



European Master's Degree in Human Rights and Democratisation



“TERRORIST CHILDREN” ON TRIAL

International Juvenile Justice Standards and Terrorism

Proceedings Against Children

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ABSTRACT

This thesis focuses on the impact of anti-terrorism legislation on children from the perspective of the proceedings against children accused of terrorism-related offences. Although the legal framework of counterterrorism and human rights has been broadly explored, the impact on children has not received the same attention. This is something of crucial importance, since anti-terrorism legislation often curtails the ordinary guarantees for criminal proceedings, thus affecting the whole set of international juvenile justice standards for children when facing terrorism trials.

The thesis analyses the status of children's human rights tackling the issue of their extraterritorial application and their derogability in times of emergency. The focus then turns on the child-specific rights within the justice system in the context of terrorism trials, through a series of national examples, thus showing the shortcomings of the application of anti-terrorism legislation and the child-specific rights affected. The thesis argues that the fundamental juvenile justice standards must be nevertheless upheld in terrorism trials concerning children and proposes a restorative, rather than punitive, approach in light of the general aims of juvenile justice, with a final general consideration on the application of anti-terrorism laws to children in the exercise of criminal jurisdiction.

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ABBREVIATIONS

Beijing Rules	United Nations Standard Minimum Rules for the Administration of Juvenile Justice
Ch.	Chapter
CODEXTER	Council of Europe Committee of Experts on Terrorism
COE	Council of Europe
ComCRC	United Nations Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	European Court of Human Rights
Fn	Footnote
HRC	United Nations Human Rights Council
HRCOM	United Nations Human Rights Committee
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IGOs	International Organisations
IHL	International Humanitarian Law
<i>Infra</i>	Below
<i>Inter alia</i>	Among others
JDLS	United Nations Rules for the Protection of Juveniles Deprived of their Liberty
Machel Study 2009	Machel Study 10 years strategic review, Children and Conflict in a Changing World
MACR	Minimum Age for Criminal Responsibility
NGOs	Non governmental Organisations
<i>Nullum crimen sine lege</i>	Legality Principle
OPAC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

OPT	Occupied Palestinian Territories
Para./Paras.	Paragraph/Paragraphs
Res.	Resolution
<i>Supra</i>	Above
<i>Travaux Préparatoires</i>	Preparatory work
UN	United Nations
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNSC	United Nations Security Council
UNTS	United Nations Treaty Series
US	United States of America

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