators and police with helpful ideas on how to operationalise the *Neuchâtel Memorandum* Good Practices. Even though some of the action points may apply more directly to one system or another, it is hoped that all investigators and police will find them useful.

⁹ Judges, prosecutors, defence counsel and detention personnel in attendance at separate workshops and the focus group meeting also provided comments and suggestions that have been incorporated into the *IJJ Note for Investigators*.

Action Point 1:

Cases involving children should be handled by specialised police units

Address children prosecuted for terrorism-related offenses primarily through the juvenile justice system.

GCTF Neuchâtel Memorandum, Good Practice 5

Cases involving children should be handled by appropriately trained personnel and in accordance with procedures that prioritise the children's rehabilitation and reintegration into society while ensuring accountability for their acts.

States should consider establishing a separate police division for all children matters, including terrorism cases. When this is not feasible (e.g., in smaller countries or in smaller police forces in countries with decentralised police forces), states should provide specialised training to all law enforcement officials handling matters involving children, including terrorism cases.¹⁰

Ideally, all law enforcement officers should at least have training in the basic principles of child-friendly mechanisms regarding policing techniques. All police officers dealing with children, including those who act as first responders or who are primarily engaged in the prevention of crime involving children, should receive in-depth training on the most appropriate ways to handle encounters with children in light of their emotional, cognitive, and psychological development and maturity.

It is also essential to bear in mind that a number of children suspected to have committed terrorism offences may have a history of prior victimisation, including forced recruitment and exposure to physical and psychological abuse and violence. In view of this, states should ensure that police are trained on how to effectively interact and communicate with children who have suffered physical and psychological trauma.

¹⁰ *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (hereafter *Beijing Rules*), Rule 12. Specialization within the police ("12.1 In order to best fulfill their functions, police officers who frequently or exclusively deal with juveniles or who are primarily engaged in the prevention of juvenile crime shall be specially instructed and trained. In large cities, special police units should be established for that purpose.").

Highlighted Examples

In the Philippines, the *Manual in Handling Cases of Children at Risk and Children in Conflict with the Law* expressly requires that all young offenders, including those suspected of committing serious crimes, be initially processed through a Women and Children's Protection Desk (WCPD). No exceptions from this rule may be made.

If the case is cognisable by the WCPD, it shall investigate the case. Otherwise, the investigation may be turned over to a general investigation unit, but the investigator assigned to the case is required to "coordinate closely with the WCPD in order to promote the best interests of the child while the investigation of the case is ongoing". In other words, the Manual requires that cases of children considered as offenders be handled exclusively by specialised police units or by qualified investigators working in close coordination with the specialised child police.

In Serbia, the *Law on the Police* requires that all police officers assigned to handle cases involving children complete training in child rights and the child justice system. It also provides that, in the event a specialised child police officer is not available, the officer tasked with processing the child's matter must have completed training regarding child rights and the child justice system. This effectively means that officers dealing with children receive requisite training even if the officers are not assigned to a specialised unit. In addition, Serbian police have ensured that all police who act as first responders receive in-depth training on handling cases involving minors.

Action Point 2:

When age is uncertain, police and investigators should presume that the person is a child

Address children prosecuted for terrorism-related offenses primarily through the juvenile justice system

GCTF Neuchâtel Memorandum, Good Practice 5

It is important to recall the principle whereby “the child justice system should apply to all children above the minimum age of criminal responsibility but below the age of 18 years at the time of the commission of the offence”¹¹.

Police and investigators must seek to determine whether a suspected child is below or above the minimum age of criminal responsibility. Oftentimes during counter-terrorism operations, however, birth certificates or other documentation needed to determine a child’s age may not be immediately available. Moreover, some countries may not have well-functioning birth registration systems. Alternative documentation (such as school records) may also not be available in respect of vulnerable children, such as those not enrolled in conventional schooling who are at a higher risk of involvement in criminal activity in general and terrorism-related offences in particular.

When conclusive age verification cannot be established, the child should be given the benefit of the doubt and should not be held responsible.¹² States can consider introducing statutory provisions for the presumption of child status, ideally supplemented by supporting regulations stipulating the procedure for age estimation analysis. When individuals are estimated to be below the age of majority, they should be considered as children for the purposes of the law. Moreover, when individuals are estimated to be below the minimum age of criminal responsibility, they should be exempt from prosecution altogether and instead be subject to child protection measures.

When designing age estimation/verification procedures, it is important that they be multidisciplinary in nature and not based on anthropometric¹³ or physical measurements only. When anthropometric measures are used, they should include an interview of the suspected minor and form part of a holistic assessment that takes into account relevant social factors, such as a history of malnutrition if stunted growth is a common condition in the child’s community or area.

¹¹ United Nations Committee on the Rights of the Child, *General Comment No. 24* (2019), Para. 23 and 29. The UN Committee on the Rights of the Child highlighted that for children who are below the minimum age of criminal responsibility at the time of the commission of an offence cannot be held responsible in criminal law proceedings. The Committee based their reasoning on the limited brain development of children and its effects on judgment and decision-making. The committee urges states to provide relevant assistance and services to children below the minimum age of criminal responsibility.

¹² United Nations Committee on the Rights of the Child, *General Comment No. 24* (2019), Para. 24

¹³ “Anthropometric measurements” refer to systematic measurements of the size, shape and composition of the human body.

Highlighted Examples

In the United Kingdom, the *Revised Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers* establishes a presumption of child status, which provides that if there is any doubt about age, the person is to be treated as a child.

(The law provides that “[s]pecial care should always be taken when questioning such a person, and the appropriate adult should be involved if there is any doubt about a person’s age, mental state or capacity”.)

Moreover, the Association of Directors of Children’s Services (ADCS) and the Home Office have adopted an *Age Assessment Joint Working Guidance* (JWG) to help the relevant agencies comply with their statutory duties with an age assessment process that is efficient, effective, and holistic.

In the Philippines, the *Manual in Handling Cases of Children at Risk and Children in Conflict with the Law* prescribes a clear procedure for initial processing of children by the police, including a requirement of mandatory age verification. In particular, it provides:

“The best evidence to prove the age of a child is an original or certified true copy of the Certificate of Live Birth. In the absence of a Certificate of Live Birth, similar authentic documents such as baptismal certificate and school records or any pertinent document that show the date of birth of the child such as but not limited to, the dental records, travel papers, etc. may be admitted.” If none of these documents may be obtained, or pending their receipt, the processing officer is required to “exhaust other measures to determine the age of the child by:

Interviewing the child and obtaining information that indicate age (e.g., date of birth, grade level in school);

Interviewing persons who may have knowledge of the age of the child (e.g., relatives, neighbours, teachers, classmates);

Evaluating the physical appearance (e.g., height, built) of the child; and

Obtaining other relevant evidence of age.”

In case of doubt as to the age of the child, the police are expressly required to resolve the doubt in favour of the child status.

In the Philippines, Section 18 of the *Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof* (Republic Act No. 11188) expressly provides for the presumption of child status for children involved in armed conflicts.

In Sweden, if doubts still exist following a social assessment interview, a medical assessment is carried out, usually through bone and dental examination. The presumption of child status can be overcome only if the results of both examinations reveal that the individual is 21 years or above.

Action Point 3:

Police and investigators should engage with the community

Address children's vulnerability to recruitment and/or radicalisation to violence through preventive measure.

GCTF Neuchâtel Memorandum, Good Practice 3

Develop targeted prevention strategies with a strong focus on the creation of networks to support children at risk.

GCTF Neuchâtel Memorandum, Good Practice 4

In practical terms, Good Practices 3 and 4 of the *Neuchâtel Memorandum* call for a closer engagement by police with the community in which they operate. Police should promote community partnerships with a wide range of stakeholders and strive to improve the channels of communication with people in the community they serve. Adoption of a community policing model has proven to be an effective way to achieve these ends.

Effective engagement with local communities requires a policing approach that promotes joint problem-solving with local stakeholders. The community members should not be viewed by police as merely sources of information and intelligence.

It is especially important, in fostering community engagement, that police don't simply encourage members of the public to volunteer information. Instead, police should actively educate the public on what to pay attention to and what to report. Police should provide timely and regular feedback to the community concerning actions taken in response to the community members' assistance. Community policing should be promoted as an effective approach to prevent terrorism that improves outreach to hard-to-reach groups and strengthens the resilience of children.

The police must be empowered to evaluate and analyse any information shared by the community before taking further actions. Ideally, the police should adopt and follow an intelligence cycle process, including specific threat-based planning and priority setting; data collection and evaluation; data collation and processing; and intelligence analysis. Police may act upon the resulting information when there is sufficient evidence to open an investigation. However, when there are no grounds for the police to act or when a case has not reached the threshold of an investigation, the police should refer, when appropriate, a case to a relevant service agency, such as social services, that is in a position to take adequate preventive or protective measures.

To ensure that children at risk are properly and timely identified, law enforcement agencies should be encouraged to develop and implement risk assessment tools designed specifically for children based on observable behavioural patterns of conduct in the community in which the child is involved. These tools should comply with the international rights of the child and specifically to the right to privacy of the child.¹⁴

¹⁴ CRC, Articles 16 and 40(2)(b)(vii); *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)*, Rule 8; *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*, Rule 19.

When police officials assess the likelihood of a community suffering potential terrorist acts, they should take into account the dangers and threats, actual and perceived, communicated to police by community members. Such collaboration with local stakeholders will promote a more transparent evidence-based approach to risk management. To achieve this end, some police jurisdictions have implemented the so-called ACTION (Assessment, Connection, Task Management, Intervention Planning and Implementation, Outcome Evaluation, Notification) approach, which begins with an assessment of the community's risks as perceived by both the police and community stakeholders. The stakeholders also participate in managing those risks by helping to identify the appropriate responses to specific concerns and the individuals or entities who will have responsibility for implementing those responses. Stakeholders also assist in determining whether the planned actions are feasible for the community and police within the limits of their respective resources. For this purpose, multi-stakeholder ACTION task forces are formed to address the risk factors identified by all parties involved. Following the planning and implementation of intervention activities, the police evaluate outcomes and give timely feedback to all parties concerned, which contributes to a relationship of trust and partnership.

An effective approach is a collaborative multi-agency working mechanism involving staff members from non-police agencies (such as health care professionals, community leaders, local self-government body officials, etc.) co-located with and working alongside the police team during the intelligence cycle process. It is important to highlight that multi-agency approach must be designed and implemented in a way that respects the very different mandates of the various agencies and does not compromise their ability to provide their core services. Also, applicable confidentiality standards, protocols and laws should be respected by all the involved stakeholders. Finally, such a collaborative approach in collectively assessing the threat, harm or risk posed in any given circumstance, helps identify the most appropriate agency or agencies to deal with the situation.

Highlighted Examples

In Kenya, a study gauged police and public perceptions of the effectiveness and appropriateness of selected community policing interventions in the Eastleigh area in Nairobi (where violent radicalisation that leads to terrorism poses a concern). The study aimed to identify promising community policing approaches to preventing child offending while considering the views of both the police and the community. In particular, the study observed that for members of local communities to effectively contribute to the local police intelligence cycle, the public must understand how and what to observe and how and what to report. In other words, greater police input into educating the community resulted in more reliable feedback from the community. The study also observed that providing timely information to the community about police responses builds and maintains trust. Of the respondents surveyed by the Kenya study, 93.2% felt that information sharing between the government authorities and the public was extremely effective in identifying acts of violence committed by children within the Eastleigh area. Further, over 92% of the respondents said that disclosing clandestine occupation of structures, apartments, and housing units was an effective way through which the residents could help the authorities to timely identify and prevent potential child offending.

In the United Kingdom, the Greater Manchester Police have implemented a solution called “place-based working”. This means having police officers and staff working alongside other agencies in the community, such as healthcare professionals, social services, etc. This approach allows the agencies involved to share knowledge and intelligence, to work together to identify the root causes of problems in communities, and to find solutions aimed at preventing crimes such as acts of terrorism involving children.

In Jordan, community police have an ongoing channel of communication with local schools, making it easier for educators to report perceived risks to police.

In North Macedonia, the Local Preventive Councils bring together the police and local stakeholders who jointly identify and assess risks, ensuring that the response involves both policing-specific interventions and actions complementary to policing.

Action Point 4:

Police and investigators should ensure that an arrested child's parents are promptly notified of the arrest

Address children prosecuted for terrorism-related offenses primarily through the juvenile justice system.

GCTF Neuchâtel Memorandum, Good Practice 5

International standards require an apprehending officer to notify a child's parents or legal guardian immediately upon his or her apprehension.¹⁵ States that do not already have such a provision should consider introducing a statutory requirement for the arresting officer or other appropriate law enforcement officer in all cases to promptly notify the parents or legal guardian of any child arrested on suspicion of involvement in a terrorism-related offence. When a parent or other custodial adult cannot be traced, the burden of demonstrating that police officials have exhausted all reasonable means to trace that individual should rest with the state. The child should be referred to an appropriate child protection agency.

There may be cases, however, when the child's parents are reasonably suspected to be the root cause of the terrorism-related offence or may even be complicit in soliciting, encouraging or forcing the child to engage in such an act. Such exceptional cases may justify withholding notification of the parents. However, the rationale for such a decision needs to be fully documented by the competent authority.

Highlighted Example

In the Philippines, the *Manual in Handling Cases of Children at Risk and Children in Conflict with the Law* expressly requires police to notify the child's parents within eight hours of the initial contact. It also requires that a social worker be assigned to the child from the outset.

¹⁵ *Beijing Rules*, Rule 10. Initial contact ("10.1 Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter.")

Action Point 5:

Police should grant diversionary measures before arrest in appropriate cases involving children suspected of or charged with terrorism offences

Consider and design diversion mechanisms for children charged with terrorism-related offenses.

GCTF Neuchâtel Memorandum, Good Practice 7

A child suspected of or charged with involvement in a possible terrorism-related offence should be diverted away from the judicial system as early as possible. Some states allow diversion by the police before any charges are filed. Others provide for prosecutor-led diversion.¹⁶ States should consider both types of diversion and adopt the system that is most appropriate. Police-led diversion should be considered in all appropriate cases involving first-time offenders or children suspected to have perpetrated relatively minor offences, including certain less serious terrorism offences that did not involve actual violence.

The ultimate purpose of diversion is to aid the rehabilitation and reintegration of the child concerned. As set forth in the *United Nations Committee on the Rights of the Child, General Comment No. 24*, “[d]iversion should be used only when there is compelling evidence that the child committed the alleged offence, that he or she freely and voluntarily admits responsibility, without intimidation or pressure, and that the admission will not be used against the child in any subsequent legal proceeding”.¹⁷ Diversion should: (a) require the consent of the child involved, and that of their parents or legal guardian; (b) be based upon a risk and need assessment conducted according to a methodology specifically designed for children; and (c) include the possibility of referral to a diversion treatment programme or activity. Also, the completion of the diversion by the child should result in a definite and final closure of the case. Although confidential records can be kept of diversion for administrative and review purposes, they should not be viewed as criminal records.¹⁸

Good Practice 5 of the *Neuchâtel Memorandum* stresses that the “aim of the juvenile justice system should be the child’s rehabilitation and reintegration into society while ensuring accountability for his or her acts”. In any case, diversion implies that a child is being held accountable for their criminal conduct. Diversion should not result in merely dismissing the case or releasing the child into the care of family members or other relatives.

Diversion programmes may be provided by state agencies, local self-governing bodies or non-governmental entities, such as civil society organisations that work on the basis of government contracts. When programmes are provided by non-governmental or private sector organisations, providers should be required to have necessary competencies and to obtain a license to qualify to bid on contracts. All diversion programmes, regardless of the implementing organisation, should be subject to independent external monitoring and oversight.

¹⁶ *Beijing Rules*, Rule 11. Diversion (“11.1 Consideration shall be given, wherever appropriate, to dealing with juvenile offenders without resorting to formal trial by the competent authority, referred to in rule 14.1 below.”)

¹⁷ United Nations Committee on the Rights of the Child, *General Comment No. 24* (2019), Para. 18, (a)

¹⁸ United Nations Committee on the Rights of the Child, *General Comment No. 24* (2019), Para. 18, (f)

Highlighted Examples

In Uganda, the *Child Law* vests in the police the power “to dispose of cases at their discretion without recourse to formal court hearings.”

In the Philippines, diversion proceedings, when held at the police level, are conducted with the participation of a broad group of entities – representatives of the Barangay Council for the Protection of Children (BCPC), NGO and faith-based organisations, a local Social Welfare and Development Officer, and the Public Attorney’s Office lawyer – which ensures adequate external oversight. Police-led diversion programming may include a range of measures, including property restitution; reparation of the damage caused; indemnification of consequential damages; written or oral apology; care, guidance and supervision orders; counselling for the child in conflict with the law and the child’s family; training in anger management, problem solving, life skills, conflict resolution and values formation; participation in available community-based programmes/ community service; and confiscation and forfeiture of the proceeds or instruments of the crime. (See Republic Act No. 9344, *An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefor and for Other Purposes.*)

In Australia, the National Disruption Group is a multi-agency group established and led by the Australian Federal Police to disrupt and prosecute Australian nationals suspected of involvement in terrorism-related acts. The National Disruption Group includes a Diversion Operations Team. Cases are referred to the Diversion Operations Team through various agencies, including the National Security Hotline, with eligible cases then referred to the relevant State or Territory Intervention Coordinator. Diversion programmes, known as “interventions”, are implemented by external partners.

Action Point 6:

Police and investigators should consider children primarily as victims of offences against international law, and consider safeguarding measures when warranted

Assess and address the situation of children in a terrorism-related context from a child rights and child development perspective.

GCTF Neuchâtel Memorandum, Good Practice 2

Address children's vulnerability to recruitment and/or radicalization to violence through preventive measures.

GCTF Neuchâtel Memorandum, Good Practice 3

It is essential that an investigation focus not only on evidence concerning the child's involvement in the suspected crime, but also on the child's prior history, including any past violations of international law of which he or she was a victim and that led him or her to commit terrorism-related acts. This focus is intended not only to preserve the integrity of the criminal investigation, but to promote the successful future reintegration of the child. With regard to the latter objective, states should consider introducing, and mainstreaming into operational guidance, safeguarding mechanisms designed specifically for children involved in such acts.¹⁹ For example, states should ensure that all children who police come across in the course of investigations – i.e. both children that are targets of investigations and children encountered while conducting investigations against other targets – be assessed to identify those in need of referral to child protective services. As a result, even when children are processed as suspects and charged, they will benefit from safeguarding measures when warranted.²⁰

Highlighted Example

In the Philippines, the *Manual in Handling Cases of Children at Risk and Children in Conflict with the Law* requires the processing officer at the Women and Children's Protection Desk to assess whether the child had been hurt, injured or abused, with the obligation to treat the child as a victim as far as the incident is concerned. It also requires the Women and Children's Protection Desk to follow the protocol for the investigation, reporting and disposition of a child abuse case.

¹⁹ "Safeguarding measures" is a term used here to encompass more than traditional "child protection". "Safeguarding" includes steps to promote the overall welfare of children and protect them from harm and abuse, including inadvertent or collateral harm caused by otherwise legitimate actions. An example of "collateral harm" could include re-victimisation by the child justice system, which can increase the possibilities of minors suffering emotional and psychological harm from being arrested and prosecuted for terrorism or other criminal offence without regard to international law or standards.

²⁰ See Action Point 7 (Police and investigators should consider the child's best interests in any investigations including special investigative operations) for more details; see also Action Point 12 (Police and Investigators should cooperate with other security sector actors and ensure that investigative powers are used solely for law enforcement purposes).

Action Point 7:

Police and investigators should consider the child's best interests in any investigations including special investigative operations

Address children prosecuted for terrorism-related offences primarily through the juvenile justice system.

GCTF Neuchâtel Memorandum, Good Practice 5

Good Practice 5 of the *Neuchâtel Memorandum* emphasises that “surveillance, searches, media communications, [...] should take into account the suspect’s child status and the officials carrying out such activities need to be trained accordingly”. Among other implications from this good practice, law enforcement should be ready for situations when, while using a special investigative technique such as surveillance or an interception of communications, they encounter a child who is not the main target of the special investigative technique. While the child may be a suspected offender, if investigators suspect the child is being used by a terrorist group, they must treat the child as a victim and protect him or her against further harm.

When extending training to non-specialised personnel, states should address situations when a child is encountered during an investigation.²¹ Such training should include review of established protocols for extracting a child, especially one who may be in immediate danger, without exposing or otherwise compromising the ongoing investigation. If extraction cannot be accomplished discreetly, protocols should require officials to consider whether the best interests of the subject child necessitate terminating the investigation. These protocols should be incorporated into the standard operating procedures or manual followed by all police officials.

Highlighted Example

France provides for an individualised assessment of all children from terrorist zones, including in cases of clandestine entry and other cases when the child’s family may be subject to close monitoring. A referral to child protective services will be made when deemed necessary. See, the 2017 regulation for French authorities and practitioners on the management of French and foreign minors returning from zones of terrorist group operations (*Instruction relative à la prise en charge des mineurs à leur retour de zone d’opérations de groupements terroristes (notamment la zone irako-syrienne)*)

²¹ See also Action Point 1 (Ensure that cases involving children are handled by specialised police units).

Action Point 8:

Police and investigators should not use children as confidential informants

Address children alleged to be involved in terrorism-related activities in accordance with international law and in line with international juvenile justice standards.

GCTF Neuchâtel Memorandum, Good Practice 1.

Children suspected of or charged with terrorism offences are especially vulnerable if police or investigators make them “offers” of leniency if they “agree” to work as undercover informants or cooperating witnesses. Faced with such a choice, children may be incapable of making truly informed decisions in light of their lack of maturity and insufficient capacity to understand the legal and personal consequences of those decisions. Such situations may put these children at risk of continued victimisation through exposure to physical, emotional, and psychological harm during a covert operation. In view of the above, the use of children as confidential informants should be strongly discouraged.

Likewise, due to the immense risks and dangers to which a child would be exposed, police and investigators are discouraged from using any child as an “unwitting informant”; that is, a subject, usually a participant in criminal conduct, who is under surveillance but unaware police are using the subject’s activities to gather information. Police may be fully aware of the child’s illegal conduct, but decide to forego arresting in favor of continuing to monitor or surveil their activities in order to identify additional members of the group and understand the full extent of the crimes. Unwitting informants usually have no knowledge that they are contributing intelligence to investigators. When counter-terrorism police employ this investigative technique regarding children, the minors typically spend more time inside the terrorist organisation than they would if they were arrested sooner. They are often exposed to additional risks from physical and psychological abuse from the adults involved. As a result, police officials should discourage this practice except in truly exceptional circumstances, in which case any use of a child as an “unwitting informant” by police or investigators should be clearly supported with written authorisation from a senior police officer documenting the exceptional circumstances.

Highlighted Example

In the United States, the Cincinnati Police Department’s *Manual of Procedures* lists children as “restricted use confidential informants”, and requires officers to obtain the signatures of the children’s parents or legal guardians on a special form before children can be recruited as operatives. It also limits the use of child confidential informants to criminal investigations when circumstances are extraordinary and conventional investigative techniques do not produce results.

Action Point 9:

Children should be detained in police custody only as a last resort and for the shortest appropriate period of time

Consider, and apply where appropriate, alternatives to arrest, detention, and imprisonment, including during the pre-trial stage and always give preference to the least restrictive means to achieve the aim of the judicial process.

GCTF Neuchâtel Memorandum, Good Practice 8

Children should be detained only as a last resort and for the shortest possible period of time.²² When children must be detained, they should be kept separated from adults.²³

International standards specify that a child may not be held in custody for more than 24 hours before appearing in front of a judge or other competent authority who is charged with determining whether the detention is legal and should continue.²⁴ This means that no child should be detained beyond 24 hours unless continued detention has expressly been authorised. It is generally a good practice to ensure that the actual time spent in custody is even shorter than 24 hours.

As noted in Action Point 4, police should promptly notify a child's parents or legal guardian of his or her arrest. Similarly, police should take all feasible measures to respect the child's rights during questioning in a criminal investigation, including investigations involving terrorism offences. For this purpose, police should involve an appropriate adult in all interviewing of the child, including parents or legal guardians, and legal or other appropriate assistance. Police, investigators and other security sector actors should ensure, to the extent possible, that children have free access to lawyers or other representatives as provided in the *CRC* before they are questioned, even if the children have not been arrested and the questioning is done voluntarily. Such a safeguard will lessen the risks of self-incrimination and false confessions by minors.

²² *Beijing Rules*, Rule 13. Detention pending trial ("13.1 Detention pending trial shall be used only as a measure of last resort and for the shortest possible period of time. 13.2 Whenever possible, detention pending trial shall be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home"). See also, article 37 (b) of the *United Nations Convention on the Rights of the Child*.

²³ *Beijing Rules*, Rule 13. Detention pending trial ("13.4 Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults"). See also, article 37 (c) para.2 of the *United Nations Convention on the Rights of the Child*.

²⁴ United Nations Committee on the Rights of the Child, *General comment No. 24* (2019), Para. 90 ("Every child arrested and deprived of his or her liberty should be brought before a competent authority **within 24 hours** to examine the legality of the deprivation of liberty or its continuation".) (emphasis added)

Highlighted Examples

In Uganda, the *Child Law* establishes a graduated scale of preventive measures, from cautioning and releasing children immediately upon arrest, to releasing them on their own or parental recognisance, to referring them to the judge to decide whether release on bail or detention on remand is the more appropriate measure.

In North Macedonia, the *Law on Juvenile Justice* imposes a 12-hour limit on police custody, within which time a child must appear before a child judge, who decides whether the child should be released or remanded into custody.

In Ethiopia, the police may not, on their own initiative, undertake any investigative steps that involve custody of a child; they must, by whatever means, immediately take the child before the nearest woreda (first instance) court.

Action Point 10:

Police and investigators should have in place guidance for interviewing children as vulnerable suspects

Assess and address the situation of children in a terrorism-related context from a child rights and child development perspective.

GCTF Neuchâtel Memorandum, Good Practice 2

The risk of false confessions is heightened during childhood and adolescence. This enhanced risk may be due to characteristics of adolescent development, including susceptibility to external influence, heightened suggestibility, and immaturity of judgment. This necessitates a specialised approach to interviewing minor suspects.

In view of the above, specific operational guidance should be adopted for police on interviewing children as vulnerable suspects, particularly in high-stakes cases such as those involving terrorism-related offences. This guidance should also take gender-related perspectives into consideration.

Officers who interview minor suspects should be trained in appropriate, child-friendly interviewing techniques, and interviewing manuals should be adopted as formal guidance for the police on dealing with children as vulnerable suspects. In particular, such manuals should promote building rapport and should discourage problematic techniques that are known to heighten the risk of inaccuracies and false confessions, such as tactics that are accusatory or encourage guilt, suggestive or leading questions, forced-choice questions, hypothetical scenarios, and the like.

States may also consider employing interview advisers whose role would be to observe the children's physical and emotional wellbeing during the interviews, ensuring that the duration and questioning during each interview is appropriate. Interview advisers should not interview the children themselves, but rather should provide expertise in evaluating the children's mental and emotional status to ensure that any statements made are voluntary. The adviser should complement an already trained and experienced specialist child interviewer.

Police, investigators and other security sector actors should consider limiting the length of interviews and avoid interviews during certain hours, such as at nighttime.

Highlighted Examples

The United Kingdom requires that special care be taken in questioning children, including those who are suspects. It also requires the involvement of an appropriate adult. Finally, it underscores the importance of corroborating any facts admitted.

Also, the United Kingdom provides for a Specialist Interview Adviser who may offer additional oversight in those cases when children may be detained.

The Adviser can also seek to employ the services of a healthcare professional (a Clinical Child Psychologist), who would be present during the interview process as an independent observer. The role of the adviser would be to observe the child's physical and emotional wellbeing. They would also advise on the length of each interview, ensuring regular breaks and reducing fatigue. See the *Revised Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers*.

In North Macedonia, minor suspects may only be interviewed for up to four hours daily, in sessions that may not last longer than two hours each.

In Albania, the *Code of Criminal Justice for Children* bans interviewing children at nighttime, i.e. between 10:00 pm and 08:00 am.

In Norway, in addition to traditional police interviews, police and investigators employ an approach termed "conversational intervention", which is used to uncover factors behind the child's unwanted and/or criminal behavior that could evolve into a criminal career. It is noteworthy that the first Norwegian guide to police "conversational intervention" was developed as a result of the lessons learned by the police during a confrontation with a violent far-right extremist gang in Oslo in 1995–1997.

Action Point 11:

Police officials should promote a multi-agency and multi-disciplinary approach to investigation

Assess and address the situation of children in a terrorism-related context from a child rights and child development perspective.

GCTF Neuchâtel Memorandum, Good Practice 2

Design and implement specialized programs for terrorism cases to enhance the capacity of all the professionals involved in the juvenile justice system.

GCTF Neuchâtel Memorandum, Good Practice 12

Police should promote a viable information-sharing mechanism to ensure that prosecutors have early access to the information developed from the earliest stages of the investigation. One possible scenario is to introduce, if consistent with national law, a prosecutor-led investigation procedure in cases involving children suspected of involvement in terrorism-related offences.

Because a child suspected of involvement in terrorism-related offences should be treated primarily as a victim, states should give close consideration to creating multi-agency multi-disciplinary spaces modelled on systems such as the Barnahus system for dealing with severely traumatised children.²⁵ By efficiently involving psychologists, social workers, medical practitioners, defence counsel and other relevant professionals, this approach reduces the need for repetitive interviewing and shuttling the child from one venue to another.²⁶

It is essential that a multi-agency cooperation framework be designed to include safeguards against improper sharing of information. States should consider introducing statutory provisions to ensure that cross-agency information sharing does not interfere with the child's rights to privacy and does not negatively affect their prospects for rehabilitation and reintegration.

²⁵ Barnahus means "Children's House" in Icelandic. The model refers to child-friendly, interdisciplinary and multiagency centres where different professionals work under one roof in investigating cases involving children, and children can be interviewed and comprehensively assessed, while they also receive relevant therapeutic services from appropriate professionals. Children who have been exposed to serious traumatic events can benefit from the work of Barnahus centres. The Barnahus model is gaining wide acceptance in the European Union and wider Europe via the second PROMISE project (2017-2019) implemented by Promise Barnahus Network. The project supported government officials and practitioners to establish Barnahus or similar institutions. With this project, several countries in Europe are intensifying their multi-disciplinary and interagency collaboration to ensure that child victims and witnesses of violence have access to Barnahus and can benefit from a child-friendly, professional, and effective response in a safe environment.

²⁶ See also Action Point 10 (Police and investigators should have in place guidance for interviewing children as vulnerable suspects).

Highlighted Examples

In Thailand, police and prosecutors have a well-established protocol for information sharing from the earliest stages of an investigation. In serious crime cases, prosecutors may be assigned the lead role in an investigation, with the police performing the investigative groundwork. In cases involving extraterritorial acts of terrorism, a prosecutor is assigned the lead by default; while this is not the case in domestic terrorism cases, a prosecutor is still kept closely informed on the progress of the investigation from the outset. This sets a good practice example because it promotes a cross-agency approach and encourages information sharing.

In Albania, investigation is prosecutor-led. However, judicial police conduct investigative actions as instructed or delegated by the prosecutor's office. The *Law on Judicial Police* also provides for a mechanism whereby police departments, at the request of the prosecutor, may temporarily detail officers to the investigative task force in specific cases that require special qualifications.

In the Philippines, when a child is apprehended, the *Manual in Handling Cases of Children at Risk and Children in Conflict with the Law* requires the apprehending officer to immediately notify, not only the parents or guardians, but also the Local Social Welfare and Development Office (LSWDO) and the Public Attorney's Office (PAO) of the child's apprehension no later than 8 hours following the arrest. If the child is more than 15 years old, and is suspected of having committed an offence punishable by more than 6 years of imprisonment, the police officer turns the child's custody to the LSWDO within 8 hours of initial contact.

Action Point 12:

Police and investigators should cooperate with other security sector actors and ensure that investigative powers are used solely for law enforcement purposes

In areas where counter-terrorism operations are conducted by actors other than the police, such as domestic armed forces or international military personnel, it is essential to ensure that such operations do not create additional vulnerabilities for children who may be encountered in the course of such operations.

In particular, States should consider introducing formal frameworks for cooperation between police and other security sector actors, including the military. Such frameworks should highlight the respective jurisdiction and competence between police and the military or other armed forces and define clear boundaries of their roles. One option may be signing a hand-over protocol.

When the military is involved in apprehending children associated with a terrorist group because there is an armed conflict, a protocol should be put in place (as it is in numerous countries) for the military to hand the children over to child protection actors (not to police investigators).

Highlighted Example

In the Philippines, the National Police and the armed forces have a protocol that requires the police and the military to be in close contact whenever military troops are deployed to conduct a counter-terrorism operation (during the imposition of martial law in a territory affected by armed conflict). The role of the military in such operations is limited to providing a first response to secure the area immediately affected and prevent additional attacks. The armed forces do not have any arresting powers and are required to immediately hand over any children encountered in the course of counter-terrorism operations to the Women's and Children's Protection Desk of the National Police with jurisdiction over the territory in question. Where there is a crime scene to be investigated, the armed forces are required to secure it, but are not permitted to enter it. All crime scene investigations are conducted by the police. The discovery, extraction and preservation of evidence are the exclusive prerogatives of the police. Meanwhile, the armed forces are required to provide perimeter security to ensure that the law enforcement can conduct investigative activities without undue risk.

Action Point 13:

Police and investigators should safeguard the confidentiality of the child throughout the investigation

Address children prosecuted for terrorism-related offenses primarily through the juvenile justice system.

GCTF Neuchâtel Memorandum, Good Practice 5

Good Practice 5 of the *Neuchâtel Memorandum* calls on states to ensure that procedures “reflect appropriate recognition of the age and other relevant individual characteristics of the suspect”, specifying that “[o]ne such procedure includes the protection of the identity and privacy of a child to prevent stigmatisation.” It further cautions that “[t]he rehabilitation process may be permanently undermined if a child is identified by name in the media or on the internet”.

In practical terms, this calls for a heightened emphasis on protecting children’s confidentiality from the very outset of the investigation. The confidentiality requirement extends beyond a child’s court records and covers police records as well.

Ways to achieve this include legislative safeguards, such as a ban on disclosing the identity of children suspects in the media, or internal policies barring law enforcement agents from releasing personally identifying information about ongoing investigations of a child. States should also consider providing general guidance on the extent to which information on investigations involving children may be legitimately shared with the media.

Additional measures may also include enhanced dialogue with the media community to promote and support their adoption and implementation of ethical reporting guidelines and other self-regulatory instruments. UNICEF’s *Seven Guidelines for Reporting on Children* can be used as a source for guidance.²⁷ These efforts may be further strengthened by human resources measures, such as creating a public relations or community outreach officer position at each police department, and providing training for police spokespersons on public relations and handling media requests.

A potentially challenging scenario is when a child suspected as having committed a terrorism-related offence is at large and deemed a danger to others. In this case, the release of information may be justified by the need to protect the public. However, for such cases an appropriate mechanism should be put in place to determine in advance the need to release sensitive information about a child. This mechanism may necessitate judicial review of all release requests. In cases of manifest urgency, it may be appropriate for such judicial review of the legitimacy of the release of information to be conducted after the fact.

The scope of disclosure should be kept to the bare minimum required to effectively protect the public and assist in apprehending the child. It may also be advisable that their courts or other appropriate authorities impose limits on how long the published information may remain online.

²⁷ UNICEF’s *guidance* encourages journalists to “avoid categorizations or descriptions that expose a child to negative reprisals - including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities”. It further encourages journalists, “in certain circumstances of risk or potential risk of harm or retribution, [to] change the name and obscure the visual identity of any child who is identified as...a current or former child combatant”. UNICEF’s *Seven Guidelines for Reporting on Children* (<https://www.unicef.org/eca/media/ethical-guidelines>)

Highlighted Examples

In the Philippines, anyone – including a member of the police – is entitled to file a disciplinary complaint with the self-regulatory body for the media alleging a media ethics violation, such as improper disclosure of a child's identity.

In Canada, it is generally an offence to publish the name or other personally identifying information of a minor suspect. However, an exception is made for cases when a child suspected as having committed a crime remains at large and a court determines that the child is a danger to others and publication is necessary to apprehend him or her. In such cases, publication may be permitted for up to five (5) days.

Conclusion

Considering their strategic position in the child justice system, police and investigators are vital players in terrorism cases involving children. Often, police officers act as first responders to terrorist activities, while investigators unexpectedly encounter children in the course of special investigations directed to individuals other than children. These roles require specialised expertise and skills which do not entirely conform to those needed for an investigation of adults. According to child justice principles, states should consider setting up specialised police division for all child criminal matters, including terrorism, or ensure specialised training to police officers handling child cases. Many countries have recognised that having trained police and investigators is a highly effective way to guarantee both the best interests of the child and the security of the community. The officers and investigators should be trained in basic child-friendly policing techniques. They should also have in place and implement guidance for interviewing children as vulnerable suspects.

Early on, they should seek to determine whether the child is above the minimum age of criminal responsibility. To do so, the practitioners can refer to useful practices including, but not limited to, birth records, religious community records, school records, parents' statements, village midwives' statements and physicians'/dentists' assessments. If age cannot be established, the child is to be given the benefit of the doubt, and therefore should not be held criminally responsible.

Also, whenever relevant to national law, police and investigators should consider granting diversionary measures before any confinement measure in all appropriate cases involving first-time offenders and children suspected of having perpetrated relatively minor crimes, including particular terrorism offences that did not involve actual violence. In any investigation involving children in a counter-terrorism context, police and investigators should detain the child only as a measure of last resort and for the shortest appropriate period of time.

When the child has to go through the child justice system, police and investigators should ensure that all his or her pre-trial rights are respected. The child should be treated first as a victim and not only as an offender, considering that the child may have been coerced or recruited by adults to participate in the terrorism offence. Throughout the investigation of the case, police and investigators should keep confidential the child's information and records, and they should coordinate with the relevant prosecutor or investigative magistrate before disclosing information on the case to the public or any non-interested third-party.

The United Nations *Convention on the Rights of the Child (CRC)*, reinforced by the *Neuchâtel Memorandum* and other international documents, lay out these protections. Numerous examples are highlighted throughout this note to illustrate how this is being done. The international community has recognised the best way to achieve an effective and fair child justice system is to ensure that every nation fully implements these protections through well-trained and resourced police and investigators. This would provide accountability, while appropriately addressing the root causes of the involvement of children in terrorism-related activities.



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