

WOMEN AND CHILDREN IN SYRIA – BRIEFING
RIGHTS WATCH (UK)
HIGH LEVEL SUMMARY

23 October 2019

1. At the date of writing, we understand that there are 30 British women and 60 British children detained by Kurdish authorities in IS-affiliate camps in North-East Syria.¹ It is understood that the majority of children in the camps are below the age of 12 and around half are younger than five years old. The vast majority of the 60 British children are detained with their mothers.
2. The situation on the ground is rapidly evolving. As we understand it the current factual situation on the ground is as follows:
 - Roj and Al Hol camps remain under the control of the Kurdish authorities and outside of the proposed Turkish buffer zone (32km deep and 120 km wide across the Turkish border with Syria).² Prior to the ceasefire between Turkey and the Kurdish authorities, there were no active hostilities between the Kurds and Turkey near these camps.³
 - The border with Iraq remains open and the route out of North-East Syria to Iraq is currently still held by the Kurdish authority.⁴
 - The ceasefire between Turkey and the Kurdish authorities was due to end last night (22 October 2019). It has now been reported that there has been an agreement between Turkey and Russia that would see the Kurds pull back 30 km across the Turkish-Syrian border (they have been given 150 hours from midday on Wednesday 23 October 9:00 GMT to do so). This is to be overseen by the Turkish and Russian forces. Under the deal, Turkish troops will be allowed to remain in the area they have taken (the buffer zone referred to above) and to retain sole control. It is suggested that Russian and Syrian forces associated with the Assad regime will move in “immediately” to oversee the Kurdish pullback and may remain in the area.⁵

¹ IS-affiliates is a general term used to describe those associated with IS fighters captured and detained following the final offensive against IS in May of 2019. The camps are Al Hol and Roj. A previous camp, Ein Issa, has been dissolved in the 7 days since the Turkish incursion into the region, and its inhabitants dispersed.

² <https://www.theguardian.com/world/2019/oct/22/turkey-and-russia-agree-deal-over-buffer-zone-in-northern-syria>.

³ <https://www.telegraph.co.uk/news/2019/10/18/fighting-continues-along-turkish-syrian-border-despite-us-brokered/>.

⁴ <https://news.un.org/en/story/2019/10/1049561>.

⁵ <https://www.bbc.co.uk/news/world-middle-east-50138121>.

3. Despite all these moving parts, **at the time of writing there are currently still logistical pathways to repatriate the British women and children in the camps at Al Hol and Roj.** As noted above, for the time being the Kurds retain control of Al Hol and Roj camps and the route out of North-East Syria to Iraq. There are still humanitarian agencies, including Save the Children and UNICEF, operating in the camps and travelling in the area of Al Hol and Roj camps (although they have reduced their presence given current uncertainties).
4. However, the situation of those detained in the camps remains precarious and the opportunity to repatriate them may well be running out. This is because:
 - The new deal between Russia and Turkey could see the Syrian regime taking control of the areas where Roj and Al Hol camps are located (the location of the former is at the farthest point North-East of the border, while Al Hol is further south into Syrian territory). Given that the UK has no diplomatic relations with the Syrian regime, any repatriation would be much more difficult, and it is not clear what the Syrian regime would do with the children and women. There are fears that the British nationals may be used as a bargaining chip by the Assad regime to force the UK and other European Governments to re-establish diplomatic relations and/or they may be transferred to Iraq where there is a real risk that they may be subject to the death penalty, mistreatment and other human rights violations.
 - The Kurdish authorities, while presently retaining control of the camps, may no longer have the capacity or will to continue to do so, leaving the women and children to disperse in an extremely uncertain and possibly volatile environment. This could make it very difficult to locate and assist these women and children, including any unaccompanied minors, who may find themselves in the midst of active hostilities or at the very least, without basic provisions or shelter. This is what occurred earlier this month to the children and women held in Ein Issa camp, a third camp run by the Kurdish authorities located North-West along the Turkish border within the Turkish buffer zone.⁶ It was in this camp that three orphan British children were located (see above) and while it appears they have been taken to safety within Syria, the fate of the other children and women is unknown and it is understood that at least a small handful are British.
 - a. There are increased reports of Da'esh militants seeking to exploit the chaos currently prevailing in North-East Syria to capture women and children who have fled from these camps as has been reported to have happened in Ein Issa,⁷ and/or to attempt to extract them from the camps themselves.⁸

⁶ <https://www.independent.co.uk/news/world/middle-east/isis-syria-kurds-turkey-escape-camp-sdf-ain-issa-a9153816.html>. Sources on the ground now confirm this camp has been entirely abandoned, and its detainees dispersed.

⁷ <http://english.alarabiya.net/en/News/middle-east/2019/10/15/French-women-from-Syrian-camp-retrieved-by-ISIS-Relatives-.html>

⁸ <https://www.cnbc.com/2019/10/14/isis-prisoners-are-escaping-from-camps-in-syria-amid-turkish-offensive.html>. It must be emphasized that a large number of those detained in these camps do not wish to return to Da'esh, arrived in circumstances of dubious consent or misinformation and/or have expressed an explicit desire to return to their countries. RW(UK)'s position is that, regardless of the status of these women, they should be repatriated with their children and as appropriate, subject to the criminal law, of which there are multiple and expanding offences, and/or rehabilitation and reintegration.

5. Until recently the Government's longstanding position has been that they would not facilitate repatriation of any British nationals detained in the camps in North-East Syria, including women and children, given the security risk that this would pose for HMG officials. HMG advised that British citizens in Syria who wish to seek HMGs assistance need to find their way to the nearest consulate or embassy in Iraq or Turkey (given that the UK does not have any consular or diplomatic presence in Syria) and that they should call the British Foreign Office if they require help (although it remains unclear what the Government would do given its aforementioned position).
6. For obvious reasons, this was and remains a practical impossibility for those children and women detained in the camps and with limited or inconsistent access to telecommunications. Accordingly, this position is fundamentally and morally flawed and takes no account of the human rights and protective obligations of the UK towards these children and women. It is tantamount to knowingly and willingly leaving these children and women in dire and inhuman conditions,⁹ in circumstances where they have no other way of getting help. It also ignored the fact that a number of other states had repatriated hundreds of women and children of their nationality from the camps with the assistance of state and non-state actors.¹⁰
7. As of this week, HMG has confirmed that they are considering repatriating some of the unaccompanied British minors. Yesterday (22 October 2019), in response to an urgent question in Parliament from David Davis MP and followed up by questions from a range of MPs across the party divide, the Minister Andrew Murrison MP confirmed that the Government **will do all it can and work with all concerned in Syria and at home to facilitate the return of unaccompanied or orphaned children, where feasible. Each case is to be considered on an individual basis.**
8. As was noted by numerous MPs during this debate, this would exclude a vast majority of children who are in the camps with their mothers. This is an unconscionable position for HMG to take as these children are equally as innocent and their conditions, equally as dire. There is no good reason for the policy to be confined solely to unaccompanied minors, and further confined to a "case by case" approach. In fact, if the return of minors is feasible, **then all children, including those with their mothers**, should also be repatriated without qualification. Should the government choose to rescue only unaccompanied minors, it will be condemning the remainder of the children to continued suffering and trauma, by dint of their parentage in situations in which they are innocent.
9. Furthermore, there is no good reason for such a policy, as the architecture for monitoring and post-return management of their mothers are in place.¹¹ According to the UK's own 2018 CONTEST counter-terrorism strategy annual reporting, hundreds of men, women and children (over 360) have returned from Syria and Iraq since the beginning of the conflict.¹² A significant

⁹ See comment from Special Rapporteur Fionnuala Ni Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, that the conditions in the camps rises to the level of a violation of the prohibition on cruel, inhuman and degrading treatment: <https://www.justsecurity.org/64402/time-to-bring-women-and-children-home-from-iraq-and-syria/>.

¹⁰ <https://www.savethechildren.net/news/tiny-proportion-foreign-children-north-east-syria-camps-repatriated-2019>. Note specifically Kazakhstan has repatriated over 150 children; Kosovo over 70.

¹¹ See attached **Annex A**.

¹² HM Government *Contest: The United Kingdom's Strategy for Countering Terrorism* June 2018 (Cm 9608) at [167] and [172] specifically (see

proportion of those who returned “are assessed as no longer being of national security concern.” The ability to manage such threats exists and ought to be appropriately utilised – security should not be a façade behind which the Government hides to prevent return of women and their children.

10. It remains the Kurdish authority’s position, and the **strong position of RW(UK)** and other humanitarian and human rights bodies that **all British women and children should be repatriated**. There is no good reason for the policy to be confined solely to unaccompanied minors or only children, or for it to be confined to a “case by case” approach. If the return of minors is feasible, then all children and women should also be repatriated. Should this not occur, then the British Government is effectively complicit in the continuing suffering of those British children and women who remain in the camps.

11. **Finally, it should be noted as a further relevant factor that there are an unknown number of British women, including Shamima Begum (who was a minor when she was likely groomed and trafficked to Syria and lost three young children while held in Syria and in camps), who have been deprived of their British citizenship.** The use of this unchecked prerogative power in relation to these women, some of whom have children, others of whose children have died, will mean that they and their British children will be left to a harrowing fate. Even those who decide to appeal against the decision to deprive them of their citizenship will be left in the camps or to whatever fate awaits them while their appeals take place, which usually last a number of years. This may complicate some of the policy landscape.