



Trafficked to ISIS

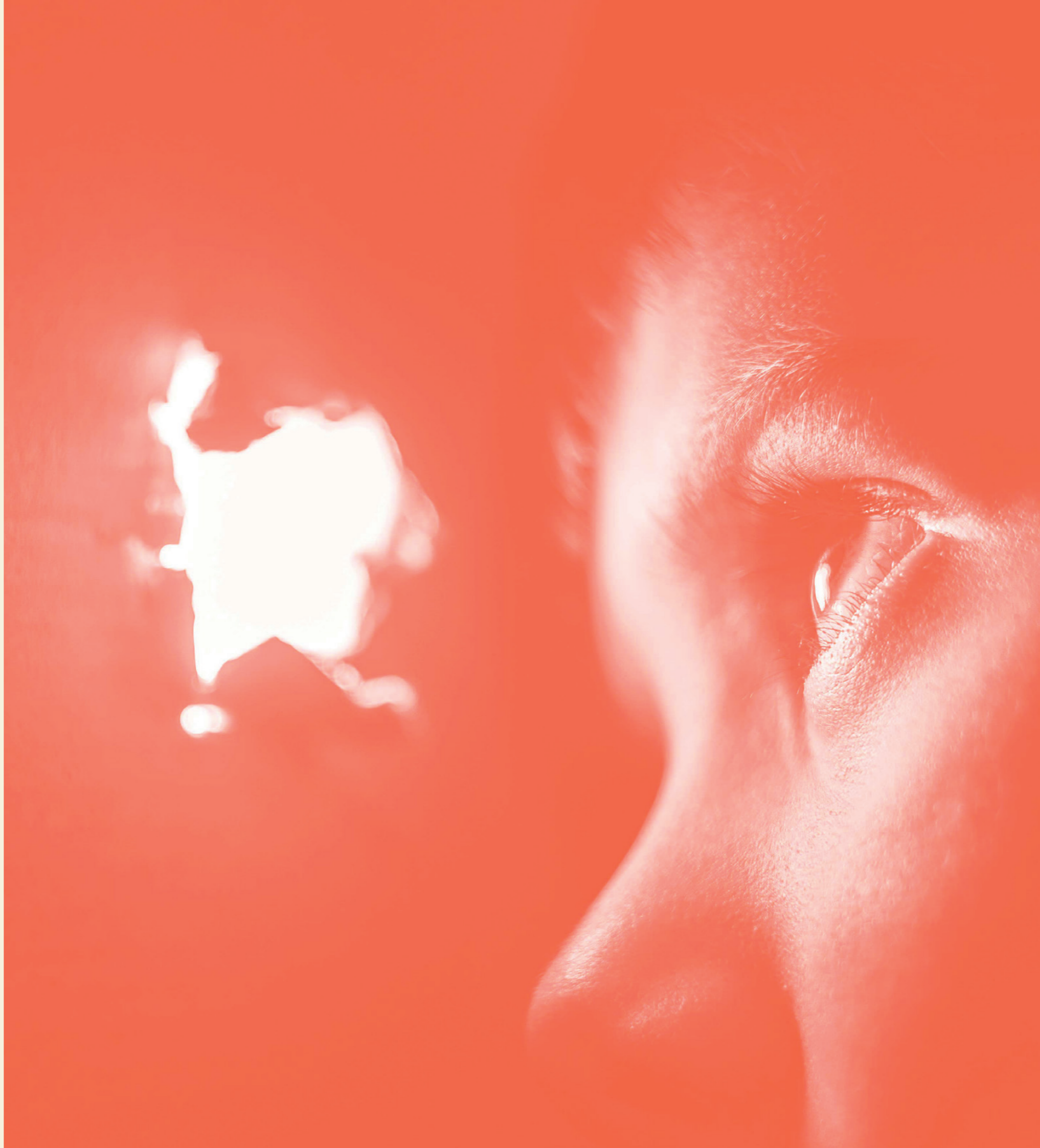
British families detained in Syria after being trafficked to Islamic State

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1

Foreword





by the

Rt. Hon. Andrew Mitchell MP

This report describes the grim reality of the sophisticated trafficking operation employed by the so-called Islamic State. It tells the stories of several British women and children who were groomed and trafficked to IS territories in Syria and Iraq.

Despite all we know about the evils of IS, it is shocking to read how the group's grooming gangs targeted vulnerable women online, so they could be tricked into sexual slavery. This was a systematic trafficking enterprise bearing all the hallmarks of serious organised crime.

I'm very proud to say the United Kingdom is unashamedly tough on trafficking. We passed the historic Modern Slavery Act in 2015 and we have led the fight against traffickers at the UN and elsewhere. As International Development Secretary, some of my proudest achievements involved protecting women and girls from these abuses.

Unfortunately, there seems to be a blind-spot when it comes to the handful of British families who were trafficked to Syria by ISIS, and are now detained in camps that are bursting at the seams.

There is no decency or justice in abandoning trafficking victims to face torture and the death penalty.

These British women and children are today detained in increasingly insecure and inhumane conditions, and yet the Government has not recognised them as victims of trafficking, and refused to support their repatriation to the UK.

Two British nationals have already died in Kurdish detention and the Kurds have made clear they are unable to maintain control. If the camps collapse, British nationals will disappear into the desert, or be transferred to the torture prisons of Bashar Al Assad, or to face the death penalty in Iraq. Abandoning British trafficking victims to the murderous regime of Bashar Al Assad is unthinkable, and as complicated as these cases may be, our justice system is best placed to deal with such complexities.

There is no decency or justice in abandoning trafficking victims to face torture and the death penalty. These are difficult cases but Britain, as a leading member of the United Nations, must set a strong example. We cannot wash our hands of these Britons, abandoning them in ungoverned space. To do so will render them prey once again to those connected to terrorism and who wish us ill in the UK.

Our allies in the United States have recognised the folly of leaving our nationals in the camps. America has brought back its people, and the Biden Administration has called for us to do the same. This call is in the name of global security and because, fundamentally, it is "*the right thing to do.*"

What does this mean for our Government? First and foremost, it means that we must bring back British families. This is the safest option for Britain, and the only option that protects Britain's international reputation for standing up for universal values and human rights.

We are rightly proud of the great strides that our Government has taken to fight the scourge of human trafficking and we should not shrink from the challenging issues in these cases. Our Government must lead the charge in fighting human trafficking wherever it occurs, and rise to this specific challenge.

We must bring back all British nationals and tackle head-on the far-reaching ramifications of systematic trafficking by the so-called Islamic State.



Siobhán Mullally,
UN Special Rapporteur
on Trafficking in Persons,
especially women and children

Human Trafficking is a serious human rights violation, one that in the words of the European Court of Human Rights treats human beings as ‘commodities’ to be bought and sold, threatens the human dignity and fundamental freedoms of its victims, and is incompatible with the values of a democratic society.¹ The critical role of the prohibition of human trafficking is recognised in the absolute protection afforded by Article 4 of the European Convention of Human Rights. No exceptions or derogations are permitted - such is its centrality to the protection of human rights in a democratic society.²

The UK has repeatedly committed to the eradication of all forms of modern slavery and human trafficking by 2030, in line with the UN Sustainable Development Goal 8.7. This commitment has been expressed as a domestic and foreign policy priority. Yet, as this Report highlights, urgent protection gaps now exist in relation to UK nationals, including children, stranded in camps in Northern Eastern Syria, many of whom are victims or potential victims of trafficking.

Human trafficking is a regular and widespread phenomenon in armed conflict, a ‘weapon of war’ that is now all too familiar in conflict settings. Strengthening the implementation of states’ human rights obligations in relation to human trafficking in conflict settings is a priority for my mandate as UN Special Rapporteur on Trafficking in persons. In situations of conflict, women and children are frequently the targets of armed groups, recruited for the purposes of sexual exploitation, forced marriage, forced labour and exploitation in criminal activities.

Recognising such exploitation, the UN Security Council has repeatedly called on states not to penalise or stigmatise victims of trafficking “for their involvement in any unlawful activities”. A Joint Statement of UN experts, on Human Rights and Humanitarian Concerns Related to Conflict Affected Women and Children in Syria and Iraq, called on states to ensure that: “[...] women, boys and girls who have [...] been trafficked or otherwise forced into marriage, sexual slavery and exploitation by UN-listed terrorist groups are not re-victimised by being punished for offences resulting from their exploitation.” Despite widespread recognition of the prevalence of human trafficking in conflict situations, however, the positive obligations of states to respond effectively, promptly and without delay, to protect victims and potential victims of trafficking are rarely met.

The recent CEDAW General Recommendation no.38 on trafficking of women and girls in the context of international migration, reiterates the importance of the non-punishment principle, and the obligation of states to ensure its application to all victims “without exception.”³

This Report highlights the myriad ways in which the application of the non-punishment principle may be defeated through refusals to provide consular assistance, or to repatriate citizens from conflict-affected regions, or through arbitrary deprivation of citizenship. Separating families, through repatriation of a child but not the parent who may be a victim of trafficking, is also a form of punishment. Those who are secondary victims, children born to victims of trafficking, are entitled to protection as children, in accordance with the international law principle of the best interests of the child.

Repatriation of families
currently detained
indefinitely in North East
Syria is a necessary first
step to meeting the UK’s
domestic and international
law obligations.


In the case of *Rantsev v Cyprus and Russia*⁶, the European Court of Human Rights specifically addressed cross-border trafficking, noting that trafficking offences may take place in the country of origin as well as in the country of destination. A failure to investigate the recruitment aspect of alleged trafficking, the Court noted, “Would allow an important part of the trafficking chain to act with impunity”.⁷ In the words of the Court, “the need for a full and effective investigation covering all aspects of trafficking allegations from recruitment to exploitation is indisputable” (emphasis added).⁸

As is noted in the Preamble to the Council of Europe Anti-Trafficking Convention⁹ all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account, and adopt a child-rights approach. The particular risks faced by children, highlighted in the distressing accounts of human rights failings presented in this Report, must be urgently addressed, and without further delay. Repatriation of families currently detained indefinitely in North East Syria is a necessary first step to meeting the UK’s domestic and international law obligations, of protection, effective investigation and provision of effective remedies, for the serious human rights violations ongoing.

2

Executive Summary





This report documents the circumstances by which numerous British families currently detained in North East Syria ('NES') were trafficked to and/or within territories controlled by the Islamic State group ('ISIS'). Employing trafficking tactics – including those similar to those employed by child sex trafficking gangs - ISIS groomed and recruited hundreds of women and girls, who were subsequently forced into marriage, sexual slavery, domestic servitude and other forms of exploitation.

Reprieve's investigations reveal that the majority of British women detained in North East Syria (at least 63%) are victims of trafficking. This is based on evidence that these women were all subjected to sexual and other forms of exploitation, and were either transported to Syria as children; coerced into travelling to Syria; or kept and moved within Syria against their will. Some of these women were as young as 12 when they were taken to Syria.

After years of exploitation, including forced marriage, rape and domestic servitude, these British women and their children managed to escape ISIS territory and make their way to the North of the country held by the Kurdish authorities ('AANES'), where they are now detained indefinitely without charge or trial in desert camps, and are facing potential transfer to jurisdictions where they are at risk of torture and the death penalty. The conditions in these camps are dire. In one camp alone, 517 people, mostly children, died in 2019, and at least two British nationals have died whilst in detention in NES, including one infant.

The UK Government claims to be leading the global fight against human trafficking and modern slavery, yet in respect of these British trafficking victims, the UK Government has adopted a policy of blanket citizenship stripping, refusing to repatriate families and denying them even the most basic consular assistance. As a result, the UK Government is systematically failing trafficking victims in the following ways:

- i.** The UK Government is failing to take the necessary steps to identify British victims of trafficking currently detained in NES.
- ii.** The UK Government has failed to take a case-by-case approach to suspected victims of trafficking, instead applying a blanket approach based on harmful stereotypes.
- iii.** Public authorities failed to protect at-risk women and girls from being trafficked to Syria
- iv.** The UK Government is failing to protect suspected victims of trafficking from re-trafficking and further exploitation.
- v.** The UK Government has been operating under an inaccurate legal definition of human trafficking when making decisions in respect of British nationals detained in NES.
- vi.** The UK Government is failing to protect many of the human rights of suspected victims of trafficking, including the right to family life.
- vii.** The UK Government is criminalising victims of human trafficking and punishing them for acts that arose out of their trafficking.
- viii.** The UK Government is denying trafficking victims their right to an effective remedy.

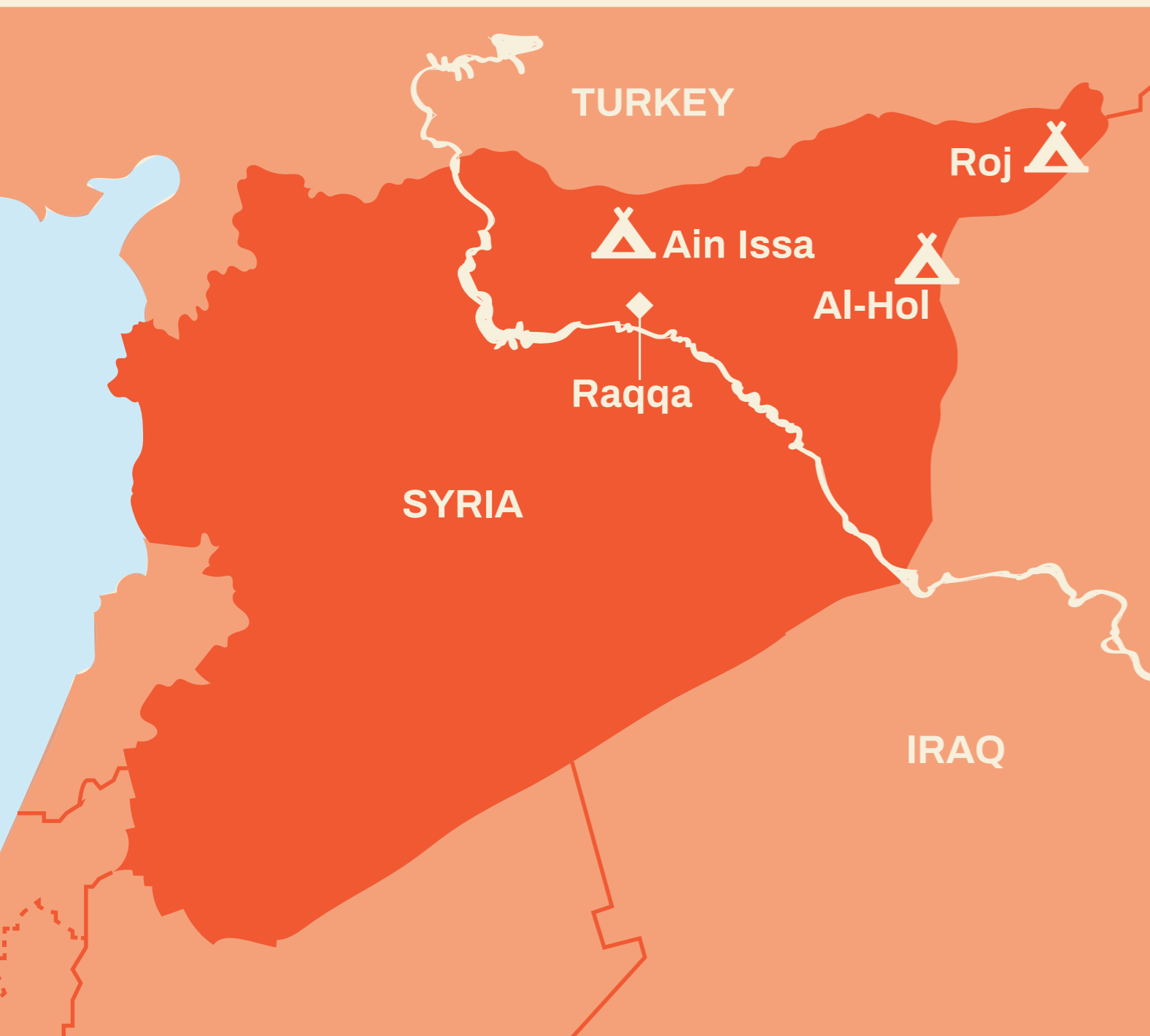
This report concludes that the complex dynamics of the situation of British women and children detained in NES can only be properly dealt with by the UK authorities when the families are repatriated to Britain, and it is wrong to suggest that the UK can abandon these victims of trafficking. The UK Government is urged to comply with its legal obligations to identify, protect and support women and girls trafficked from the UK by ISIS. Reprieve recommends that the UK Government undertake the following steps:

- i.** Repatriate all British families back to the UK in order to effectively assess and investigate their status as victims of human trafficking and to provide them with the necessary protection and assistance, in line with the UK's domestic and international law obligations.
- ii.** Identify victims of trafficking through individual, case-by-case assessments of every suspected victim of trafficking, in compliance with domestic, regional and international legal obligations.
- iii.** Reinstate the British citizenship of all suspected victims of trafficking, in line with the UK's human rights obligations, including not to punish victims of trafficking for acts that arose out of their trafficking and exploitation.
- iv.** Hold an independent inquiry into the failure to protect vulnerable individuals from being trafficked by ISIS.
- v.** Guarantee the full human rights of those trafficked to ISIS, including the right to an effective remedy.

3

Methodology





Since 2019, Reprive has assisted the family members of 24 vulnerable individuals detained in Camp Roj and Al Hol Camp, most of whom are from the UK. The findings of this report are based on extensive research conducted by Reprive in NES since 2017.

During this time Reprive has conducted five trips to NES and visited Camp Roj multiple times. Reprive has conducted face-to-face interviews with 14 detainees in Camp Roj of various nationalities. Reprive has also interviewed the relatives of 29 different families who have family members detained in the NES camps, including but not limited to those women and girls that Reprive is assisting. Reprive remains in close and regular contact with their families.

This report also draws on the expert advice of journalists, academics, law firms, and international law experts, including relevant United Nations (“UN”) Special Rapporteurs, all of whom have extensive expertise in the human rights violations faced by individuals detained in the NES camps. The findings of this report also draw on information gathered during meetings with departments and government officials within the UK and the United States (“US”) and from Reprive’s attendance at high-level strategic discussions of policy in this area, including meetings hosted by the UN Office of Counter-Terrorism and the Open Society Justice Initiative.

All interviewees gave their informed consent to be interviewed and were informed of how the information they provided might be used. No interviewees received any financial incentive or remuneration.

Reprive would like to thank the women and their families who have shared their experiences, as well as the individuals that contributed their expertise to the findings of this report. In this report, real names of interviewees are used where possible; otherwise names and other identifying information have been withheld for reasons of confidentiality.

4

The Situation in Numbers

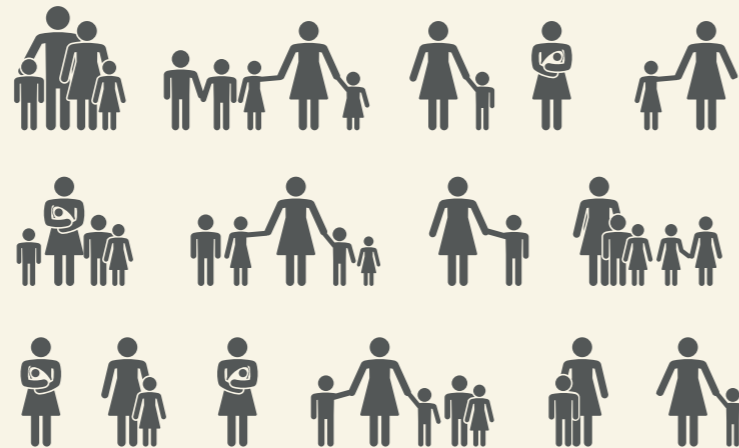


Of the estimated 800 British nationals who travelled to ISIS territories in Syria and Iraq,¹⁰ investigations by Reprive suggest that no more than 25 British adults and 34 British children remain in the region.¹¹

Of the small number of British nationals who remain in the region, the vast majority (84%) are women and children, and over half of the detainees (57%) are under 18:¹²



This amounts to approximately 15 family units:¹³



The majority of British women currently detained in NES are victims of trafficking. At least 63% of adult British women have been subjected to sexual and other forms of exploitation and were either under the age of 18 when they travelled, were coerced into travelling, and/or were kept and moved within Syria against their will:¹⁴



Almost half (at least 45%) of British nationals were children when they travelled to Syria.¹⁵



At least 44% of British women were coerced by a male partner or relative.¹⁶



In addition, the UK Government has made citizenship deprivation orders in respect of at least 19 of 25 British adults in NES (the number is likely higher).

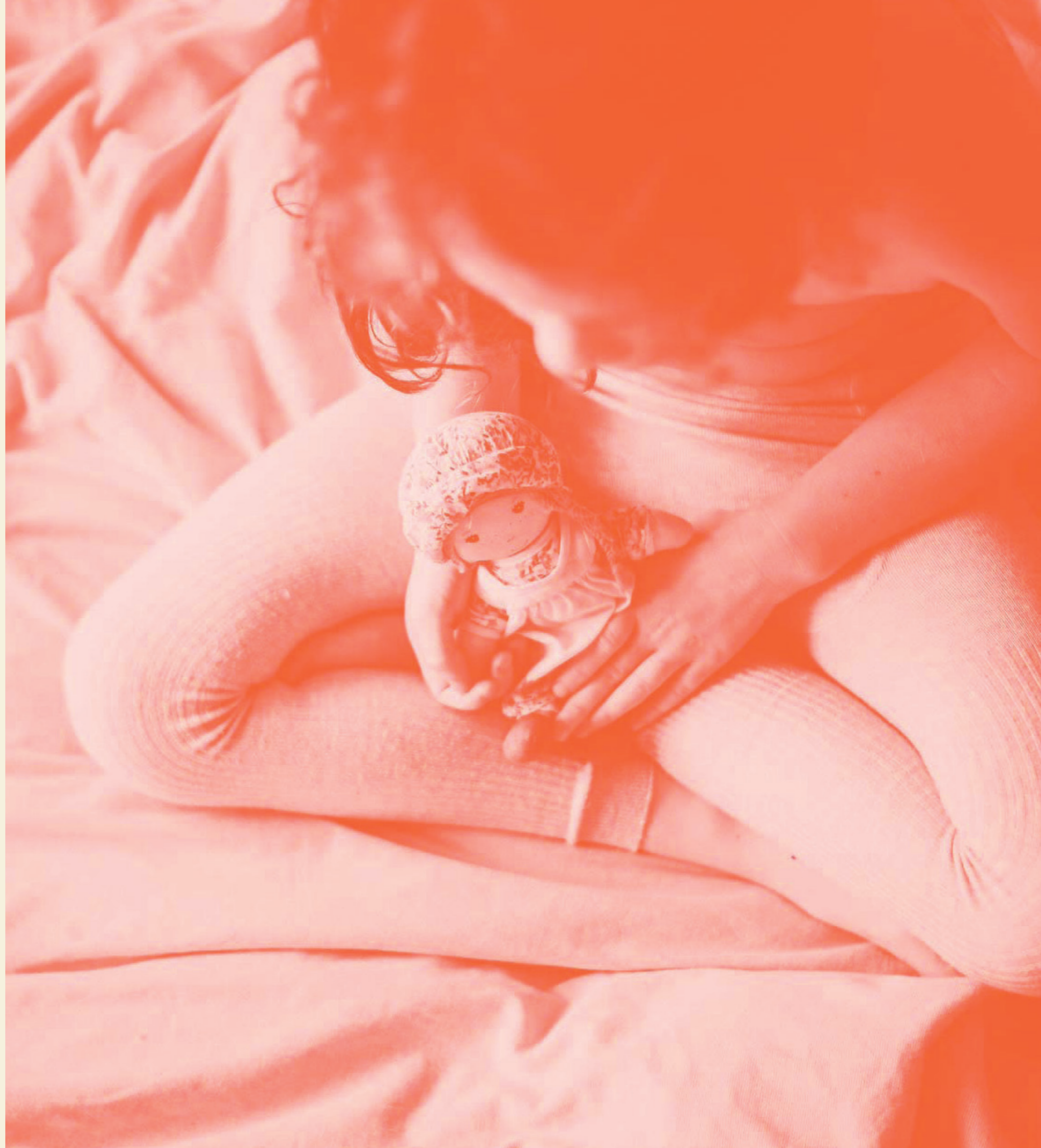


At least one British child may have been rendered stateless because her mother's citizenship was deprived whilst her mother was pregnant with her.



5

British Families Trafficked to Islamic State



Of the British women detained in NES in camps for people formerly living in ISIS-controlled territory, the majority are potential or actual victims of human trafficking under domestic and international law.¹⁷

For years, ISIS systematically trafficked and exploited hundreds of women and girls into Syria and Iraq. The trafficking of women and girls “was viewed as necessary to fulfil domestic and supporting roles in the caliphate and to legitimise ISIS and their new state”.¹⁸

This has been documented by the UN High Commissioner for Human Rights, who has noted that many of the individuals detained in NES “have been trafficked or otherwise forced into marriage, sexual slavery and exploitation by UN-listed terrorist groups.”¹⁹

A member of the Research Network for the United Nations Security Council Counter-Terrorism Committee Executive Directorate, has documented how ISIS used sophisticated grooming techniques to traffic vulnerable girls “using fraud and abuse of a position of vulnerability, among other means”.²⁰ Experts have identified how recruiters frequently described “the glory and honor of being the wife of a jihadi living in utopia”, and deliberately deceived women and girls to the reality of “the extreme violence perpetrated by ISIS, or the possibility that these girls will contribute to, and find themselves subject to, such violence”.²¹

In addition to online grooming, vulnerable women and girls were also trafficked to ISIS from the UK and within Syria by romantic partners or other male relatives whose coercion and control over them gave them no choice in the matter. This phenomenon has been less widely reported but is a common theme in almost half of the British cases that Reprieve has investigated.²²

i.

Definition of trafficking

The legal definition of human trafficking is found in the *Council of Europe Convention on Action against Trafficking in Human Beings, 2005 (ECAT)*²³ which the UK has been bound by since 1 April 2009, and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol)*.²⁴ The UK has implemented these provisions through domestic policy,²⁵ domestic law²⁶ and EU law.²⁷

Human trafficking consists of three basic components: an act, by particular means, for the purpose of exploitation.²⁸

Components of human trafficking	What it means	British families in NES
Act	Recruitment, transportation, transfer, harbouring or receipt, which includes an element of movement whether national or cross-border; which is achieved by a...	British women and children were recruited in the UK, transported to Syria from the UK and then transferred and moved to multiple locations within Syria and Iraq.
Means	threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability; for the purpose of...	Many were: <ol style="list-style-type: none"> i. Threatened and coerced into traveling by a male partner or relative; ii. Coerced and deceived by online groomers; and/or iii. Trapped into an exploitative situation once they had arrived. N.B. where individuals travelled as children the “means” is automatically satisfied because a child cannot give informed consent to their own exploitation even if they understood what was happening. ²⁹
Exploitation	for example, sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, removal of organs	This was for multiple exploitative purposes, including sexual exploitation, domestic servitude and forced labour. In all of the British cases that Reprieve has investigated, the women were subjected to coercive control by men, including being forced into marriage, locked inside, and forced into domestic servitude. Many were sexually exploited and a significant number had children conceived by rape.

ii.

Grooming tactics used in cases of trafficking for sexual exploitation

In the cases that Reprieve has investigated several British women and girls detained in NES were recruited through online grooming, fraud and deception. In at least one case, this grooming was done via an online dating site by an individual who went on to become the young woman's partner and then trafficker.³⁰

International and domestic law stipulates that any apparent consent of victims to be controlled and exploited in these cases is irrelevant when any of the means detailed on page 21 are used, including where fraud, deception or coercion has been used to get that consent or there has been an abuse of a position of vulnerability meaning that the person has no choice.³¹

Home Office guidance³² requires decision-makers to have regard to the fact that in many cases of sexual exploitation, victims may at first appear to be "*willing participants*" when in reality they were subjected to psychological coercion. Psychological coercion in sexual exploitation cases may often include:

- Grooming - where people are enticed over time to take part in activity in which they may not be entirely willing participants (for example, a trafficker may present themselves as a 'boyfriend' in a sexual exploitation case).
- 'Stockholm syndrome' – where due to unequal power, victims create a false emotional or psychological attachment to their controller.

Using the same tactics as those employed by paedophiles in child sex trafficking rings,³³ befriending them online, telling them they are loved and showering them with praise and flattery,³⁴ in many of these cases ISIS recruiters used online platforms to target the psychologically vulnerable and those who were marginalised within their own communities.³⁵ The Counter-Terrorism Committee Executive Directorate (CTED) of the UN Security Council has found that women and girls were far more likely to be recruited by ISIS online than offline,³⁶ making them far more vulnerable to fraud and deception because of this environment.

In addition to those women and girls groomed online, many women and children were trafficked to Syria by a coercive male relative or partner, who abused the unequal power dynamics and the woman's respective position of vulnerability. Reprieve's investigations have revealed that at least 44% of the British women detained in NES were coerced and/or exploited by a male partner or relative.³⁷

iii.

The inherent vulnerability of children in these cases

Almost half of the Britons detained in NES were children when they travelled.³⁸ For a child to be a victim of trafficking, it is not required to show "*means*," such as actual deception or "*grooming*," because a child cannot give informed consent to their own exploitation even if they understood what was happening.³⁹

In several of the cases that Reprieve has investigated the children were taken by an adult family member, whilst in other cases their inherent vulnerability as children was exploited by sophisticated groomers.⁴⁰

iv.

The creation of an exploitative situation

Trafficking by ISIS occurred both through an exploitative process, such as in the examples set out above where women are coerced or deceived into travelling, and also through the maintenance of exploitative situations once these women had arrived within ISIS-controlled territory.

Legal experts have identified how women who may have consensually travelled to ISIS-held territories became victims of human trafficking when their "*originally freely agreed... marriage... instead became domestic servitude or sexual slavery.*"⁴¹ Professor Jayne Huckerby has identified how tactics by ISIS such as the confiscation of passports could have created conditions tantamount to an involuntary stay.⁴²

6

The Women and Girls Trafficked to Syria: Case Studies

This section describes the experiences of three British women currently detained in NES. Their real names have not been used and some details have been altered in order to protect their anonymity.



Nadia's story

Nadia was 12 years old when she was taken to Syria by a male relative from the UK. In Syria, Nadia was repeatedly raped, forced into marriage at the age 14 and had her first child conceived by rape by the age of 15.

Nadia was born and raised in England by British-Pakistani parents. The women in the family were close, in part as a result of the dominating nature of the male members of the family.

In Syria, Nadia was detained in a “hostel” for unmarried women and girls. Her elder sister tried to protect Nadia by agreeing to marry. This did not protect Nadia for long – at the age of 14 she was forced into marriage. Nadia was repeatedly raped, assaulted and forcibly impregnated. She gave birth to her first child aged 15.

Eventually, after years of domestic servitude and sexual exploitation, Nadia, her sister and mother managed to escape ISIS territory and make their way to the North of the country held by the Kurds, where she is now detained along with her young son.

At the age of 14 she was forced into marriage. Nadia was repeatedly raped, assaulted and forcibly impregnated. She gave birth to her first child aged 15.

Zara's story

Zara is a young British woman who was trafficked to Syria along with her baby daughter by a member of a notorious grooming gang who are known to have trafficked a number of women in this way.

Zara met the man who groomed her, Ash, through a dating site for practising Muslims. Zara spent her teen years as the primary carer for her mother, and aged 20, isolated at home, was looking for a way to begin a family of her own.

Ash groomed Zara through the dating site, pressuring her into marriage within just a few months of meeting. Once married, Ash isolated Zara from her family, prohibiting her from seeing her mother, and over time became physically aggressive.

In 2013, Zara fell pregnant with Ash's child. It was around this time that Ash left for Syria. Zara was moved into social housing far away from her family, where she became increasingly depressed. Her self-esteem had been destroyed by Ash's abuse and coercive behaviour. Ash continued to manipulate and threaten Zara from Syria, telling her that her family did not care about her and that she would always be alone unless she joined Ash in Syria. Ash told Zara that he would have "*his people*" kidnap their daughter and bring her to Syria if Zara did not agree to visit him.

After years of grooming and emotional manipulation, Zara believed these threats and eventually, in desperation and fear, succumbed to Ash's coercion. Ash and unknown men arranged for Zara and her baby daughter to be taken to Syria.

Zara tried to escape with her infant daughter but was caught and violently punished. Her daughter was taken away from her "*to teach her a lesson*" and she was taken to another house and locked up for several weeks

Once in Syria, Zara learned that Ash had also groomed a number of other young women and coerced them into marriage and travel to Syria. Zara was sexually exploited and forced into domestic servitude alongside these women. Zara and her daughter would be locked in the house for days, without food or water, and Ash controlled what Zara ate to the point of starvation.

When Zara fell pregnant again, she tried to escape with her infant daughter, but was caught and violently punished. Her daughter was taken away from her "*to teach her a lesson*" and Zara was taken to another house and locked up for several weeks. She was subsequently detained in a house where she gave birth to her second child.

In 2016, Ash disappeared and is presumed dead. Living in the hostel for unmarried women with her two young children, Zara was forced to "*choose*" between marrying another man or remain locked up in the women's house in appalling conditions with little food for her children. The second man who subjected Zara to further forced marriage and sexual exploitation was killed by a drone strike a few days after she gave birth to her third child.

Eventually, Zara managed to get her and her children out of ISIS territory and in early 2019, she and her three young children were transferred to a detention camp controlled by the Kurdish authorities.

Leila's story

Leila and her daughters were trafficked to Syria by her husband, a man who had controlled all aspects of Leila's life since she was a teenager.

Leila married her husband through an arranged marriage when she was a teenager. She had been living outside the UK until her marriage, and had little to no English when she was brought to the UK as a young newly-wed.

Leila was extremely isolated – she struggled to read and write and was not allowed access to friends or company other than her husband, who controlled every aspect of their lives.

Leila was not permitted to go out without her husband, save to take her children to school or to go grocery shopping, and she had no control over her finances.

As her daughters grew up, Leila's husband's behaviour became increasingly erratic. In 2015, he took her and her daughters to Syria. Leila did not want to go but was given no choice in the matter. Leila tried to tell her husband that she liked England and wanted to stay but she was unable to protect herself and her daughters from the coercive control her husband exerted over them. *"I did whatever my husband did; I didn't plan anything... I just obeyed my husband."*

Once in Syria, Leila and her daughters were immediately locked in a "women's house". They were not allowed to leave the building, and they struggled to communicate with anyone as they did not speak Arabic. Leila received one short visit from her husband. He was killed 10 days later.

Leila and her daughters were placed in what ISIS termed a "guesthouse for widows" and re-trafficked. They were forbidden to leave until Leila agreed to remarry. Leila's new husband was mentally and physically abusive and she tried to persuade nearby shopkeepers to help her and her daughters escape. When Leila tried to protect her eldest daughter from being forced into child marriage, she was beaten.

Leila and her daughters are now held in a Kurdish detention camp. Her eldest daughter has just turned 18. Although she was just 12 years old when she was taken to Syria, should the family be handed over to the Iraqi Government or Assad-controlled Syria, Leila and her daughter could face torture and the death penalty.

**I did whatever my husband did;
I didn't plan anything...
I just obeyed my husband...**

7

The Situation Today:

Trafficked Families Indefinitely
Detained in Inhuman Conditions



After years of sexual exploitation and abuse at the hands of ISIS, these women and children are now detained in the detention camps of NES which have been described by the UN as “deplorable and inhumane”⁴³ and by UK courts as constituting cruel, inhuman and degrading treatment.⁴⁴ The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has deemed these camps “a blight on the conscience of humanity”.⁴⁵

At least two British nationals have died whilst in NES detention⁴⁶ and at least two British nationals have serious bodily injuries (one is paralysed from the waist down and one has had both legs amputated).⁴⁷

Medical care and vaccinations are lacking and children are dying from preventable diseases.⁴⁸ In Al-Hol alone, 517 people, mostly children, died in 2019.⁴⁹ On 13 August 2020, it was reported that eight children under the age of five died in Al Hol Camp within five days. These children died of illnesses that could have been treated at field hospitals if they had been operational.⁵⁰ Aid workers have also indicated that women, many of whom are pregnant as a result of the sexual violence they suffered during the conflict, are giving birth in tents, without medical support.⁵¹

The lack of healthcare facilities has been exacerbated by the recent outbreak of coronavirus in Al Hol Camp in August 2020. Save the Children has reported that since coronavirus restrictions were put in place in early 2020, operational health facilities in North East Syria have reduced by 40%. As of April 2020, only one out of three field hospitals currently remain operational.⁵²

Throughout winter, the women are terrified that their children may develop hypothermia or that tent fires will resume. Fires are common in the camp as kerosene heaters are used for warmth in tents, which are made of a flammable material.⁵³ In the summer, the women and children suffer regularly from diarrhoea.⁵⁴

Women also fear that their older children will be taken away and imprisoned. Hundreds of children aged 12 and above are currently imprisoned by the Kurdish authorities in conditions that fall well below minimum human rights standards - children have been accused of “*spying*”, have been interrogated without lawyers, and detained in cells along with adults.⁵⁵

If the UK does not accept these British families back, the only other places to which they could realistically be transferred would be Assad-controlled Syria or Iraq, where women like Zara, Nadia and Leila, would face torture, disappearance and death.

If Britons are transferred to Assad-controlled Syria, then there is a high risk of torture and disappearance. The Foreign Commonwealth and Development Office states in its most recent Human Rights and Democracy report that “*Arbitrary detention, torture of detainees, and enforced disappearances are pervasive*”⁵⁶ and a Human Rights Watch investigation in 2015 revealed at least 6,700 killings in Syrian detention.⁵⁷

Human Rights Watch has reported that in Iraq, “*interrogators routinely use torture to extract confessions, and in most cases judges ignore torture allegations from defendants*”.⁵⁸ Despite this, the UK Government has given indications that it is seriously considering agreeing to the unlawful rendition of UK nationals from Syria to Iraq, where they will likely face torture and the death penalty following unfair trials.

It was reported in 2019 that the Iraqi Government was offering to put British nationals suspected of ISIS membership on trial, potentially leading to British citizens being given the death penalty – in exchange for millions of pounds.⁵⁹ The UK Government has refused to make clear its opposition to transfers to torture and the death penalty, and has suggested in answers to Parliamentary questions that it is in “*ongoing discussions*” with the Iraqi Government about such transfers,⁶⁰ and that concerns about them are “*ultimately a matter for authorities under whose jurisdiction the individuals are detained*”.⁶¹ Throughout 2019 and 2020 the UK continued to provide extensive support to prosecutions of ISIS fighters in Iraq⁶² and the UK government’s continued position is that the most “*appropriate jurisdiction*” for prosecutions will “*often be in the region where their offences have been committed*”.⁶³

8

The UK Government's Current Policy and its Failings



The UK Government has adopted four policies designed to, in the words of the then Home Secretary Sajid Javid, “use all [its] power” to stop detained British families in NES from returning to the UK.⁶⁴

i.

Citizenship stripping:

The UK Government has made citizenship deprivation orders in respect of at least 19 of 25 British adults in NES (though the number is likely higher). This appears to be a blanket policy and includes at least four women who travelled to Syria as children. In a number of cases, women and their families were not notified that they had been deprived of their citizenship, with the Home Office serving deprivation notices “to file”. One woman that Reprieve is assisting only began to suspect that she had been deprived of her citizenship when she was told by the Red Cross that “her passport had been cancelled.” Another young woman was first told that she had been deprived of her citizenship on ITV news.⁶⁵

ii.

Refusing to repatriate:

The UK Government’s policy is that it will only accept the return of unaccompanied or orphaned children.⁶⁶ Reprieve understands that the UK Government has refused to repatriate at least seven British women. Of the women who Reprieve is aware have requested repatriation, at least two were under the age of 18 at the time they travelled to Syria.

iii.

Separating families:

In the case of at least five British families, the UK Government has stripped mothers of their citizenship and offered to “consider” the repatriation of their children only if the mothers consent to being abandoned in the region and separated from their children indefinitely. Documents that Reprieve has had sight of suggest this is now a coordinated policy, applicable to all British families in NES. Experts agree that this could “have significant, severe and long-term adverse psychological consequences; and cause severe psychological suffering of both the child and their parent.”⁶⁷

iv.

Denials of life-saving consular assistance:

The UK Government has refused to provide essential humanitarian assistance to British nationals detained in NES, even to the most vulnerable women and children facing life-threatening conditions. In December 2020, the Foreign Office refused to conduct proof of life checks on or provide medical aid to a seriously ill British woman and baby girl, both suspected victims of trafficking.⁶⁸

This Government claims to be leading the global fight against human trafficking and modern slavery⁶⁹ and has made several key promises to suspected victims of trafficking, as set out in statutory guidance and policy.⁷⁰ Yet, through the four policies outlined above, the UK Government is catastrophically failing British victims of trafficking detained in NES. The remainder of this section examines the following failings by the UK Government:

- i. The UK Government is failing to take the necessary steps to identify British victims of trafficking currently detained in NES.
- ii. The UK Government has failed to take a case-by-case approach to suspected victims of trafficking, instead applying a blanket approach based on harmful stereotypes.
- iii. Public authorities failed to protect at-risk women and girls from being trafficked to Syria in the first place.
- iv. The UK Government is failing to protect suspected victims of trafficking from re-trafficking and further exploitation.
- v. The UK Government may have been operating under an inaccurate legal definition of human trafficking when making decisions in respect of British nationals detained in NES.
- vi. The UK Government is failing to protect the right to family life of suspected victims of trafficking.
- vii. The UK Government is criminalising victims of human trafficking and punishing them for acts that arose out of their trafficking.
- viii. The UK Government is denying trafficking victims their right to an effective remedy.

i. The UK Government is failing to take the necessary steps to identify victims of human trafficking



Key Promise:

The UK Government will continue to build on our “world leading efforts” to identify vulnerable victims of human trafficking.⁷¹



The Reality:

By adopting a blanket policy of non-repatriation, the UK Government is unable and unwilling to take the necessary steps to identify British victims of human trafficking in NES.

To our knowledge, the UK Government has conducted no meaningful assessments of the circumstances of the British women and children who were taken to Syria. This is despite having received correspondence from Reprieve and legal representatives that sets out the details of the trafficking and exploitation of these women and girls for the purpose of sexual slavery, forced marriage and other forms of exploitation.

The UK Government has instead asserted that it does not have an obligation to identify or support potential victims of trafficking who have been trafficked out of the UK and are currently abroad. This is evident from Parliamentary statements⁷² as well as correspondence on cases where trafficking concerns have been raised.⁷³

This assertion is contrary to the UK’s international legal obligations. The Palermo Protocol expressly contemplates transnational trafficking, and its key provisions (such as repatriation of victims of trafficking, and investigation and prosecution of offences) would be rendered meaningless if a state party fails to discharge its obligations to identify victims of trafficking including those who are trafficked out of its jurisdiction.⁷⁴ The ECAT both echoes and expressly builds on the duty contained in the Palermo Protocol by requiring states to take a human rights approach to all anti-trafficking measures.

Under Article 4 of the European Convention on Human Rights (ECHR),⁷⁵ a positive obligation to take operational measures arises where the UK Government was aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an individual had been, or was at real and immediate risk of being, trafficked or exploited.⁷⁶ This includes a positive duty to carry out an effective investigation where there is a credible suspicion of trafficking and to put in place a system of law and policy which takes a global approach to the protection of victims of trafficking,⁷⁷ and by implication identify those trafficked out of the UK, as well as those trafficked in.

In order to be effective, an investigation must, amongst other things:

- be capable of leading to the identification and punishment of those responsible;
- be undertaken as a matter of urgency where the possibility of removing the individual from the harmful situation is available; and
- involve the victim or next-of-kin in order to safeguard their legitimate interests.⁷⁸

These obligations can only meaningfully be met if British women and children are repatriated. Even if the UK Government acted upon its obligation to conduct assessments of the trafficking status of the British women detained in NES, any such assessment and investigation can only be effective if the suspected victims are offered sufficient access to protection and assistance for their recovery and rehabilitation.

The UK Government has by its own admission confirmed that “*the UK has no consular presence within Syria from which to assess the needs of or provide assistance*”⁷⁹ to British women and children. This apparent lack of consular access, together with the conditions in the camps, which a UK court found to be so dire as to breach Article 3 of the ECHR (if that article applied),⁸⁰ and the significant restrictions on women and children’s ability to speak freely and openly, means that the only realistic way to effectively assess and investigate the women’s potential status as victims of human trafficking is to repatriate them, in line with the UK’s international law obligations.⁸¹

However, the UK Government has instead adopted a policy of non-repatriation of any British adult who travelled to Syria and ‘*co-located*’ with ISIS,⁸² agreeing only to consider repatriating children, provided the children “*do not pose a security threat*”.⁸³ The UK Government has further claimed that ‘age and gender’ are not ‘relevant considerations’ when determining the national security threat a person poses, stating that “*judgments should not be made about the national security risk an individual poses based on their gender or age*”.⁸⁴

Legal experts have made clear that this “*hands-off approach to citizens abroad and a blanket policy of non-repatriation—including because of a lack of consular presence in Syria—makes [whether an individual is a victim of trafficking] difficult, if not impossible, to assess*”.⁸⁵ They assert that without mechanisms in place to identify whether trafficking occurred, the UK is prima facie in violation of its obligations under international law.⁸⁶

ii. The UK Government has failed to take a case-by-case approach to women and children in NES, instead applying a blanket approach based on harmful stereotypes



Key Promise:
We will carefully consider all requests for consular assistance from women and children in NES on a case-by-case basis.⁸⁷



The Reality:
The UK Government has failed to assess each case on its merits and instead appears to have adopted a blanket approach, publicly stating that it does not take into account individual factors of gender and age,⁸⁸ and refusing to repatriate at least two British women who were under 18 when they travelled to Syria.⁸⁹

To date, Reprieve has had sight of the decision letters in respect of seven women, where the UK Government has refused to repatriate them.⁹⁰ Far from considering requests for assistance on a case-by-case basis, the UK Government uses identical language in each letter, providing no evidence that the individual circumstances of each woman have been considered, and using the same stock phrase in each letter:

“The Government assesses that [X] is a threat to national security having travelled of her own volition to join a proscribed terrorist organisation”⁹¹

In no decision letter does the UK Government attempt to substantiate its claim that a woman travelled of her own volition, including in the case of women where clear evidence of their trafficking has been shared with the FCDO.⁹² Of the adult women who Reprieve is aware have requested repatriation, at least four were under the age of 18 at the time they travelled to Syria.⁹³

In making these blanket decisions about national security, the UK Government is adopting the blanket stigmatisation of all individuals purportedly associated with ISIS that the United Nations Security Council Counter-Terrorism Committee Executive Directorate has cautioned against:

“There appears to be a risk of blanket stigmatization of all individuals associated with ISIS, whether as combatants, civilian employees, family members, or merely residents of ISIS-controlled territory”⁹⁴

This blanket stigmatisation is being taken to the extreme by the current UK Government. In November 2019, the current Home Secretary and Defence Secretary initially blocked the proposed rescue of unaccompanied minors and orphans from NES on the basis that the children “posed security concerns”⁹⁵ In November 2020, the Foreign Secretary denied consular assistance to a critically ill infant girl, stating that “judgments should not be made about the national security risk an individual poses based on their gender or age”⁹⁶

iii. Public authorities failed to protect at-risk women and girls from being trafficked to and within Syria for sexual exploitation



Key Promise:
The safety, protection and support of the potential victim must always be the first priority.⁹⁷



The Reality:
In more than one case that Reprieve has investigated, public authorities, including the police, the Home Office, the FCDO and the intelligence services, failed at every available opportunity to prevent women and children being trafficked to, and within, Syria for the purpose of sexual and other forms of exploitation.

Reprieve’s investigations have revealed that in more than one case public authorities repeatedly failed to protect vulnerable British women and girls from being groomed by ISIS recruiters.

In one particularly egregious case, a UK police force failed to prevent a teenage girl from travelling to Syria, having initially stopped the child from boarding a plane with an adult who was not a relative nor known to the family. The police force confiscated the girl’s phone but not her passport and they did not notify her mother. The next day the girl travelled to Syria.⁹⁸

In other cases, family members have revealed that when they spoke with the police upon the disappearance of their daughters and sisters, the police focused solely on what the family knew about the groomers and recruiters, instead of asking for identifying information that could help locate the missing women and girls.⁹⁹

The experience of these families mirrors the experience of the families of Shamima, Amira and Kadiza, three British teenage girls who travelled to Syria in February 2015. Their relatives detail how they were treated as suspects by the police and were not privy to intelligence that may have prevented the girls reaching Syria.¹⁰⁰ The family of Shamima allege that the school, the council, and the police knew that ISIS recruiters were encouraging her to go to Syria, but they did not share this information with the family.¹⁰¹ The relevant police force have since apologised to the families, after it was revealed that letters discouraging them from travelling to Syria were given directly to the girls, instead of speaking with their parents and guardians.¹⁰²

Reprieve’s investigations have also revealed that public authorities repeatedly failed to protect vulnerable women and girls from being recruited, groomed and coerced into travelling to Syria by abusive male partners and relatives. In at least one case, the police, school, health professionals and the local authority were aware of evidence of domestic violence and knew that the girls had been pulled out of school by their father unexpectedly. Yet investigations by Reprieve revealed that it was only a month after the girls had already been taken to Syria, that the local authority raised “safeguarding concerns” with the family’s GP and proceeded to complete a “Child Missing Education form” in respect of one of the girls.

International legal experts have attributed these failings to the siloed approach to counter-terrorism and human trafficking by law enforcement in the UK. Police and prosecutors working on counter-terrorism rarely view cases through a human trafficking lens, meaning they regularly failed to identify potential victims and to take the necessary measures to protect them.¹⁰³

iv. The UK Government is failing to protect suspected victims of trafficking, including, from re-trafficking and further harm



Key Promise:

Decision-makers will recognise that survivors of trafficking may be at risk of re-trafficking and ensure they are protected from further harm.¹⁰⁴



The Reality:

Despite the deteriorating security situation in NES, placing women and children at a high-risk of being re-trafficked and further exploited, the UK Government has refused to repatriate the families or provide even the *de minimis* level of consular assistance to establish whether the British families are still in the camps and are still alive.

The British families in NES are inherently at risk of re-trafficking, due to their extreme vulnerability arising from previous experiences of human rights violations and the personal situations that made them vulnerable to such abuses in the first place. In many of these cases, individuals might not even realise they are victims of exploitation or human trafficking because they are not yet able to recognise their own exploitation by virtue of their conditioning and traumatising.

This vulnerability is compounded by the deteriorating security situation in NES – in just the first two weeks of 2021, 12 camp residents were murdered, and one critically injured.¹⁰⁵ The Kurdish authorities, which are currently engaged in struggles to hold territory on multiple fronts, have described the “*heavy burden*” of protecting families in the camps from security threats and warned they do not have the resources to detain them indefinitely.¹⁰⁶ In March 2021, the Kurdish authorities once again called on states to repatriate their nationals.¹⁰⁷ This instability leaves women and children vulnerable to re-trafficking and further exploitation by the radical factions within the camps, some of whom wield significant power, and who pose physical and psychological threats to those considered to be less committed to the ISIS ideology.¹⁰⁸

The UN Human Rights Council has already found that violations are particularly widespread in camps such as Camp Roj, with adolescent girls being disproportionately affected by sexual and gender-based violence, child marriage and exploitation.¹⁰⁹

The UK’s refusal to repatriate the British families exacerbates this risk of re-trafficking, by forcing women to consider other means of escaping the camps, by placing their lives and their children’s lives in the hands of unscrupulous smugglers and traffickers who may subject them to further exploitation.

Despite these risks, the UK Government has refused to provide essential consular assistance.¹¹⁰ This has included the denial of proof of life checks and medical aid to a seriously ill British woman and baby girl both suspected victims of trafficking.¹¹¹ The infant girl is at risk of possible respiratory failure and pneumonia, the same condition that killed Shamima Begum’s infant son in March 2020.¹¹² This denial of consular assistance is contrary to the UK’s positive obligation to “*take necessary and reasonable steps to intervene in favour of its nationals abroad, should there be reasonable grounds to believe that they face treatment in flagrant violation of international human rights law*”.¹¹³

v. The UK Government may be operating under an inaccurate legal definition of human trafficking when making decisions in respect of British nationals detained in NES



Key Promise:

The UK Government will apply the internationally recognised definitions of human trafficking as set out in the Palermo Protocol and the ECAT.¹¹⁴



The Reality:

The UK Government may be operating under an inaccurate legal definition of human trafficking when making decisions in respect of at least five of the British women in NES whose cases Reprieve is aware of.

In December 2020, it was revealed during the course of High Court proceedings, *FR (a child by his litigation friend, L) v Secretary of State for the Home Department*,¹¹⁵ that Home Office officials were working under a misunderstanding of the law and the definition of human trafficking during the period of December 2019 to August 2020.¹¹⁶ It was also during this time that the Home Office and FCDO made decisions in respect of a number of British women in Syria relating to the stripping of their citizenship and the refusal to repatriate them.

The Home Office Guidance directs decision-makers to apply the definitions set out in the Palermo Protocol and the ECAT¹¹⁷ whether an individual is a suspected victim of trafficking and if so, when determining what steps ought to be put in place to protect and support them.

Contrary to these internationally recognised definitions, as implemented in domestic policy, in December 2019 the Home Office decided there were no reasonable grounds to believe that *FR* was a victim of human trafficking because “*forced labour for the purposes of terrorism does not constitute “forced labour” for the purposes of the “exploitation” element of the definition of human trafficking and modern slavery.*” Subsequent disclosure revealed that the Home Office had an “*unpublished policy*” expressed in an email that they “*do not consider that terrorism or potential acts of terrorism fall under the definition of modern slavery.*”

At the same time as the Home Office made the decision in respect of this child, the UK Government sent out a series of decision letters throughout November and December 2019 to at least five British women detained in NES, communicating the decisions to strip them of their citizenship and/or refuse to repatriate them. Reprieve understands that the Government was aware of evidence that at least three of these women are suspected victims of trafficking.

In December 2020, following High Court proceedings, the Home Office was forced to acknowledge that “*there was no provision in the relevant guidance to the effect that terrorism or potential acts of terrorism are excluded from the definition of modern slavery*” and that the “[unpublished policy] *represents a misunderstanding of the law and the definition of human trafficking.*”

This case raises serious concerns that at the time the UK Government made the decisions to deprive women of their citizenship and refuse to repatriate them, they failed to apply the correct legal definition of human trafficking, and as a result, they failed to identify women and girls trafficked by ISIS as victims of human trafficking in need of protection and support.

vi. The UK Government is failing to protect the right to family life of victims of trafficking



Key Promise:

It is wrong in principle to separate the British families detained in NES.¹¹⁸



The Reality:

The UK Government has refused to repatriate parents and children together, offering only to consider repatriating the children if their mothers consent to being separated. The UK Government has also stripped mothers of their citizenship meaning that British children may no longer be able to live legally in the same country as their mother.

The UK Government has reversed its previous commitment that “*it would be wrong in principle to separate family members,*”¹¹⁹ by instituting a policy of family separation. In an apparently coordinated series of letters to Reprieve and their legal representatives, the FCDO has presented at least five British families in Syria with a devastating ultimatum, offering only to consider the repatriation of their children if the mothers consent to being abandoned in the region and separated from their children indefinitely.

Reprieve’s investigations have revealed that to date five adults and 12 children between the ages of 2 and 12 are affected. The letters seen so far were sent within a week of each other, concluding on Christmas Eve 2019. A similar letter was sent in December 2020 to an additional woman with two children detained in NES.

This policy risks effectively making orphans of the children, as abandoning the mothers in this way amounts to a *de facto* death sentence. Without repatriation to the UK, they may be transferred to Iraq or Assad-controlled Syria, where they will face torture, the death penalty, the risk of re-trafficking or indefinite detention in life-threatening conditions.

This policy also flies in the face of the obligations of the UK Government to protect the right to family life of victims of human trafficking under international human rights law¹²⁰ and the UK’s duty to facilitate restitution for victims of trafficking as a key component of the right to a remedy.¹²¹ These obligations have been summarised clearly by the Anti-Trafficking Monitoring group, a coalition of organisations established in 2009 to monitor the UK’s implementation of European anti-trafficking legislation:

“... the UK has a duty to protect, respect and fulfil the rights of victims of trafficking and their children... Any decisions which impact on the children of trafficking victims should have their best interests as a primary consideration. Moreover, the support provided to victims of trafficking, or lack thereof, should never be a disproportionate breach of their right to a private and family life.”

Under international law, the UK Government is required to conduct a best interests of the child assessment before separating a child from his or her parents against their will.¹²² The best interests of the child must be a primary consideration¹²³ when deciding the proportionality of any interference with the right to family life on the basis of national security.¹²⁴ Yet in none of the five cases identified by Reprieve has the UK Government evidenced that they had even conducted a best interests assessment, let alone provided evidence to support that the best interests of the child had been the primary consideration when proposing to separate mother and child.

The separation of British parents and children in NES, with the parents left to languish in the camps, is not in the best interests of the children in any of these cases. Separating a parent and child can have a serious physical and psychological impact on children and the more traumatic the separation, the more likely there will be significant negative developmental and psychological consequences.¹²⁵ For some children, the trauma of forced separation without due process can be so traumatic as to constitute cruel and inhuman treatment. This has been recognised by Physicians for Human Rights in the context of the separation of parents and children at the US-Mexico border.¹²⁶

The impact on children can be made worse by the indefinite nature of the separation and uncertainty as to the whereabouts or critical wellbeing of their parent(s) and if they will be reunited.¹²⁷ This undermines the chances of successfully resettling the children and allowing them to rebuild their lives.

For the women and children in NES, separation is likely to be indefinite for two reasons. First, the policy of citizenship stripping affects the integrity, functionality and vulnerability of the family as a whole¹²⁸ and has meant that in at least one case that Reprieve is aware of, the effect is that a British child, who has no entitlement to any other nationality, can no longer live legally in the same country as her mother anywhere in the world. Second, there is serious risk that the mothers will face the death penalty or disappearance if they are transferred to Iraq¹²⁹ or Assad-controlled Syria, making orphans of their children.¹³⁰

By adopting a policy of citizenship-stripping, refusing to repatriate parents and children together, and risking the transfer of mothers to Assad-controlled Syria or Iraq, the UK Government is clearly jeopardising the right to a family life of these exceptionally vulnerable victims of trafficking and their children.

vii. The UK Government is criminalising victims of human trafficking and punishing them for acts that arose out of their trafficking



Key Promise:
We will prevent victims of slavery from being punished for crimes they were forced to commit.¹³¹

The UK Government has justified its decision to strip women of their citizenship and deny them repatriation on the basis that “*they travelled to Syria of their own volition*” when the reality is that many of the women and children that Reprieve is assisting did not travel of their own volition but were groomed, coerced or deceived into traveling to Syria. In doing so, the UK Government has turned citizenship deprivation from a power that it invoked extremely rarely into a standard operating procedure to punish suspected victims of human trafficking for acts they were forced to commit and which arose out of their trafficking.¹³²



The Reality:
Trafficking victims in NES have had their citizenship stripped, and been denied consular assistance, for the act of travelling to Syria, an act they were forced to do by the individuals who trafficked them.

The punishments inflicted on these women and children are severe. In addition to stripping them of their citizenship and refusing to repatriate them, as set out above, the UK Government is also denying them life-saving consular assistance.¹³³

Enshrined in international and domestic law is the principle of non-punishment for victims of trafficking. Under Article 26 of ECAT¹³⁴, and Article 8 of the EU Anti Trafficking Directive¹³⁵, the UK Government is obliged to have a system which allows for the discretionary “*non-punishment*” or “*non-imposition of penalties*” on victims of trafficking.¹³⁶

The UN Security Council has repeatedly urged states to individually assess the individual situation of persons released from the captivity of terrorist groups to ensure that trafficking victims related to armed conflict are not penalised or stigmatised for their involvement in any unlawful activities.¹³⁷

Reprieve is concerned that these victims of trafficking in NES have not only been punished for the acts of their abusers, but they have been punished disproportionately as women and as individuals with the least resources and power to escape ISIS. When the UK Government began its policy of citizenship-stripping in 2016,¹³⁸ it targeted only those individuals still in Syria, and these were more likely to be most vulnerable. The UN Security Council Counter-Terrorism Executive Directorate (UN CETD) has found that women were far less able to escape ISIS and as a result only around five per cent of women who travelled to Syria and Iraq have returned.¹³⁹ Researchers attribute this partially to the fact that “*Women were often unable to travel freely without a male guardian, making the opportunity to escape and return more challenging (particularly for those with children).*”¹⁴⁰

It is also not always clear that the acts for which these British women and children are being punished are in fact illegal. To punish victims of human trafficking for acts that may not even be illegal is a further violation of the spirit of the non-punishment principle.

viii. The UK Government is denying victims the right to an effective remedy



Key Promise:
We will fulfil the UK’s obligations to provide assistance to adult victims of human trafficking, detailed in Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).¹⁴¹

The UK Government has taken no steps to meet its obligations under international human rights and anti-trafficking law to ensure that British victims of trafficking by ISIS have access to a remedy. Instead, the right of these victims to an effective remedy has been subordinated to a blanket assertion that these families pose a threat to national security.

The UK Government is under an obligation to fully realise the rights of victims of trafficking to an effective remedy, where it failed to exercise due diligence to prevent their trafficking¹⁴² and where any aspect of the victims’ trafficking, such as the recruitment, occurred within the jurisdiction of the UK.¹⁴³



The Reality:
No efforts have been made to fulfil victims’ right to a remedy, including their right to a safe and voluntary return and reunification with their families.

This right to a remedy for victims of trafficking has four substantive components: restitution, rehabilitation, compensation and satisfaction and guarantees of non-repetition.¹⁴⁴

The obligation on the UK to provide restitution to the British victims of trafficking in NES includes facilitating their safe and voluntary repatriation to the UK¹⁴⁵ as well as their reunification and contact with family members. The UK is under an obligation to “*facilitate, with due regard for the safety of [their citizen] the return of that person with undue or unreasonably delay*”.¹⁴⁶ This includes agreeing to issue travel documents or other authorisation as may be necessary to enable to the person to travel to and re-enter the UK.¹⁴⁷

The fact that the UK Government has deprived some of these women of their citizenship has no effect on its obligations as the duty to facilitate repatriation is owed by the state of which a victim was a national “*at the time of entry into the territory of the receiving [State] Party.*”¹⁴⁸

As set out in the above sections, the UK Government has taken no steps to provide restitution to these victims, the most fundamental form of restitution being their voluntary and safe return to the UK and reunification with their families. Rather than facilitating repatriation and family reunification, the UK Government has refused to repatriate potential trafficking victims and is actively pursuing a policy of family separation in those cases.

The UK Government appears to have also failed to identify, investigate, prosecute and punish offenders in line with its obligations to provide compensation and satisfaction, focusing its efforts instead on the punishment of the victims themselves for acts that arose out of their trafficking, by stripping women of their citizenship, refusing to repatriate them together with their children, and denying them vital consular assistance.

9

Recommendations



Reprieve believes that the complex dynamics of the situation of British women and children detained in NES can only be properly dealt with by the UK authorities when the families are repatriated to Britain, and it is wrong to suggest that the UK can abandon victims of trafficking, punishing them for acts that arose out of their trafficking and exploitation.

The findings of this report make clear that the UK is failing to comply with its legal obligations to identify, protect and support women and girls trafficked from the UK by ISIS for the purpose of exploitation.

Reprieve recommends that the UK Government:

i.

Repatriate families back to the UK:

Facilitate the repatriation of all British families detained in NES in order to effectively assess and investigate their status as victims of human trafficking and to provide them with the necessary protection and assistance, in line with the UK's domestic and international law obligations. Repatriation is key to effecting the UK's anti-trafficking and human rights obligations, including to provide restitution to victims of human trafficking and determine the scope and application of the non-punishment principle.

iv.

Hold an independent inquiry into the failure to protect vulnerable individuals:

Conduct an independent inquiry into the failings of public authorities to protect at-risk persons from being trafficked by ISIS for the purpose of exploitation, including sexual exploitation.

ii.

Identify victims of trafficking:

Conduct individual, case-by-case assessments of every suspected victim of trafficking, in compliance with domestic and international legal obligations. This requires potential victims who have been trafficked *out* of the UK and whilst abroad to be afforded equivalent rights, protections and support mechanisms as those presently available to victims identified *within* the UK. Repatriation of families as a unit is key to ensuring full and accurate identification that is gender- and age-sensitive.

v.

Guarantee the full human rights of those trafficked to ISIS, including the right to a remedy:

Ensure that victims of human trafficking in this context have a right to effective and adequate remedies for the violations they have suffered, including the provision of information and assistance on available legal proceedings.

iii.

Reinstate British citizenship:

Reinstate the British citizenship of all suspected victims of trafficking, in line with the UK's human rights obligations, including the obligation not to punish victims of trafficking for acts that arose out of their trafficking and exploitation.

i.

Repatriate families back to the UK

The UK Government's approach stands in stark contrast to numerous other states – the US, Italy, Finland, Germany, Ireland, and Belgium – which have actively sought to repatriate their nationals to face prosecution, or which are actively engaging in discussions as to how to best do this.

The US administration under President Trump sought and secured the return of almost all of its nationals who were detained in NES,¹⁴⁹ a total of 28 nationals.¹⁵⁰ In February 2021, the US ambassador to the UN confirmed that this position will continue under the Biden administration, stating that “*beyond being the best option from a security standpoint, repatriation is also simply the right thing to do.*”¹⁵¹

In recent months Germany and Finland have between them also repatriated five adults and 12 children from the camps, while Ukraine has repatriated nine of its citizens, and has committed to repatriating the rest.¹⁵²

Reprieve understands that the UK Government has the ability to repatriate the suspected victims of trafficking from NES if the UK Government decided to do so. This is apparent for four reasons:

- First, the Kurdish authorities in control of the camps (the ‘AANES’) have repeatedly called for foreign countries to repatriate their nationals.¹⁵³
- Second, it is reported that European states, including the UK, “*have had, and some continue to have, a presence in the camps, either military, diplomatic, police, and/or intelligence.*”¹⁵⁴
- Third, the UK Government has demonstrated its ability to secure repatriations, repatriating at least four unaccompanied children, including amidst the Covid-19 pandemic.¹⁵⁵
- Fourth, the US State Department's Coordinator for Counter-Terrorism recently offered US operational support in carrying out repatriations, stating, “*We are ready to assist any country that wants to move forward. Give us a call and we'll find a way to make it work.*”¹⁵⁶

As a final point, Reprieve understands that the UK Government not only has the legal duty and ability to repatriate these women and children, but it is in fact the only actor that has the power to do so, as AANES will only allow repatriations in circumstances where release has been requested by the individual's home nation. Relatives of detainees have attempted to instigate repatriations, but this has proven unsuccessful in the face of calls by detaining authorities for official repatriation requests from home countries.¹⁵⁷

ii.

Identify victims of trafficking

Under Article 4 of the ECHR and Article 10 of the ECAT, the UK Government is required to take steps to identify and protect victims of trafficking, not only within its jurisdiction, but also where the UK Government has failed to exercise due diligence to prevent their trafficking out of UK territory.¹⁵⁸

Upon the repatriation of British families, Reprieve urges the UK Government to refer these individuals to the National Referral Mechanism, the UK framework for identifying and referring potential victims of human trafficking, which ensures they receive the appropriate support.

The support provided to these families should, at a minimum, be in line with the Home Office statutory guidance¹⁵⁹ and cover both mainstream and/or specialist support. This should include:

- Access to Government-funded support through the Modern Slavery Victim Care Contract (including accommodation, material assistance, financial support, information and advice).
- Outreach support if already in safe, secure and appropriate accommodation (which may include local authority accommodation or asylum accommodation).
- Access to legal aid for immigration and other relevant advice.
- Medical care and counselling.

iii.

Reinstate British Citizenship

In line with UK's obligations under the non-punishment principle, the Secretary of State for the Home Office should reinstate the citizenship of all British nationals whose citizenship was deprived on the basis of acts that arose out of their trafficking.

The UK Government has repeatedly justified its deprivation decisions on the basis that women and girls travelled to Syria supposedly “*of [their] own volition.*” There is clear evidence that these women and girls did not travel of their own volition, but rather were groomed, deceived and coerced into traveling. By depriving them of their citizenship on this basis, the deprivation orders violate the non-punishment principle. Reprieve therefore urges the Secretary of State to issue notices revoking the orders.

iv.

Hold an independent inquiry into the failure to protect vulnerable individuals

It is clear from the findings outlined in this report that public authorities failed on multiple occasions to protect vulnerable women and children from being trafficked.

Reprieve calls on the UK Government to conduct an independent public inquiry into these cases to ensure that the same mistakes are not repeated and examine the specific question of how and why public authorities failed to protect at-risk women and girls from being trafficked from Britain to Syria for multiple exploitative purposes, including sexual exploitation, forced labour and domestic servitude.

Any such inquiry should be chaired by an independent individual with significant expertise in the trafficking-terrorism nexus and this individual should have the full legal powers to compel the production of evidence. Reprieve urges the UK Government to ensure that in such an inquiry, the independent chair will have a final say over which hearings are public and what redactions are made to the final report. Survivors of trafficking in this context should be able to fully participate and provided with the necessary psychosocial and logistical support to enable this participation to be meaningful.

A public inquiry is the only vehicle by which many of the victims in these cases can uncover the failings that led to their trafficking and abuse. Most potential victims identified by Reprieve are outside the jurisdiction of the UK, with limited recourse to the legal procedures for scrutinising the actions of public authorities in these cases. Further, unless this question is examined, given the continuing instability within the region of Syria and Iraq, the risk remains that these trafficking victims will be re-trafficked and that other vulnerable British people will be trafficked by foreign terrorist organisations in the future.

v.

Guarantee the right to a remedy

Victims of human trafficking are entitled to effective and adequate remedies for violations of their human rights, including those related to the government's failure to exercise due diligence to prevent, investigate, and prosecute their trafficking.

Reprieve calls on the UK Government to provide victims of human trafficking in this context with full access to the legal procedures, compensation, and other reparatory schemes that all other victims of human trafficking are entitled to in the UK, as well as any other tailored steps necessary to remediate the situation of ISIS trafficking victims on a case-by-case basis.

This includes access to the Criminal Injuries Compensation Scheme to compensate those who suffered serious physical and mental injury as a result of their trafficking to ISIS, as well as access to legal aid for all victims facing criminal proceedings, and for those pursuing a civil claim for damages.

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