***Submission to the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences in response to call for inputs on “The Nexus between Forced Displacement and Contemporary Forms of Slavery”***

**ABOUT REPRIEVE**

Reprieve is a charitable organization registered in the United Kingdom (No. 1114900), and in special consultative status with the United Nations Economic and Social Council (ECOSOC). Reprieve provides free legal and investigative support to individuals who have been subjected to state-sponsored human rights abuses. Our clients belong to some of the most vulnerable populations in the world, as it is in their cases that human rights are most swiftly jettisoned, and the rule of law is cast aside. In particular, we protect the rights of those facing the death penalty and deliver justice to victims of arbitrary detention, torture, and extrajudicial execution.

**SUMMARY**

Drawing on empirical research including field reports and qualitative interviews, this submission presents evidence that British nationals held in Kurdish-run displacement camps in North East Syria (NES), the majority of whom are children, are at risk of slavery, trafficking and other forms of exploitation. This risk is exacerbated by UK policies towards its nationals in NES, namely the refusal to repatriate or provide consular assistance, in addition to the government’s draconian use of citizenship deprivations. This submission will also reflect on the gendered nature of these policies and how British women in these displacement camps, many of whom are survivors of sex trafficking, are at a pronounced and imminent risk of modern slavery. We conclude by offering recommendations on how the UK government can protect displaced persons in NES from contemporary forms of slavery.

1. **Background**

In the context of the ongoing Syrian Civil War, tens of thousands of individuals have fled to North East Syria (NES) where they are now held across a number of Kurdish run camps, prisons, and “rehabilitation” centres. Those who fled to the region include foreign national women and children allegedly associated with Daesh. This population, which includes about 25 British women and 34 British children,[[1]](#footnote-1)[[2]](#footnote-2) are primarily detained in either Al Hol or Roj Camps.

The UN High Commissioner for Human Rights, has documented how many of the individuals detained in NES were *“forced into marriage, sexual slavery and exploitation by UN-listed terrorist groups*.*”[[3]](#footnote-3)* Reprieve’s investigations have confirmed that the majority (at least 63%) of British women currently detained in NES are victims of modern slavery. This is based on evidence that Daesh subjected them to sexual slavery, including forced and servile marriages, as well as other forms of slavery such as forced domestic servitude.[[4]](#footnote-4) For years, Daesh systematically enslaved and exploited hundreds of women and girls, as the forced labour of women and girls, through childbirth, child-rearing and domestic servitude, was viewed as necessary “*to fulfil domestic and supporting roles in the caliphate and to legitimise ISIS and their new state*”.[[5]](#footnote-5)

Daesh used sophisticated grooming techniques to recruit vulnerable girls *“using fraud and abuse of a position of vulnerability, among other means”.[[6]](#footnote-6)* On arrival in Daesh-controlled territories women and girls were locked in “women’s houses,” before they were forced into marriage, domestic servitude and sexually exploited.[[7]](#footnote-7) One of Reprieve’s client’s was just 12 years old when she was taken to Syria by a male relative from the UK, along with her sister and mother. In Syria, she was repeatedly raped, forced into marriage at the age 14 and had her first child conceived by rape by the age of 15.[[8]](#footnote-8)

After years of sexual exploitation and abuse at the hands of Daesh, these women and children are now detained in the detention camps of NES. Al Hol and Roj Camps have been referred to by the High Commissioner for Human Rights as “*overcrowded displacement camps*”[[9]](#footnote-9). These displacement camps, also known as “*Europe’s Guantanam*o”,[[10]](#footnote-10) function as de-facto detention camps for the foreign national families held there. Foreign nationals are detained indefinitely unless their country of origin agrees with the Kurdish authorities to repatriate them.[[11]](#footnote-11) Given the legal vacuum that exists for detainees in NES, 22 UN experts have called on the 57 governments, including the UK, who still have nationals in the camps to repatriate them immediately.[[12]](#footnote-12)

This submission will demonstrate the dire risk of further slavery and exploitation that non-repatriation poses to foreign nationals currently held in NES detention camps where they face cruel, inhuman, and degrading conditions (CIDT).[[13]](#footnote-13) It will also highlight the policies of the UK government, including the refusal to repatriate, the refusal to provide consular assistance and the wide use of citizenship deprivations, which exacerbate risks of slavery and other forms of exploitation for the women and children in Al Hol and Roj Camps.

1. **The UK government’s failure to repatriate its nationals in NES displacement camps exacerbates their risk of slavery**

The laws and policies of the UK in respect of its nationals detained in NES are the focus of this submission. Kurdish authorities have made it clear that they do not have the resources to indefinitely detain families in NES and have pleaded with countries to take responsibility for their nationals.[[14]](#footnote-14) In a context where there is no guarantee of security,[[15]](#footnote-15) Kurdish authorities are unable to cope with the overcrowded camps, meaning British citizens are detained in temporary facilities which lack basic medical capabilities and supplies, as well as heating systems. [[16]](#footnote-16) In this context, UN Special Rapporteurs have argued that home countries, such as the UK “*have de facto, or constructive, jurisdiction over the conditions of their nationals held in camps specifically because they have the practical ability to bring the detention and attendant violations to an end through repatriation*.”[[17]](#footnote-17)

UN Human Rights experts have expressed concern that the camps meet the threshold for torture or CIDT.[[18]](#footnote-18) This has been confirmed by a UK court that ruled conditions in Camp Roj meet the threshold for CIDT under article three of the ECHR.[[19]](#footnote-19) In Al Hol Camp alone, 517 people, mostly children, died in 2019,[[20]](#footnote-20) and at least two British nationals have died whilst detained in NES, including one infant.[[21]](#footnote-21) The UN Commission of Inquiry on Syria has stated that “*the humanitarian response to the situation remains woefully inadequate*” and refers to conditions as “*deplorable and inhumane*”.[[22]](#footnote-22) There have been numerous reports of women and children dying from tuberculosis and treatable diseases.[[23]](#footnote-23) In addition to these serious health concerns, there are also threats of violence from within the camps aimed at those considered to be less committed to Daesh ideology.[[24]](#footnote-24) In just the first two weeks of 2021 alone, 12 camp residents in Camp Hol were murdered, and one critically injured.[[25]](#footnote-25)

Despite the clear risk to the lives of its nationals, the UK government’s public policy is that it will only accept the return of unaccompanied or orphaned children.[[26]](#footnote-26) Reprieve understands that the UK government has refused to repatriate at least seven British women. Of the women who Reprieve is aware have requested repatriation, at least two were under the age of 18 at the time they travelled to Syria.[[27]](#footnote-27)

The UK’s blanket approach to non-repatriation has a disproportionate impact on women and children. Of the small number of British nationals who remain in the region, the vast majority (84%) are women and children. According to UN CTED, approximately 4% of all recorded returnees from Iraq and Syria are women and they account for around 5% of all women who travelled to the conflict zones.[[28]](#footnote-28) This can be attributed to the fact that women were more likely to have their passports seized upon arrival and were often unable to travel alone. This comports with Reprieve’s investigations, which found that at least 37% of British women in NES report trying to escape while in Daesh territory but were unable to or were punished for their attempts.

Many of these women and children escaped to NES after years of exploitation in Daesh territory, including forced marriage, rape, and domestic servitude. By leaving their nationals in squalid displacement camps in NES, the UK is exposing them to the risk of further exploitation, including modern slavery. Research from the IOM suggests that women, specifically girls and young women, who have previously been trafficked are particularly vulnerable to further trafficking[[29]](#footnote-29) due to their extreme vulnerability arising from previous experiences of human rights violations and the personal situations that made them vulnerable to such abuses in the first place. In many of these cases, individuals might not even realise they are victims of exploitation or human trafficking, because they are not yet able to recognise their own exploitation by virtue of their conditioning and traumatisation. These individuals’ subsequent detention without access to rehabilitation and support could lead to the families in NES being re-traumatized, which further heightens their vulnerability to re-trafficking.[[30]](#footnote-30)

In sum, by refusing to repatriate its nationals detained in displacement camps in NES, the majority of whom are women and children, the UK has left an extremely vulnerable group in dire conditions where they are at a high risk of re-trafficking and modern slavery.

1. **The UK government’s failure to provide any basic consular functions to its nationals in NES displacement camps exacerbates their risk of slavery**

The risks of slavery from within the Kurdish displacement camps are exacerbated by the UK’s decision to refuse all consular assistance, even basic welfare checks, for British families. Without these regular checks, there is no way to ensure British nationals have not been subjected to slavery or otherwise exploited. According to the UN Human Rights Commissioner, obstacles such as declining or being slow to provide consular services to Member State’s nationals in NES “*reduce[s] the likelihood of both effective protection and appropriate accountability for very serious crimes which have been committed*."[[31]](#footnote-31)

In November 2020, officials from the FCDO indicated to Reprieve that they would no longer act on behalf of individuals from Britain detained in the camps, such as basic welfare and ‘proof of life’ checks, despite having coordinated this before.[[32]](#footnote-32) The UK has since refused to provide humanitarian aid to women and children in NES detention, including the provision of medical aid to a seriously ill British woman and a baby girl at risk of respiratory failure.[[33]](#footnote-33)

Without this crucial assistance, British families are left particularly vulnerable as they have no way to pay for basic humanitarian goods. Kurdish officials require payment for a number of essential services in the camps in NES. For example, Reprieve is aware of a woman with diabetes who is losing her eyesight and describes a “burning” sensation in her eyes. An optician who came to the camp said she needed regular treatment to prevent blindness. As a result of the sanctions regime which blocks the ability of her family to support her from the UK and without support from her government, she is slowly going blind in the camp.

Since families back in the UK cannot provide their loved ones with funds without risk of criminal prosecution,[[34]](#footnote-34) women in the camp are forced to rely on the goodwill of the camp officials and other residents for their survival, protection, and basic needs. This renders women and children vulnerable to slavery, trafficking, and further exploitation by other factions within the camps, some of whom wield significant power, and may pose physical and psychological threats to those considered to be less committed to the Daesh ideology.[[35]](#footnote-35) British families are also uniquely reliant on the already overstretched Kurdish authorities, creating ever more unequal power dynamics. This situation is particularly problematic for these vulnerable women and children, placing them at heightened risk of exploitation.

The British Government has provided a range of excuses to abdicate responsibility for its nationals in these circumstances. For example, in correspondence officials have argued that they have no consular access to the region.[[36]](#footnote-36) This is untrue. First, as stated above, the Government has previously coordinated humanitarian aid for families in the camps before withdrawing this service. Second, the UK has carried out the repatriation of at least four orphan children over the course of two extraction missions, the most recent occurring in September 2020, in the thick of the Covid-19 pandemic. Both missions involved the presence of consular staff in NES and official communication with Kurdish authorities.[[37]](#footnote-37)

Most shockingly, the British Government has also excused their refusal to provide consular assistance through voicing a troubling ‘gender and age blind’ approach. The Government has gone as far as to say that *“judgements should not be made about the national security risk someone poses based on their gender and age*", when deciding to refuse life-saving assistance to a toddler.[[38]](#footnote-38) This flouts international guidance around crafting gender responsive policies and weighing the child’s best interests, especially when there are potential victims of human trafficking or slavery, or those at serious risk of becoming victims.[[39]](#footnote-39)

1. **The UK government’s use of citizenship deprivation exacerbates risk of slavery for families NES displacement camps**

Finally, it is important to assess the risks of slavery associated with the UK’s blanket policy of depriving its nationals detained in NES of their British citizenships. According to the information available to Reprieve, the UK has stripped at least 19 of the 25 British adults in NES of their citizenships. About 68% of this group are women, and 26% were children when they went to or were taken to Syria. These British nationals cannot fairly and effectively challenge their citizenship deprivations whilst they remain in detention.[[40]](#footnote-40)

Due to the lack of meaningful access to lawyers and the devastating impact of living in conditions that amount to CIDT, it is impossible for these individuals to effectively appeal their deprivations whilst they remain in detention. In the recent case of Shamima Begum, the UK Supreme Court determined that appeals could be stayed indefinitely in these circumstances.[[41]](#footnote-41) This decision cements the UK’s policy of avoiding responsibility for its nationals through citizenship deprivations thereby leaving formerly British citizens in NES without documentation, and potentially stateless, without any opportunity for challenge these decisions.

The links between statelessness and heightened risks of exploitation, including modern slavery, are well-documented, and through its increased and unprecedented use of citizenship-stripping in this context,[[42]](#footnote-42) the UK is exposing vulnerable individuals, including children, to such risks. For example, CEDAW General Recommendation 38 stresses that marginalized groups, including stateless people, are at a pronounced risk of trafficking.[[43]](#footnote-43) The former UN High Commissioner also cautioned that “*arbitrary deprivation of nationality has particularly negative effects on the human rights of women…. because it heightens the risk that they may become exposed to violence or human trafficking*.”[[44]](#footnote-44)

Citizenship is a “gateway right”[[45]](#footnote-45) and its deprivation is intrinsically linked to risks of exploitation. The right to nationality is understood as a fundamental one because it affects a range of other human rights, including, but not limited to, the right to movement, education, health, family life and an adequate standard of living.[[46]](#footnote-46) Without access to the basic human rights guarantees that stem from holding a nationality, individuals are at a pronounced risk of disappearing into the hands of traffickers and exploitative conditions.

In sum, through its mass citizenship deprivation campaign for nationals in NES, the UK have stripped these individuals of basic protections thereby rendering a population already in extremely vulnerable circumstances to severe risk of exploitation, including modern slavery.

**5. Recommendations**

Reprieve believes the UK is not only failing to protect its nationals detained in NES from modern slavery and other forms of exploitation, but also is actively placing them at further risk by refusing to repatriate them, denying them access to humanitarian assistance and depriving them of their citizenship.

Reprieve recommends that the UK government:

1. **Repatriates families back to the UK:** Facilitate the repatriation of all British families detained in NES including to effectively assess and investigate their status as victims of human trafficking and / or modern slavery and to provide them with the necessary protection and assistance, in line with the UK’s domestic and international law obligations. Repatriation is key to protecting them from exploitation in the camps.
2. **Reinstates British citizenship:** Reinstate the British citizenship of all its nationals detained in NES to protect them from further exploitation, in line with the UK’s human rights obligations, and in light of the links between statelessness and heightened risks of exploitation.
3. **Provides consular assistance:** Until repatriation is facilitated, provide effective consular assistance to its nationals to ensure their safety and wellbeing, including the provision of the necessary funds for its nationals to purchase food, medicine, and clothing.
4. **Guarantees the full human rights of its nationals detained in NES, including the right to an effective remedy for victims of trafficking and modern slavery:** Ensure that victims of human trafficking and modern slavery in this context have a right to effective and adequate remedies for the violations they have suffered, including the provision of information and assistance on available legal proceedings and the opportunity to apply for compensation, and ensure that these rights are guaranteed on an equal basis irrespective of gender or age.
5. **Revises national security assessments so they are both gender and trauma informed and take into account a child’s best interests**: Review the UK’s problematic position against considering gender and age while making national security assessments, and bring its policy in line with the gender, trauma, and vulnerability informed approach necessitated by international standards.

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39. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 6(4), 15 November 2000, available at: [www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx](http://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx); Convention on the Rights of the Child, article 3, 20 November 1989, available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>. [↑](#footnote-ref-39)
40. R (on the application of Begum) (Appellant) v Special Immigration Appeals Commission (Respondent) R (on the application of Begum) (Respondent) v Secretary of State for the Home Department (Appellant) Begum (Respondent) v Secretary of State for the Home Department (Appellant), [2021] UKSC 7, paragraph 135, 26 February 2021, available at: <https://www.supremecourt.uk/cases/docs/uksc-2020-0156-judgment.pdf> [↑](#footnote-ref-40)
41. R (on the application of Begum) (Appellant) v Special Immigration Appeals Commission (Respondent) R (on the application of Begum) (Respondent) v Secretary of State for the Home Department (Appellant) Begum (Respondent) v Secretary of State for the Home Department (Appellant), [2021] UKSC 7, paragraph 135, 26 February 2021, available at: <https://www.supremecourt.uk/cases/docs/uksc-2020-0156-judgment.pdf>. [↑](#footnote-ref-41)
42. The wide use of citizenship deprivations in the context of NES detention falls within a general uptick in the use of citizenship stripping. Citizenship deprivations more than tripled in the period of 2006 to 2015. Free Movement " How is the government using its increased powers to strip British people of their citizenship?, Colin Yeo, 9 August 2018, available at: <https://www.freemovement.org.uk/british-nationals-citizenship-deprivation/>. This number of deprivations soared 600% from 2016 to 2017 for deprivations related to alleged acts of terror. The Independent, "Shamima Begum: Number of people stripped of UK citizenship soars by 600% in a year", Lizzie Dearden, 20 February 2019, available at: <https://www.independent.co.uk/news/uk/home-news/shamima-begum-uk-citizenship-stripped-home-office-sajid-javid-a8788301.html>. [↑](#footnote-ref-42)
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44. UN Human Rights Council, "Report of the Secretary-General: Human rights and arbitrary deprivation of nationality”, A/HRC/19/43, paragraph 39, 19 July 2011, available at: <https://undocs.org/A/HRC/19/43>. [↑](#footnote-ref-44)
45. OHCHR, “UN expert welcomes UK Court of Appeal decision in Shamima Begum case”, 16 July 2019, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26107&LangID=E>. [↑](#footnote-ref-45)
46. *See generally,* UN Human Rights Council, "Report of the Secretary-General: Impact of the arbitrary deprivation of nationality on the enjoyment of the rights of children concerned, and existing laws and practices on accessibility for children to acquire nationality, inter alia, of the country in which they are born, if they otherwise would be stateless”, A/HRC/31/29, 16 December 2015, available at: <https://undocs.org/A/HRC/31/29>. [↑](#footnote-ref-46)