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# Report of the Inquiry by the All-Party Parliamentary Group on Trafficked Britons in Syria

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# Contents


About the All-Party Parliamentary Group 4

Executive Summary 5

1. Introduction and Overview 10

1.1 Evidence Received 11

1.2 Structure of the Report 12

2. The Situation in the Detention Camps in North East Syria 13

2.1 Threat of Violence 14

2.2 Lack of Adequate Shelter 14

2.3 Risk of Disease and Death 14

3. UK Government Failures to Prevent Trafficking by Terrorist Groups and Protect Victims 15

3.1 Trafficking of British Nationals by ISIS to and within Syria and Iraq 16

3.1.1 Act 17

3.1.2 Means 17

3.1.3 Purpose 18

3.2 The UK's Failure to Prevent Trafficking by ISIS 18

3.2.1 Failure to Identify At-Risk Individuals 19

3.2.2 Failure to Notify Parents and Guardians 19

3.2.3 Failure to Prevent Travel at Airports and Borders 19

3.2.4 Reasons for the UK's Failure to Prevent Trafficking 20

3.3 The UK's Failure to Protect Potential Victims of Trafficking 21

3.3.1 Failure to Identify British Nationals as Potential Victims of Trafficking 21

3.3.2 Blanket Refusal to Repatriate British Nationals Detained in NES 22

3.3.3 Citizenship Deprivations 23

4. National Security Concerns Raised by the UK's Approach 26

4.1 Risk of Collapse of Detention Facilities 27

4.2 Risk of Re-Trafficking by ISIS 28

4.3 Risk of Exposure to Violent Ideology 28

4.4 Risk of Undermining the International Fight against Terrorism 29

4.5 Risks to Accountability, Justice, and Global Security 30

4.5.1 Refusal to Prosecute Domestically 31

4.5.2 Support for Detention and Prosecution of British Nationals in the Region Despite Severe Risks of Torture and the Death Penalty 32

4.5.3 British Funding of Continued Arbitrary Detention without Charge or Trial of British Nationals 33

5. Violations of the Rights of British Children 34

5.1 Indefinite and Arbitrary Detention of Children 34

5.2 Exposure to Cruel, Inhuman, and Degrading Treatment or Punishment 35

5.3 Lack of Access to Education and Child Labour 35

5.4 Risks of Family Separation 36

5.5 Impact of Citizenship Deprivations and Risks of Statelessness 37

5.6 Risks of Trafficking and Re-Trafficking of Children 37

6. Impact on Families in the UK 38

6.1 Interactions with the Police 38

6.2 Impact of Citizenship Stripping and Refusals to Repatriate 39

6.3 Emotional Toll on Families 40

7. Conclusions and Recommendations 41

7.1 Key Findings 41

7.2 Key Recommendations 45

Annex I: Glossary of Terms 47

Annex II: Information on Repatriations and Prosecutions: Country-by-Country 48

Endnotes 50

# About the All-Party Parliamentary Group

The All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria is a cross-party group of Members of Parliament (MPs) and peers seeking a resolution to the cases of people from the United Kingdom (UK) who were trafficked by the Islamic State (ISIS), and are now detained in detention facilities run by the Autonomous Administration of North and East Syria (AANES) and Syrian Democratic Forces.

The APPG understood that ISIS used trafficking as a tactic to fulfil its strategic aim of building a state[1] and that British women and families were among those trafficked to Syria and Iraq.[2] The APPG launched an inquiry to examine both the UK Government's response to trafficking operations by ISIS and its ongoing treatment of potential British victims of trafficking who are currently detained in North East Syria in July 2021. In so doing, the APPG aimed to develop constructive policy recommendations for the UK Government, both to solve the current crisis and to prevent a similar phenomenon of trafficking by terrorist organisations occurring in the future.

The APPG is co-Chaired by the Rt. Hon. Andrew Mitchell MP, Lyn Brown MP, and the Lord Jay of Ewelme GCMG. Its vice-Chairs are the Rt. Hon. David Davis MP, Stuart C McDonald MP, the Rt. Hon. Baroness Warsi, Andy Slaughter MP, and Apsana Begum MP.

The APPG's secretariat function is provided by the international legal charity, Reprieve.

# Executive Summary

In July 2021, the All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria launched an inquiry concerning the trafficking of British nationals by the Islamic State of Iraq and Syria (ISIS). Many of these people are now detained in North East Syria (NES) by the Autonomous Administration of North and East Syria and Syrian Democratic Forces. The inquiry received oral and written evidence from current and former government officials from the UK and its allies, former police and prosecutors, legal and anti-trafficking experts, and global security advisers, including a former director of global counter-terrorism at the UK's Secret Intelligence Service (MI6).

The APPG received compelling evidence that British nationals, including children, were trafficked by ISIS to and within Syria and Iraq. The APPG is extremely troubled by evidence indicating that, of British nationals currently detained in NES who were not born there, almost half were children at the time of travel[3] and therefore especially likely to be victims of trafficking.

The APPG heard strong evidence that the UK Government neglected to take adequate action to prevent this trafficking. The inquiry heard that UK public bodies failed to identify at-risk individuals who were particularly vulnerable to trafficking, failed to notify parents and guardians of young girls who were being groomed, and failed to prevent women and girls from leaving the country, despite many being underage or known to be at risk. These were not isolated incidents; rather this was a systemic failure to combat ISIS trafficking operations.

Key decision-makers failed to recognise that vulnerable young girls were being groomed due to a siloed approach to counter-terrorism and anti-trafficking by UK police and other authorities. Family members of those detained in NES reported feeling that the police and government treated them as criminals, rather than relatives of missing persons. As a result, police damaged their relationship with the community they serve and missed opportunities to prevent trafficking of young Britons to Syria.

The UK Government has now abandoned its nationals – including those whose trafficking they failed to prevent – in indefinite and unlawful detention in NES. Conditions in the detention camps are dire, with UK courts accepting that they constitute cruel, inhuman, and degrading treatment. Many of the British detainees have been held for more than three years without charge or trial.

The inquiry heard distressing evidence of serious violations of children's rights, including of British boys and girls. Detained children are at risk of death, separation from their parents, being made effectively stateless, and being trafficked or re-trafficked by ISIS or similar groups.

In 2021, at least 163 people died in al Hol Camp, 62 of whom were children,[4] and reports suggest that two children die in al Hol and Roj camps each week from preventable illnesses.[5] The APPG is particularly concerned by evidence that the UK Government is financially contributing to the unlawful detention of children in NES.[6]

Rather than honour its international obligations to investigate cases of British nationals who may be victims of trafficking and provide protection and support, the Government's policy has been to punish potential victims, including by refusing to investigate the circumstances of their trafficking, refusing to repatriate them, and stripping them of citizenship on what appears to be a blanket basis.

Moreover, it appears to be pursuing a policy of encouraging the separation of British children from their mothers, only months after telling Parliament that to do so would be "wrong in principle".

The Government's policy has had clear discriminatory impacts. The inquiry received compelling evidence from the Institute of Race Relations about the impact on Black, Brown, and Muslim communities, notably because citizenship deprivation powers have been used almost exclusively against Muslims, mainly of South Asian, Middle-Eastern, and African heritage. We also heard first-hand from the families of those now detained in Syria about the devastating and discriminatory effects of these policies on their own sense of security and belonging within the UK. Many family members of those detained in Syria report feeling like second-class citizens as a result of the Government's response.

The Government has justified this unprecedently broad use of citizenship-stripping powers and refusal to repatriate British families from NES on the grounds that it is necessary to protect national security. Multiple experts, including representatives of Britain's close security ally, the United States (US), told the inquiry that in fact, this approach is deeply harmful to national and global security. Abandoning British nationals in detention simply shifts responsibility for the issue onto other countries who may be less well equipped to manage it. As the US Government told the inquiry, citizenship deprivations at best defer the problem, rather than solve it. Representatives of Pakistan also voiced strong concern that this practice only makes "your problem someone else's problem."

Further, the Kurdish authorities told the APPG that the situation in the camps is "very dangerous" and al-Hol in particular is a "ticking time bomb" that is out of its control,[7] vividly illustrating that it is unlikely to be able to hold these detainees forever. Should the detention facilities collapse, the impact on national and global security could be extremely serious. In the meantime, the propaganda value to ISIS of holding women and children in inhuman detention without charge or trial is enormous.

An increasing number of states are repatriating their nationals from NES, leaving the UK ever more isolated in its refusal to do so. The APPG was particularly struck by the exhortations from the US for the UK to bring British men, women, and children home. The APPG concludes that this is well within the Government's capacity. Notably, the Kurdish authorities themselves told the inquiry that they are "ready to provide unconditional assistance and cooperation with the UK to hand over its citizens" should they receive an official request to do so.[8]

The UK's approach is also damaging its standing amongst its security allies. The former director of global counter-terrorism at MI6, Richard Barrett, told the inquiry that "trust of the UK's suitability as a security partner has been eroded considerably" and if the UK Government continues down this path, it will be deemed "in dereliction of [its] duties on the international stage."[9] The US Government has also urged the UK "not to obstruct" efforts to ensure international agreement on repatriation in United Nations (UN) resolutions as a permanent member of the UN Security Council.

While many of those travelling to Syria were victims of trafficking, the inquiry also heard that the UK has the ability, where appropriate, to investigate and prosecute returning UK nationals who may have committed crimes. The former Director of Public Prosecutions for England and Wales, Lord (Ken) Macdonald QC, noted that the UK's criminal justice system is well equipped to deal with such cases.

The APPG is deeply concerned by the UK Government's public statements that express support for prosecutions of British nationals in the region. Multiple experts, including representatives of the US Government, told the inquiry that trials in the region are untenable, impractical, and unrealistic. The authorities in NES cannot try them as they are non-state actors; and transfer to Iraq or Assad's Syria would expose British nationals to the risk of torture, the death penalty, and serious fair trial violations. This would do nothing to achieve justice for the victims of ISIS.

The UK Government's policy risks fostering impunity for crimes committed by ISIS and prevents access to justice for trafficking victims detained in the region. It leaves those British nationals stripped of their citizenship with no opportunity for a fair appeal process. The APPG notes with concern that the Nationality and Borders Bill would exacerbate this problem by allowing citizenship stripping without notice.

## In light of the evidence received, the APPG recommends that the UK Government undertake the following steps:

### Repatriate British nationals back to the UK

The APPG concludes that the UK Government must take urgent steps to repatriate all British men, women, and children detained in NES. This is necessary to implement the APPG's other recommendations, including to: investigate trafficking and support victims, protect British children from serious harm, reduce risks to national security, prevent re-trafficking, prevent a potential resurgence of ISIS, and ensure justice and accountability for crimes committed by ISIS. It has also been shown to be practically feasible and is strongly encouraged by the UK's closest security allies.

### Investigate trafficking and provide support to victims

Under international and domestic law, the UK Government is obliged to take necessary and reasonable steps to identify, assist, and protect British victims of trafficking by ISIS. The APPG concludes that the UK Government must reverse its unlawful position that it has no obligations towards British victims of trafficking who are outside the UK. Instead, it must take necessary and reasonable steps to investigate and to identify all British nationals who are potential victims of trafficking by ISIS. The APPG also recommends that the Government provides necessary and reasonable support to all potential victims to enable them to meaningfully participate in the investigative process, and that the Government takes protective measures to aid victims' recovery and protect them from further harm.

### Introduce and implement policies and procedures to end human trafficking by terrorist groups

The APPG received evidence indicating systemic failures by UK public authorities to safeguard British women and children from being groomed and trafficked by a terrorist organisation. Experts identified gaps in first responders' ability to identify indicators that vulnerable individuals were at risk of, or in the process of, being trafficked. There were also specific, and extremely troubling, failings with regard to child trafficking victims. The UK Government has made laudable commitments to tackling modern slavery and must put in place policies and procedures to enable public authorities to respond to the growing phenomenon of trafficking by terrorist groups, and to ensure that victims of trafficking by terrorist groups are afforded the same level of protection as victims of trafficking by any other perpetrator.

## Protect the rights of British children and reject family separation

The UK Government must uphold the best interests of British children by repatriating them together with their mothers or primary caregivers. The adoption of policies that lead to family separation is a violation of the UK's international and domestic law obligations. Moreover, where it is not established that it is in the child's best interests, the separation of a child from its parents or primary caregivers is abhorrent. The Government should urgently clarify to Parliament its current policy in this area, in view of the concerning evidence that it is encouraging family separations despite a previous statement that it would be "wrong in principle" to do so. It must adopt a clear and categorical position opposing the separation of children from their mothers or primary caregivers.

## End practices which jeopardise national and global security

Security experts and representatives of other nations made clear that the refusal to repatriate British nationals and the use of citizenship stripping is an irresponsible abdication of our responsibility, contributes to instability in the region, and creates security risks in third countries less well equipped to manage those risks as well as globally. They have further made clear that abandoning British nationals, including potential victims of trafficking and children, to unlawful detention is a propaganda gift for ISIS. The UK Government must end the use of citizenship stripping and agree to repatriate the small number of British nationals from NES.

## Prevent ISIS trafficking and resurgence

The evidence was compelling that abandoning individuals in unlawful detention, in circumstances where many have been victims of abuse and are currently subjected to inhuman and degrading conditions, is likely to lead to their trafficking or re-trafficking by ISIS or similar groups. Apart from fuelling a resurgence of violence and terrorism in the region and providing a propaganda tool for ISIS, such a result will inevitably affect the UK's own security. The UK Government must repatriate British nationals in detention not only to ensure their safety but also our own.

## Ensure access to justice and end impunity

The UK Government's policy has created a vacuum of accountability and justice. While held in unlawful detention, trafficking victims and individuals deprived of their citizenship have no meaningful access to courts to seek the redress and support to which they are entitled. As the US has made clear, local trials are "untenable for several reasons, including limited resources, the potential application of the death penalty and related human rights concerns [...], and the absence of a viable location at which individuals can serve out their sentences in the event of successful prosecutions." Thus, by refusing to repatriate for prosecution where appropriate, the UK Government is preventing accountability and denying justice to victims of ISIS. The UK Government must immediately repatriate all men, women, and children in NES to enable the fair and transparent adjudication of all of these issues.

## End the use of discriminatory citizenship stripping

The APPG heard evidence that the Secretary of State's power to deprive citizenship where it is "conducive to the public good" has been exercised broadly and arbitrarily, for instance, by failing to take into account individuals' status as trafficking victims. In addition, its use has been discriminatory, directed almost exclusively against those of ethnic minority heritage. The APPG heard further evidence that the application of citizenship stripping powers has communicated the message that "British Muslims are not 'real', full British citizens." The APPG finds that this power has created discriminatory tiers of citizenship and that - far from being an effective counter-terrorism measure - it in fact endangers national and global security. The APPG notes with concern that the Government is now seeking to expand this power in the Nationality and Borders Bill by allowing the Secretary of State to carry out deprivations without notice. The APPG concludes that rather than expanding this power, citizenship deprivations under it should be suspended.

## Review the impact of UK counter-terrorism policy on Black, Brown and Muslim communities

The APPG heard compelling first-hand testimony from family members of individuals detained in NES about the devastating impact UK policies have had on them and their families. It also received a range of evidence describing the harm caused to Black, Brown and Muslim communities in the UK. It understands that the UK's approach to detentions in NES is derived from the UK's wider counter-terrorism framework. The APPG recommends that an independent review be established to assess the impact of government policy concerning NES and its broader counter-terrorism policy, as relevant. The review should include wide consultation with affected groups, in particular the family members, and should be an open and transparent process to identify key learnings and inform future practice.

# 01

# Introduction and Overview

In July 2021, the All-Party Parliamentary Group (APPG) on Trafficked Britons in Syria launched an inquiry to examine the trafficking of British nationals to and by the Islamic State of Iraq and Syria (ISIS). The purpose of the inquiry was to examine both the United Kingdom (UK) Government's response to trafficking operations by ISIS and its ongoing treatment of potential British victims of trafficking who are currently detained in North East Syria (NES) by the Autonomous Administration of North and East Syria (AANES) and Syrian Democratic Forces (SDF). The APPG aimed to develop constructive policy recommendations for the UK Government, both to solve the current crisis and to prevent a similar phenomenon of trafficking by terrorist organisations in the future.

Over the course of its inquiry, which concluded in December 2021, the APPG sought written submissions from a range of individuals and organisations and invited anti-trafficking experts, global security experts, and the families of individuals currently detained in NES to attend oral evidence sessions, which in the circumstances of the global Covid-19 pandemic were held virtually. The APPG has also had the benefit of media reports, academic and legal analysis and other material, featured in the endnotes to this report.

## 1.1 Evidence Received

The oral evidence sessions were constituted as follows:

### 13 July 2021: Human Trafficking Experts

- Siobhán Mullally, UN Special Rapporteur on Trafficking in Persons, especially women and children
- Tarana Baghirova, Country Visits Officer from the Office of the Special Representative for Trafficking, Organisation for Security and Cooperation in Europe
- Professor Jayne Huckerby, Director of Duke International Human Rights Clinic, Duke University
- Steve Harvey, Law enforcement and counter-trafficking expert

### 25 October 2021: National Security Experts

- Jussi Tanner, Special Envoy, Ministry of Foreign Affairs of Finland
- Christopher Harnisch, Former Deputy Coordinator for the US State Department's Bureau of Counterterrorism
- Shahzad Akbar, Pakistan's Federal Minister and Advisor to the Prime Minister on Accountability and Interior between August 2020 and January 2022
- Lord (Ken) Macdonald QC, Former Director of Public Prosecutions

### 30 November 2021: Evidence from family members of detainees in NES (private)

- Family members of individuals detained in NES

Written evidence was received from the following groups:

- Child Rights International Network
- Save the Children
- Azadeh Moaveni, Gender Project Director, International Crisis Group
- Rights and Security International
- CAGE
- The Soufan Center
- Human Rights Watch
- Institute of Race Relations
- Richard Barrett CMG OBE, former director of counter-terrorism at the British Secret Intelligence Service (MI6), and Paul Jordan, Head of Responding to Violent Extremism at the European Institute of Peace.

The evidence submissions received by the APPG can be found on the APPG's website https://appgtraffickedbritons.org.

## 1.2 Structure of the Report

**The report is divided into six chapters, as follows:**

### Chapter 2

Gives a brief background to the situation in the detention camps in NES, including the grave risks to health and life of those detained, the majority of whom are children.

### Chapter 3

Looks at the phenomenon of trafficking by ISIS of British and other nationals to and within Syria; it explores the policy failings in the UK that led to British women and girls being trafficked by ISIS; it also analyses the response by the UK Government to the current situation.

### Chapter 4

Explores the national and global security impacts of the approach taken by the UK Government to British nationals detained in NES; it compares the UK's approach to that of its closest security partners, identifying security risks and highlighting the lack of accountability and justice in the UK's approach; it also explores the discriminatory impact of the UK's approach, particularly towards people of Muslim faith, and Black and Brown communities.

### Chapter 5

Outlines the violations of the rights of British children resulting from the UK's approach to British families detained in NES; it notes the risk to life, the risk of family separation, the risk of statelessness and the risk of re-trafficking and exploitation of British children.

### Chapter 6

Explores the impact that the UK's approach to this issue has had on British families from 2014 to the present; it looks at how failures by the police to prevent trafficking exacerbated the harms to British families, and how the current refusal to repatriate or to identify and protect potential victims of trafficking is perpetuating this trauma.

### Chapter 7

Outlines the conclusions of the APPG's inquiry, together with recommendations for policy-makers.

# 02

# The Situation in the Detention Camps in North East Syria

When the last remnants of ISIS in Syria fell in 2019, the AANES (the de-facto, Kurdish-dominated governing entity in the region) detained thousands of women and children in two open-air detention camps known as al Hol and Roj. Prior to October 2019, a third, smaller camp operated at Ain Issa, close to the Turkish border, until the camp was abandoned following the Turkish incursion into the region.[10] Today, these two camps hold around 60,000 people, including 40,000 children. Both are located in the semi-autonomous Kurdish-controlled region of NES, close to the Iraqi border, with al Hol lying further to the south.[11]

Al Hol is separated into a main camp and an area for non-Syrian and non-Iraqi detainees referred to as the "international annex". In 2019, the population increased from approximately 10,000 to 75,000 people, 11,000 of whom were of non-Syrian and non-Iraqi nationality, often referred to as Third Country Nationals (TCNs). The population density is three times that of New York City.[12] Camp Roj is smaller, holding around 2,500 people, the vast majority of whom are TCNs. It is divided into a main camp and an extension area.

Though they are called "camps", Roj and al Hol are in fact detention facilities. Freedom of movement throughout the camps is limited, and there is an extensive security presence guarding the internal and external borders of the camps.[13] Individuals detained by the AANES appear to be held for presumed but unproven links to ISIS on the basis of having formerly lived in ISIS-controlled territory; as far as the APPG is aware, none have been charged with a crime by the detaining authorities. The United Nations (UN) Independent International Commission of Inquiry on Syria has found that individuals held there have been unlawfully deprived of their liberty.[14]

The APPG received evidence that approximately 20 British family units are detained in NES. Over half of these individuals are children, while some 30 percent are women. The women and children are all held in the detention camps. Approximately 15 of these detainees are children five years old or younger.[15]

A variety of human rights and humanitarian organisations provided evidence regarding the conditions of the detention camps in NES. The evidence is shocking: the camps holding British women and children are stricken by disease, malnutrition, and violence. UK courts have found the conditions to constitute cruel, inhuman and degrading treatment.[16]

Those detained face an ongoing risk to life from violence, camp fires, and from preventable illnesses; these risks are delineated in further detail in the following subsections.

*The APPG received evidence that approximately 20 British family units are detained in NES. Over half of these individuals are children, while some 30 percent are women. The women and children are all held in the detention camps. Approximately 15 of these detainees are children five years old or younger.*

## 2.1 Threat of Violence

The evidence the APPG received makes clear that women and children face a continuing threat of violence in the camps. From January to mid-August 2021, 163 people died in Camp al Hol, 62 of whom were children. 79 of the 163 were murdered, including 3 children who died from gunshots.[17]

Many women and children have been targeted with violence and threats for expressing a desire to return to their home countries, for wearing clothing deemed to be inappropriate, or for talking to men.[18] A nine-year-old child told Save the Children, "they call us infidels and non-believers and pelt us with stones whenever they see us. Once they beat my mother and myself and broke my face bones."[19]

## 2.2 Lack of Adequate Shelter

Shelter in the camps is provided primarily by tarpaulin tents or large warehouse-like facilities. These temporary accommodations are unsuitable for the harsh conditions of NES and detainees lack adequate protection from the weather, which oscillates from sub-zero in the winter to extreme heat in the summer.

Rights groups report instances of the tents collapsing in strong winds or being swept away in flooding.[20] In the winter, freezing temperatures require detainees to use unsafe gas and oil heating devices inside their tents.

As a result, fire is a constant risk. It is the most common cause of child mortality: 13 children were killed in fires from January to September 2021 in Camp al Hol.[21]

On 27 August 2021, a fire broke out in al Hol that destroyed roughly 30 tents and burned a number of women and children as they tried to extinguish it.[22] In November 2021, the Telegraph reported the arson of a disabled British woman's tent in Camp Roj, which nearly killed her and her young son.[23]

## 2.3 Risk of Disease and Death

The APPG is concerned by evidence that individuals in the camps frequently die from preventable disease. In October 2021, Rights and Security International (RSI) counted infected war wounds, acute diarrhoea, malnutrition, respiratory issues, gastroenteritis, and skin infections amongst the most common physical maladies afflicting detainees.[24] There have been numerous reports of women and children dying from tuberculosis.[25] In October 2021, it was reported that typhoid was spreading rapidly through Camp al Hol.[26]

Food scarcity and contaminated water supply also poses a risk to the women and children.[27] Food distribution centres at the camps are reported to frequently run out of provisions. Many women have no means to buy fresh food for their children to supplement rations of lentils, grains, oil, and sugar, leading to deaths caused by malnutrition.[28]

In 2020, reduced humanitarian access due to Covid-19 led to a 40 percent diminution in health services, which in turn caused eight children under five years old to die within five days of each other.[29] The causes of their deaths – heart failure, internal bleeding, and severe malnutrition – were treatable.[30] Reports suggest that two children die in al Hol and Roj each week from preventable conditions.[31]

*From January to mid-August 2021, 163 people died in Camp al Hol, 62 of whom were children. 79 of the 163 were murdered, including 3 children who died from gunshots.*

# 03

# UK Government Failures to Prevent Trafficking by Terrorist Groups and Protect Victims

The APPG received evidence from a range of experts, including UN officials, former anti-trafficking law enforcement officials, and academics specialising in human trafficking, that a significant number of British women detained in NES may be victims of human trafficking.

The internationally recognised legal definition of human trafficking consists of three core components:

i. an **act** (such as *recruitment, transportation, harbouring, receiving*);

ii. by a particular **means** (including *threats* or *use of force, deception, abuse of power or vulnerability*);

iii. for the **purpose** of exploitation (including *sexual exploitation, forced labour or domestic servitude, slavery*).[32]

The APPG has received evidence from several leading anti-trafficking experts, including the UN Special Rapporteur on Trafficking in Persons, especially women and children (UN Special Rapporteur on Trafficking), about how terrorist groups employ human trafficking.[33] In summary, terrorist groups seek to benefit from human trafficking in four key areas:

i. **Recruitment:** to traffic new group members and to use female trafficking victims to attract and service male group members;

ii. **Financial gain:** to increase financial flows to the organisation, as victims of trafficking may be trafficked onward for profit;

iii. **Ideology:** as part of a wider campaign of sexual violence and subordination of women and girls. The sexual exploitation and oppression of women and girls is a key part of the ideology espoused by many of these groups and trafficking is therefore a tool by which to spread this ideology amongst target populations; and

iii. **Control:** to exact influence over communities through trafficking and re-trafficking, such as multiple sales or "gifting" women, or forced re-marriage within terrorist-controlled territories after initial acts of trafficking. By controlling marriages, births, and sexual freedoms, armed groups can exert greater control over communities as a whole.[34]

This pattern has been observed in several terrorist organisations, including al-Shabaab,[35] Boko Haram,[36] and ISIS.[37]

## 3.1 Trafficking of British Nationals by ISIS to and within Syria and Iraq

Evidence from anti-trafficking experts, global security experts, and representatives of other countries confirmed that ISIS employed trafficking as a tactic to further its strategic ends. For instance, the Soufan Center explained that trafficking was "a technique practiced and refined by" ISIS during its peak.[38] The US Government also recognizes that ISIS deployed trafficking as a tactic and that victims were "subjected [...] to forced marriage, sexual slavery, rape, and domestic servitude."[39]

The evidence also indicates that ISIS' trafficking operation extended into the UK, and that many British women and girls meet the criteria of a potential victim of human trafficking. Mr Barrett, a former director of counter-terrorism MI6, and Paul Jordan explained that among the British nationals in the camps there are "victims and desperate women who were coerced, manipulated, or criminally forced to travel and whilst members of ISIS were forcefully married, emotionally abused, victims of sexual violence and mental torment".[40]

Evidence from the international legal charity Reprieve, published in April 2021, indicates that at least 63 percent of British women now detained may have been trafficked into or within Syria or Iraq by ISIS, with at least 44 percent of British women coerced by a male partner or relative. Over half of British detainees are children, a significant number of whom were born in Syria. However, of the British nationals currently detained in NES who were not born there, almost half were children when they travelled.[41]

Terrorism and trafficking expert Professor Jayne Huckerby also provided detailed evidence on this point, outlining how the experience of many individuals who travelled from the UK to Iraq and Syria satisfies the core elements of trafficking of act, means, and purpose.

*Mr Barrett, a former director of counter-terrorism MI6, and Paul Jordan explained that among the British nationals in the camps there are "victims and desperate women who were coerced, manipulated, or criminally forced to travel and whilst members of ISIS were forcefully married, emotionally abused, victims of sexual violence and mental torment."*

### 3.1.1 Act

Professor Huckerby explained that the "acts" ISIS traffickers used included online recruitment; arranging the transportation of Britons to and within Syria and Iraq; and transferring to, harbouring or receiving British nationals in ISIS territories.[42]

### 3.1.2 Means

The "means" element of trafficking encompasses both explicitly coercive means (such as the use of force) as well as also other implicitly coercive means, including deception and the abuse of power or a position of vulnerability.

While the use of kidnapping and abduction by ISIS has been well acknowledged, Professor Huckerby noted that ISIS traffickers often used more subtle means, such as the emotional manipulation of the victim, including through an existing or cultivated romantic relationship. This, according to Professor Huckerby, can constitute an abuse of a position of vulnerability and is relevant in assessing whether women who accompanied husbands or boyfriends to terrorist groups acted voluntarily.[43]

Professor Huckerby's findings are supported by the investigations carried out by Reprieve, which found that many of the British women and girls who appeared to have willingly followed husbands or other male family members in fact did so as a result of abuse of unequal power dynamics and the exploitation of positions of vulnerability, in order to coerce and control them into travelling.[44] A report issued by Reprieve in April 2021 details two anonymised case studies to illustrate this finding:

i. **Zara** met her trafficker on an online dating site. This man went on to abuse and control Zara, threatening to kidnap her daughter unless she agreed to travel to Syria. On arrival in Syria, Zara discovered that this man had trafficked several other young women.[45]

ii. **Leila** was trafficked to Syria by her abusive husband who had controlled all aspects of her life since she was 19. Leila had no control over her finances and lacked the power to overrule her husband when he decided to take her to Syria. In Syria, Leila's husband died within months of arrival, and Leila was forced to remarry and was re-trafficked.[46]

Professor Huckerby also outlined how the "means" element of trafficking can be met when there is a change of circumstance which changes voluntary travel to Syria to an involuntary stay in ISIS-controlled territory. For example, trafficking would occur if a woman freely agreed to marriage, which on arrival in Syria became a situation of domestic servitude or sexual slavery.

Similarly, if someone travelled voluntarily but was prevented from leaving, including because of having had their passport confiscated by ISIS, that could constitute a changed circumstance that could amount to trafficking.[47]

The International Crisis Group also provided evidence on this point, noting the ways in which women were prevented from leaving ISIS. Women who challenged their husbands' or ISIS' authority were often imprisoned, physically abused, prosecuted in local Sharia courts, or had their children taken away to punish their disobedience.[48] This is also evidenced in Reprieve's case study of "Zara" referred to above. When Zara fell pregnant in Syria, 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 a period of time.[49]

Finally, Professor Huckerby emphasised that, for child victims of trafficking, the "means" element does not need to be proven as a minor can never consent to their own exploitation. According to Reprieve data from April 2021, almost half of British nationals detained in NES who were not born there, were children at the time of travel from the UK.[50] These individuals could not have consented to their exploitation and, according to the analysis above, would meet the definition of victims of trafficking.

Professor Huckerby made use of publicly available information about one British woman, Shamima Begum, to illustrate this point:

> Based on the public record, she was recruited online by a known, female ISIS recruiter in 2015 at the age of 15, on arrival she was put in a house for women, she was married off to a Dutch fighter ten days later… Legally this is not a difficult case in establishing trafficking. If ISIS transported or recruited Begum, with the particular purpose to exploit her, including her forced marriage and for production of children, that means she was trafficked. Yet when the media describes Begum as a runaway teen, or as an ISIS bride it implies that it was voluntary. Travelling to ISIS and getting married at 15 were choices that Begum was not legally old enough to make.[51]

### 3.1.3 Purpose

Professor Huckerby explained that ISIS used trafficking for a wide range of "purposes", including for sexual slavery and exploitation, forced marriage, forced labour, and forced domestic labour.[52]

This information is supported by the investigations carried out by rights groups and security experts. For instance, Reprieve has documented how once in ISIS-controlled territory, British women and girls were detained in dire conditions in "guesthouses" (mudafas) until they "agreed" to marry. British girls as young as 14 were forced into marriage, and the majority were subjected to rape and other sexual violence. If their "husbands" were killed, the women and girls would be forced to "choose" between marrying another man or being again locked up in the "guesthouse" in appalling conditions with very little food for them and their children.[53]

## 3.2 The UK's Failure to Prevent Trafficking by ISIS

Over the course of its inquiry, the APPG examined extensive evidence regarding the response by UK authorities to the trafficking of women and girls to Syria and Iraq from around 2013 onwards.

Anti-trafficking law enforcement expert Steve Harvey outlined best practice to prevent the trafficking of vulnerable individuals, including having a "Standard Operating Procedure" for first responders, such as the police, border officials, local authorities and schools.[54] Such a document lists the typical indicators that first responders should be alert to in order to identify potential victims of trafficking.[55]

Mr Harvey informed the APPG that the UK is one of the few European nations which does not have such a Standard Operating Procedure.[56]

Mr Harvey explained that if there is evidence that an individual is planning to travel to a known place of exploitation, including border countries, this should be a key indicator for first responders. Equally, if the individual belongs to an ethnicity, nationality or social group that is known to be a target group for particular traffickers, then this should be another indicator.[57]

Once an indicator has been identified, first responders should immediately step in and make further inquiries. Mr Harvey explained that this could be as straightforward as having a conversation with the at-risk individual, not to find out definitively whether that individual is a victim of trafficking, but "to confirm … suspicions." Mr Harvey was clear that mere suspicion should be all that is needed to engage the duties of first responders.[58]

The APPG also took into account the specific vulnerabilities of many of the British nationals who travelled to Syria and Iraq, which were risk factors that the UK authorities ought to have been alert to. For instance, the APPG has reviewed data from April 2021 that of the British nationals detained in NES who were not born there, almost half were children at the time of travel.[59]

Evidence received by the APPG identified three key operational failings where UK authorities did not adequately respond to indicators of potential human trafficking. These are outlined below.

*Mr Harvey informed the APPG that the UK is one of the few European nations which does not have such a Standard Operating Procedure.*

### 3.2.1 Failure to Identify At-Risk Individuals

The evidence strongly suggests that public authorities repeatedly failed to protect vulnerable women and girls from being groomed and coerced into travelling to Syria by male partners and relatives. As identified above, evidence the APPG reviewed indicates that some 44 percent of British women who travelled to Syria did so as a result of coercion.[60] In one case, for example, the police, a school, health professionals, and the local authority were made aware of evidence of domestic violence within a family and knew that a father had taken his young girls out of school unexpectedly. However, 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 doctor and proceeded to complete a "Child Missing Education form" in respect of one of the children.[61]

In another case, the APPG heard from the sister of a young mother now detained in NES. She reported that her sister was in a violent, abusive relationship for years before she left the UK. This was known to social services, yet the authorities failed to take action to safeguard her sister both from domestic abuse and then trafficking by ISIS. This woman's sister told the APPG that the UK Government and public authorities "did not do anything" even though "they could see that she … couldn't get away from him".[62]

### 3.2.2 Failure to Notify Parents and Guardians

The APPG has also identified repeated failures by police and local authorities to engage the parents or guardians of at-risk young girls who were in the process of being groomed, missing multiple further opportunities to work with parents to intervene.

For instance, in the cases of Shamima Begum, Amira Abase, and Kadiza Sultana, three British teenage girls who travelled to Syria in February 2015, the school, the council, and the police knew that ISIS recruiters were encouraging them to go to Syria, but they did not share this information with the families.[63] It was revealed that letters regarding a school friend who had already been trafficked there were given by police directly to the girls, instead of their parents and guardians. The APPG notes that the relevant police force has since apologised to the families.[64]

The APPG notes that a failure to notify families of at-risk individuals occurred in another case, in which the authorities initially prevented a child from leaving the country with an adult who was not a relative.[65] Despite being sufficiently concerned to prevent their travel, the authorities did not inform the family of the incident. The child left the UK by a different route the following day. The family of this girl believe that had the authorities contacted them at the time, they may have been able to prevent her from being transported to Syria.[66]

### 3.2.3 Failure to Prevent Travel at Airports and Borders

The APPG also received evidence which strongly suggests that the efforts at border posts to prevent vulnerable individuals from the leaving the UK fell short of the standards necessary to protect them from trafficking.

This factor was present in the cases of Shamima Begum, Amira Abase, and Kadiza Sultana mentioned above. Mr Harvey explained to the APPG that at the time of their travel, Special Branch officers were likely to have been stationed at the airport around departure gates to Turkey, as a key border country for Syria. According to Mr Harvey, when confronted with three young girls travelling to Turkey, the immediate response of any first responder ordinarily would have been to intervene and make inquiries, noting any indicators that these girls were in the process of being trafficked.

These indicators would have included factors such as the method of payment for the tickets, that the girls did not know their final destination, that they could not answer basic questions about their journey, and that their parents were not aware of their travel plans.[67] Yet no one stopped Shamima, Amira, or Kadiza. They proceeded to travel to Turkey, and then Syria, without being stopped or questioned.

### 3.2.4 Reasons for the UK's Failure to Prevent Trafficking

The APPG received evidence from various experts on possible explanations for the UK's failure to prevent trafficking of British nationals by ISIS.

First, there was a siloed approach to trafficking and terrorism amongst UK law enforcement. Professor Huckerby has identified that police and prosecutors working on counter-terrorism rarely view cases through a human trafficking lens, meaning they regularly fail to identify potential victims and to take the necessary measures to protect them.[68]

The Soufan Center echoed this information, explaining, "smuggling and trafficking can include weapons, drugs, humans, and other commodities deemed valuable. Too often, states narrowly focus on this aspect of smuggling, e.g. crime-terror nexus, and not enough on trafficking individuals (fighters, their families) who go on to be members of terrorist groups like ISIS."[69]

The Organisation for Security and Cooperation in Europe (OSCE) also emphasized that the UK must look at terrorism cases through a trafficking lens.[70] The OSCE recommended that in order to effectively defeat the use of human trafficking by terrorist groups, the intersection between human trafficking and terrorism must be reflected in strategies to prevent and combat both crimes.[71]

Second, experts identified an institutional lack of anti-trafficking knowledge and expertise within UK police and other authorities. As noted above, Mr Harvey pointed out that the UK is one of the few European countries that does not have a "Standard Operating Procedure" for the investigation and identification of victims of human trafficking.[72] As a result, the ability of individual police officers, security officials, and border officials to respond to suspected instances of trafficking varies widely, which in Mr Harvey's view contributes to significant oversights in ensuring trafficking is identified and dealt with. As he summarised in his evidence, despite two decades passing since the concept of human trafficking was first introduced to UK law enforcement, there is still no common approach to anti-trafficking being taught in academies and training institutions.[73]

Mr Harvey gave compelling evidence that these failures were not limited to investigations of trafficking by terrorist groups. He described the quality of police officers' interviews in other trafficking cases as "shockingly poor," leading to child victims of trafficking being wrongly prosecuted for acts they were forced to commit by their traffickers.[74] Mr Harvey highlighted one case where a cannabis farm had been detected and dismantled, but not one police officer on the case had been trained on human trafficking, despite it being widely accepted that cannabis producers frequently resort to human trafficking in order to obtain forced labour for the farms.[75]

## 3.3 The UK's Failure to Protect Potential Victims of Trafficking

Evidence received by the APPG confirmed that the UK Government has a range of international and domestic legal obligations towards trafficking victims, including particular obligations to child victims of trafficking. This led to the conclusion that the UK Government has entirely failed to live up to its obligations to identify, investigate, and protect potential victims of trafficking.

### 3.3.1 Failure to Identify British Nationals as Potential Victims of Trafficking

The UK is obliged to take necessary and reasonable steps to identify whether British nationals are victims of trafficking, pursuant to its international human rights obligations, including under the Palermo Protocol and the ECAT.[76] This obligation to take positive measures has been repeatedly affirmed by the European Court of Human Rights in a series of landmark judgements.[77]

Moreover, the UN Special Rapporteur on Trafficking noted that this obligation extends to victims who are outside of British territory, as the UK has obligations to take necessary and reasonable steps to intervene in favour of their nationals abroad where there are reasonable grounds to believe they face treatment in serious violation of international human rights law.[78] On this point, the APPG recalls that UK courts have accepted that conditions in the camps amount to cruel, inhuman, and degrading treatment (see Chapter 2, above).[79]

Despite these obligations, the UK Government has asserted that no international or domestic law or policy requires it to determine whether persons situated outside the UK are victims of human trafficking.[80] In response to Parliamentary questions about this issue, the Home Office claimed that the UK only has an obligation to identify victims of human trafficking who are in the UK.[81]

This refusal to determine whether some British nationals in NES are victims of trafficking is also evident from government correspondence on cases where trafficking concerns have been raised,[82] as well as government policies of non-repatriation and deprivation of citizenship, discussed further below (see Chapters 3.3.2 and 3.3.3, below).[83]

In light of the evidence received on this point, the APPG is of the view that the UK Government has failed to abide by its legal obligations to identify and protect victims of trafficking in this context.

*Despite these obligations, the UK Government has asserted that no international or domestic law or policy requires it to determine whether persons situated outside the UK are victims of human trafficking. In response to Parliamentary questions about this issue, the Home Office claimed that the UK only has an obligation to identify victims of human trafficking who are in the UK.*

### 3.3.2 Blanket Refusal to Repatriate British Nationals Detained in NES

The UN Special Rapporteur on Trafficking advised the APPG that the UK is under a specific obligation to repatriate British victims of trafficking, explaining:

> Where the state is aware or ought to be aware of circumstances giving rise to a credible suspicion that an individual has been trafficked, [its] positive measures include an obligation of repatriation, which is provided for in the Trafficking in Persons Protocol, Article 8 and Article 16(1) in the [ECAT]. In addition to repatriation, the obligation of assistance would include the provision of consular assistance and protective measures to prevent trafficking and re-trafficking.[84]

According to the UN Special Rapporteur on Trafficking, the obligations of the UK Government are heightened by the fact that it not only has the ability to repatriate its nationals, but is in fact the only actor with the power to do so.

Despite these obligations, evidence indicates that the UK Government has adopted a blanket policy to refuse to repatriate any British adult who they say "travelled to Syria of their own volition",[85] stating that it will only consider repatriating unaccompanied or orphaned children.[86] This includes at least two British women who were under 18 years old at the time they travelled.[87]

While the UK's position rests, in part, on a claim that it is unable to safely effect repatriations from the region,[88] it has already repatriated seven unaccompanied minors and orphans over three operations in November 2019, September 2020, and October 2021, indicating that this claim is not credible.[89]

The UK's capacity to conduct repatriations is also supported by the fact that many other states have repatriated their citizens. According to information received from Save the Children in October 2021, since 2017, there have been approximately 65 repatriation operations from Syria.[90] (see also Annex II).

*"To put it very bluntly, the British government would have no issues whatsoever in moving around in NES."*

Jussi Tanner, Ambassador and Special Envoy of the Finnish Ministry of Foreign Affairs, who oversaw the repatriations of Finnish nationals from the camps, also gave compelling evidence on this question. He was sceptical of the position that the camps are simply too dangerous to allow British officials to conduct repatriations: "to put it very bluntly, the British government would have no issues whatsoever in moving around in NES".[91]

The APPG heard further evidence that should the UK Government conclude that it is unable to repatriate its nationals on its own, the United States (US) has not only repeatedly offered to help other countries to do so,[92] but has also assisted with such operations. John Godfrey, the US Coordinator for Counterterrorism and Special Envoy for the Defeat ISIS Coalition (Acting), told the APPG that:

> The US Government has helped more than a dozen countries repatriate their foreign terrorist fighters and family members. The US Government provides a range of support in repatriating and reintegrating detainees, including by assisting with repatriation operations.[93]

Finally, the APPG notes that the AANES has stated unequivocally that it would support and facilitate the repatriation of British detainees if the UK Government were to ask for this. In correspondence received by the APPG on 30 October 2021, the AANES stated:

> [E]ach country must bear its responsibility, and repatriate its citizens. We are ready to cooperate and facilitate this process […] we are ready to provide unconditional assistance and cooperation with the UK to hand over its citizens if we receive an official request on this matter.[94]

In light of the evidence outlined above, the APPG finds that the UK Government's policy of refusing to repatriate British nationals from NES is unjustifiable from a practical and moral perspective, as well as a breach of the UK's international obligations set out in the Palermo Protocol and the ECAT.

### 3.3.3 Citizenship Deprivations

The APPG is concerned by evidence that the UK Government has made citizenship deprivation orders in respect of at least 19 British adults in NES.[95] However, the number is likely to be higher due to the Government's failure to provide transparent public reporting about this practice and because, as detailed below, it has failed to tell some UK nationals that they have been deprived of citizenship, instead serving notice of their deprivation "to file".

The evidence received by the APPG has highlighted a number of serious concerns raised by the UK Government's practice of citizenship stripping in this context, including that the deprivation of citizenship has been: irresponsible; disproportionate; blanket; discriminatory; without effective access to an appeal; and violates the principle of non-punishment.

First, representatives of several of the UK's allies expressed serious reservations about the government's reliance on citizenship stripping, noting that it simply shifts responsibility for managing the issue onto other countries. John Godfrey, the US Coordinator for Counterterrorism and Special Envoy for the Defeat ISIS Coalition (Acting), told the APPG that the "revocation of individuals' citizenship defers the problem and puts the burden on local partners and the international community, which has neither the mandate nor the tools needed to successfully resolve such cases."[96]

Shahzad Akbar, advisor to the Prime Minister of Pakistan, agreed, noting "the whole idea of citizenship stripping and just kind of dumping the developed world's problems on another place is actually flawed. […] it is rather more prudent to deal with this problem where it has begun."[97] The APPG also notes Lord Ken Macdonald, QC, Former Director of Public Prosecutions, position that it is "demeaning to the British state to be washing its hands of its own citizens",[98] particularly when it is well-equipped to respond.

Second, the UK Government's use of citizenship deprivation appears to be a disproportionate response. Evidence received by the APPG indicates that citizenship deprivations have been used against individuals who remain in Syria on the presumption that their continued presence in the territory was an indication that they must have been ardent supporters of ISIS, despite information indicating that those who remained were in fact often the most vulnerable and least able to escape.

*Many of the women deprived of British citizenship whilst in the camps have been left stateless in practice.*

Notably, the UN Security Council Counter-Terrorism Executive Directorate has found that women were far less able to escape ISIS and as a result, only around five percent of women who travelled to Syria and Iraq have returned.[99] 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)."[100] In other words, it may be that the British nationals who were most victimised by ISIS have been subjected to the harshest treatment by the UK Government.

*"The reality is that many of these women and children did not travel of their own volition but were groomed, coerced or deceived into traveling to Syria."*

In addition, while UK nationals cannot be deprived of citizenship if it would leave them stateless, RSI has outlined how many of the women deprived of British citizenship whilst in the camps have been left stateless in practice. This is because:

> The UK Government has relied on the fact that they are in theory entitled to alternative citizenship and that therefore the deprivation of British citizenship does not leave them stateless. However, in some cases, the State of "second citizenship" has made clear that it will not grant these women citizenship, leaving them stateless in practice. This means that women are unable to request the assistance of their alleged State of "second citizenship" to help them to leave the camps. In addition, in some cases, even if granted their "second citizenship", women are not able to request assistance from that State due to a fear that they will face harm if transferred there.[101]

Third, the evidence also suggests that decisions to deprive an individual of their British nationality appear to have been made on a blanket basis, notably without consideration as to whether individuals were trafficked.

The UK Government has frequently 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".[102] The reality is that many of these women and children did not travel of their own volition but were groomed, coerced or deceived into traveling to Syria (see Chapter 3.1, above).[103]

These deprivations also appear to have been imposed without a clear national security justification. Former director of counter-terrorism at MI6, Mr Barrett, and Mr Jordan explained that the UK Government has given no indication as to the real level of threat posed by individuals and why the UK cannot respond to it. Instead, the Government has sought to use "the classic trope of secret intelligence on certain individuals being so significant that if 'you knew what [the Government knew], you would not question stripping citizenship'."[104] However, Mr Barrett and Mr Jordan argue that this "trope" is belied by the "vast number of diligent, competent, and intelligent women and men tasked with protecting the UK from terrorist threats".[105] Further, they suggest that it appears to be based on the assumption that the "the threat is current", when the reality is that in order to calculate and manage the risk posed by any individual, the Government needs to "take control of the situation" and repatriate its nationals.[106]

Fourth, several evidence submissions received by the APPG highlighted how the policy of citizenship deprivation has been discriminatory. Whilst the Government does not publish deprivation statistics by ethnicity or religion, research by the Institute of Race Relations indicates that these powers have been used almost exclusively against Muslims, mainly of South Asian, Middle-Eastern, and African heritage.[107]

The result, as they describe it, has been to convey the message that British Muslims are not "real, full British citizens".[108] News reporting on these powers confirm that they disproportionately impact those of ethnic minority heritage, suggesting that as many as two in five UK nationals, largely of South Asian, Middle-Eastern, and African heritage, may be subject to deprivation of citizenship.[109]

Evidence received by the APPG has also argued that the disproportionate use of citizenship deprivation may amount to either direct or indirect discrimination against British Muslims.[110] Direct discrimination occurs when a person is treated less favourably than others because of a protected characteristic.[111] Indirect discrimination occurs when a provision, criterion or practice is neutral on its face but puts people who share a protected characteristic – including race or religion – at a particular disadvantage when compared with other people who do not share that protected characteristic.[112]

The citizenship deprivation policies adopted by the UK Government are said by the Institute of Race Relations to have risked turning British Muslims into a "suspect community"[113] and international and national race bodies including the UN's Committee on the Elimination of Racial Discrimination have expressed concern over the "disproportionate" use of counter-terrorism measures like this which create an "atmosphere of suspicion" of Muslims.[114]

*Research by the Institute of Race Relations indicates that these powers have been used almost exclusively against Muslims, mainly of South Asian, Middle-Eastern, and African heritage.*

Fifth, experts also raised serious concerns about access to justice and the fairness of the citizenship deprivation regime in light of the UK Supreme Court's decision in the case of *R (Begum) v Special Immigration Appeals Commission and Secretary of State for the Home Department* [115] (Begum decision).[116] In the Begum decision, the Supreme Court did not dispute the finding of the lower courts that conditions in camp Roj constitute a violation of Article 3 of the European Convention on Human Rights (ECHR), namely the right to be free from cruel, inhuman, or degrading treatment[117], and found that in such circumstances, Ms Begum could not have a fair or effective appeal.[118]

The APPG notes that the same circumstances that lead to the finding that Ms Begum could not conduct an effective appeal from detention likely apply to many other British nationals who have been stripped of citizenship. Accordingly, they face two unjust options: either having their appeals stayed indefinitely, or proceeding with appeals which the Supreme Court has accepted would be neither fair nor effective. The APPG finds this to be an invidious choice and an affront to justice; in circumstances where citizenship stripping is being used indiscriminately at the discretion of the executive, the lack of proper access to justice is all the more egregious.

The APPG received evidence from RSI that this situation effectively eliminates independent judicial oversight of an otherwise highly discretionary and potentially politicised exercise of executive power, with deeply serious consequences for the individual and society.[119]

This limitation on the right to appeal appears to have been worsened by a Home Office practice of serving notices of citizenship deprivations "to file", without contacting affected individuals or their families. The APPG has reviewed the July 2021 decision of the High Court, which found a Home Office policy which allowed officials to serve notice of a decision to deprive "to file" was unlawful.[120] The High Court ruled that "as a matter of ordinary language, you do not 'give' someone 'notice' of something by putting the notice in your desk drawer and locking it. No-one who understands English would regard that purely private act as a way of 'giving notice'."[121]

At time of drafting, the APPG also notes the passage of Clause 9 of the Nationality and Borders Bill[122] which seeks to formally amend the longstanding position under the British Nationality Act 1981 that an individual must be notified that the Secretary of State has decided to deprive them of their citizenship. The Clause allows the Home Office not to provide such notice if it deems it to be in the public interest, in the interests of national security, or because it would damage foreign relations.[123] The Government has also made this power retroactive, which appears to be an attempt to render lawful previously unlawful attempts to deprive UK of their citizenship, including the practice of serving "to file" described above.[124]

The APPG is concerned that there is no practical reason for this change, since under the present rules the Government can send notice to the individual's last known address.[125] It is therefore difficult to accept the claim that it is not always practicable to notify an individual of the deprivation decision. It appears that the only explanation for the Government's request to relieve itself of this minimal obligation is that it will effectively remove the right to appeal deprivation orders. If individuals are not told that their citizenship has been deprived, in practical terms they are extremely unlikely to be able to challenge the decision before the time limit for appeal expires.

Finally, the APPG notes evidence from both the UN Special Rapporteur on Trafficking and Professor Huckerby that the use of citizenship deprivations against potential victims of human trafficking is a serious breach of what is known as the principle of non-punishment.[126] Under ECAT and the European Union Anti Trafficking Directive, which is reflected in UK domestic law and practice in the Modern Slavery Act 2015 and Home Office guidance,[127] the UK Government is obliged to have a system which allows for the discretionary "non-punishment" or "non-imposition of penalties" of victims of trafficking for acts they commit as a direct result of being trafficked. Any failure to implement the non-punishment principle would conflict with a state's obligation to protect a victim or potential victim of trafficking under Article 4 ECHR.[128] Additionally, international and domestic laws do not permit the deprivation of citizenship if this would render the person stateless.[129]

In conclusion, the extreme and exceptional power of depriving a British national of their citizenship has not been treated with the gravity and care it demands. The APPG has heard evidence that it is an irresponsible and demeaning approach, has been applied in a blanket and discriminatory way, and raises national security concerns (see Chapter 4.4, below). This raises the question of whether it is appropriate that the power continue to operate at the discretion of the executive. The APPG concludes that it should not and that existence of the power to deprive citizenship where it is "conducive to the public good" should be suspended. Further, the APPG concludes that Clause 9 of the Nationality and Borders Bill, which would remove the requirement to notify an individual subject to a citizenship deprivation in certain circumstances, should be removed from the Bill.

# 04

# National Security Concerns Raised by the UK's Approach

The evidence the APPG received established that there are very serious security risks in the UK Government's current approach. Experts warned that the failure to repatriate all UK nationals detained in NES jeopardises both the stability of the region and the ability of the UK and other countries to combat international and domestic terrorism.

Representatives and former representatives of some of the UK's closest security allies also highlighted their success – humanitarian, strategic, and political – in returning their nationals from Syria and encouraged the UK and other nations to do the same. As set out above at Chapter 3.3.2, the AANES has also confirmed that it is "ready to provide unconditional assistance and cooperation with the UK to hand over its citizens if [the AANES] receive[s] an official request on this matter".[130]

## 4.1 Risk of Collapse of Detention Facilities

The detention facilities in NES hold tens of thousands of people, severely stretching the capacity of Kurdish forces. The evidence was compelling that the scale of need in al Hol and Roj camps in particular, combined with a level of insecurity that hinders humanitarian access, has resulted in poor and deteriorating conditions for those detained there (see Chapter 2, above). Evidence received by the APPG demonstrated that the disintegration of the detention camps and prisons is an entirely plausible scenario for a number of reasons.

First, as highlighted by Mr Barrett, a former director of counter-terrorism at MI6, and by Mr Jordan, a mass break-out from the camps and prisons could occur, which would "drastically degrade security".[131] The rapid disintegration of Ain Issa Camp is a case in point. Following a Turkish offensive in early October 2019, shelling struck close to the camp, reportedly causing the guards to flee.

At least 750 detainees who were suspected of affiliation with ISIS reportedly managed to escape and the camp has now ceased to operate.[132]

Christopher Harnisch, former Deputy Co-ordinator of the US Department of State Counter-terrorism Bureau, also indicated that a number of detainees in NES have made attempts at "large-scale prison breaks."[133]

An attack on a detention facility was reportedly planned in November 2021 in order to free the inmates[134] and Mr Barrett and Mr Jordan note that it revealed substantial planning and led to the discovery of a large cache of weapons, concluding that it was a "sophisticated operation."[135] In January 2022, ISIS launched a coordinated, sophisticated attack on a prison in Hasakeh, which held some 850 boys in addition to thousands of adult men. The attack led to a days-long siege, significant SDF casualties, and, at the time of writing, the possible outbreak and deaths of multiple prisoners.[136]

The US Government has explicitly pointed to the risk of Kurdish forces simply being unable to continue to manage the detention facilities at their present scale. General Kenneth McKenzie explained to the US Senate Armed Services Committee that the strategy of non-repatriation stretched the capacity of the Kurdish officials to properly administer the prisons. Noting that the SDF holds nearly 10,000 alleged ISIS members in "makeshift detention centers", he remarked that "the SDF cannot, and should not, be expected to hold these detainees indefinitely."[137] The SDF has consistently stated it does not have the personnel or resources to adequately monitor the populations of the detention facilities.[138]

In a similar vein, US officials recently informed The Washington Post that "militant facilitators and financiers have been found hiding inside camp facilities, suggesting the group is seeking to exploit lawlessness there to regain strength."[139] Mr Barrett and Mr Jordan concurred that there are "significant" attempts from inside the camps to take control.[140]

Second, there is a risk of Kurdish authorities being unable to administer the camps further. Notably, the AANES informed the APPG that:

> The situation in the camps, in particular al-Hol, is very dangerous. It is a ticking time bomb that could explode at any time. The situation in al-Hol camp is very bad. It is out of the control of the Autonomous Administration of North and East Syria (AANES).[141]

Should the AANES be unable to continue to bear this burden, Mr Barrett and Mr Jordan note that "occupants could be ousted from the camp unceremoniously and left to their own devices".[142] They explained: "it is currently only really the willingness of the Kurds to continue handling the problem that prevents this. If they decided they could no longer manage this burden, there would be very little the UK or other states could do to prevent it; this would rapidly become a more significant problem for states with citizens in the camps".[143] Indeed, they note that the UK was "panicked by this potential scenario seeming to come to fruition at least twice during the previous eighteen months," where an imminent release of all European detainees was anticipated.[144]

Notably, Mr Barrett and Mr Jordan also state in their evidence that these risks were reasonably foreseeable. They describe telling a number of governments in 2015 that repatriation would ultimately be necessary once ISIS was defeated militarily, suggesting that the UK had ample notice to prepare.[145]

The evidence received by the APPG indicates that, should the camps collapse, whether by virtue of a large-scale prison break or by Kurdish forces being unable to continue managing them, the national security implications are extremely troubling.

While stressing that the majority of those within the camps are not adherents to ISIS ideology, Mr Harnisch warned that if the camps were to collapse, "ISIS would derive great benefit from bolstering its ranks with combat hardened loyalists who spent the past few years behind bars or in displaced persons camps."[146] If the minority of adherents to ISIS ideology within the detention facilities were to be liberated, Mr Harnisch believed some "would return to the battlefield in Syria or travel to places like Afghanistan to continue the fight" while "others might seek to find a way to their countries of origin undetected where they organise, recruit, plan or carry out attacks."[147] It is self-evident that this eventuality could pose risks to the UK.

## 4.2 Risk of Re-Trafficking by ISIS

In evidence to the inquiry, security officials highlighted the risk to British nationals detained in NES of re-trafficking by ISIS and how this presents a considerable security risk to the UK.

Evidence received by the APPG has highlighted how the desperation of women and children to escape the dire conditions in the detention camps puts them at risk of re-trafficking and other forms of exploitation. The US State Department in its most recent report on trafficking notes in the context of ISIS that:

> Throughout 2015-2019, thousands of women and children escaped ISIS captivity—many of whom were pregnant as a result of rape, forced marriage, and sex trafficking; these women and girls, including IDPs among this population, remain highly vulnerable to various forms of exploitation, including re-trafficking.[148]

RSI, in their written evidence to the inquiry, were unequivocal about the threat of re-trafficking to women and children in the camps: "people in conditions of confinement, in the absence of strong protections against abuse, are inherently at risk of trafficking and exploitation".[149]

The UN Special Rapporteur on Trafficking was similarly emphatic, noting that states' responsibilities were clearly engaged under the European Convention on Human Rights "given what we know in relation to the conditions in the camps and risks that are faced including the risks of re-trafficking."[150]

RSI highlighted reports of women paying smugglers to help them escape from the camps with money obtained through "online marriages" to men allegedly associated to ISIS.[151] Smuggling was also highlighted as a concern in the evidence submitted by Human Rights Watch, citing women from the camps being transported to Iraq and Turkey by ISIS-affiliated smuggling gangs.[152] RSI stated that the reports of smuggling illustrate "the lengths to which women may go to escape the conditions in the camps, including to protect themselves and their children" and "suggests that confinement in the camps is leading to a risk of trafficking – including sex trafficking – and exploitation."[153]

It is clear ISIS wishes to take advantage of the women and children's vulnerability to re-trafficking. To take one potent example: in March 2021, the Danish Security and Intelligence Service confirmed that at least 30 children from the camps had been kidnapped by ISIS, to be absorbed into and trained by the organisation.[154]

## 4.3 Risk of Exposure to Violent Ideology

Evidence received by the APPG stressed that, by leaving British families within the camps, the UK Government is exposing its nationals, particularly children, to violent and hateful ideology, despite the best efforts of their caregivers.

For instance, Mr Harnisch noted that the UK's position of non-repatriation means that children are "exposed to further radicalisation as opposed to a real education",[155] given the presence of individuals in the camps who reportedly continue to adhere to ISIS' ideology. As the children in the camps reach adolescence, Mr Harnisch believes "there is a real likelihood that they will begin to find their way out of the camps in the coming years posing a real security challenge for the region and beyond."[156]

This reiterates the US' official position on the risks of non-repatriation. General Kenneth McKenzie, US Commander of CENTCOM, recently stated the threat of further exploitation of the 60,000 people in the camps was an issue that "kept him up at night".[157]

Mr Tanner, Ambassador and Special Envoy of Finland's Ministry of Foreign Affairs, who spearheaded the repatriations of Finnish nationals from the camps, noted that he agreed that "the longer the children are kept in NES camps, without education and protection, the harder it will be to counteract violent extremism and radicalism".[158]

## 4.4 Risk of Undermining the International Fight against Terrorism

The APPG received concerning evidence from security experts that the UK's failure to take action to repatriate its nationals risks weakening trust in Britain as a reliable security partner and harming collective counter-terrorism efforts.

*"Trust of the UK's suitability as a security partner has been eroded considerably due to lacklustre policy."*

John Godfrey, the US Coordinator for Counterterrorism and Special Envoy for the Defeat ISIS Coalition (Acting), stated the US Government's position clearly to the APPG: "The US government urges countries of origin to repatriate, reintegrate and, where appropriate, prosecute and incarcerate foreign fighters and their family members.[159]

Other representatives of the US government have stated that they are "extraordinarily frustrated with Britain's failure" to take back its detainees and their families.[160] The US Coordinator for Counterterrorism, Ambassador Nathan Sales, described it as "a dereliction of responsibility to expect the [SDF] to solve this problem, or to expect the Iraqi Government to solve this problem, or to simply wash one's hands of the problem altogether."[161]

In written evidence, the Soufan Center highlighted that Britain's failure to heed the US' warning would "likely to continue to cause tensions."[162] Mr Barrett and Mr Jordan expressed similar concerns, stating: "American leaders have been bemused and infuriated with the UK's intractability" and noting that "trust of the UK's suitability as a security partner has been eroded considerably due to lacklustre policy".[163]

The US and other countries have also been critical of the UK's reliance on citizenship deprivations in the context of detentions in NES. As noted above, John Godfrey, the US Coordinator for Counterterrorism and Special Envoy for the Defeat ISIS Coalition (Acting), has underscored the US Government's concern about citizen deprivations to the APPG (see Chapter 3.3.3, above). He noted that, apart from forcing other countries to manage the issue, it simply defers the problem: "[t]he revocation of an individuals' citizenship does not preclude them from eventually returning to their country of origin through other means."[164]

Mr Harnisch also expressed "great concern" about the UK's reliance on the power, arguing that citizenship deprivation "plays right into the hands of the terrorists."[165] He stated that "governments must hold terrorists and their supporters accountable through the law but they should think twice about stripping their nationals of citizenship…such an approach is misguided and will make us all less safe."[166]

Mr Tanner expressed similar concerns as to the long-term calculations being made in this context, stating that in the Finnish Government's view, failing to take action would be "by no means the end of the story - people most likely won't just vanish in the desert, everything we know indicates that at some point they will return to Finland and the only option we have is when and how, not if." [167]

*"[G]overnments must hold terrorists and their supporters accountable through the law but they should think twice about stripping their nationals of citizenship… such an approach is misguided and will make us all less safe."*

*Shahzad Akbar, advisor to the Prime Minister of Pakistan, echoed that citizenship deprivations were "a policy of making your problem someone else's problem."*

Shahzad Akbar, advisor to the Prime Minister of Pakistan, echoed that citizenship deprivations were "a policy of making your problem someone else's problem."[168] Mr Akbar stated: "the whole idea of citizenship stripping and just kind of dumping the developed world's problems on another place is actually flawed… it is rather more prudent to deal with this problem where it has begun."[169]

The security implications of refusing to repatriate detainees are also underscored by Mr Barrett and Mr Jordan, who note the "propaganda wins" for ISIS that the existence of these detention facilities provide. They state that "currently ISIS are using al Hol as propaganda almost daily" and that the UK Government's attempts to counter ISIS' narrative are "worth naught" given this "open goal consistently referenced by the group."[170]

The APPG is gravely concerned by the above evidence. It indicates that the UK's approach is not only eroding our allies' trust in the UK as a security partner, it is actively undermining the efforts of our allies to combat terrorism. In particular, the APPG is troubled that the UK, as a permanent member of the UN Security Council, is undermining international cooperation on this issue and other countries' efforts to arrive at a sensible long term solution to the issue of detentions in NES.

Indeed, the evidence received by the APPG was compelling that UK is increasingly becoming an outlier with respect to its NES policy. The UK's closest security ally, the US, has sought to repatriate all of its nationals, and has successfully returned 29 citizens.[171] Moreover, as Mr Harnisch notes, "the needle is slowly shifting in favour of the position that the US has long supported."[172] Mr Barrett and Mr Jordan concur, reporting that "states have started to wake up and tackle their own inactivity, moving to a forward-leaning, proactive policy."[173] These statements are borne out by the facts on the ground. For instance, according to the UN Syria Commission of Inquiry, between September 2020 and June 2021, at least 322 children and 56 women were repatriated to thirteen different home countries.[174] (The APPG provides further detail concerning repatriations in Annex II.)

*Between September 2020 and June 2021, at least 322 children and 56 women were repatriated to thirteen different home countries.*

## 4.5 Risks to Accountability, Justice and Global Security

To date, the UK Government has refused to repatriate its nationals to face justice in the UK. Instead, the Government maintains that the "appropriate jurisdiction" for prosecutions is "in the region where their offences have been committed",[175] and continues to fund and support the ongoing detention of adults and children in the region (see Chapter 4.5.3, below).

This position is contrary to the approach taken by many of the UK's closest security allies, including the US and Germany, who have sought to repatriate their nationals, and prosecute individuals where appropriate. A summary of the repatriation and prosecution efforts undertaken by other countries is at Annex II.

### 4.5.1 Refusal to Prosecute Domestically

One question the APPG examined during its inquiry was the possibility of criminal investigation and prosecution in the UK for those returning from NES, where there is evidence of serious crimes having taken place.

The APPG heard compelling evidence that the UK justice system is well equipped to undertake prosecutions, and the failure by the UK Government to take this option risks damaging public confidence in the justice system.

Lord (Ken) Macdonald QC, former Director of Public Prosecutions for England and Wales, told the inquiry that the British justice system would be able to deal with the cases of returning individuals: "our justice system is sufficiently robust to deal with this problem."[176]

He highlighted that specialist bodies in the police and prosecution service, such as the Counter Terrorism division of the Crown Prosecution Service and Scotland Yard's Counter Terrorism Command, have "as much experience as any similar groups", with "hundreds and hundreds of terrorist prosecutions passing successfully though our courts since the early 2000s, and we have people who are very good at doing this."[177]

Lord Macdonald also highlighted the extensive criminal law framework in the UK, which could capture the cases of repatriates from NES:

> We have some of the most elaborate, extensive counter-terrorism legislation in the fair trial world…Membership of a terrorist organisation is an offence that carries a maximum of 14 years imprisonment. Inviting support for a terrorist organisation attracts a maximum of 14 years imprisonment.[178]

*Lord (Ken) Macdonald QC told the inquiry "our justice system is sufficiently robust to deal with this problem."*

Given this extensive experience and criminal law framework, Lord Macdonald had "no doubt at all that were a serious attempt to be made by the British authorities to assemble a case against these individuals, it would be possible to do so."[179]

Lord Macdonald further addressed the impact of a failure to repatriate British nationals on the public perception of UK justice. He argued prosecutions were "a demonstration to the world that democracy works, that due process works, that fair trials are consistent with security."[180] He expressed concern that "as soon as we move away from this, it's sort of a public confession that you can't be both secure and free."[181]

The APPG also heard evidence of the experience of other countries in investigating and prosecuting nationals that they have repatriated from NES. In the US, the Department of Justice has been able to build many successful cases against repatriated American nationals. Mr Harnisch, in his oral evidence to the inquiry, stated: "I'm not familiar with any cases in which the Department for Justice has not been successful in bringing charges against these individuals."[182] Mr Harnisch also stated that in his view the UK Government had the necessary materials to bring prosecutions: the Ministry of Defence and the Armed Services "gathered a lot of evidence" on individuals in NES, and it was "just a matter of making some of this evidence accessible to the Ministry of Justice."[183]

The APPG examined expert evidence which made a parallel point regarding the capabilities of the UK's intelligence services. In their written evidence to the inquiry, Mr Barrett and Mr Jordan stated that the failure to repatriate UK nationals in Syria "undermines the vast number of diligent, competent, and intelligent women and men tasked with protecting the UK from terrorist threats",[184] who can be trusted to deal with individuals who present a risk to UK security.

### 4.5.2 Support for Detention and Prosecution of British Nationals in the Region Despite Severe Risks of Torture and the Death Penalty

The APPG understands that the UK Government has expressed support for British national detainees to be prosecuted "in the region", which it understands to mean in Syria or Iraq.[185] In answers to written Parliamentary questions in 2019 and 2020, the UK Government did not rule out transfers of British nationals to Iraq to face prosecution or trials in Syria.[186]

The APPG has had the opportunity to review the evidence submitted by global security experts, including the think tank the International Crisis Group, and representatives of the UK's allies which outlined how the UK Government's support for prosecutions in the region is untenable and will expose British nationals to serious risks of torture, the death penalty, and fair trial violations.

According to the International Crisis Group, the main option currently in favour amongst states such as the UK which oppose repatriations, is transfer to Iraq for trial.[187] This was also identified by Mr Tanner, Ambassador and Special Envoy of Finland's Ministry of Foreign Affairs, who explained that "the potential for trials either in Iraq or indeed in NES [...] has been on the table and has been very much discussed" in European capitals including the UK."[188]

Having reviewed the evidence on this point, the APPG is concerned that trials in NES or transfer to Iraq would expose British nationals, including victims of trafficking, to a risk of torture, the death penalty, and fair trial violations.

In addition to the challenges that would arise from the fact that the AANES is a non-state actor the myriad problems with this approach were stated neatly by John Godfrey, the US Coordinator for Counterterrorism and Special Envoy for the Defeat ISIS Coalition (Acting):

> Local trials are untenable for several reasons, including limited resources, the potential application of the death penalty and related human rights concerns on the part of some countries of origin, and the absence of a viable location at which individuals can serve out their sentences in the event of successful prosecutions.[189]

Lord Macdonald also dismissed the idea of British nationals being tried in Iraq or NES as "completely preposterous". Elaborating, he stated:

> You only have to read the basic material emanating from the State Department or Human Rights Watch or any other interested party about the quality of justice in those countries or rather the way terrorist suspects are treated there. The British state could not possibly associate itself with trials in those jurisdictions.[190]

Mr Harnisch echoed these concerns about the quality and fairness of local trials, emphasising the particular risks posed by transfer to Iraq: "Iraq's prison system and their judicial system is already very overwhelmed…Not to mention the clear and obvious human rights concerns with going the Iraq route".[191]

Moreover, publicly available reporting from state bodies and human rights organisations makes clear that British nationals face the risk of torture and the death penalty in Iraq. A joint US Department of Defense and Department of State report found that in Iraq "[d]ozens of foreign women have received death sentences for violating the counterterrorism law," while defence lawyers for ISIS suspects "rarely [have] access to their clients before hearings and were threatened for defending them" and "judicial officials did not sufficiently take into account the individual circumstances in each case or guarantee the defendants a fair trial."[192]

Human Rights Watch has also reported that in Iraq, "interrogators routinely use torture to extract confessions, and in most cases judges ignore torture allegations from defendants."[193] Women have often been convicted on the basis of their husband's conduct, rather than any acts they committed themselves.[194] The APPG also notes with concern that in May 2019, at least seven French citizens were sentenced to death in Baghdad after being transferred from Syria.[195]

*"You only have to read the basic material emanating from the State Department or Human Rights Watch or any other interested party about the quality of justice in those countries or rather the way terrorist suspects are treated there. The British state could not possibly associate itself with trials in those jurisdictions."*

### 4.5.3 British Funding of Continued Arbitrary Detention without Charge or Trial of British Nationals

In addition to this apparent support for prosecutions in the region, the UK Government is providing direct funding and assistance for the expansion of prison facilities currently holding British nationals, in conditions that fail to meet international human rights standards.

In March 2021, Ministry of Defence and British Army officials confirmed that the UK is funding a "significant expansion" of Hasakah prison in NES - doubling its capacity to hold 10,000 individuals.[196] The UN Independent International Commission of Inquiry on the Syrian Arab Republic has reported that detainees in Hasakah prison have been subjected to torture, including one detainee who reported being regularly beaten, hung with his arms behind his back for 13 hours a day and electrocuted.[197] Of concern, there are also reports that children are being detained in Hasakah alongside adults, a clear violation of international law.[198]

*In March 2021, Ministry of Defence and British Army officials confirmed that the UK is funding a "significant expansion" of Hasakah prison in NES.*

The fact that UK public funds are paying for an expansion of these facilities raises a number of serious questions. First, it is not clear how simply expanding these facilities will address the degrading and inhuman treatment detainees are allegedly subjected to.[199] Of more fundamental concern is the fact that these facilities are holding individuals who are detained unlawfully, without charge or trial. As noted above, in Chapter 2, the detention of thousands of individuals in NES is unlawful and arbitrary; many of those detained have already spent upwards of three years in such conditions.

The APPG is concerned that funding these detention facilities is prolonging this situation rather than resolving it by repatriating and prosecuting where appropriate. The APPG agrees with Lord Macdonald that abandoning British nationals is an "extraordinarily bad place for the British state to find itself" and that a nation which held "confidence in itself or in its own institutions, particularly its institutions of justice, would never go down this path."[200]

*There are also reports that children are being detained in Hasakah alongside adults, a clear violation of international law.*

# 05

# Violations of the Rights of British Children

As set out above, the UK Government is contributing to the detention of British children by failing to repatriate them, by automatically depriving certain groups of citizenship, and by supporting detention facilities in NES. The APPG notes that the continued detention of British children has resulted in a number of violations of their fundamental rights, as set out below.

## 5.1 Indefinite and Arbitrary Detention of Children

The APPG has learned that the UK Government has provided £15 million specifically to support prisons for children in NES.[201] It is deeply concerning that the UK Government is financially contributing to the continued detention of children in prison conditions that violate their fundamental human rights. Moreover, given the ongoing threat of boys being moved to adult detention facilities (see Chapter 5.5, below), there is a real risk that British children who are currently detained with their mothers in Camp Roj may be transferred to and detained in these facilities in the future.

There is compelling evidence that the conditions of detention in prisons in NES are dire. The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has reported that many children are detained in prisons without access to sunlight or showers, and are exposed to tuberculosis, Covid-19 and other communicable diseases.[202] A senior SDF commander has reportedly rationalised the imprisonment of children on the basis that "most of them were cubs of the caliphate,"[203] giving rise to the concern that children are being imprisoned in these sites as punishment for the actions of their parents, a clear violation of the rights of the child.

With respect to al Hol and Roj detention camps, the APPG understands that there are dozens of British children detained there.[204] As noted above, the detention of individuals in the camps is indefinite, arbitrary, and therefore unlawful (see Chapter 2, above).

The UN Special Rapporteur on Trafficking and the Child Rights International Network (CRIN) have noted that the detention of British children engages the UK's obligations under the UN Convention on the Rights of the Child.[205]

The APPG has reviewed the evidence of the UN Special Rapporteur on Trafficking and CRIN that the UK Government has a responsibility to take positive steps to bring an end to the detention of British children in this context, and considers the evidence compelling.[206] Both highlighted the recent decision of the UN Committee on the Rights of the Child, which found that France had jurisdiction over French children in NES camps as the "state of the children's nationality, which has the power to protect their rights by acting to repatriate them".[207] It is clear that, by the same logic, the UK has the power to protect the rights of British children by acting to repatriate them, and therefore to end their detention.

CRIN also highlighted how British children in detention have been further harmed by the public statements of the UK Government that it will consider repatriating only unaccompanied or orphaned children. These statements create a "hierarchy of victimhood" based on perceptions of what group of children is 'most helpless and unthreatening', and possibly more amenable to reintegration.[208] In doing so, the UK Government risks implying that British children who remain in detention are somehow a greater risk to the British public than those unaccompanied children whom the UK Government has taken steps to repatriate.

## 5.2 Exposure to Cruel, Inhuman and Degrading Treatment or Punishment

As set out above in Chapter 2, UK courts have found the conditions in the detention camps of NES to constitute cruel, inhuman and degrading treatment.[209] As the majority of those living in the camps are children under the age of 12, and many under five, the majority of the people suffering these conditions, and at real risk of severe and permanent harm, are young children.[210]

Save the Children note that "al Hol and Roj camps are no place for children to grow up", citing the evidence of violence and other forms of mental psychological abuse.[211] CRIN supported these findings and underscored how British children in the camps in NES are "experiencing extreme levels of violence, hardship, deprivation and trauma."[212]

The risk of violence facing British children identified by CRIN includes being "killed, sexually abused, [or going] missing" or being "placed in solitary confinement with their mothers, or left alone in the tents to survive on their own".[213]

The UN Special Rapporteur reported that boys could be held in "prison facilities as de facto adults on what appears to be multiple spurious grounds" which "meet the threshold for torture, inhuman and degrading treatment under international law".[214]

The decision of the UN Committee of the Rights of the Child in ***LH, DA, CD and AF v France***[215] also confirms the grave physical and psychological harm inherent in continued detention in the camps, ruling that the conditions of detention in NES "pose an imminent risk of irreparable harm to the children's lives, their physical and mental integrity and their development".[216]

There is evidence to suggest that the inhumane and degrading conditions of detention in both Camp Roj and Camp al Hol have already taken a severe psychological toll on many of the children detained there. Save the Children report that "the insecurity and fear children experience in the camp and the uncertainty about what their future holds is exacerbating their anxiety and depression. This exposes children to prolonged periods of toxic stress".[217]

The UN Independent International Commission of Inquiry on the Syrian Arab Republic has found that children are also held in adult detention facilities, in the same cells as adults at certain periods.[218] There are credible allegations of torture in these facilities, [219] putting British children at real risk of torture and ill-treatment.

## 5.3 Lack of Access to Education and Child Labour

Save the Children made clear in their evidence that children cannot receive an education in the camps. They highlight that there is a prohibition on children receiving formal education in the camps, meaning that any education providers can only provide informal instruction on a narrow range of subjects.[220]

According to Save the Children, a mere 40 percent of children between the ages of three and seventeen in al Hol Camp receive even this informal schooling.[221] Children are often bullied and harassed out of the informal education provided, Save the Children found, and "for some TCN children, language skills are a critical barrier because they do not speak Arabic, which is the main language of instruction in the education facilities."[222]

Moreover, Save the Children's investigations found child labour to be prevalent in both camps. In Camp Roj, "55% of households reported that they were aware of child labour among children under the age of 11".[223] In al Hol Camp, primary school-aged children work in the markets and in domestic labour.[224]

The APPG has also had the opportunity to review case studies contained within Save the Children's report, *When Am I Going To Start To Live?* For instance, an 11-year-old Lebanese girl, "Maryam", told the organisation: "I cannot endure this life anymore… I did not have the chance to study while living under IS. I want to be an English teacher in the future. All I want is to be enrolled in the school."[225] Save the Children reported that Maryam passed away after that interview, in a failed escape attempt from the camps.[226]

## 5.4 Risks of Family Separation

The APPG has received compelling evidence from several child rights organisations that British children are at risk of being separated from their mothers or caregivers. The UK Government has an apparent policy to encourage mothers imprisoned in NES to consent to the repatriation of their children without them, instead of repatriating the family unit.

The APPG notes that in October 2019, the Minister of State for the Foreign and Commonwealth Office stated before Parliament that "it would be wrong in principle to separate family members".[227] However, in apparent contradiction of that policy, in December 2019 the UK Government sent letters to at least five British families in NES, stating that it would consider the repatriation of children if mothers consented to being separated from them.[228] These letters suggest the UK has now adopted a policy of encouraging family separation.

Save the Children and CRIN have expressed serious concerns about the UK's current approach to family separation. While in some instances, a child's best interests require separation from parents or primary caregivers, that is a last resort and one which requires an appropriate best interests assessment.[229]

The UK is simply not in a position to conduct these assessments while children and their primary caregivers are in detention camps.[230] Indeed, it appears that the UK Government is allowing its refusal to repatriate adult caregivers to determine its policy of encouraging child separation, rather than the best interests of the child.[231]

Child rights organisations told the inquiry that important factors to be taken into account in assessing the best interests of children in the camps include the fact that these children "have already suffered physical and emotional trauma", that "most have never known life outside of the camps", and that "their primary caregivers are their only stable reference point".[232]

Further, studies have shown that the forcible separation of children from their parents has profound effects on children's development, leading to acute stress, depression, and developmental regression.[233] Professor Nimisha Patel, in her report on the impact of proposed family separations in this context, has also outlined that: "The more traumatic the separation (for example, when the trauma of separation is repeated, sudden, experienced as violent etc.), the more likely there will be significant negative developmental and psychological consequences."[234]

This trauma is said to be worsened by "the indefinite nature of the separation".[235] As such, Professor Patel recommends that children should be repatriated with their parent(s)/primary caregivers. Parents and children must not be separated, unless the parent(s)/primary caregiver is assessed by appropriately qualified professionals as presenting a threat to the safety of the child which cannot be mitigated with appropriate support.[236]

Rights organisations have also expressed concern about the prospect of states seeking the "consent" of mothers for their children to be repatriated without them. The women in the camps are being held involuntarily in what is undoubtedly an extremely vulnerable position, with little or no access to legal representation. The power disparities between these women and their home-country governments are vast. If a mother or caregiver has previously experienced trafficking or exploitation, this may further increase their susceptibility to explicit or implicit pressure to provide "consent."[237] CRIN's evidence makes clear that it is not possible for consent given freely in many, if not all, of these cases:

> The mothers, already victims of trafficking, are faced with an unpalatable choice: refuse the separation and have their children face the possibility of statelessness and transfer to other areas where they will risk retrafficking and other human rights abuses, or agree and be separated from their children indefinitely. In view of the power dynamics between the mothers and the state, where the mothers might have been deprived of their citizenship and are unlikely to have meaningful access to legal advice, it is not possible for their consent to be free and informed.[238]

Another risk of family separation comes from within the camps themselves. RSI report that "mothers and children in the camps also face… a constant threat of forced separation".[239] Women in both Camp Roj and Camp al Hol reported to RSI's researcher in 2020 that they were sometimes separated from their children as punishment following alleged infractions such as trying to flee from the camp or being in possession of a mobile phone.[240]

As set out in the evidence of RSI and Save the Children, boys are also acutely at risk of separation from their families once they reach adolescence.[241] Save the Children report that "several hundred boys are understood to be arbitrarily detained… in separate detention facilities and prisons in [NES]… The vast majority of these children are believed to have family members in al Hol and Roj camps" and to have been taken away from their mothers when they reached the age of 13.[242]

The UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism has also highlighted this shocking practice of "de facto culling, separation and warehousing of adolescent boys from their mothers" in NES.[243] The UN Special Rapporteur further outlined her concern that boys subject to separation "will become victims of trafficking" given they are "frequently targeted by non-state actor groups, including ISIS."[244]

## 5.5 Impact of Citizenship Deprivations and Risks of Statelessness

Under international law, in all actions concerning children, including in decisions on the deprivation of an adult parent or caregiver's citizenship, the best interests of the child must be a primary consideration.[245] CRIN outlines how it can never be in a child's best interests to lose their nationality, given the "profound consequences" this has for their future[246] and refers to the position of the Children's Commissioner for England and Wales, in a letter to the UK Government in 2019, that it is "[n]ever appropriate to remove British citizenship from a child". [247]

*The Home Secretary may have rendered children effectively stateless, by stripping British citizenship from women while pregnant.*

Despite this, it appears that the UK Government's practice of citizenship deprivations has significantly detrimentally affected the rights of British children, including by creating a less secure legal status and a higher risk of statelessness.[248] The APPG understands that the Home Secretary may have rendered children effectively stateless, by stripping British citizenship from women while pregnant.[249]

This heightened risk of statelessness, due to the UK Government's practice of citizenship deprivations, puts British children at a greater risk of exploitation, including a risk of trafficking and re-trafficking (see Chapter 5.6, below).[250]

## 5.6 Risks of Trafficking and Re-Trafficking of Children

Expert evidence confirmed that children, including British children, in the camps in NES are "inherently at risk of trafficking and exploitation".[251] Both RSI and Human Rights Watch have documented the risk of trafficking and exploitation of children posed by "smugglers" to whom women turn in desperation to protect themselves and their children.[252] Save the Children have also outlined the risk of sexual exploitation of British children detained in the camps through early and forced marriages.[253]

The APPG understands from the reports of the UN Special Rapporteur on Trafficking that since children are particularly at risk of trafficking by terrorist groups,[254] they are at risk of being trafficked or re-trafficked by ISIS as it seeks to reassert its dominance in the region. This risk is underscored by the recent report of the Danish Security and Intelligence Service that at least 30 children from the camps had been kidnapped by ISIS to be "absorbed" into and "trained by" the organisation.[255]

# 06

# Impact on Families in the UK

During the course of the inquiry, the APPG had the opportunity to hear directly from some family members of British nationals detained in NES through a closed evidence session and an anonymised joint written statement. In light of the sensitive nature of the subject matter, the insecurity faced by their family members in Syria, and the harm the families continue to suffer as a result of their experiences, the APPG has kept this evidence anonymised, but has summarised it and the APPG's findings in the following chapter.

Unless otherwise referenced in footnotes, all the evidence detailed in this chapter was gathered through the closed evidence session and the joint statement. Amongst the issues the families highlighted were the failures of the UK authorities to prevent their loved ones' trafficking, the feeling that they were being criminalised and punished rather than supported, and the emotional toll of their relatives' continued detention and suffering.

## 6.1 Interactions with the Police

*"Once they had their information, they washed their hands of us. We were never offered any support."*

Many family members reported feeling let down by the police, who they said consistently refused to provide information about the investigations into the disappearance of their loved ones, but rather appeared to use the families as a means of obtaining information.

Several family members reported that they believe that the police were aware of where their relatives had gone, but did not inform the families as a tactic to gather more information from them, thereby "prolonging their agony". One family member stated, "Over time, we could see the police and the authorities weren't talking to us to help us, but only to get information. Once they had their information, they washed their hands of us. We were never offered any support."

Similarly, another family member reported that she initially thought her teenage relative had run away but, "as time went on", the police told eventually her about ISIS. This led her to conclude that the police knew from the beginning what had happened to her loved one but "kept the family in the dark." She reported that she felt that the police "always knew more than they were letting on" and treated her "more as a suspect" than someone in need of support. When her family member was found in detention in NES, years later, this family member reached out to the police again because she "didn't know where else to go." She told us that a new case officer spoke to her once, but subsequently did not reply to any of her questions and did not return any of her phone calls.

Another family member reported that he tried to help the police and expected that afterwards he would be able to ask them for updates about his missing relative. The police did not answer his questions, nor did they offer any support. This left the family member with the feeling that the police will "get as much out of you as possible and they don't care about you after that."

Several family members report being the subject of unannounced police searches of their homes, despite cooperation with authorities at the time, which they describe as extremely invasive and traumatic. They describe how, at times, searches felt punitive and even violent. One individual stated:

> They came at 6am and got everyone out of their beds and said we couldn't go into our rooms or take anything with us. … They went through everything and took what they wanted. They were in there all day. We were allowed back in at 8 or 9pm. But it didn't feel like our home. It felt like a crime scene. It was such a violation.

These searches appear to have been extremely invasive. In one particular search, occurring over two days, the police confiscated family members' phones, passports, electronics, and inspected private personal belongings, such as a letter an individual had written to his wife when they first met. One person said, following the raids, that they "couldn't sleep properly for six months to a year and would jump out of bed at any sound".

Many of the families also report being detained at airports, after travelling, without any clear justification. One individual stated that the police asked him questions the answers to which "were already all over the papers." He was told he had to answer or he might have to go to court and began to worry he might be incarcerated. When the family member asked to speak to a solicitor, the police officer replied, "now you're starting to sound a bit dodgy."

*"They went through everything and took what they wanted. They were in there all day. We were allowed back in at 8 or 9pm. But it didn't feel like our home. It felt like a crime scene. It was such a violation."*

Another elderly relative was stopped on her way back from a holiday and had her phone searched. When they returned it, the police had forgotten to take out the cloning SIM card they had put in her phone to copy her information and put her own SIM card back in. A member of her family concluded that, "[the police] assumed we were hiding something. They could have just asked. They are implying that we have done something bad."

The police also appear to have done little to protect the families from harassment in the media. One family member stated that an officer from the fugitive unit told her that if she did not cooperate with the investigation, they would involve the media in the case.

In one case, the police actively pressured one of the family members to appear in a public broadcast leading that person and her family to experience intense media scrutiny. She said she subsequently had to change her appearance to avoid being recognised and has had to shield her young child from journalists as she takes them to school. One elderly family member stocks up on food in her home, in case there is a development in the case and media surround the house and she is unable to leave.

## 6.2 Impact of Citizenship Stripping and Refusals to Repatriate

The APPG also heard evidence from the family members about how the UK Government's policy towards them and their family members imprisoned in NES has made them feel about their British identity and their place in British society.

A clear theme was a sense of abandonment. The family members who provided evidence found it difficult to understand why the UK Government felt they had no obligation to help their loved ones and their children. One described how her family member "felt really betrayed and [...] confused as to why her country had abandoned her."

These family members believe that the UK Government had suspended their principles with respect to British detainees in NES. As one individual put it: "Normally, it is western governments that talk about human rights and trafficking. However, when it is my family who have been abused and trafficked, they have decided not even to investigate their cases. They are considered guilty just for being in Syria."

While family members understood the need for the police to investigate crimes, they could not understand the Government's position that British nationals should remained detained without charge or trial. This point was put powerfully by one family members:

> I understand we have laws, and that where there is evidence of crimes people should be prosecuted in a courtroom… I would like MPs and Lords to ask: if Britain is such a strong country, why can't it bring its citizens home and give them a fair hearing?

Family members described the process of challenging citizenship deprivations as exceedingly difficult, chiefly because of the secrecy with which some UK nationals have been deprived of citizenship. In some cases, notice that an individual had had their citizenship deprived was initially kept from families. As one relative said:

> In December 2019 they told us they were taking away her citizenship…They had deprived her in November and only told us a month later in December. You only get a month to appeal… They put the citizenship deprivation decision in a drawer and then told me a month later knowing that time was an issue.

Some relatives, in fact, still do not know whether their loved ones in NES have been deprived of citizenship, despite asking the Home Office several times for confirmation.

Several family members expressed anguish at the failure of the UK Government and public authorities to safeguard their loved ones from grooming and exploitation by ISIS, only to then refuse to repatriate them and in many cases deprive them of citizenship. A family member of a young girl who travelled to Syria as a child asked, "How could you wash your hands of her when you had every opportunity to stop her from going?"

*"I understand we have laws, and that where there is evidence of crimes people should be prosecuted in a courtroom… I would like MPs and Lords to ask: if Britain is such a strong country, why can't it bring its citizens home and give them a fair hearing?"*

## 6.3 Emotional Toll on Families

The families described the emotional trauma they have experienced due to their family member's trafficking, which has caused profound mental distress and in some cases affected their physical health.

Through written and oral evidence to the APPG, the family members described their reaction to their loved one's disappearance, the fact they are detained indefinitely in NES in horrific conditions, and the resultant emotional distress they had experienced. One family member summarised the psychological impact of campaigning for her relative's release: "you have to sacrifice your own happiness and freedom because you can't trust people and I have to protect her."

Another individual highlighted the toll this has taken on more vulnerable members of the family: "whenever [my mother] sees the news she asks me. She thinks I'm not doing enough, [mum] doesn't understand why [my relative] can't come home." Another family member similarly told the APPG how the situation has affected the health of the elderly mother of her missing relative, who she feels "could have lived for another ten years" if it weren't for the stress of her daughter's disappearance and detention. This mother died without seeing her daughter again.

Yet another family member spoke about the anxiety caused by the detention of his young relatives: "the children are still young. I don't want them to be brought up in unsafe camps, with no access to medical facilities or education. I really worry that the security situation in the camps will get worse."

As the above statements show, the core concern of the family members was the safety of their loved ones. One relative summed up the emotional impact the situation had on them:

> If it had been a death you could grieve. We couldn't grieve. I know what it feels like when someone goes missing now. You can't grieve them. We had no groups to support. We didn't know what to do.

*"The children are still young. I don't want them to be brought up in unsafe camps, with no access to medical facilities or education. I really worry that the security situation in the camps will get worse."*

# 07

# Conclusions and Recommendations

## 7.1 Key Findings

This inquiry was launched to examine both the UK Government's response to trafficking operations by ISIS and its ongoing treatment of potential British victims of trafficking who are currently detained in NES. Based on the evidence received and the above analysis, the APPG concludes as follows:

### 1 British nationals, including children, were trafficked by ISIS to and within Iraq and Syria

The evidence received from human trafficking and security experts suggests that many British nationals currently detained in NES may be victims of human trafficking. The APPG also places great weight on the US government's conclusion that some individuals in Syria were trafficked. The evidence seen by the APPG illustrates the ways in which British girls and women in particular were taken to Syria by coercive means and were subjected to sexual exploitation, forced marriage, and other forms of exploitation at the hands of ISIS. In addition, the APPG understands that nearly half of the British nationals currently detained in NES, who were not born there, were children at the time of their travel to Syria. In law children cannot consent to their own exploitation and therefore the APPG concludes that many, if not all, of these individuals are likely to be victims of trafficking.

### 2 UK public authorities systematically failed to protect British nationals, including children, from being trafficked to Syria

The APPG concludes that the UK Government failed to take necessary steps to prevent the trafficking of vulnerable British nationals by ISIS. The UK Government and public authorities, including the police, local authorities, and public officials, failed to identify at-risk individuals when faced with indications that they might be taken to Syria. In several cases, the police and local authorities failed to engage the parents or guardians of at-risk girls who were in the process of being groomed, and there were operational failures at airports and border posts to prevent travel.

## 3 The UK Government has failed to identify and protect British victims of trafficking in NES

The APPG has heard evidence from a range of experts confirming that the UK is under an obligation to investigate cases of British nationals who may be victims of trafficking and, where this status is confirmed, provide protection and support. These obligations exist regardless of whether the person is located inside or outside the UK. The APPG notes with concern evidence showing that the UK Government has consistently refused to investigate whether British nationals detained in NES are victims of trafficking, and has consequently failed to provide victims with the support and protection to which they are entitled under British law.

## 4 British nationals, including children and victims of trafficking, are arbitrarily and unlawfully detained in detention facilities, in conditions that are degrading and present an imminent threat to their lives and well-being

The APPG is extremely troubled by the conditions of detention for British nationals in NES, which UK courts have found to constitute cruel, inhuman and degrading treatment. Many of the British detainees have been held for upwards of three years without charge or trial. They face violence, disease, malnutrition, and an ongoing risk of serious harm, including death.

## 5 The UK Government is failing to protect British nationals from re-trafficking by ISIS

The APPG notes with concern that British nationals currently detained in NES are at risk of being re-trafficked. Individuals in inhuman and unstable conditions of detention, particularly women and children, are inherently at risk of trafficking and exploitation. The APPG is deeply concerned by reports of detained women being forced by their circumstances into marrying men they have never met outside the detention facilities and of children being kidnapped from the camps.

## 6 The UK Government has adopted punitive policies in relation to potential British victims of trafficking in NES, by

a. **Refusing to repatriate:** The UK Government has refused to repatriate British families who may be victims of trafficking from NES. In so doing, the Government is failing to provide victims with the protection and support to which they are entitled. It is also punishing them for the acts of their traffickers by subjecting them to indefinite detention in life-threatening conditions, in violation of the non-punishment principle.

b. **Stripping citizenship:** The UK Government appears to have adopted a blanket policy of citizenship stripping in respect of any individuals who travelled to Syria, which is inconsistent with the UK's international human rights and anti-trafficking obligations. This has included stripping the citizenship of victims of trafficking, which is a violation of the non-punishment principle. The UK Government has claimed a security justification for the increased use of citizenship stripping in this context, but the APPG notes the compelling evidence received, including from the US, that this practice harms national and global security. The APPG is also deeply concerned by the discriminatory impact of this policy on Black, Brown, and Muslim individuals and communities.

c. **Pursuing a policy of family separation:** The UK Government has apparently adopted a policy to encourage the separation of British children from their mothers or primary caregivers, contrary to a Ministerial statement that such a policy would be "wrong in principle". This is unacceptable from the perspective of the rights of the child. The evidence the APPG received confirms that, where possible, children should be kept with their parent or primary caregiver and that it is clearly possible to repatriate the small number of British families detained in NES as family units. Once in the UK – and only then – can a meaningful assessment of the best interests of the child be conducted.

d. **Exposing British nationals to the risk of the death penalty, torture, indefinite unlawful detention, and fair trial violations:** If the UK Government does not repatriate its nationals, these individuals could face trials in the region which would put them at a grave risk of torture, the death penalty, and serious fair trial violations. Accordingly, the APPG is deeply concerned by the UK Government's public statements that express support for prosecutions of British nationals in the region. The APPG is also gravely concerned by evidence that the UK may be contributing financially to the continued detention of individuals, including children, in indefinite and unlawful detention.

e. **Criminalising the families of detainees:** The APPG has heard troubling evidence about the treatment of British family members of individuals detained in NES. Rather than treating these family members as families of missing persons, the families report feeling that the police and Government treated them as suspects or criminals and, as a result, missed opportunities to prevent trafficking of young Britons to Syria. The APPG is concerned in particular by the damaging effect this will have on the police's relationship with the communities they serve.

## 7 The UK's policy violates the rights of detained children, including British children

The APPG concludes that children in detention in NES are being held arbitrarily, without trial, and exposed to cruel, inhuman, and degrading treatment. Detained children are also at risk of death, separation from their parents, being rendered effectively stateless, and being trafficked or re-trafficked. The APPG condemns the UK Government's contribution to these violations. The APPG is also gravely concerned by evidence that the Government is financially contributing to the unlawful detention of children in NES.

## 8 The UK Government's policy towards British nationals in NES jeopardises regional stability and harms national and global security

The UK Government's current policy of non-repatriation exacerbates the volatile and unsustainable situation, notably by increasing the risk of the collapse of detention facilities. Both the US and the ANNES have underscored the likelihood of such an outcome. A collapse would destabilise the region and have devastating national and global security repercussions. Moreover, the continued unlawful detention of thousands of women and children in abhorrent conditions is a propaganda gift to ISIS. The APPG notes that the UK's closest security allies, including the US, have repeatedly called upon the UK to repatriate all of its nationals from NES in the interests of regional and global security.

## 9 The UK Government is able to effect repatriation of its nationals from NES

The APPG notes that the UK Government's position that it unable, including for security reasons, to repatriate British nationals from NES is undermined not only by the repatriations undertaken by multiple other countries, some with significantly fewer resources at their disposal than the UK, but also by the US offer to assist if required. The APPG also finds the AANES' calls for assistance in managing tens of thousands of detainees and unequivocal position that it would release British detainees to the Government to be extremely persuasive. It is difficult to understand the UK's position that it cannot manage repatriations in light of this evidence.

## 10 The UK Government is increasingly becoming an outlier amongst its key allies, undermining the UK's reputation as a global leader on issues of peace and security

The UK's failure to repatriate its nationals is a total abdication of our responsibility for our citizens which has tarnished our reputation on the international stage. The APPG has heard expert evidence that this failure is a major point of friction between the UK and its allies, particularly the US. The APPG is particularly concerned that the UK appears to have undermined international efforts to cooperate on this issue and that key aspects of the government's policy, notably citizenship deprivations and non-repatriation of British nationals from NES, are harming global efforts to fight terrorism.

## 11 The UK Government's policy is fostering impunity and hindering access to justice

The APPG concludes that by refusing to repatriate its nationals, the UK is preventing justice from being done. In cases where prosecution may be appropriate, trials in the region, though proposed as a potential solution by the UK, are widely understood to be unrealistic, and carry the risk of torture, the death penalty, and serious fair trial violations. By shunning the British justice system, the Government sends the message that it does not trust the capacity of its own police, prosecutors, and courts. It also prevents those who committed crimes from being properly held to account and denies justice to victims – including British victims – of ISIS crimes. Moreover, potential victims of trafficking are denied a venue to have their status recognised and their traffickers investigated; those stripped of citizenship cannot appeal because they are denied access to courts; and innocent people – including British children – are detained indefinitely without charge or trial in life threatening conditions.

## 12 The UK Government's policy concerning British nationals in NES is discriminatory

Evidence received by the APPG highlighted the devastating and discriminatory impact the UK's policies in this area have had on minority communities' sense of security and belonging within the UK. Citizenship deprivations, in particular, have created a tiered system of British citizenship, with ethnic minorities being disproportionately eligible to have their citizenship stripped. Moreover, these powers have been used almost exclusively against Muslims, mainly of South Asian, Middle-Eastern, and African heritage. The APPG is extremely troubled that many family members of those detained report feeling like second-class citizens as a result of the Government's approach to this issue. The APPG also understands that the Government's misguided and harmful approach to detention in NES, which underpins family members' feelings and concerns, is rooted in the UK's broader counter-terrorism framework. The APPG concludes that British policy regarding its nationals in NES is discriminatory and should be re-assessed.

## 7.2 Key Recommendations

In light of the foregoing, the APPG recommends that the UK Government undertakes the following steps:

### 1 Repatriate British nationals back to the UK

The APPG concludes that the UK Government must take urgent steps to repatriate all British men, women, and children detained in NES. This is necessary to implement the APPG's other recommendations, including to: investigate trafficking and support victims, protect British children from serious harm, reduce risks to national security, prevent re-trafficking, prevent a potential resurgence of ISIS, and ensure justice and accountability for crimes committed by ISIS. It has also been shown to be practically feasible and is strongly encouraged by the UK's closes security allies.

### 2 Investigate trafficking and provide support to victims

Under international and domestic law, the UK Government is obliged to take necessary and reasonable steps to identify, assist, and protect British victims of trafficking by ISIS. The APPG concludes that the UK Government must reverse its unlawful position that it has no obligations towards British victims of trafficking who are outside the UK. Instead, it must take necessary and reasonable steps to investigate and to identify all British nationals who are potential victims of trafficking by ISIS. The APPG also recommends that the Government provides necessary and reasonable support to all potential victims to enable them to meaningfully participate in the investigative process, and that the Government takes protective measures to aid victims' recovery and protect them from further harm.

### 3 Introduce and implement policies and procedures to end human trafficking by terrorist groups

The APPG received evidence indicating systemic failures by UK public authorities to safeguard British women and children from being groomed and trafficked by a terrorist organisation. Experts identified gaps in first responders' ability to identify indicators that vulnerable individuals were at risk of, or in the process of, being trafficked. There were also specific, and extremely troubling, failings with regard to child trafficking victims. The UK Government has made laudable commitments to tackling modern slavery and must put in place policies and procedures to enable public authorities to respond to the growing phenomenon of trafficking by terrorist groups, and to ensure that victims of trafficking by terrorist groups are afforded the same level of protection as victims of trafficking by any other perpetrator.

### 4 Protect the rights of British children and reject family separation

The UK Government must uphold the best interests of British children by repatriating them together with their mothers or primary caregivers. The adoption of policies that lead to family separation is a violation of the UK's international and domestic law obligations. Moreover, where it is not established that it is in the child's best interests, the separation of a child from its parents or primary caregivers is abhorrent. The Government should urgently clarify to Parliament its current policy in this area, in view of the concerning evidence that it is encouraging family separations despite a previous statement that it would be "wrong in principle" to do so. It must adopt a clear and categorical position opposing the separation of children from their mothers or primary caregivers.

## 5 End practices which jeopardise national and global security

Security experts and representatives of other nations made clear that the refusal to repatriate British nationals and the use of citizenship stripping is an irresponsible abdication of our responsibility, contributes to instability in the region, and creates security risks in third countries less well equipped to manage those risks as well as globally. They have further made clear that abandoning British nationals, including potential victims of trafficking and children, to unlawful detention is a propaganda gift for ISIS. The UK Government must end the use of citizenship stripping and agree to repatriate the small number of British nationals from NES.

## 6 Prevent ISIS trafficking and resurgence

The evidence was compelling that abandoning individuals in unlawful detention, in circumstances where many have been victims of abuse and are currently subjected to inhuman and degrading conditions, is likely to lead to their trafficking or re-trafficking by ISIS or similar groups. Apart from fuelling a resurgence of violence and terrorism in the region and providing a propaganda tool for ISIS, such a result will inevitably affect the UK's own security. The UK Government must repatriate British nationals in detention not only to ensure their safety but also our own.

## 7 Ensure access to justice and end impunity

The UK Government's policy has created a vacuum of accountability and justice. While held in unlawful detention, trafficking victims and individuals deprived of their citizenship have no meaningful access to courts to seek the redress and support to which they are entitled. As the US has made clear, local trials are "untenable for several reasons, including limited resources, the potential application of the death penalty and related human rights concerns [...], and the absence of a viable location at which individuals can serve out their sentences in the event of successful prosecutions." Thus, by refusing to repatriate for prosecution where appropriate, the UK Government is preventing accountability and denying justice to victims of ISIS. The UK Government must immediately repatriate all men, women, and children in NES to enable the fair and transparent adjudication of all of these issues.

## 8 End the use of discriminatory citizenship stripping

The APPG heard evidence that the Secretary of State's power to deprive citizenship where it is "conducive to the public good" has been exercised broadly and arbitrarily, for instance, by failing to take into account individuals' status as trafficking victims. In addition, its use has been discriminatory, directed almost exclusively against those of ethnic minority heritage. The APPG heard further evidence that the application of citizenship stripping powers has communicated the message that "British Muslims are not 'real', full British citizens." The APPG finds that this power has created discriminatory tiers of citizenship and that - far from being an effective counter-terrorism measure - it in fact endangers national and global security. The APPG notes with concern that the Government is now seeking to expand this power in the Nationality and Borders Bill by allowing the Secretary of State to carry out deprivations without notice. The APPG concludes that rather than expanding this power, citizenship deprivations under it should be suspended.

## 9 Review the impact of UK counter-terrorism policy on Black, Brown and Muslim communities

The APPG heard compelling first-hand testimony from family members of individuals detained in NES about the devastating impact UK policies have had on them and their families. It also received a range of evidence describing the harm caused to Black, Brown and Muslim communities in the UK. It understands that the UK's approach to detentions in NES is derived from the UK's wider counter-terrorism framework. The APPG recommends that an independent review be established to assess the impact of government policy concerning NES and its broader counter-terrorism policy, as relevant. The review should include wide consultation with affected groups, in particular the family members, and should be an open and transparent process to identify key learnings and inform future practice.

## Annex I: Glossary of Terms

| | |
|---|---|
| **APPG** | All-Party Parliamentary Group |
| **AANES** | Autonomous Administration of North and East Syria |
| **ECHR** | European Convention on Human Rights |
| **ECAT** | Council of Europe Convention on Action against Trafficking in Human Beings, 2005 |
| **CRIN** | Child Rights Network |
| **Government / UK Government** | The Prime Minister, Cabinet, junior ministers and government departments of the United Kingdom of Great Britain and Northern Ireland from time to time |
| **ISIS** | Islamic State of Iraq and Syria |
| **MI6** | Secret Intelligence Service |
| **MP** | Member of Parliament |
| **NES** | North East Syria |
| **OSCE** | Organization for Security and Cooperation in Europe |
| **Palermo Protocol** | The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| **RSI** | Rights and Security International |
| **SDF** | Syrian Democratic Forces |
| **TCNs** | Third Country Nationals |
| **Begum Decision** | The decision of the United Kingdom Supreme Court in R (Begum) v Special Immigration Appeals Commission and Secretary of State for the Home Department [2021] UKSC 7 [2021] AC 765. |
| **UK** | United Kingdom |
| **UN** | United Nations |
| **UN Special Rapporteur on Trafficking** | United Nations Special Rapporteur on Trafficking in Persons, especially women and children |
| **US** | United States |

# Annex II: Information on Repatriations and Prosecutions: Country-by-Country

Information available to the APPG indicates that a number of countries are repatriating their nationals from NES. This includes some of the UK's closest security partners, such as the United States and Germany, as well as other countries such as Kazakhstan and Uzbekistan.

Below are examples of the strategies, rationales, and successes of other nations in repatriating their nationals from NES.

## Belgium

- On 1 July 2020, it was reported that three Belgian women and their six children were repatriated from Syria.[256]
- In December 2020, the Belgian Foreign Ministry estimated that at least "13 of the women [detained in NES] will be eligible for repatriation, nine of the women have been sentenced by Belgian courts, and four are subject to international arrest warrants".[257]
- As of May 2021, the Belgian Government confirmed that its continued position is to "actively repatriate" all children under 12 years old,[258] and that the Belgian Government will consider repatriating those between the ages of 12 and 18, "as well as their mothers" on a case-by-case basis.[259]

## Denmark

- Denmark reversed its position that it would not repatriate its nationals from the camps in NES following the publication of a report by the Danish Security and Intelligence Service which outlined the security risks of a policy of inaction and recommended the repatriation of Danish nationals.[260]
- On 18 May 2021, the Government announced it would repatriate 14 children and their 3 mothers with Danish citizenship.[261] The repatriation of these women and children occurred on 6 October 2021.[262]

## Finland

- Since October 2019, Finland has repatriated 23 children and 7 mothers previously detained in Al Hol in NES.[263] Approximately 15 Finnish citizens remain detained in Syria; the Finnish Government's intention is to repatriate these individuals.[264]
- In his evidence to the APPG, Mr Tanner said that the only practical means to protect the fundamental rights of Finnish citizens and particularly children was to repatriate them from the camps. [265]

## Germany

- On 6 October 2021, Germany repatriated 23 children and eight women from Camp Roj in a joint operation with Denmark. The women repatriated were immediately placed in custody and face criminal investigations.[266]
- Germany has been able to prosecute returnees for membership of a terrorist organisation, where appropriate.[267] For instance, in 2019, a 32-year-old woman was convicted and sentenced in Stuttgart for membership of ISIS.[268]

## Italy

- In 2019, Italy repatriated an Italian man as well as an 11-year-old boy.[269]
- In late September 2020, Italy repatriated an Italian woman and her four young children from Al Hol Camp.[270]

## Kazakhstan

- Kazakhstan is considered a leader in repatriations, having successfully repatriated some 650 citizens from NES.[271]
- Kazakhstan is actively working to develop psycho-social support and educational opportunities for the repatriated women and children. President Kassym-Jomart Tokayev recently highlighted the program's success: "the women who returned […] have given up on the radical past, joined jobs, and re-established ties with relatives."[272]

## Netherlands

- On 10 June 2019, two Dutch orphans were successfully repatriated from Syria via France.[273]
- On 5 June 2021, it was reported four Dutch nationals (one woman, and three children aged 12, 5, and 2) were received by Dutch officials in Erbil, Iraq, for repatriation.[274]

## Russia

- In December 2018, Russia was reported to have repatriated at least 100 women and children[275] and, as of April 2021, Russia had repatriate at least 150 children from Iraq and Syria.[276]

## Sweden

- On 7 May 2019, the Swedish Government repatriated seven orphan children from Al-Hol Camp.[277]
- In November 2020, four female Swedish women and their nine children were repatriated.[278]

## Ukraine

- As of April 2021, Ukraine has repatriated at least two adult women and seven children.[279]

## United States

- The United States has sought to repatriate all of its nationals from NES, repatriating 12 adults 17 children.[280]
- Ten of the repatriated adults have been charged with federal crimes related to their alleged support of ISIS.[281]

## Uzbekistan

- Uzbekistan has repatriated more than 300 citizens from NES.[282] Uzbekistan repatriated them over the course of three missions, entitled "Operation Kindness".[283]

# Endnotes

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## Photo Credit

**Cover Image**

A woman walks through al-Hol displacement camp in Hasaka governorate, Syria April 2, 2019.
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