
TRAFFICKING TERROR

HOW MODERN SLAVERY AND
SEXUAL VIOLENCE FUND TERRORISM

Nikita Malik

#stoptraffickingterror

"Situations of conflict exacerbate trafficking for sexual purposes because so many people are displaced. Those affected suffer not just the results of war and conflict, but are often victims of sexual violence, modern slavery and terrorism too. This report is an important reminder that victims of sexual violence should be considered victims of terrorism, and those responsible must be held to account and prosecuted."

Ian Austin MP

Member of the Foreign Affairs
Select Committee

"The report highlights the profoundly important, but so far largely unexamined, criminal interconnectivity between human trafficking, sexual violence and terrorism. It is clear that sexual violence is prevalent in human trafficking and in terrorism - and abhorrently human trafficking is becoming more closely related to terrorism. The report illustrates this nexus in operation using case studies of Boko Haram and Daesh, as well as examining the routes where the human trafficking and terrorism trade is likely to occur in the future."

Henry Smith MP

Member of the International
Development Committee

"Many women and girls worldwide are suffering systematic abuse at the hands of extremist groups. Victims have even been the currency used in the commission of terrorist attacks. This timely report reminds us that their plight must not go unnoticed."

Baroness Cox

Founder and CEO of the
Humanitarian Aid Trust

TRAFFICKING TERROR

HOW MODERN SLAVERY AND
SEXUAL VIOLENCE FUND TERRORISM

Nikita Malik

Published in 2017 by The Henry Jackson Society

The Henry Jackson Society
Millbank Tower
21-24 Millbank
London SW1P 4QP
Registered charity no. 1140489
Tel: +44 (0)20 7340 4520
www.henryjacksonsociety.org

© The Henry Jackson Society, 2017
All rights reserved

The views expressed in this publication are those of the author and are not necessarily indicative of those of The Henry Jackson Society or its Trustees.

Title: “Trafficking Terror: How Modern Slavery and Sexual Violence Fund Terrorism”
By: Nikita Malik

ISBN: 978-1-909035-34-8

£9.95 where sold

About the Author

Nikita Malik is a Senior Research Fellow at The Henry Jackson Society, where her work focuses on protecting women, children, families, and asylum seekers against radicalisation and terrorism.

She has published several ground-breaking reports backed and endorsed by the United Nations Children’s Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO), Child Soldiers, Solidarity for Refugees, and Child to Child.



Malik has presented findings and evidence to UK and EU Parliament, the Foreign and Commonwealth Office (FCO), the Department of State (DoS), the EU Radicalisation Awareness Network (RAN), International Centre for Counter-terrorism - The Hague (ICCT), the United Nations, and SO15 Counter Terrorism Command (CTC).

Malik holds a BA (Hons) in Economics and Management and an MSc in South Asian Studies, both from the University of Oxford. She also holds an MSc in Middle Eastern Politics and Arabic from SOAS, University of London. She is fluent in four languages.

About CRT at the Henry Jackson Society

The Centre for the Response to Radicalisation and Terrorism (CRT) is unique in addressing violent and non-violent extremism. By coupling high-quality, in-depth research with targeted and impactful policy recommendations, we aim to combat the threat of Islamism in our society.

The Henry Jackson Society is a think-tank and policy-shaping force that fights for the principles and alliances that keep societies free, working across borders and party lines to combat extremism, advance democracy and real human rights, and make a stand in an increasingly uncertain world.

The Henry Jackson Society is a company limited by guarantee registered in England and Wales under company number 07465741 and a charity registered in England and Wales under registered charity number 1140489.

For more information, please see www.henryjacksonsociety.org.

Acknowledgements

I am grateful for assistance provided by Henry Jackson Society research interns Cristina Ariza, Samantha Feuer, Sabine Wennberg, and Ojima Salifu.

This project benefited from advice and input from representatives in several areas, including but not limited to: The Office of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict, the Home Office Modern Slavery Unit, the National Crime Agency Modern Slavery and Human Trafficking Unit, the Office of the Independent Anti-Slavery Commissioner, and AFRUCA UK.

I would also like to extend my sincerest thanks for comments and insights from C3man Kenny, Mara Revkin, and Emily Chertoff.

Executive Summary

Modern day slavery presents a plethora of benefits to terrorist groups by attracting, retaining, mobilising and rewarding fighters.

- The definition of conflict-related sexual violence, created by the UN in 2012, links sexual violence – rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation, and other forms of sexual violence of comparable gravity against women, men or children – to conflict. As per this definition, the use of sexual violence in conflict is evident in the motivations of perpetrators, the profile of victims, the climate of impunity or State collapse, and when terms of a ceasefire agreement have been violated.
- Terrorists use sexual violence, including rape, sexual slavery, and forced marriage, to bolster recruits, galvanise fighters, and, in the case of Islamist groups, punish *kuffar* (disbelievers). Propaganda on sexual slavery serves as an incentive for new recruits and foreign fighters, with the promise of wives and sex slaves acting as a ‘pull factor’.
- There is a fixation on the part of Islamic State (IS) fighters with the concept of *kuffar* (disbelievers), used to dehumanise ethnic groups so that barbaric acts can be condoned. Religious elements are infused into sexual violence practices to skirt around the moral wrongdoing of rape. Forced inseminations, forced pregnancies, and forced conversions are a means to secure ‘the next generation of jihadists’. Boko Haram fighters have also tried to impregnate women with the purpose of creating the next generation of fighters, mirroring Islamic State practices.
- Forced marriages and conversions to Islam are more common in Boko Haram than in Islamic State. Some abducted victims have adopted Boko Haram’s ideology as their own, refusing to leave the group.
- National laws on sexual violence within countries where extremist groups are present (Syria, Iraq, Libya, and Nigeria) allow rapists to marry their victims to avoid prosecution and punishment, placing the burden of shame and stigmatisation on survivors rather than perpetrators.

There are clear links between terrorists, criminals, and traffickers.

- Terrorists use organised crime tactics such as money laundering, migrant smuggling, drug and firearms trafficking, and human trafficking. Sexual markets in territory controlled by Islamic State in Iraq and Syria have been common, as has the use of human trafficking marketplaces in Libya.
- A clear driver behind sexual trafficking is financial gain. The most contentious issue revolves around whether smugglers or negotiators pay IS directly. While terrorists seem to commit sexual violence for ideological reasons, ransom payments point to a new source of revenue for terrorism that is directly linked to the use of sexual violence.
- Modern slavery provides monetary flows to terrorist organisations such as Islamic State and Boko Haram through the sale and re-sale of human bodies, with reports indicating that kidnapping represents \$10-30 million of revenue to IS in 2016.
- It is possible that as revenues from other streams such as taxation and oil sales decrease, revenue from hostage-taking and ransom, and modern day slavery may increase as IS struggles to sustain its financial reserves.

- Evidence suggests that the link between migrant smuggling and human trafficking is likely to remain in the future, and may grow as more individuals exit IS. Pieces of evidence hint at an awareness amongst terrorist groups of the potential for exploiting smuggling tactics and routes. Since mid-2015, Islamic State has reportedly captured 63 women in Libya and sexually abused them.
- The nexus between sexual violence, trafficking, and terrorism is underexplored. Statistical data and testimonies to understand how sexual violence and modern slavery fund terrorism are inconsistent or unavailable. In order to bolster its efforts to counter modern slavery, this report recommends that the British government lead in the creation of a dedicated legal unit in the form of an International Legal Task Force to work with NGOs, charities, and embassies on the ground to better track the overlap between sexual violence, trafficking groups, and terrorist organisations. Special attention must be given to information drawn from the body of evidence emerging from victims of sexual violence as a tactic of terrorism, that can hint at the level of financial revenues implicit in transactions between traffickers and terrorists.

Domestic abuse may overlap with terrorism, but appears to fall outside the UN definition of conflict-related sexual violence, and the use of sexual violence as a tactic of terrorism.

- Among the perpetrators of attacks inspired or connected to Islamic State in Europe and the United States, some have had a history of domestic and sexual violence, alluding to a direct connection between terrorism and domestic physical and/or sexual violence.
- In the UK, laws including the Modern Slavery Act 2015 and the Terrorism Act of 2006 should be interpreted more broadly, in order to adequately reflect the spectrum of crimes committed by individuals using sexual violence as a tactic of terrorism, defined under United Nations Security Resolution 2242 (2015).

Policy Recommendations:

DFID and the FCO must pressure Iraq, Syria, Libya, and Nigeria to outlaw sexual violence.

An International Legal Task Force to gather evidence on sexual violence as a tactic of terrorism must be created.

The International Legal Task Force must focus evidence gathering efforts on the nexus between sexual violence, trafficking, and terrorism.

Sexual violence must be prosecuted as a tactic of terrorism.

Human trafficking connected to terrorist groups should be treated as aiding and abetting terrorism.

The Independent Anti-Slavery Commissioner must expand its remit to examine Libya as a hub of trafficking and terrorism.

There must be more collaborative action between different agencies to tackle the nexus between sexual violence, trafficking, and terrorism.

Victims of trafficking and terrorism will require a more nuanced approach regarding rehabilitation, remittances, and care.

Children born in Islamic State must be given proper documentation.

Contents

	Page
List of Tables and Figures	3
Glossary of Abbreviations	4
Glossary of Terms	6
Glossary of Arabic Terms	8
Methodology	9
Introduction	10
Chapter 1: Sexual Violence as a Tactic of Terrorism	11
What is Sexual Violence?	11
Sexual Violence in Conflict	15
<i>The Use of Sexual Violence by Terrorist Groups</i>	17
<i>The Lives of Survivors</i>	18
Sexual Violence as a Pull Factor to Terrorism	20
<i>Case Study: Islamic State and the Yazidi population</i>	22
<i>Case Study: Boko Haram</i>	31
<i>Case Study: Western Terrorists and Violence against Women and Girls</i>	33
Chapter 2: Sexual Violence as a Tactic of Trafficking	36
Sexual Violence as a Tactic of Trafficking	37
Sexual Exploitation as a Motivation for Traffickers	37
The Overlap of Trafficking and Terrorism	38
Chapter 3: The Nexus of Sexual Violence, Trafficking and Terrorism	40
The Nexus of Sexual Violence, Trafficking and Terrorism	40
<i>Ransom Payments</i>	40
Routes employed by Human Traffickers into Europe	45
<i>Nigeria-Niger-Libya-Italy / Nigeria-Mali-Algeria-Spain</i>	46
<i>Iraq / Syria-Turkey-Greece</i>	47
<i>The Black Sea Route</i>	48
The Case of Libya: The Intersection between Terrorism and Trafficking	48
Chapter 4: Conclusion and Policy Recommendations	51
1. DFID and the FCO must pressure Iraq, Syria, Libya and Nigeria to outlaw sexual violence	51
2. An International Legal Task Force to gather evidence on sexual violence as a tactic of terrorism must be created	51
3. The International Legal Task Force must focus evidence gathering efforts on the nexus between sexual violence, trafficking and terrorism	52
4. Sexual violence must be prosecuted as a tactic of terrorism	53
5. Human trafficking connected to terrorist groups should be treated as aiding and abetting terrorism	53
6. The Independent Anti-Slavery Commissioner must expand its remit to examine Libya as a hub of trafficking and terrorism	54

	Page
7. There must be more collaborative action between different agencies to tackle the nexus between sexual violence, trafficking and terrorism	54
8. Victims of trafficking and terrorism will require a more nuanced approach regarding rehabilitation, remittances, and care	55
9. Children born in Islamic State must be given proper documentation	55
Appendix 1: Mapping Sexual Violence in Conflict	56
1.1. Violence Against Women and Girls	56
1.2. International Legal Framework on Sexual Violence in Conflict	56
1.3. Ratification of International Laws on Sexual Violence	60
Appendix 2: National Laws on Sexual Violence	62
2.1. Iraqi Laws on Sexual Violence and HBV	62
2.2. Syrian Laws on Sexual Violence and HBV	62
2.3. Nigerian Laws on Sexual Violence and HBV	63
2.4. Libyan Laws on Sexual Violence and HBV	63
2.5. Turkish Laws on Sexual Violence and HBV	63
2.6. UK Laws on Sexual Violence and HBV	64
Appendix 3: Human Trafficking	68
3.1. International Legal Framework of Human Trafficking with a focus on Trafficking for purposes of Sexual Exploitation	68
Appendix 4: National Laws on Human Trafficking	71
4.1. Iraqi Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	71
4.2. Syrian Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	71
4.3. Nigerian Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	72
4.4. Libyan Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	73
4.5. Turkish Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	74
4.6. UK Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation	74

List of Tables and Figures

	Page
Table 1	Security Council Resolutions on Sexual Violence in Conflict 16
Table 2	IS guidelines for the treatment of slaves 24
Table 3	IS justification of slavery 25
Table 4	Additional Islamic State guidelines for the treatment of slaves 28
Table 5	Ransom payments to Islamic State 44
Table 6	The Use of Sexual Violence by Criminals, Traffickers and Terrorists 50
Table 7	Secretary General (SG) Reports to the Security Council on Women, Peace and Security, with a focus on Sexual Violence 57
Table 8	Example of one indicator used to prevent sexual violence, reflected in UN S/2010/498 58
Table 9	Security Council Resolutions on Children and Armed Conflict 59
Table 10	Secretary General Reports to the Security Council on Children and Armed Conflict 59
Table 11	Secretary General Reports to the Security Council on Sexual Violence in Conflict 60
Table 12	Member States of Legally Binding International Instruments regarding Sexual Violence 60
Table 13	UK Government’s Action Plan to end Sexual Violence 65
Table 14	ICAT and OSCE Common Partnerships Regarding Anti-Trafficking in persons 68
Table 15	Ratification of International Laws on Human Trafficking 70
Figure 1	The Sexual Violence-Trafficking-Terrorism Nexus 39
Figure 2	Financial flows to Islamic State resulting from the sexual slavery market 43
Figure 3	Routes used by Traffickers 45
Figure 4	2016-2020 UK Action plan to end VAWG 66

Glossary of Abbreviations

AQIM	Al Qaeda in the Islamic Maghreb
CAR	Central African Republic
CBSS	Council of the Baltic Sea States
CCA	Criminal Code Act
CCCT	Central Committee on Counter-Trafficking
CCME	The Churches’ Commission for Migrants in Europe
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CIS	Commonwealth of Independent States
COE	Council of Europe
CPA	Coalition Provisional Authority
CPS	Crown Prosecution Service
CTC	Counter Terrorism Command
DFID	Department for International Development
DGMM	Directorate General for Migration Management
DPKO	Department of Peace Keeping Operations
DOS	Department of State
DRC	Democratic Republic of Congo
ECPAT (International)	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EU	European Union
EUROPOL	European Police Office
FCO	Foreign and Commonwealth Office
FGM	Female Genital Mutilation
FRONTEX	Frontières extérieures for external borders
FYROM	Former Yugoslav Republic of Macedonia
GBV	Gender-Based Violence
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GSIM	Group for the Support of Islam and Muslims
HBV	Honour Based Violence
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
ICAO	International Civil Aviation Organisation
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
ICC	International Criminal Court
ICMEC	International Centre for Missing and Exploited Children
ICMPD	International Centre for Migration Policy Development
ICPO (Interpol)	International Criminal Police
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia

“TRAFFICKING TERROR”

IDP	Internally Displaced Persons
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organisation
IOE	International Organisation of Employers
IOM	International Organisation for Migration
IS	Islamic State
ITUC	International Trade Union Confederation
JNIM	Jama’ at Nusrat ul-Islam wal-Muslimeen
KRG	Kurdish Regional Government
MLF	Macina Liberation Front
NAPTIP	Nigerian National Agency for the Prohibition of Trafficking in Persons
NATO	North Atlantic Treaty Organisation
NET	Narrative Exposure Therapy
NTFFHT	National Task Force on Fight against Human Trafficking
OAS	Organisation of American States
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PBUH	Companions of the Prophet
PICUM	Platform for International Cooperation on Undocumented Migrants
PTSD	Post-Traumatic Stress Disorder
SG	Secretary General
TEO	Temporary Exclusion Orders
TIP	Trafficking in Persons
UK	United Kingdom
UN	United Nations
UNAIDS	United Nations Joint Program on HIV/AIDS
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Program
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
UNPF	United Nations Population Fund
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNTOC	United Nations Convention against Transnational Organised Crime
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
US	United States
VAWG	Violence against Women and Girls
WHO	World Health Organisation

Glossary of Terms

Al Qaeda (AQ), includes al-Qaeda in Iraq (AQI), Al Qaeda in the Arabian Peninsula (AQAP), and Al Qaeda in the Islamic Maghreb (AQIM): Inspired and led by Usama Bin Laden, the group’s aims are the expulsion of Western forces from Saudi Arabia, the destruction of Israel, and the end of Western influence in the Muslim world.

Ansar Dine or Harakat Ansar al-Dine (*Movement of the Defenders of the Faith*): A violent Islamist group operating in Mali. Founded by Tuareg rebel Leader Iyad Ag Ghaly, the group promotes a radical interpretation of Islam, and is committed to imposing *sharia* law in Mali. It has been linked to AQIM.

Al-Murabitoun (*The Sentinels*): A militant Islamist organisation operating in the Sahel region. Led by Mokhtar Belmokhtar, the group has led violent insurgencies in North and West Africa, with the aim of imposing *sharia* law in Mali, Algeria, Libya and Niger. The group has been linked to Ansar Dine and Jama'at al Nusrat ul-Islam wal Muslimeen.

Boko Haram (*Islamic State West Africa Province*): A Nigerian militant Islamist group which forbids Western education and proscribes secularism. Founded by Mohammed Yusuf, the group pledges allegiance to IS and advocates for the universal adoption of *sharia* law in Nigeria. In 2014, it established a *caliphate* in parts of Northern Nigeria, and led a violent insurgency in parts of Chad and Cameroon.

Daesh (*Islamic State*): Islamic State is a brutal Sunni Islamist terrorist group active in Iraq and Syria. The group adheres to a global jihadist ideology, following an extreme interpretation of Islam, one that is anti-Western and promotes sectarian violence. IS aims to establish a *caliphate* governed by *sharia* law in the region and impose their rule on people using violence and extortion. IS was previously prescribed as part of AQ.

Extremism: An ideology, which when implemented, would significantly and negatively impact the human rights of certain sectors of society, such as women, religious or ethnic groups, persons with disabilities, and so on. By extension, violent extremism is an ideology that would justify the use of violence against these sectors of society.

Indoctrination: To teach a specific viewpoint or ideology without allowing anyone to criticise or question it, often in reference to religious ideas.

Islamism: The belief that Islam is a totalitarian political ideology. It claims that political sovereignty belongs to God rather than the people. Islamists believe that their reading of *sharia* should be state law, and that it is the religious duty of all Muslims to work towards and pledge allegiance to an Islamic state that reflects these principles.

Jama’at al Nusrat ul-Islam wal-Muslimeen (*Group for the Support of Islam and Muslims*): A coalition militant Islamist organisation, which merged with AQIM, Ansar Dine, Macina Liberation Front and Al-Murabitoun. Led by Iyad Ag Ghaly of Ansar Dine, the group pledges allegiance to AQ and is the largest jihadist network in the West African region.

Junta: A military or political group that rules over a country after taking charge of it by force.

Katiba Macina (*Macina Liberation Front*): A violent Islamist group in Mali linked to Ansar Dine and Jama'at al Nusrat ul-Islam wal Muslimeen (JNIM).

“TRAFFICKING TERROR”

Radicalisation: The process by which individuals and/or groups come to adopt extremist ideologies. Scholars often distinguish between ‘radicalisation’ and ‘violent radicalisation’ to highlight the difference between engagement in violent activities and radicalised non-violent thinking.

Taliban: An extreme religious and political group that governed Afghanistan from 1996-2001, enforcing an extreme interpretation of Islamic law. Founded by Mullah Omar, it has a strong insurgency movement in Pakistan and Afghanistan, where it fights against their current governments and allied NATO forces.

Terrorism: The use of violence of illegal force targeted at civilians by non-state actors that seeks to bring about political or societal changes.

Glossary of Arabic Terms¹

Dar al-Islam: ‘lands of Islam’; Islamists commonly define *Dar al-Islam* as any land under Muslim control which implements the religious principles of *sharia* as divine law.

Dar al-kufr: ‘land of disbelief’.

Emir (pl. *emirs*): a leader.

Fatwa (pl. *fatawa*): ‘religious edict’; an authoritarian statement on a point of practical knowledge of *sharia* law (*fiqh*) from an Islamic scholar.

Hijra: emigration in the way of Allah to a perceived Muslim land. Islamic dating begins with the Hijrah of Islam’s prophet Mohammad from Mecca to Medina (both in Saudi Arabia), in 622 C.E.

Jihad: literally translates as ‘struggle’; interpretations range from a personal effort to live according to Islam, to defending Islam by means of an armed struggle, and physically fighting in the way of Allah in order to establish Islam. In the context of this report (unless stated otherwise), *jihad* should be taken to mean ‘armed struggle’.

Jihadism: Non-state violence used in the cause of Islamism. Just as Islamism is the politicisation of Islam, jihadists take the traditional concept of *jihad* and use it as a political and military tool to achieve a political end.

Kafir (pl. *kaffir* or *kuffar*): ‘non-believer’ (referring to non-Muslims); the term could also be used derogatorily to suggest a person (Muslim or non-Muslim)’s disbelief in God and/or denial of truth.

Khalifa/Caliphate: Islamic state; an expansionist state governed by a *khalif* and implementing *sharia* as state law.

Khalif/Caliph: the ruler of a *caliphate*.

Kufr: Disbelief

Mujahid (pl. *mujahideen/mujahidin*): a person who takes part in jihad as armed struggle.

Shahada: one of the five pillars of Islam; used for legal testimony in a court of law, means bearing witness – in most cases that there is no God but Allah, and that Mohammed is the messenger of Allah; can also mean ‘martyrdom’.

Shahid/Shahed: a witness, someone who testifies; can also mean a martyr who dies fighting in the way of Allah.

Sharia/Shariah: literally translates as ‘road’; the Muslim religious code of conduct; a range of diverse traditions and interpretations of Islamic jurisprudence, from strict rules to broad principles and objectives.

¹ Adapted from Bewley, A., *Glossary of Islamic Terms* (London: Ta-Ha Publishers, 1998).

Methodology

Research for this report was formed through an analysis of academic literature and open-source material on terrorism, sexual violence, and trafficking, as well as extensive study of the evolution of existing international and national legislation on these issues.

Propaganda released by terrorist organisations justifying sexual slavery, such as Islamic State’s *Dabiq* magazine and *Al Hayat* media channel, was collated and analysed. This was coupled with content covered by journals, magazines, newspapers, and speeches. Victim testimonials, made part of public record via provision to news outlets, UK parliamentary committee investigations, international bodies such as the UN, and organisations including Human Rights Watch and Amnesty UK, were studied and compiled to better understand the use of sexual violence and trafficking by terrorist groups.

Data and statistics on the numbers of victims of trafficking and sexual violence is very limited, and largely inconsistent. There is no centralised year-on-year database to show the extent of problem – indeed, the governments of Iraq, Syria, and Libya rarely, if ever, report the number of victims suffering from sexual violence, trafficking, or both, on annual basis.

However, some testimonies from victims illustrate the range of trafficking efforts by terrorist groups in selling and re-selling slaves for sexual or other purposes, especially those undertaken by Islamic State and Boko Haram, where evidence exist of religious edicts to justify such acts, and receipts of sale have been found. Moreover, surveys from the International Organisation for Migration (IOM), Libya country reports, and testimonies from traffickers operating along migrant routes were used to understand how Libya and Turkey operate as ports for entry and re-entry of traffickers working together with terrorist groups, whether people are sold and traded in these ports, and how this issue is likely to evolve in the future.

This is an important area for further development, and evidence collection will be essential in enabling a more thorough view of the terrorism-trafficking-sexual violence nexus and its evolution in the future.

Introduction

It is clear that modern day slavery provides monetary flows to terrorist organisations such as Islamic State (IS) and Boko Haram through the sale and re-sale of human bodies. A selection of cases considered in this report (Table 5) indicates that by taking 16 victims hostage, IS has gained \$127,000-244,000 (£98,000-189,000) from ransom payments alone – an indicative sample of a much larger population. However, slavery also presents a plethora of hidden, non-monetary benefits by attracting, retaining, mobilising and rewarding fighters. As a result, terrorist organisations legitimise and normalise sexual violence in their ideological and recruitment tactics, and galvanise on the use of sexual violence to spread terror and achieve their aims.

Using the case studies of IS and Boko Haram, this report will illustrate how sexual violence plays a key role in sustaining and funding trafficking and terrorist networks, which work in tandem to obtain and distribute revenues from modern day slavery. This report examines the use of sexual violence and modern slavery to fund terrorism, with a specific focus on Syria, Iraq, Nigeria, and Libya. It focuses on key routes and ports used by traffickers where the trafficking-terrorism nexus has evolved – including Italy (from Nigeria-Niger-Libya), Spain (from Nigeria-Mali-Algeria), Greece (from Syria or Iraq-Turkey) and the new Black Sea Route.

Greater attention must be given to the evidence of financial flows and the body of evidence emerging from victims of sexual violence as a tactic of terrorism. At least 850 British individuals² have travelled to Iraq and Syria since the establishment of the Islamic State (IS), to fight for, aid and assist both IS and other jihadist organisations in Iraq and Syria. Of these, approximately half (400 individuals)³ have since returned to British territory, and more are likely to return in the future. The majority of individuals who have travelled to Iraq and Syria to join jihadist groups, including IS, have been men⁴. There are legal implications for members of these groups not only for terrorist acts, but also for the use of sexual violence as a tactic of terrorism. The UK has an important role to play to strengthen access to justice, collecting and preserving evidence, and upholding accountability through capacity building for national judiciary and law enforcement on sexual violence in the countries under examination in this report – Syria, Iraq, Nigeria, Turkey, and Libya.

It is clear that domestic prosecutions regarding British fighters of IS will be contingent on the ease with which foreign fighters can return. It is imperative that, where foreign fighters are identified, sexual violence crimes be considered a potential basis for prosecution based on existing provisions outlawing terrorist acts or under relevant customary international law considered to be part of British law. Laws including the Modern Slavery Act 2015 and the Terrorism Act of 2006 should be interpreted more broadly to adequately reflect the spectrum of crimes committed by individuals using sexual violence as a tactic of terrorism, under United Nations Security Resolution (UNSCR) 2242 (2015).

² ‘Who are Britain’s Jihadists?’, *BBC*, 5 July 2017, available at: www.bbc.co.uk/news/uk-32026985, last visited: 3 August 2017.

³ White, M., ‘More than 400 former jihadi fighters back in Britain, say security sources’, *Sky News*, 27 March 2017, available at: <http://news.sky.com/story/battlehardened-returning-jihadists-pose-uk-terror-threat-10815737>, last visited: 3 August 2017.

⁴ ‘Who are Britain’s Jihadists?’, *BBC*, 5 July 2017. (It can be argued that women who ‘aid and abet’ sexual violence can also be held culpable for crimes, see testimonies. However the principal agent of these crimes are overwhelmingly men, who use sexual violence for financial, bonding, and recruitment purposes.)

Chapter 1: Sexual Violence as a Tactic of Terrorism

What is Sexual Violence?

The Istanbul Convention of 2011 – the strongest international legal framework to combat violence against women and girls in existence – clarifies that gender-based violence (GBV) refers to violence that is perpetrated against women for being women, or violence that disproportionately affects women.⁵

As per the Istanbul Convention⁶, sexual violence is defined as:

- i) engaging in non-consensual vaginal, anal, or oral penetration of a body with any bodily part or object,
- ii) engaging in other non-consensual acts of a sexual nature, and
- iii) forcing another person to engage in non-consensual sexual acts with a third person.⁷

In order to broaden the scope of sexual violence acts, the World Health Organisation (WHO) offered a categorisation of acts that could fall under sexual violence in 2002, including but not limited to: rape in any circumstance (domestic, by strangers, in conflict), sexual harassment, demanding sex in return for favours, sexual abuse of intellectually or physically disabled people, sexual abuse of children, forced marriages, denying the use of contraception, forced abortions, violent acts against the integrity of women (female genital mutilation (FGM), inspections for virginity), forced prostitution, and sexual trafficking⁸. While this definition is more complete and allows for a better understanding of the concept of sexual violence, it nevertheless excludes forced pregnancies, inseminations, and abductions. A plausible reason for this omission is that definitions of sexual violence – and the elements included therein – are created in response to the historical, social and legal contexts in which they are embedded. As a result, such definitions are refined and expanded over time as more realities emerge, more laws are built around the issue, and more theoretical awareness is raised around sexual violence.

In the legislative context, raising awareness about the strategic use of sexual violence has been a lengthy process. The United Nations (UN) General Assembly made no mention of sexual violence in conflict in the 1967 Declaration of Elimination of Discrimination Against Women, which focused on outlining the lack of equal rights between men and women.⁹ Building on this declaration, the General Assembly ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979.¹⁰ It should be noted that while CEDAW is legally binding for State parties who are signatory to it – a positive step towards ending violence against women – the Convention fails to mention sexual violence in conflict.

⁵ ‘Council of Europe Convention on preventing and combating violence against women and domestic violence’, Council of Europe (2011), available at: <https://rm.coe.int/168046031c>, last visited: 22 June 2017, p. 7.

⁶ The Istanbul Convention, also known as the Convention on preventing and combatting violence against women and domestic violence, was adopted by the Council of Europe Committee of Ministers in 2011. The draft that later became the Convention was written by an ad-hoc committee on preventing and combatting violence against women between 2008-2010. Previous to the draft, a campaign was run between 2006 and 2008 to fight against violence against women. The Convention institutionalised all previous efforts to combat violence against women. It puts great focus on preventing violence, protecting victims, prosecuting perpetrators, integrating policies, and monitoring the implementation of provisions. See: ‘Historical background’, *Council of Europe*, undated, available at: <http://www.coe.int/en/web/istanbul-convention/the-convention-in-brief>, last visited: 4 August 2017 and ‘The Convention in brief’, *Council of Europe*, undated, available at: <http://www.coe.int/en/web/istanbul-convention/the-convention-in-brief>, last visited: 4 August 2017.

⁷ ‘Council of Europe Convention on preventing and combating violence against women and domestic violence’, Council of Europe (2011), available at: <https://rm.coe.int/168046031c>, last visited: 22 June 2017, p. 7.

⁸ Krug, E., et al., ‘Sexual violence – World report on violence and health’, World Health Organisation (2002), available at: http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf, last visited: 22 June 2017, p. 149.

⁹ ‘Declaration of Elimination of Discrimination Against Women’, UN General Assembly (1967), available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/235/98/IMG/NR023598.pdf?OpenElement>, last visited: 22 June 2017, pp. 1-3.

¹⁰ ‘Convention on the Elimination of All Forms of Discrimination Against Women’, UN General Assembly (1979), available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/378/07/IMG/NR037807.pdf?OpenElement>, last visited: 22 June 2017, pp. 1-6.

In 1982, the UN created the Committee on the Elimination of Discrimination Against Women (also abbreviated to CEDAW) to oversee the implementation of the 1979 Convention by State parties.¹¹ An optional protocol to the 1979 Convention was enforced in 2000, dictating that individuals or groups from State parties can lodge complaints to CEDAW to investigate possible violations of rights established by the said Convention.¹²

The first clear mention of sexual violence by the UN came as late as 1985, during the World Conference to Review and Appraise the Achievements of the UN Decade for Women taking place in Nairobi. Paragraph 258 of the Nairobi Forward-Looking Strategies for the Advancement of Women highlighted how women were beaten, mutilated, burned, sexually abused, and raped by their families and the wider society, while Paragraph 287 urged governments to end sexual violence, sexual harassment, and sexual exploitation against young women.¹³ In 1989 and 1992, the CEDAW committee issued two warnings about violence against women. General Recommendation No. 12 suggested that State parties should include four new aspects in their periodic reports to CEDAW:

- i) national legislation in place to protect women against sexual violence in everyday life,
- ii) measures being taken to eradicate this violence,
- iii) support services in place to support women after being sexually abused,
- iv) some kind of statistical data on the incidence of all kinds of violence against women.¹⁴

In this recommendation was a short remark that not all reports submitted by State parties reflected the nexus between GBV, discrimination against women, and violations of human rights and fundamental freedoms.¹⁵ It further argued that the concerns identified in Articles 2(f), 5, and 10(c) of the 1979 Convention about cultural aspects, traditions, and customs perpetrating stereotypes of inequality also formed the basis for GBV to occur, particularly family violence and abuse, forced marriage, dowry deaths¹⁶, acid attacks, and FGM.¹⁷

In 1993, 171 countries unanimously approved the Vienna Declaration and Programme of Action, in which violence against women was highlighted as a rising trend.¹⁸ Point IIB 3 38¹⁹ of the Vienna Declaration formed the precedent to the General Assembly adopting a declaration on protecting women against violence, as it defended the idea that “violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require an effective response”.²⁰ Consequently, the 1993 Declaration on the Elimination of Violence Against Women reaffirmed that, in order to fully implement CEDAW, violence against women must be

¹¹ ‘Committee on the Elimination of Discrimination Against Women’, *UN Women*, 2009, available at: <http://www.un.org/womenwatch/daw/cedaw/committee.htm>, last visited: 22 June 2017.

¹² ‘Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women’, *UN Women*, 2009, available at: <http://www.un.org/womenwatch/daw/cedaw/protocol/>, last visited: 23 June 2017.

¹³ ‘Report Of The World Conference To Review And Appraise The Achievements Of The United Nations Decade For Women: Equality, Development And Peace’, *United Nations*, 1985, available at: <http://www.un.org/womenwatch/confer/nls/Nairobi1985report.txt>, last visited: 22 June 2017.

¹⁴ ‘General recommendation made by the Committee on the Elimination of Discrimination against Women’, *UN Women*, 2009, available at: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom12>, last visited: 22 June 2017.

¹⁵ *ibid.*

¹⁶ Women murdered or driven to suicide by continuous harassment and torture by husbands and in-laws in an effort to extort more dowry (money brought by a bride to her husband on their marriage).

¹⁷ *ibid.*

¹⁸ ‘Vienna Declaration and Programme of Action’, *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>, last visited: 23 June 2017.

¹⁹ Part II, Section B, Paragraph 3, Point 38.

²⁰ *ibid.*

eradicated.²¹ This understanding of violence against women was in line with broader understandings of GBV, as both acknowledged that violence stems from unequal power relations between men and women, as well as discrimination against women.²² The Declaration provides the first definition of violence against women, which made reference to sexual violence (see Appendix 1). Article 4 urges states to:

- i) not justify violence on religious or customary grounds,
- ii) to ratify the 1979 Convention (CEDAW),
- iii) to alter laws to allow women to seek redress as a result of being subjected to violence,
- iv) to provide women with necessary health and psychosocial support after being subjected to violence,
- v) to avoid re-victimisation due to laws that fail to take into account gender considerations.²³

It should be noted that the articles do not go into further detail regarding how sexual violence is intertwined with cultural, societal, or religious notions, nor do they make any specific recommendations regarding the perpetration of different types of sexual violence. There is no additional Protocol or Convention to complement the 1993 Declaration.

In 1994, the Commission of Human Rights appointed a Special Rapporteur to report²⁴, on an annual basis, progress made to eradicate violence against women.²⁵ This post is still active and since 2015, has been held by Dr. Dubravka from Croatia, a former member of the CEDAW Committee.²⁶ Some conclusions from these reports are worth mentioning. In 2003, the Special Rapporteur reported that GBV was a problem with multiple layers, and one that ought to be addressed from multiple sectors of society simultaneously, noting that states had largely failed to protect women from violence.²⁷ A report from 2007 outlined that GBV is entrenched within patriarchal societies that justify violence against women on cultural, traditional, or religious grounds, despite women challenging patriarchal oppressive actions.²⁸ Dr. Dubravka, during the 35th session of the Human Rights Council held on 12 June 2017, revealed that she has been working closely with CEDAW to update Resolution No. 19 in order to provide more guidance on how to end GBV.²⁹ These documents illustrate how, over time, the UN has grown increasingly aware of GBV, and has put some legal instruments in place to enforce the protection of women. However, it should be noted that several countries have not ratified CEDAW (see Table 13). Moreover, for those that are State parties, recommendations issued by the Special Rapporteur or CEDAW are not compulsory to follow, presenting a significant constraint to eradicating GBV.

²¹ 'Declaration on the Elimination of Violence Against Women', UN General Assembly (1993), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/095/05/PDF/N9409505.pdf?OpenElement>, last visited: 22 June 2017, p. 2.

²² *ibid.*

²³ 'Declaration on the Elimination of Violence Against Women', UN General Assembly (1993), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/095/05/PDF/N9409505.pdf?OpenElement>, last visited: 22 June 2017, pp. 4-6.

²⁴ For a comprehensive list of all reports issued by the Special Rapporteur on violence against women, see: 'Annual Reports', *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/AnnualReports.aspx>, last visited: 7 August 2017.

²⁵ 'Special Rapporteur on violence against women, its causes and consequences', *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>, last visited: 23 June 2017.

²⁶ 'Dubravka Šimonović, Special Rapporteur on Violence against Women, its causes and consequences', *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/DubravkaSimonovic.aspx>, last visited: 23 June 2017.

²⁷ 'Integration Of The Human Rights Of Women And The Gender Perspective Violence Against Women', Economic and Social Council (2003), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/101/00/PDF/G0310100.pdf?OpenElement>, last visited: 23 June 2017, p. 2.

²⁸ Ertürk, Y., 'Implementation Of General Assembly Resolution 60/251 Of 15 March 2006 Entitled "Human Rights Council" Report Of The Special Rapporteur On Violence Against Women, Its Causes And Consequences, Intersections Between Culture And Violence Against Women', General Assembly (2007), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/103/04/PDF/G0710304.pdf?OpenElement>, last visited: 23 June 2017, p. 25.

²⁹ '35th session of the Human Rights Council, Statement by Ms. Dubravka Šimonović, Special Rapporteur on Violence against Women, its causes and consequences', *United Nations Human Rights Office of the High Commissioner*, 2017, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21733&LangID=E>, last visited: 23 June 2017.

With time, increasing attention has been given to the issue of GBV in the form of significant conferences and reports, particularly:

- i) the 1994 International Conference on Population and Development, which pressures states to end violence against women and girls,
- ii) the 1995 Beijing Platform in Action, which suggests specific measures to end GBV,
- iii) the 2006 Secretary General’s in-depth Study on All Forms of Violence Against Women, a 137-page report that defends that GBV is a violation of human rights.³⁰

The 2006 study further reflects on the high number of cases of sexual violence by non-partners³¹, that is, violence by a relative, friend, acquaintance, neighbour, work colleague or stranger.³²

The second legally binding instrument, after the 1979 Convention, is the 2011 Council of Europe (CoE) Convention on Preventing and Combating Violence Against Women and Domestic Violence, also known as the Istanbul Convention. While this convention is focused on ending domestic violence, it also extensively mentions sexual violence – mainly rape, forced marriages, FGM, forced abortion, forced sterilisation, and sexual harassment.³³ Unlike previous instruments, the Istanbul Convention establishes preventive, protective, legislative, and monitoring practices to be implemented by State parties³⁴, and mandates the creation of the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) to oversee the enforcement of the Convention.³⁵ It should be noted that the Istanbul Convention, in its article 78, allows for reservations to be made in regards to Article 58, which argues that the statute of limitation of acts covered under Articles 36-39 shall be sufficient and commensurate with the gravity of the offence.³⁶ Article 36 refers to sexual violence, including rape, while subsequent Articles (37, 38 and 39) refer to forced marriages, FGM, and forced abortions and sterilisations.³⁷

The UN continues to review the issue of GBV and adopt resolutions. For example, under the terms of Resolution 67/144, adopted in 2012, the UN General Assembly suggested a comprehensive list of actions States should take to stop GBV, such as creating national plans of action, abolishing discriminatory laws against women, assessing current gaps in legislation, promoting awareness of the issue through campaigns, encouraging the media to review gender stereotypes, ensuring adequate legal expertise dealing with GBV cases is made available, monitoring and evaluating data, increasing financing efforts to combat GBV, modifying educational curricula to remove gender stereotypes, working with families and children to implement preventive measures, financially empowering women living in conditions of poverty, treating all

³⁰ ‘In-depth study on all forms of violence against women’, General Assembly (2006), available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/61/122/Add.1, last visited: 29 June 2017, p. 9.

³¹ As of 2015, only 52 countries had laws on marital rape, displaying how poorly marital rape is recognised in legislation. ‘The World’s Women 2015’, United Nations Statistics Division (2015), https://unstats.un.org/unsd/gender/downloads/WorldsWomen2015_chapter6_t.pdf, last visited: 4 August 2017, p. 160.

³² ‘In-depth study on all forms of violence against women’, General Assembly (2006), available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/61/122/Add.1, last visited: 29 June 2017, p. 41.

³³ ‘Council Of Europe Convention On Preventing And Combating Violence Against Women And Domestic Violence’, *Council of Europe* (2011), available at: <https://rm.coe.int/168046031c>, last visited: 22 June 2017, p. 7, 18-19.

³⁴ The states that signed the Convention are Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, and the European Union. Out of all these countries, only 24 further ratified and entered into force the Convention. These were Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Denmark, Finland, France, Georgia, Italy, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, and Turkey. United Kingdom is notoriously absent from the ratification’s list. See: ‘Chart of signatures and ratifications of Treaty 210’, *Council of Europe Portal*, 4 August 2017, available at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=mN4RHANK, last visited: 4 August 2017.

³⁵ ‘Council Of Europe Convention On Preventing And Combating Violence Against Women And Domestic Violence’, Council of Europe (2011), available at: <https://rm.coe.int/168046031c>, last visited: 22 June 2017, p. 11- 31.

³⁶ *ibid.*, p. 24.

³⁷ *ibid.*, p. 17-18.

forms of violence against women as a criminal offence, promoting gender-sensitive justice, removing barriers to the access of victims of GBV to justice and health services, and collaborating with women’s associations.³⁸

Sexual Violence in Conflict

Within legislation directed at protecting women from GBV, particularly sexual violence, particular attention has been drawn to the vulnerability of women living in conflict and war areas. The 1949 Geneva Convention, aimed at protecting civilians in times of war, sets the precedent regarding sexual violence in conflict in Part III, Section I, Article 27, which states that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”.³⁹ Article 76 of the 1st additional Protocol to the Geneva Convention of 1977 echoes the concern outlined in the main Convention.⁴⁰ There is no further mention of sexual abuse, a sign that this problem was either not visible, underreported, or still of limited interest to involved parties. Indeed, the 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict issued by the General Assembly does not touch upon sexual violence.⁴¹ However, it should be noted that the Geneva Convention is a binding treaty in legal terms, which means that State parties that do not comply can be prosecuted.

Rape was first recognised as a crime against humanity in the Statute of the 1993 International Criminal Tribunal for the Former Yugoslavia (ICTY), which warned about the systematic rape committed against women in the context of the Yugoslavian war.⁴² The International Criminal Tribunal for Rwanda (ICTR) created in 1994 also recognised rape as a crime against humanity under Article 3.⁴³ In 1998, the International Criminal Court (ICC) approved a binding legal instrument on the matter: the Rome Statute 1998, which came into force in 2002. Rape is considered a crime against humanity under Article 7(g), and a war crime under Article XXII along with sexual slavery, forced prostitution, forced pregnancy, forced sterilisation, and other forms of sexual violence.⁴⁴ While the ICC has focused on sexual violence being employed in wars, there is no reflection – as yet – on the motivations and pull factors behind engaging in sexual violence acts during times of conflict.

While the 1993 UN Declaration on the Elimination of Violence Against Women recognises that women in conflict are more vulnerable to GBV⁴⁵, it does not mention sexual violence in conflict. The first UN

³⁸ ‘Intensification of efforts to eliminate all forms of violence against women’, General Assembly (2012), available at: http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/67/144&Lang=E, last visited: 23 June 2017, pp. 6-9.

³⁹ ‘Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949’, UN (1949), available at: http://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf, last visited: 23 June 2017, p. 179.

⁴⁰ ‘Protocols Additional To The Geneva Conventions Of 12 August 1949’, International Committee of the Red Cross (2010), available at: https://www.icrc.org/eng/assets/files/other/icrc_002_0321.pdf, last visited: 23 June 2017, p. 56.

⁴¹ ‘Declaration on the Protection of Women and Children in Emergency and Armed Conflict’, *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtectionOfWomenAndChildren.aspx>, last visited: 10 September 2017.

⁴² ‘Updated Statute Of The International Criminal Tribunal For The Former Yugoslavia’, United Nations (2009), available at: http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf, last visited: 23 June 2017, p. 6, 17.

⁴³ ‘Statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994’, *United Nations Human Rights Office of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatuteInternationalCriminalTribunalForRwanda.aspx>, last visited: 10 September 2017.

⁴⁴ ‘Rome Statute of the International Criminal Court’, International Criminal Court, undated, available at: https://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf, last visited: 23 June 2017, pp. 4-9.

⁴⁵ ‘A/RES/48/104 Declaration on the Elimination of Violence Against Women’, UN General Assembly (1993), available at: <http://www.un.org/documents/ga/res/48/a48r104.htm>, last visited: 22 June 2017.

resolution that urged states to protect women from rape and other forms of sexual abuse in times of conflict was Resolution 1325 from the Security Council in 2000.⁴⁶

The following table illustrates the most relevant Security Council resolutions on this issue; resolutions that build on each other in depicting how women suffer sexual violence in times of war and conflict.

Table 1: Security Council Resolutions on Sexual Violence in Conflict⁴⁷

Resolution	Year	Summary
1325	2000	Women must be protected against rape and sexual abuse in conflict
1674	2006	All peace support operations must strive to prevent sexual abuse in conflict
1820	2008	Groups that use sexual violence against women in conflict should be targeted
1882	2009	Provisions in UN peacekeeping operations are needed to protect women
1888	2009	Role of Special Representative of Secretary General on Sexual Violence in Conflict created
1960	2010	Sexual violence used as a tactic of war can prolong conflicts
2106	2013	Survivors of sexual violence in conflict should be provided with adequate services

As more information on the abuses committed by warring parties has become available, interest in the use of sexual violence in conflict has grown exponentially, reflected by the level of detail in recommendations contained within Resolution 1882 in 2009, and Resolution 1960 in 2010, which highlights that rape can be used as a weapon of war. Resolution 1960 is comprised of five pages that go into detail regarding:

- i) how sexual violence is being used as a tactic of war,
- ii) the creation of a list of parties in conflict that are engaging in sexual violence, with the aim of imposing relevant sanctions⁴⁸,
- iii) the need to increase monitoring on these violations.⁴⁹

Finally, Resolution 2106 reflects on new concerns, particularly the trend of abducting women for sexual purposes by armed groups, the need for psychosocial and health care systems for survivors, and the connection between sexual violence and Human Immunodeficiency Virus (HIV).⁵⁰ A special reference should be made to Resolution 1888, which in 2009 created the role of the Special Representative of the Secretary General on Sexual Violence in Conflict. It has six priorities:

⁴⁶ ‘Resolution 1325 (2000)’, Security Council (2000), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>, last visited: 22 June 2017, p. 3.

⁴⁷ ‘Resolution 1325 (2000)’, Security Council (2000), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>, last visited: 22 June 2017, p. 3; ‘Resolution 1674 (2006)’, Security Council (2006), available at: http://www.globalw2p.org/media/files/resolution_1674.pdf, p. 4; ‘Resolution 1820 (2008)’, Security Council (2008), available at: <http://www.peacewomen.org/assets/file/BasicWPSDocs/scr1820english.pdf>, p. 3; ‘Resolution 1882 (2009)’, Security Council (2009), available at: [https://www.un.org/womenwatch/daw/vaw/securitycouncil/S-RES-1888-\(2009\)-English.pdf](https://www.un.org/womenwatch/daw/vaw/securitycouncil/S-RES-1888-(2009)-English.pdf), last visited: 23 June; ‘Resolution 1960 (2010)’, Security Council (2010), available at: <http://unscr.com/en/resolutions/doc/1960>, last visited: 23 June, pp. 1-5; ‘Resolution 2106 (2013)’, Security Council (2013), available at: http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106%282013%29%29%28english%29.pdf, last visited: 23 June, pp. 1-6.

⁴⁸ The April 2017 report of the Secretary-General on Conflict-Related Sexual Violence, for example, examines 19 countries for which credible information is available: Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sudan (Darfur), Syria, Yemen, Bosnia and Herzegovina, Cote d’Ivoire, Sri Lanka, Nepal, Burundi, and Nigeria. It is worth noting that 46 parties are non-state actors operating within these areas.

⁴⁹ ‘Resolution 1960 (2010)’, Security Council (2010), available at: <http://unscr.com/en/resolutions/doc/1960>, last visited: 23 June, pp. 1-5

⁵⁰ ‘Resolution 2106 (2013)’, Security Council (2010), available at:

http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106%282013%29%29%28english%29.pdf, last visited: 23 June, pp. 1-6.

- i) to end impunity for sexual violence by strengthening national judicial systems,
- ii) to protect women and girls from sexual violence,
- iii) to encourage government engagement on the issue,
- iv) to increase awareness of rape as a tactic of war,
- v) to harmonise UN engagement through the UN Action Against Sexual Violence in Conflict, an initiative of 18 UN agencies that carry out programming and outreach,
- vi) to emphasise national ownership and responsibility.⁵¹

The first comprehensive definition of sexual violence in conflict was created as recently as 2012. In United Nations Security Council (UNSC) Report S/2012/33, conflict-related sexual violence was referred to as:

Incidents or patterns [...] of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity against women, men or children. Such incidents or patterns occur in conflict or post conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (which can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of genocide or other gross violations of human rights), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement.⁵²

The move by the UNSC Secretary General to examine sexual violence within conflict marked an important step in understanding the drivers of sexual violence. Moreover, UNSC S/2012/33 was considered a landmark report as it initiated a new annual series on ‘conflict-related sexual violence’ – prior to 2012, cases of conflict-related sexual violence were addressed as ‘sexual violence’ or ‘gender-based violence’ (GBV) and were filed under the auspices of ‘women, peace, and security’⁵³. The first report in the ‘conflict-related sexual violence’ series followed provisions set in resolutions 1820, 1888 and 1960 (see table 7 in Appendix 1) to assess the implementation of monitoring, analysis, and reporting practices.⁵⁴ It included, for the first time, a list of 12 parties in four different countries (CAR, Côte d’Ivoire, DRC, and South Sudan) that were suspected of engaging in sexual violence in conflict.⁵⁵ To this day, the Secretary General has continued to update this list and refine the reasons behind each listing. Each report in the annual series acts in conjunction with Security Council Resolutions (see Appendix 1) to better map the use of sexual violence in conflict.

The Use of Sexual Violence by Terrorist Groups

The March 2015 UNSC report S/2015/203 outlined how terrorist and extremist groups use sexual violence, and logged instances of rape, sexual slavery, and forced marriage as a tactic of terrorist groups to bolster recruits, galvanise fighters, and, in the case of Islamist groups, punish *kuffar* (disbelievers).⁵⁶ Evidence gathered by the UN reflected instances of sexual markets in Iraq and Syria under territory controlled by Islamic State (IS)⁵⁷, as well as the use of human trafficking in Libya (see Chapter 3). The report was followed

⁵¹ ‘About the Office’, *Office of the Special Representative of the Secretary General on Sexual Violence in Conflict* 2017, available at: <http://www.un.org/sexualviolenceinconflict/about-us/about-the-office/>, last visited: 26 June 2017.

⁵² ‘Conflict-related sexual violence’, Security Council (2012), available at: www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/33, last visited: 26 June 2017, p. 2.

⁵³ *ibid.*

⁵⁴ *ibid.*, p. 1.

⁵⁵ *ibid.*, p. 32.

⁵⁶ ‘Conflict-related sexual violence’, Security Council (2015), available at: www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/203, last visited: 26 June 2017, pp. 9-18.

⁵⁷ Otten, C., ‘Slaves of Isis: the long walk of the Yazidi women’, *The Guardian*, 25 July 2017, available at: <https://www.theguardian.com/world/2017/jul/25/slaves-of-isis-the-long-walk-of-the-yazidi-women>, last visited: 28 July 2017.

by UNSCR 2242 on 13 October 2015, which confirmed the Secretary General’s conclusions that “acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing, recruitment, and the destruction of communities”.⁵⁸

An important tactic used by terrorist groups such as Boko Haram and Islamic State is the method of forced marriage. Forced conversions and marriages of captured women can solidify connections of victims to fighters (see case study ‘Victim 9’). National laws on sexual violence within countries where extremist groups are present (Syria, Iraq, Libya, and Nigeria in particular) allow rapists to marry their victims to avoid prosecution and punishment, placing the burden of shame and stigmatisation on survivors rather than on perpetrators (see case study ‘Victim 6’).

In December 2016, the Secretary General issued a letter to the President of the Security Council claiming that ‘developments over the past three years have demonstrated that the targeting of women, girls and boys for sexual violence accompanied by the rise of violent extremism is not ancillary or incidental, but widespread, systematic and integrally linked with the strategic objectives of violent extremist and terrorist groups’.⁵⁹ The focus of the letter was on IS in Syria and Iraq⁶⁰, with no evidence of tactics used by other terrorist groups. However, Boko Haram, Al Qaeda, the Taliban, and Ansar Dine were also condemned for sexual violence.⁶¹ The 2016 report reinforced the view that counter-terrorism and counter-extremism efforts should be coupled with the fight against sexual violence.⁶² It argued that victims of sexual violence should be considered victims of terrorism “in order to build counter-narratives and counter-strategies and pave the way for reparations and redress”.⁶³

The latest report S/2017/249, published on 15 April 2017, stresses that targets for sexual violence are chosen along ethnic, religious, and political lines, mirroring rivalries within the conflicts in which they are embedded.⁶⁴ The inclusion of other practices, such as abductions, began to indicate an overlap between the use of sexual violence by terrorist groups and traffickers for profit (see Table 6 to compare the use of sexual violence by terrorists, traffickers, and criminals).

The Lives of Survivors

The first formal discussion around the stigma of sexual violence and how this threatens the lives of survivors took place in CEDAW in 1991. Mrs. Wijetilleke briefly mentioned that in conservative countries such as Sri Lanka, prostitution carried a considerable stigma, and that law enforcement should focus efforts in controlling and eliminating prostitution.⁶⁵ The statement was not further developed to consider how sexual violence against women was frequently not reported because of shame. It was not until the aftermath of the Bosnian conflict that the connection between rape and stigma was properly discussed. During the 62nd

⁵⁸ ‘Resolution 2242 (2015)’, Security Council (2015), available at: unscr.com/en/resolutions/doc/2242, last visited: 23 June, p. 2.

⁵⁹ ‘Letter dated 20 December 2016 from the Secretary-General addressed to the President of the Security Council’, Security Council (2016), available at: www.un.org/ga/search/view_doc.asp?symbol=S/2016/1090, last visited: 25 June 2017, p. 1.

⁶⁰ *ibid.*

⁶¹ *ibid.*, p. 9.

⁶² ‘Report of the Secretary General on Conflict-related sexual violence’, Security Council (2016), available at: www.un.org/ga/search/view_doc.asp?symbol=S/2016/361/Rev.1, last visited: 27 June 2017, p. 8.

⁶³ *ibid.*

⁶⁴ ‘Report of the Secretary General on Conflict-related sexual violence’, Security Council (2017), available at: www.un.org/ga/search/view_doc.asp?symbol=S/2017/249, last visited: 27 June 2017, p. 3.

⁶⁵ ‘Eleventh session’, Committee on the Elimination of Discrimination Against Women (1991), available at: documents-dds-ny.un.org/doc/UNDOC/GEN/N92/551/95/pdf/N9255195.pdf?OpenElement, last visited: 28 June 2017, p. 11.

meeting of the General Assembly in 1994, draft resolution number A/C.3/49/L.61 entitled ‘Rape and abuse of women in the areas of armed conflict in the former Yugoslavia’ stated:

Rape [has been documented] as a form of ethnic cleansing and a weapon of war in the areas of armed conflict in the former Yugoslavia. Owing to the social stigma attached to it, rape was among the least reported crimes throughout the world, even in peace time. The reluctance to report rape was increased by war, especially if the perpetrators were soldiers or groups of civilians acting at the behest of a regime in pursuance of a doctrine that used rape or sexual abuse as a matter of policy.⁶⁶

The draft did not go into the reasons behind stigma caused by rape leading to reluctances in reporting sexual violence. However, it marked the first time connections between rape and stigma were flagged at an international diplomatic level. One year later, the Special Rapporteur presented his report to the Commission on Human Rights, in which he concluded that rape was not being reported because victims were scared of the societal and family repercussions of making the crime public.⁶⁷ Some victims were identified as being vulnerable to reprisals from family members.⁶⁸ Furthermore, requirements set out by some legal codes meant that victims that chose to come forward were subject to criminal investigations for adultery, prostitution, or trafficking.⁶⁹ The report brought two consequences of sexual violence to the fore: the undue criminalisation of, and lack of effective legal resources for, victims of rape, and the societal stigma and ostracism as a result of rape. In societies that attached great value to the concept of ‘honour’, rape became a moral issue directed towards the family, as a victim of rape brought ‘dishonour’ to the family.⁷⁰ In these cases, rape was considered an attack against families, rather than a violation of a person, so it was not given the appropriate legal response.⁷¹ Thus, it became clear that combatting rape and sexual assault was not only about filling a legal vacuum, but also about changing mentalities deeply entrenched in cultural, ethnic, and religious norms. In 2009, the Secretary General placed focus on how sexual violence in conflict led to forced pregnancies, infertility, infection with HIV/AIDS, stigmatisation, ostracism and divisions in communities.⁷² In 2015, the Secretary General further noted that ‘the disempowerment of women that attends the rise of violent extremism is not incidental, but systemic.’⁷³ This indicated a correlation between the countries where sexual violence took place and the number of legal, economical, and societal constraints imposed on survivors of rape.⁷⁴

Terrorist groups that employ sexual violence are well aware of negative consequences awaiting survivors. The 2017 Secretary General’s report on sexual violence in conflict elaborates that:

Shame and stigma are integral to the logic of sexual violence being employed as a tactic of war or terrorism: aggressors understand that this type of crime can turn victims into outcasts, thus unravelling the family and kinship ties that hold communities together. The effect may be

⁶⁶ ‘Summary Record of the 62nd Meeting’, General Assembly, available at: documents-dds-ny.un.org/doc/UNDOC/GEN/N94/827/41/pdf/N9482741.pdf?OpenElement, last visited: 28 June 2017, p. 18.

⁶⁷ ‘Question Of The Human Rights Of All Persons Subjected To Any Form Of Detention Or Imprisonment, In Particular: Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment’, Economic And Social Council (1995), available at: documents-dds-ny.un.org/doc/UNDOC/GEN/G95/100/85/pdf/G9510085.pdf?OpenElement, last visited: 28 June 2017, p. 9

⁶⁸ *ibid.*

⁶⁹ *ibid.*

⁷⁰ ‘Integration Of The Human Rights Of Women And The Gender Perspective Violence Against Women’, Economic and Social Council (2003), available at: documents-dds-ny.un.org/doc/UNDOC/GEN/G03/101/00/PDF/G0310100.pdf?OpenElement, last visited: 23 June 2017, p. 12. For example, a Syrian girl was captured in 2016 when she was only 15 and was repeatedly raped by a man. When the police found out, they imprisoned her in a prison for women, fearing that her family would kill her from bringing dishonour to the family. After a couple of months, her cousin agreed to marry her in order to restore her reputation to the family. A month after they married, the victim’s brother stabbed and killed her. The brother claimed that he was ‘washing away’ the shame that she brought to the family, so killing her was condoned and forgiven. See: Zoepf, K., ‘A dishonorable affair’, *The New York Times*, 23 September 2007, available at: <http://www.nytimes.com/2007/09/23/magazine/23wvln-syria-t.html>, last visited: 9 August 2017.

⁷¹ ‘Integration Of The Human Rights Of Women And The Gender Perspective Violence Against Women’, Economic and Social Council (2003), p. 12.

⁷² ‘Women, peace, and security’, Security Council (2009), available at: www.un.org/en/ga/search/view_doc.asp?symbol=S/2009/465, last visited 26 June 2017, p. 3.

⁷³ ‘Conflict-related sexual violence’, Security Council (2015), p. 4.

⁷⁴ *ibid.*

diminished reproductive capacity and prospects for group survival. Just as there are many manifestations of conflict-related sexual violence, there are multiple and intersecting stigmas that follow in its wake. These include the stigma of “guilt by association” with the perpetrator and their group; fear of suspected sexually transmitted infections such as HIV; the perceived dishonour of lost chastity or virginity; the stigma of maternity out of wedlock, especially where children conceived through rape are considered “children of the enemy”; homosexuality taboos, in the case of male rape; and the shame of being unable to defend oneself and loved ones.⁷⁵

The document appropriately concludes that “stigma can kill”, as it is often followed by lethal retaliation, ‘honour’ based violence (HBV), suicide, untreated diseases, unsafe abortions, and economic exclusion.⁷⁶ As such, the endless chain of violence is perpetuated first by terrorists, then by unresponsive states and societies that criminalise and punish survivors, and finally by extremist groups that profit from power imbalances between genders to justify GBV.

Sexual Violence as a Pull Factor to Terrorism

The use of sexual violence by terrorists needs to be put in context not only from an ideological perspective, but also in terms of the wider socio-cultural environment in which the normalisation of violence is embedded. Literature on radicalisation and terrorism has placed emphasis on social dynamics contributing to creating a sense of belonging. Scott Atran, for example, argues that:

We shall see that young men willing to go kill and die for jihad were campmates, school buddies, soccer pals, and the like, who become die-hard bands of brothers in a tragic and misbegotten quest to save their imagined tribal community from Crusaders, Jews, and other morally deformed, unrepentant, and therefore subhuman beings. It is in groups that they find the camaraderie of a cause, however admirable or abhorrent, and the courage and commitment that come from belonging to something larger.⁷⁷

Some authors have argued that during times of war, rape and sexual violence serve as a weapon of humiliation, as non-state actors adopt hyper-masculinity to compensate for a lack of power.⁷⁸ Sexual violence helps to subordinate the ‘other’, as enemies, infidels and apostates, and reinforces bonds amongst those committing acts of sexual violence.⁷⁹ Such a theory stands in contrast to traditional work on criminology and social bonding, which stresses that social bonds to schools, friends, and family can reduce the likelihood of an individual committing acts of crime, delinquency, or violence.⁸⁰ With terrorist groups, however, the relationship is inverted – in that violence is used as a means to achieve social bonding. Such instances of violent hyper-masculinity are not exclusive to terrorist organisations, and rape has been used as a method to bond criminal gangs,⁸¹ soldiers,⁸² and, on occasion, sports teams.⁸³ Following this logic, sexual violence helps to create a shared identity among fighters in terrorist groups, who do not challenge it because they are encouraged to rape women not only by authorities within the movement, but also by propaganda

⁷⁵ ‘Report of the Secretary General on Conflict-related sexual violence’, Security Council (2017), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/249, last visited: 27 June 2017, p. 5.

⁷⁶ *ibid.*

⁷⁷ Atran, S., *Talking to the Enemy: faith, brotherhood and the (un)making of terrorists* (New York, US: HarperCollins Publishers, 2010), p. XII.

⁷⁸ Ahran, A.L., ‘Sexual Violence and the Making of ISIS’, *Survival* 57.3 (2015), available at: [dx.doi.org/10.1080/00396338.2015.1047251](https://doi.org/10.1080/00396338.2015.1047251), pp. 57-78, p. 58.

⁷⁹ *ibid.*, p. 59.

⁸⁰ Hirschi, T., *Causes of Delinquency* (California, University of California Press, 1969).

⁸¹ Sanday argues that criminal gangs usually require new members to perform a criminal act to demonstrate ‘buy in’ within the group, as well as loyalty. Rape can therefore form part of a ritual of identity making to the group, by participating in an act that is ‘irrevocable’. See: Sanday, R., *Fraternity Gang Rape: Sex, Brotherhood, and Privilege on Campus* (New York and London, New York University Press, 2007), p.43.

⁸² Goldstein argues that gang rape creates cohesion among soldiers, using rape against Latin American political prisoners by military regimes as an example. Here, men participate in rape to avoid becoming outcast from the group, and because gang rape may absolve individual participants from responsibility. Goldstein, J., *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge, Cambridge University Press, 2001), p. 365.

⁸³ Vertuno, J., ‘New Baylor lawsuit alleges football team used gang rape as ‘bonding’ experience’, *Chicago Tribune*, 17 May 2017, available at: www.chicagotribune.com/sports/college/ct-new-baylor-lawsuit-rape-dog-fighting-20170517-story.html, last visited: 19 July 2017.

and leaders of the group. This further reinforces the normalisation and institutionalisation of sexual violence as one of the pillars of terrorism.

In order to better demonstrate how sexual violence has manifested itself as a tactic of terrorism, this report will now consider three case studies in which sexual violence is prominent: **IS** and the Yazidi community, **Boko Haram**, and unconnected cases of recruits to Islamic State from Europe and the United States with a background of domestic violence.

Case Study: Islamic State and the Yazidi population

Yazidis belong to a religion that originates from Zoroastrianism, a monotheistic religion preceding Christianity.⁸⁴ Their ancient gnostic faith has made them a target of Islamic State. While many other ethnoreligious groups in Iraq have been subject to IS violence, the treatment of the Yazidis in particular is one of the most pertinent examples of sexual violence as a tactic of terrorism.

The Yazidis are a religious minority predominantly made up of Kurdish speakers who once inhabited large areas in Turkey, Syria, Iraq and Iran. Today, their population is concentrated in Northern Iraq, primarily Sheikhan, northeast of Mosul, and also Sinjar, in northwestern Iraq.⁸⁵ Estimating the Yazidi population is made difficult by the fact that areas they have inhabited have frequently experienced conflict. Current estimates indicate 700,000 Yazidis globally. However, this number varies according to the source,⁸⁶ as 85% of the Yazidi population has been displaced.⁸⁷

Beginning with the attack by IS in Mount Sinjar in August 2014, authorities and human rights organisations estimate that between 2,000 to 5,500 Yazidi people have been killed, and over 7,000 Yazidi people kidnapped.⁸⁸ In reality, it is likely that these numbers are much higher, given the uncertainty in estimating casualties in IS occupied areas. Most of the victims are children.⁸⁹ A report from the Office of the High Commissioner for Human Rights (OHCHR) report indicates that 5,000 women have been sold into slavery.⁹⁰ Around 1,900 Yazidis have escaped IS, with over 3,000 victims likely to still be in IS captivity.⁹¹ Of the remaining population, around 420,000 Yazidis live in the Kurdish areas of Iraq. Approximately 350,000 Yazidis are reportedly living in refugee camps.⁹² Germany is home to the largest Yazidi refugee population.⁹³

Yazidi women taken as sex slaves by IS have suffered both mental and physical harm. Studies by Amnesty International, Human Rights Watch, and UN Human Rights Council show a higher frequency of suicide attempts, as well as actual suicides, committed by Yazidi women in captivity as well those who managed to escape. The same study by HRW notes how those held captive have displayed evidence of “acute emotional distress”.⁹⁴ The Yazidi culture does not typically accept intermarriage and sexual relations with people from faiths outside the Yazidi one. The consequences of such practices have, in the past, resulted in HBV. Accounts from an activist, Khider Domle, working in the Yazidi community in Dohuk, Northern Iraq reveal that a Yazidi woman who converted to Islam was murdered in 2007 in an honour killing.⁹⁵

Efforts have been put in place by leaders of the Yazidi community to reintegrate Yazidi women who have escaped IS. Baba Sheik, the spiritual leader of the Yazidi community has expressed sympathy towards victimised Yazidi women, and has urged the community to embrace them.⁹⁶ New community rituals to reduce stigma, such as being ‘re-baptised’ into the faith are, and will be essential in reducing post-traumatic stress disorder (PTSD), as well as narrative exposure therapy (NET), a combination of ritual and storytelling, to aid healing and reintegration.⁹⁷

⁸⁴ Kibble, D. G., ‘Beheading, Raping, and Burning: How the Islamic State Justifies Its Actions’, *Military Review* (2016), available at: usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20160430_art008.pdf, last visited: 10 July 2017, p.31

⁸⁵ Allison, C., ‘The Yazidis’, *Oxford Research Encyclopedias*, January 2017, available at:

<http://religion.oxfordre.com/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-c-254>, last visited: 14 August 2017.

⁸⁶ Jalabi, R., ‘Who are the Yazidis and why is Isis hunting them?’, *The Guardian*, 11 August 2014, available at: <https://www.theguardian.com/world/2014/aug/07/who-yazidi-isis-iraq-religion-ethnicity-mountains>, last visited: 29 July 2017.

⁸⁷ Palai, M., ‘Report of the Human Rights Council on its twenty-eighth session’, *ONCHR* (2015), available at:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/28RegularSession.aspx>, last visited: 22 July 2017, p. 119

⁸⁸ Landis, J., ‘Islamic State Officially Admits to Enslaving Yazidi Women’, *Syria Comment*, 11 October 2014, available at: <http://www.joshualandis.com/blog/islamic-state-officially-admits-to-enslaving-yazidi-women/>, last visited: 27 July 2017.

⁸⁹ Cetorelli, V. et al., ‘Mortality and kidnapping estimates for the Yazidi population in the area of Mount Sinjar, Iraq, in August 2014: A retrospective household survey’, *PLoS Med* 14(5) (2017), p. 2.

⁹⁰ Palai, M., ‘Report of the Human Rights Council on its twenty-eighth session’, *ONCHR* (2015), available at:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/28RegularSession.aspx>, last visited: 22 July 2017, p. 119

⁹¹ ‘New hope for Yazidi women once held as sex slaves by ISIS’, *NYPOST*, 22 February 2017, available at: <http://nypost.com/2017/02/22/new-hope-for-yazidi-women-once-held-as-sex-slaves-by-isis/>, last visited: 21 July 2017.

⁹² Underwood, E., ‘Surviving genocide: Storytelling and ritual help communities heal’, *Science*, 18 May 2017, available at: <http://www.sciencemag.org/news/2017/05/surviving-genocide-storytelling-and-ritual-help-communities-heal>, last visited: 14 August 2017.

⁹³ *ibid.*

⁹⁴ Dakhil, V., et al., ‘Calling ISIL Atrocities Against the Yazidis by Their Rightful Name’: Do They Constitute the Crime of Genocide?, *Human Rights Law Review* 2017; 17 (2): 261-283, p. 270.

⁹⁵ Graham-Harrison, E., ‘I was sold seven times: the Yazidi women welcomed back into the faith’, *The Guardian*, 1 July 2017, available at: <https://www.theguardian.com/global-development/2017/jul/01/i-was-sold-seven-times-yazidi-women-welcomed-back-into-the-faith>, last visited: 14 August 2017.

⁹⁶ *ibid.*

⁹⁷ Underwood, E., ‘Surviving genocide: Storytelling and ritual help communities heal’, *Science*, 18 May 2017, available at:

<http://www.sciencemag.org/news/2017/05/surviving-genocide-storytelling-and-ritual-help-communities-heal>, last visited: 14 August 2017.

Islamic State propaganda on sexual slavery serves as an incentive for new recruits and foreign fighters, with the promise of wives and sex slaves acting as a pull factor.⁹⁸ Recruits usually come from “deeply conservative Muslim societies, where casual sex is taboo and dating forbidden”.⁹⁹ Thus, Islamic State’s promises of rewarding recruits with a wife strongly resonates with these individuals, with Yazidi sex slaves serving as an added bonus to the recruitment of fighters.¹⁰⁰ Women’s bodies are used strategically to lure fighters into Islamic State, but also to retain fighters, as the organisation pays fighters for each additional sex slave they acquire, as well as for children born within the ‘caliphate’, creating a financial incentive to encourage slavery and sexual violence against slaves.¹⁰¹

Victim 1, age not disclosed, Iraq

Victim 1 became pregnant as a result of rape by an Islamic State fighter. She tried to throw herself down the stairs to have a miscarriage. Victim 1 reveals that Islamic State members would touch the chests of captured girls to see whether they had grown breasts. If they had breasts, they could be raped; if not, they would wait three months to check again. Girls were raped together in the same room. Victim 1 tried to escape and, as punishment, was raped by six men during the same night. Victim 1 was kept in a room without clothes. Victim 1 was then sold to two fighters. She was raped in the bathroom while she had her period. She was sold repeatedly afterwards, usually to a group of men. She lost monetary value to fighters the more times she was sold. Victim 1 reports that children who had not had their period yet were raped. Muslim women told Victim 1 that “you have to be raped to become a Muslim”. When Victim 1 asked about why they were doing this to her, Islamic State fighters replied that they were implementing the Prophet Muhammad’s law.

Source: Authority of the House of Lords, ‘Sexual Violence in Conflict: a War Crime’, House of Lords (2016), available at: www.publications.parliament.uk/pa/ld201516/ldselect/ldsv/123/123.pdf, last visited: 11 July 2017, pp. 134-135.

It should be noted that IS has two ‘departments’ dedicated to ‘war spoils’: one for the sale and movement of slaves and another to issue religious edicts.¹⁰² In 2014, the latter department, *Diwan al-Iftaa wa al-Buhuth* (Research and Fatwa Department of Islamic State) published a 27-point pamphlet offering guidelines on how to treat female slaves, summarised in Table 2 below¹⁰³. The document provided an ideological justification for human trafficking and the sale and re-sale of human slaves.

A reflection of these guidelines can be seen in the testimony from Victim 1, who tried to escape from her captors and was punished in a way that would deter other women from trying to escape. Here, the use of sexual violence acts as a form of force and coercion to terrorise an individual. Moreover, religion is used as a justification for sexual violence and rape. The argument that Yazidis are raped because they are *kuffar* (disbelievers) is evident in this testimony, with rape being used as a punishment for not being Muslim. However, a number of inconsistencies are apparent in the conduct of IS fighters. Victim 1 was raped by a group of men, which, according to the guidelines shown in Table 2, is not allowed as she could only be owned – and raped – by one man. Fighters did not wait until puberty to rape girls, according to Victim 1. Finally, Victim 1 was repeatedly sold, which gives a glimpse into the institutionalised sexual market that

⁹⁸ ‘Report of the Secretary General on Conflict-related sexual violence’, Security Council (2016), p. 8.

⁹⁹ Callimachi, R., ‘Isis uses Koran to justify rape’, *The Times*, 18 August 2015, available at: www.thetimes.co.uk/article/isis-uses-koran-to-justify-rape-5dvcvzb925s, last visited: 10 July 2017.

¹⁰⁰ Bloom, M., ‘How ISIS is using marriage as a trap’, *Huffington Post*, undated, available at: www.huffingtonpost.com/mia-bloom/isis-marriage-trap_b_6773576.html, last visited: 12 July 2017.

¹⁰¹ Jawad Al-Tamimi, A., ‘A Caliphate under Strain: The Documentary Evidence’, *Pundicity*, 22 April 2016, available at: www.aymenjawad.org/18749/a-caliphate-under-strain-the-documentary-evidence, last visited: 19 July 2017. (where documentary evidence indicates that a basic wage of a \$50 per fighter each month, is supplemented with an additional \$50 for each wife, \$35 for each child, \$50 for each sex slave, and \$35 for each child of a sex slave.)

¹⁰² Chertoff, E., ‘Prosecuting Gender-Based Persecution: The Islamic State and the ICC’, *The Yale Law Journal* 126:4 (2017), available at: www.yalelawjournal.org/note/prosecuting-gender-based-persecution-the-islamic-state-at-the-icc, pp. 1050-1117, p. 1058.

¹⁰³ Tharoor, I., ‘The Islamic State’s horrifying practice of sex slavery, explained’, *The Washington Post*, 20 August 2015, available at: www.washingtonpost.com/news/worldviews/wp/2015/08/20/the-islamic-states-horrifying-practice-of-sex-slavery-explained/?utm_term=.e159f971e2e8, last visited: 10 July 2017.

Islamic State had put in place, and illustrates the harbouring and receipt of persons for the purposes of exploitation.

Table 2: IS guidelines for the treatment of slaves¹⁰⁴

<i>Al-sabi</i> is the name given to women from <i>dar al-harb</i> ¹⁰⁵ (land of war) that are captured, which is condoned because they are <i>kuffar</i> (disbelievers).	If slaves are impregnated and give birth they cannot be sold.	Slaves can be beaten for disciplinary purposes but not for gratification or torture, and never in the face.
For IS, all <i>kuffar</i> (disbeliever) women can be captured, although some scholars argue that apostates should not be captured. ¹⁰⁶	After a man’s death, female captives become part of his state. If she has children from a fighter, intercourse is prohibited.	Sexual intercourse is only permitted if a man owns a slave exclusively; in cases of dual ownership of captives all shares must be bought by one man only.
Sexual intercourse with a female captive is permitted and can happen immediately after capture except for when the woman is not a virgin, in which case her uterus must be purified first.	A man cannot have intercourse with the female slave of his wife and a man cannot kiss the slave of other man. Masters cannot have intercourse with a woman that is married to someone else.	Fighters cannot marry slaves (Muslim, Christians, or Jews) unless they are at risk of committing the sin of fornication.
Slaves are property so they can be bought, sold, or given as a gift.	It is permitted to have intercourse with a slave who has not reached puberty if she is fit for it; if not, she can be enjoyed without intercourse.	It is a sin for slaves to run away from their captors and punishment shall be decided to deter other slaves from leaving.
Mothers and children should not be bought or sold separately, unless the child is mature.	Sisters can be taken together but whoever has intercourse with one of them cannot have intercourse with the other.	<i>Al-azl</i> means refraining from ejaculating inside of a woman. <i>Al-azl</i> can be used during intercourse with a female slave with or without her consent.

IS’ pamphlet on sexual slavery by the Research and Fatwa Department, gives reference to the reasons justifying slavery and sexual violence against slaves.¹⁰⁷ Here, excerpts on justifications for slavery include:

¹⁰⁴ ‘Islamic State (ISIS) Releases Pamphlet On Female Slaves’, MEMRI (2014), available at: s04.justpaste.it/pdf/icy1-justpaste-it-813570.pdf, last visited: 10 July 2017, pp. 2-5.

¹⁰⁵ *Dar al-harb* (land of war in Arabic), refers to the lands populated by non-Muslims, while *dar-al Islam* (land of Islam) refers to Muslim territory.

¹⁰⁶ Jawad Al-Tamimi, A., ‘The Archivist: Unseen Islamic State Fatwas on Jihad and Sabaya’, *Pundicity*, 25 September 2015, available at: www.aymennjawad.org/17879/the-archivist-unseen-islamic-state-fatwas-on, last visited: 19 July 2017. (Specimen L, where women may not have known of the apostasy of their spouses from the religion. Specimen K illustrates that women who are allowed to be taken as slaves are clarified as *Nusayris* (Alawites), *Kuffar* (disbelievers) who have no allegiance pact with IS, Yezidis, Shi’a, and *Ghayru Awali al-Kitab* (disbelievers who are not people of the Book: Jews and Christians).)

¹⁰⁷ Jawad Al-Tamimi, A., ‘Unseen Islamic State Pamphlet on Slavery’, *Pundicity*, 29 December 2015, available at: www.aymennjawad.org/2015/12/unseen-islamic-state-pamphlet-on-slavery, last visited: 19 July 2017.

Table 3: IS Justifications of Slavery¹⁰⁸

Premise	Reference
Slavery frees women from <i>shirk</i> (disbelief) and causes conversions to Islam	“Ibn al-Jawzi said: ‘Its meaning is that they were taken prisoner and put in bonds but when they got to know the truth of Islam they entered into it voluntarily so they entered Paradise, so the compulsion to imprisonment and bondage was the first cause’ (Fath al-Bari 6/145)”
Slavery illustrates the supremacy of captors	“And the girl of spouse whom our arrows have given in marriage [i.e. for sex], it is permissible to consummate the marriage with her [i.e. lie carnally with her] even if she has not been divorced.”
Punishment of <i>kuffar</i> (disbelievers)	“God Almighty has said: ‘And the one whom God humiliates, there is no one to ennoble him’ (al-Hajj 18) [Qur’an 22:18].”
Slavery is the <i>Sunnah</i> (teachings of Prophet Mohammed)	“And also the Ahl al-Seer mentioned that the Prophet (SAWS) had four slave girls (concubines), and they were: Maria, and she was the mother of his son Ibrahim, Rayhana, a girl he acquired among some of the captives, and Jariya given to him as a gift by Zaynab bint Jahash.”
Captivity and slavery are the mercy of God	“This person made captive and enslaved should be provided with residence, security, stability, food and drink. And thus she should be able to escape from atrocities and vices, and living in the ways and canals of garbage.”
Captivity increases offspring of <i>mujahideen</i> (fighters)	“There is no doubt that increasing numbers is strength for the Muslims, and the fact that the concubine slave girls may give birth is not an ugly or condemnable matter.”
Slaves reward <i>mujahideen</i> (fighters)	“For men to be allowed to take women captive and purchase them, and this is something by which unmarried men benefit most or the one who desires multiple [spouses] but cannot be just, so for him is the possession of the right hand as wealth.”

¹⁰⁸ Ibid.

IS also addressed slavery in the ninth issue of *Dabiq*, one of their official magazines, in an article written by *Umm Summayyah al Muhajirah* entitled ‘Slave Girls or Prostitutes’.¹⁰⁹ The article starts by making religious references and praising how slavery was employed during the Islamic era.¹¹⁰ In the article, the author expresses surprise that supporters of IS have denied raping Yazidi girls, as this is not an act of ‘evil’ or a ‘mistake’.¹¹¹ The author draws a parallel between slavery and prostitution, arguing that prostitution is a deviant practice that is not criticised by Western leaders.¹¹² The author condemns that *saby* (taking slaves through war) and *tasarri* (taking a slave girl as a concubine) have been misunderstood as ‘fornication’ and ‘rape’ respectively.¹¹³ The unwillingness, as shown in the article, to name these acts as ‘rape’ is used to make a vehement defence of slavery. The writer of the article states that she and her family prostrated to Allah in gratitude when they first took a slave girl, since the goal of the ‘caliphate’ is to humiliate and destroy the *kuffar* (disbelievers).¹¹⁴ While the guidelines prohibit humiliation of slaves (see table 3), the article asserts that ‘infidels’ should be subjugated. However, this assertion contradicts previous statements in the article, which stress that slaves are to be treated kindly, even if they do not convert to Islam.¹¹⁵ This is far from the case, as shown by the testimony of Victim 2. Moreover, Victim 2 was exploited into slavery through

Victim 2, age not disclosed, Iraq

Victim 2 was lured by a family friend into IS. IS fighters separated men from women and later forced the girls into buses. When they arrived at their destination, IS fighters forced every girl to recite the *shahada* (Muslim profession of faith). If the girls refused to recite it, they would be beaten. Victim 2 was able to keep her phone, but when an IS member found it, they stripped her, withheld food and water from her for three days, and beat her daily. One of the friends of Victim 2 committed suicide and Victim 2 was forced to identify her. Later on, Victim 2 attempted suicide. One of the guards took her to the hospital and raped her when she was under the influence of sedatives. Victim 2 could hear her sister being raped in the next room. Victim 2 was told that she was being raped for being a Yazidi, an infidel. Victim 2 reveals that fighters waited for instructions for their actions from *emirs* (religious leaders of the group), higher up in the chain of command.

Source: Authority of the House of Lords, ‘Sexual Violence in Conflict: A War Crime’, House of Lords (2016), pp. 132-134.

deception and fraud, through a ‘trusted’ friend of her brother who eventually led her to IS.

Issue 4 of *Dabiq*, published in 2014, gives justifications for sexually abusing Yazidi women in an article entitled ‘The revival of slavery before the hour’.¹¹⁶ The article refers to Yazidis as ‘pagans’,¹¹⁷ a key anchoring concept used to justify sexual slavery. The article claims that the Yazidis’ creed is so deviant that it was condemned by Christians in the past.¹¹⁸ The article narrates how *sharia* scholars in IS were tasked with determining whether Yazidis should be considered *mushrikin* (from *shirk*, polytheism) or apostates for having abandoned the Islamic faith.¹¹⁹ It is eventually decided by these scholars that Yazidis are *mushrikin*, and as such are exempt from concessions given to Jews and Christians, such as the payment of *jizya* (taxes

¹⁰⁹ Al Muhajirah, U. S., ‘Slave girls or prostitutes?’, Clarion Project (2015), available at: clarionproject.org/docs/isis-isil-islamic-state-magazine-issue+9-they-plot-and-allah-plots-sex-slavery.pdf, last visited: 11 July 2017, pp. 44-49.

¹¹⁰ *ibid.*, p. 45.

¹¹¹ *ibid.*, p. 46.

¹¹² *ibid.*, pp. 48-49.

¹¹³ *ibid.*, p. 46.

¹¹⁴ *ibid.*, p. 47.

¹¹⁵ *ibid.*, p. 48.

¹¹⁶ ‘Dabiq 4’, Clarion Project (2014), available at: media.clarionproject.org/files/islamic-state/islamic-state-isis-magazine-Issue-4-the-failed-crusade.pdf, last visited: 10 July 2017, p. 14.

¹¹⁷ *ibid.*

¹¹⁸ *ibid.*

¹¹⁹ *ibid.*, p. 15.

levied on non-Muslims, in exchange for protection)^{120 121}. Determining that Yazidis are *mushrikin* allowed their enslavement by IS,¹²² whereas ‘women of the book’ – Christians and Jews – are forced to choose between repenting or death.¹²³

The article elaborates that Yazidi women and children are to be divided among the IS fighters that have captured Sinjar,¹²⁴ although 1/5 are to be given to IS authorities to be divided as *khums* (a tax on war spoils).¹²⁵ The document further claims that women cannot be separated from their children, and that many women had wilfully embraced the Islamic faith.¹²⁶ The text is filled with religious references on how slavery was understood by Islamic scholars in the past.¹²⁷ It concludes that enslaving the women of the *kuffar* (disbelievers) and taking their women as concubines is part of *sharia*, an action that cannot be criticised because that would imply criticising the Quran and the Prophet, and thus apostatising from Islam.¹²⁸ In addition, the document mentions how the *mujahideen* (fighters) in Nigeria – Boko Haram – have also enslaved and abducted Christian women.¹²⁹ This piece of propaganda portrays how religious justifications and interpretations are used to justify sexual abuses and trafficking. In fact, the argument that negating slavery is an act of apostasy eliminates any moral questioning regarding sexual slavery against women, leaving no room for disagreement.

There is a certain fixation on the part of IS fighters with the concept of *kuffar* (disbelievers), a concept used to dehumanise ethnic groups so that barbaric acts can be condoned. Jihadist groups have traditionally used

Victim 3, 13 years old, Iraq

The IS fighter that raped Victim 3 would explain to her that rape was not a sin, as the Quran encouraged and condoned raping *kuffar* (disbelievers). He said that by raping her he was “drawing closer to God”. He would kneel and pray before and after raping Victim 3.

Sources: Callimachi, R., ‘ISIS enshrines a theology of rape’, *The New York Times*, 14 August 2015, available at: www.nytimes.com/2015/08/14/world/middleeast/isis-enshrine-s-a-theology-of-rape.html, last visited: 10 July 2017.

de-contextualised quotes from the Quran to justify the targeting of ‘unbelievers’ or ‘idolaters’.¹³⁰ The testimony from Victim 3 illustrates how religious elements (the Quran and prayers) are infused into sexual violence practices to skirt around the moral wrongdoing of rape. Indeed, the fighter who raped Victim 3 seems convinced that raping a ‘disbeliever’ would drive him closer to God. All testimonies presented in this report (see Testimonies 1-5) allude to the categorisation of Yazidis as disbelievers, and this is seen as a major driver in the commission of sexual crimes against them, including the trafficking and selling of women and children.¹³¹

¹²⁰ *ibid.*, p. 15.

¹²¹ *Jizyah* refers to the payment that non-Muslims need to make to live in Muslim lands, according to the Islamic State.

¹²² ‘Dabiq 4’, Clarion Project (2014), p. 15.

¹²³ *ibid.*

¹²⁴ ‘Iraq: ISIS Escapees Describe Systematic Rape’, *Human Rights Watch*, 14 April 2015, available at: www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape, last visited: 15 June 2017.

¹²⁵ ‘Dabiq 4’, Clarion Project (2014), p. 15.

¹²⁶ *ibid.*

¹²⁷ *ibid.*, pp. 15-17.

¹²⁸ *ibid.*, p. 17.

¹²⁹ *ibid.*, p. 15.

¹³⁰ Hoolbrok, D., ‘Using the Qur’an to Justify Terrorist Violence: Analysing Selective Application of the Qur’an in English-Language Militant Islamist Discourse’, *Perspectives on Terrorism* 4:3 (2010), available at: www.terrorismanalysts.com/pt/index.php/pot/article/view/104/212, last visited: 13 July 2017.

¹³¹ Jawad Al-Tamimi, A., ‘Archive of Islamic State Administrative Documents (continued...again)’, *Pundicity*, 17 September 2016, available at:

www.aymenjawad.org/2016/09/archive-of-islamic-state-administrative-documents-2, last visited: 19 July 2017. (specimen 36L “Proof of ownership of a sex slave, Mosul” which is a receipt of the sale of a Yazidi woman from one man to another, in the presence of two witnesses, for the sum of \$1500.)

In 2015, one year after the publication of the first set of guidelines, the ‘Research and Fatwa Department’ of IS issued another pamphlet addressing violations by fighters of rules presented in Table 2 (see testimony from Victim 1).¹³² The department is adamant that guidelines regarding the treatment of slaves must be enforced as part of *sharia* law (see Table 4 below).¹³³

Table 4: Additional Islamic State guidelines for the treatment of slaves¹³⁴

-
- Intercourse with a female captive is not permitted until she has had her menstruation and is clean.
 - If a slave gets pregnant, the owner cannot have intercourse with her until she gives birth.
 - Forcing a pregnant slave to abort is not permitted.
 - If a captive gets pregnant, she cannot be sold and she will be released when her owner dies.
 - It is not permitted to have anal sex with a female captive.
 - If a father owns a female captive, his son cannot have intercourse with her.
 - If an owner has taken a mother and a daughter, he can only have intercourse with one, not the other.
 - The owner of a female captive should be kind to her, not humiliate her, and not sell her to someone who will treat her badly.
-

These guidelines codify violent sexual crimes and trafficking. They are also indicative of sexual violence being normalised and assimilated into the daily conduct of terrorists. It should be noted that these guidelines are not uniformly followed. Humiliation, torture, and mistreatment are entrenched in the behaviour of members of IS towards Yazidis. One harrowing example is that of a 12-year-old who was raped with such frequency that she was constantly bleeding and ended up with a serious infection – the fighter who raped her was unmoved and did not take her to the hospital.¹³⁵ It has been suggested that differences in the enforcement of guidelines can be linked to seniority of fighters, with more junior members being less versed, and less willing to comply, with the rules.¹³⁶

Moreover, some fighters from Islamic State have assaulted pregnant women¹³⁷. On one occasion, a woman was forced to go through an abortion so that she could continue to be raped,¹³⁸ as pregnant women are supposed to be exempt from rape (see Table 4). However, Victim 4’s testimony illustrates how she was raped and tortured despite the fact that she was pregnant. It appears that pregnancy is not the norm. The low percentage of pregnant women (around 5% of 700 Yazidi women) at a northern Iraqi clinic of the UN indicates that contraceptives are frequently used.¹³⁹ Indeed, IS has forced victims to take birth control so that they do not get pregnant and can continue to be re-sold,¹⁴⁰ indicating that trafficking these women is a revenue stream for the terrorist group.

In theory, conversion to Islam is what ‘breaks’ the cycle of humiliation. For example, Victim 2 was forced to convert to Islam, while Victim 1 ended up pregnant as a result of rape. Victim 4 was told by her rapist that she had to abort her previous unborn child because only he could make a Muslim baby. This is further reinforced by the testimony of Israfil Yilmaz, a Dutch Islamic State fighter, who claims in a blog entry that:

¹³² ‘Fatwa n. 64’, *Perma*, 20 September 2016, available at: perma.cc/BU9L-BWW3, last visited: 11 July 2017.

¹³³ *ibid.*

¹³⁴ *ibid.*

¹³⁵ Callimachi, R., ‘ISIS enshrines a theology of rape’, *The New York Times*, 14 August 2015, available at: www.nytimes.com/2015/08/14/world/middleeast/isis-enshrines-a-theology-of-rape.html, last visited: 10 July 2017.

¹³⁶ Callimachi, R., ‘To Maintain Supply of Sex Slaves, ISIS Pushes Birth Control’, *The New York Times*, 12 March 2016.

¹³⁷ *ibid.*

¹³⁸ *ibid.*

¹³⁹ *ibid.*

¹⁴⁰ *ibid.*

People [who] think that having a concubine [is] for sexual pleasure only have a very simple mindset about this matter. [...] The biggest and best thing of having concubines is introducing them to Islam

Victim 5, 17 years old, Iraq

Victim 5 does not want her name published because she is ashamed. She says that a part of her wants to die because of the torture that she had to go through. Victim 5 confesses that she and the rest of the women asked their capturers to shoot them, but they refused. The perpetrators told them that they were disbelievers and therefore their property, like “war booty and goats bought at a market”. They would force Victim 5 to tell her parents what they were doing to her.

Source: Squires, R. ‘Yazidi girl tells of horrific ordeal as Isil sex slave’, *The Telegraph*, 7 September 2014, available at: www.telegraph.co.uk/news/worldnews/middleeast/iraq/11080165/Yazidi-girl-tells-of-horrific-ordeal-as-Isil-sex-slave.html, last visited: 30 June 2017.

in an Islamic environment - showing them and teaching them the religion. Many of the concubines/slaves of the Companions of the Prophet (PBUH) became Muslim and some even [became] big commanders and leaders in Islamic history and this is if you ask me the true essence of having slaves/concubines.¹⁴¹

Forced inseminations, forced pregnancies, and forced conversions

are a means to secure “the next generation of jihadists”, distinguishing Islamic State’s use of sexual violence from trafficking groups. In fact, one objective of Islamic State is to “prepare a new, stronger, second generation of *mujahideen* conditioned and taught to be a future resource for the group”.¹⁴² As these children will be born in Islamic State, they will be indoctrinated into the group from birth.¹⁴³ It is particularly worrying that these children will inevitably be exposed to sexual violence, and will risk being normalised to these practices.

IS is aware of how sexual violence can break the spirits of victims and their families, which is why they forced Victim 5 to call her parents and tell them about what they were doing to her. These practices belong to the sphere of intimidation and fear that is characteristic of terrorism. The goal is twofold: first to commit genocide by killing men, and second to force women to have children of a different religion and ethnicity, which breaks communities and instils fear in them. Testimony from Victim 5 illustrates how the humiliation of slaves is at the core of using sexual violence as a tactic of terrorism. Dehumanisation is also visible in other testimonies, such as the example of a woman who told an Islamic State fighter that she was married in order to avoid being abused, but was still raped because she was a Yazidi.¹⁴⁴ These pieces of propaganda use religion as a conductor to justify the establishment of a machinery of rape. It can be argued the use of slavery is linked to the main operational drive of Islamic State to expand its ideology and conquer territory. At the same time, Yazidis are targeted not only because they are women, but also because of their religion, illustrating the intersectionality of discriminatory factors.¹⁴⁵

In sum, testimonies shed light onto the brutal practices used by Islamic State fighters against Yazidi women. Aside from rape by one or multiple fighters, victims are subjected to beatings (n.2), sexual slavery (n.1), torture (n.2, n.4), forced abortions (n.4), forced inseminations and pregnancies (n.1), forced nudity (n.1), forced conversions (n.2), separation from their families (n.1), and constant humiliation (n.1, n.2, n.3 n.5).

¹⁴¹ Tharoor, I., ‘The Islamic State’s horrifying practice of sex slavery, explained’, *The Washington Post*, 20 August 2015, available at: www.washingtonpost.com/news/worldviews/wp/2015/08/20/the-islamic-states-horrifying-practice-of-sex-slavery-explained/?utm_term=.e159f971c2e8, last visited: 10 July 2017.

¹⁴² Benotman, N., and Malik, N., ‘The Children of the Islamic State’, Quilliam (2016), available at: www.quilliaminternational.com/shop/e-publications/the-children-of-islamic-state/, last visited: 12 July 2017, p. 28

¹⁴³ *ibid.*, p. 79.

¹⁴⁴ ‘Iraq: ISIS Escapees Describe Systematic Rape’, *Human Rights Watch*, 14 April 2015, available at: www.hrw.org/news/2015/04/14/iraq-isis-escapees-describe-systematic-rape, last visited: 15 June 2017.

¹⁴⁵ Chertoff, E., ‘Prosecuting Gender-Based Persecution: The Islamic State and the ICC’, *The Yale Law Journal* 126:4 (2017), available at: www.yalelawjournal.org/note/prosecuting-gender-based-persecution-the-islamic-state-at-the-icc, pp. 1050-1117, p. 1069.

These tactics should be recognised as part of the arsenal of tools used by terrorists. Survivors suffer from extreme trauma, and suicidal thoughts are common (n.2 and n.5). An area of concern is numerous gaps in legislation regarding sexual violence in Syria, Iraq, Nigeria, and Libya (see Appendix 2) leaving the door open to impunity for perpetrators of sexual violence as a tactic of terrorism, and increasing the risk of failing to provide rehabilitation and redress for victims. Moreover, the receipt of ransom payments in exchange for captured victims indicates a further source of revenue for IS through the use of sexual violence (see Table 5 for a compilation of 16 case studies of victims being taken hostage for ransom).

Case Study: Boko Haram

Victims at the hands of Boko Haram fighters have suffered many abuses, including rape by one or several fighters (n.6, n.7, n.8), forced marriages (n.7, n.8), forced inseminations (n.8), abductions (n.6, n.9), forced conversions (n.7), and threats of beatings and killings (n.7, n.8). These practices coincide with Islamic State’s conduct towards Yazidi women, which further underscores the importance of recognising sexual violence as a tactic of terrorism.

Victim 6, 19 years old, Nigeria

Victim 6 was married and had children when she was abducted by Boko Haram fighters. When one of the fighters tried to rape her, Victim 6 told him that she was married. He ignored her. Victim 6 feels ashamed and cheated and does not want to tell her husband what happened. Victim 6 was abducted together with another single woman, who is afraid that having been raped will hurt her chances of finding a husband in the future.

Source: “‘Those Terrible Weeks in their Camp’ Boko Haram Violence against Women and Girls in Northeast Nigeria”, Human Rights Watch (2014), available at: www.hrw.org/sites/default/files/reports/nigeria1014web.pdf, last visited: 16 June 2017, p. 34.

Once again, religion is used to justify the behaviour of fighters. Boko Haram places emphasis on the importance of converting the women they abduct to Islam, as shown by the testimony of Victim 7. At times, conversion has not necessarily been accompanied by sexual slavery. A 2014 report from Human Rights Watch (HRW) highlights that Christian women who were already married were more likely to be released, provided that they promised to convert to Islam and to convert their families as well.¹⁴⁶ However, there have been cases of married victims being raped (n.6). The HRW report cited 10 different incidents where Muslims and Christians were separated during raids conducted by fighters: the former were usually released, and the latter would be abducted.¹⁴⁷

Victim 7, 15 years old, Nigeria

Victim 7 was threatened to be beaten with a whip if she did not agree to convert to Islam. The leader of the camp gave Victim 7 and two other women hijabs, new Muslim names, and ordered the rest of women in the camp to teach Victim 7 Arabic every day. After a week, he performed a ceremony in which he forced Victim 7 to marry him.

Source: “‘Those Terrible Weeks in their Camp’ Boko Haram Violence against Women and Girls in Northeast Nigeria”, Human Rights Watch (2014), available at: www.hrw.org/sites/default/files/reports/nigeria1014web.pdf, last visited: 16 June 2017, p. 30.

Forced marriages and conversions are more common in Boko Haram than in Islamic State. After abducting the Chibok girls in 2014, Abubakar Shekau, the leader of Boko Haram, publicly declared that: “we would also give their hands in marriage because they are our slaves. We would marry them out at the age of nine. We would marry them out at the age of 12”.¹⁴⁸ For example, a

HRW Report cited the example of a 12-year-old girl that complained to a Boko Haram commander that she was too young to get married, to which he replied, pointing at his 5-year-old-daughter: “if she got married last year, and is just waiting until puberty for consummation, how can you at your age be too young to marry?”¹⁴⁹ It seems clear that marriage is a tool for Boko Haram to force victims to adopt their ideology. This is exemplified by the correlation between the rise of the ‘bride prices’—the money a would-be groom

¹⁴⁶ “‘Those Terrible Weeks in their Camp’ Boko Haram Violence against Women and Girls in Northeast Nigeria”, Human Rights Watch (2014), available at: www.hrw.org/sites/default/files/reports/nigeria1014web.pdf, last visited: 16 June 2017, pp. 28-29.

¹⁴⁷ *ibid.*

¹⁴⁸ *ibid.*, p. 31.

¹⁴⁹ *ibid.*, p. 2.

Victim 8, 25 years old, Nigeria

Victim 8 was held in a house with other women. She was married off to one fighter and ended up pregnant, but she was also raped by other militants. If any of the women shouted, the fighters threatened to shoot them.

Source: Nossiter, A., ‘Boko Haram Militants Raped Hundreds of Captives in Nigeria’, *The New York Times*, 18 May 2015, available at: www.nytimes.com/2015/05/19/world/africa/boko-haram-militants-raped-hundreds-of-female-captives-in-nigeria.html, last visited: 07 July 2017.

pays to the family - and the recruitment into armed groups like Boko Haram in some parts of Northern Nigeria.¹⁵⁰ As such, the promise of wives¹⁵¹ acts as a pull factor,¹⁵² just as with Islamic State.

Boko Haram fighters have also tried to impregnate women with the purpose of creating the next generation of fighters (n.8), similar to IS practices. Kashim Shettima, the governor of Borno State, has said that fighters would pray and supplicate to God before raping their victims, so that any children conceived would inherit their ideology.¹⁵³ A 2015

report that contained interviews conducted in six states of Northern Nigeria highlighted that Christians are the primary target of Boko Haram, and kidnappings, forced marriages, and the rape of virgin girls is done by the group with the intention to force them to marry Muslim men.¹⁵⁴

Boko Haram’s emphasis on conversion has reached the point where some victims have absorbed Boko Haram’s ideology as their own, as shown by the testimony of Victim 9. Victim 9 might have possibly developed Stockholm syndrome, as she remains loyal to her fighter husband. While there are not many cases of IS’ victims staying with their captors,¹⁵⁵ there are some publicised cases of this happening within Boko Haram. Reports from doctors working with victims reveal that some women who were abducted and held captive for months ended up absorbing the group’s ideology.¹⁵⁶ Recent data from 2017 shows that in the process of the negotiations between Boko Haram and the Nigerian government to release 82 out

Victim 9, 16 years old, Nigeria

Victim 9 was abducted and given in marriage to a Boko Haram fighter. Victim 9 revealed that she relished her life with her husband in Boko Haram and that she would have shot at the soldiers that came to rescue her if she possessed a gun. The Boko Haram fighter tattooed his name on her stomach with a sharp knife and charcoal, but Victim 9 was willing to bear the pain because the tattoo would prevent anyone else from touching her.

Source: Nwaubani, A. T., ‘Girl held by Boko Haram: ‘I’d have shot at rescuers’’, *CNN*, 14 April 2016, available at: edition.cnn.com/2016/04/14/opinions/boko-haram-girl-nwaubani/index.html, last visited: 20 June 2016.

¹⁵⁰ Munro, K., ‘The missing link between terrorism and sex’, *The Sidney Morning Herald*, 1 April 2017, available at: www.smh.com.au/world/the-missing-link-between-terrorism-and-sex-20170328-gv871a.html, last visited: 13 July 2017.

¹⁵¹ It should be noted that in North Nigeria, rapists who marry their victims avoid prosecution. See Appendix 2.3.

¹⁵² Munro, K., ‘The missing link between terrorism and sex’, *The Sidney Morning Herald*, 1 April 2017.

¹⁵³ Nossiter, A., ‘Boko Haram Militants Raped Hundreds of Captives in Nigeria’, *The New York Times*, 18 May 2015, available at: www.nytimes.com/2015/05/19/world/africa/boko-haram-militants-raped-hundreds-of-female-captives-in-nigeria.html, last visited: 07 July 2017.

¹⁵⁴ Barkindo, A. et al., ‘Our Bodies, Their Battleground Boko Haram and Gender-Based Violence against Christian Women and Children in North-Eastern Nigeria since 1999’, Nigeria’s Political Violence Research Network, Working Paper No. 1 (2015), available at: <http://www.worldwatchmonitor.org/old-site-imgs-pdfs/3117403.pdf>, last visited: 12 July 2017, p. 19.

¹⁵⁵ An Austrian woman who joined IS was killed when she tried to flee. A girl from London who joined IS in 2015 reportedly wanted to return but was fearful of the consequences. Women whose husbands are killed are held in houses together and are not allowed to leave. Grieson, J., and Dodd, V., ‘British girl believed killed in Syria was too scared to flee ISIS’, *The Guardian*, 12 August 2016, available at: <https://www.theguardian.com/world/2016/aug/12/british-girl-believed-killed-in-syria-was-too-scared-to-flee-isis>, last visited: 9 August 2017; Farmer, B., and Ensor, J., ‘British jihadi brides return home after being widowed or sent back by husbands preparing last Isil stand’, *The Telegraph*, 22 May 2017, available at: <http://www.telegraph.co.uk/news/2017/05/22/british-jihadi-brides-returning-home-widowed-sent-home-husbands/>, last visited: 9 August 2017.

¹⁵⁶ ‘Freed From Boko Haram, Hostages Now Held By Nigeria’s Military’, *NPR*, 21 May 2015, available at: www.npr.org/2015/05/21/408421430/freed-from-boko-haram-hostages-now-held-by-nigerias-military, last visited: 20 June 2017.

of the 200 Chibok girls who were abducted in 2014, some refused to leave their captors.¹⁵⁷ Zannah Mustapha, the mediator during this process, has claimed that they might have been radicalised or might be too scared to return home.¹⁵⁸

Indeed, a possible explanation for these cases of Stockholm Syndrome could be stigma. An example of this is given by Victim 6, who refused to tell her husband what happened to her. The single woman abducted along with Victim 6 also wanted to keep her rape a secret due the stigma that would prevent her from finding a husband. In fact, there is a case of an abductee who was rejected by her husband upon her release for having been raped.¹⁵⁹ As shown in the section about legislation, stigma is a paralysing factor for victims of rape, as they often end up being ostracised from their communities.

Case Study: Western Terrorists and Violence against Women and Girls

Domestic violence appears to fall outside the definition of conflict-related sexual violence created by the UN in 2012, though it is examined in larger definitions of GBV (see Figure 1). Among the perpetrators of attacks inspired or connected to Islamic State in Europe and the United States, some have had a history of domestic and sexual violence. The four cases presented here, three in Europe and one in the United States, offer many critical insights into the interaction of different types of violence.

There is insufficient data to ascertain, with authority, the propensity of terrorists to commit domestic violence prior to, or during, their indoctrination. However, were a link to be established between the profiles of those who commit terrorist related violence and a prior history of domestic violence, it would underscore the importance of the role GBV plays in furthering conflict, and open up new fields of research for future study. These four cases herein are illustrative of the need to dedicate more resources to research in this area.

Khalid Masood, 52, Westminster attack 2017

In 2000, Masood attacked a man with a knife and was sent to jail. One of his former friends stated that at the time of the attack, Masood was taking anger management classes. During the attack, Masood repeatedly yelled that he felt the need to kill someone. His wife, who was with him for ten years, broke up with him when he was imprisoned in 2000. While in jail, Masood converted to Islam. He was sentenced in 2003 for stabbing a man in the face. In 2004, he married a Muslim woman, but the marriage was short. Masood was violent and controlling towards her. He wanted her to dress in Islamic veils and be informed of where she went at any time.

Source: ‘London attack: Khalid Masood had history of violence’, *BBC*, 24 March 2017, available at: www.bbc.co.uk/news/av/uk-39385005/london-attack-khalid-masood-had-history-of-violence, last visited: 13 July 2017; Bennhold, K., et al., ‘The London attacker: quiet and friendly, but with a hostile side’, *The New York Times*, 24 March 2017, available at: www.nytimes.com/2017/03/24/world/europe/uk-khalid-masood-london-attack.html, last visited: 13 July 2017; Dixon, H., et al., ‘How London terrorist Khalid Masood sought help over his urges to kill’, *The Telegraph*, 25 March 2017, available at: www.telegraph.co.uk/news/2017/03/24/london-attacker-khalid-masood-hard-drinking-drug-taking-village/, last visited: 13 July 2017; Freeman, H., ‘Why do many lone attackers have in common? Domestic violence’, *The Guardian*, 28 March 2017, available at: www.theguardian.com/commentisfree/2017/mar/28/lone-attackers-domestic-violence-khalid-masood-westminster-attacks-terrorism, last visited: 13 July 2017.

Khalid Masood, the terrorist that committed the Westminster attack in London in 2017, had an extensive criminal record that included assaults with knives. A crime-terror nexus has already been outlined by many scholars as being significant in the radicalisation of individuals,¹⁶⁰ but little attention has been paid to the

¹⁵⁷ Nwaubani, A. T., ‘Exclusive: Some abducted Chibok schoolgirls refuse to be ‘freed’, says negotiator’, *Reuters*, 8 May 2017, available at: www.reuters.com/article/us-nigeria-boko-haram-exclusive-idUSKBN1841X4, last visited: 20 June 2017.

¹⁵⁸ *Ibid.*

¹⁵⁹ ‘Those Terrible Weeks in their Camp’ Boko Haram Violence against Women and Girls in Northeast Nigeria’, Human Rights Watch (2014), p. 35.

¹⁶⁰ Basra, R. et al., ‘Criminal pasts, terrorist futures: European jihadists and the new crime-terror network’, International Centre for the Study of Radicalisation and Political Violence, available at: <http://icsr.info/wp-content/uploads/2016/10/Criminal-Pasts-Terrorist-Futures.pdf>, last visited: 10 September 2017, p. 3.

possibility that this violence could also be sexual in nature. The case of Masood exemplifies how violence can begin at home.

Rachid Redouane, 30, London Bridge attack 2017

Redouane did not have any terrorist links or a criminal record. He married an Irish national and moved to London in 2012 with her. They had a daughter in 2015. At some point in their relationship, he became more religious, violent, and controlling. They broke up in 2017 because she was fed up with his controlling behaviour and his desire to impose his beliefs on their daughter. Redouane wanted their daughter to stop eating pork and to dress in Islamic veils. His wife reportedly hated him because he beat and humiliated her. When she refused to convert to Islam, she moved to a protective unit for victims of domestic violence.

Source: Kennedy, D., et al., ‘Rachid Redouane was a jokey baker who became a killer in the London Bridge terror attack’, *The Times*, 8 June 2017, available at: <https://www.thetimes.co.uk/article/rachid-redouane-was-a-jokey-baker-who-became-a-killer-in-the-london-bridge-terror-attack-xslbqk6q0>, last visited: 8 June 2017; O’Driscoll, S., ‘Terrorist used Irish marriage to enter the UK’, *The Times*, 7 June 2017, available at: <https://www.thetimes.co.uk/article/terrorist-used-marriage-in-ireland-to-enter-the-uk-mtt0ks2nz>, last visited: 13 July 2017.

Lahouiaej-Bouhel, the Nice attacker, has a very similar profile to Masood. It is noteworthy that both of them were exposed to therapy: the former went to a psychiatric unit while the latter was taking anger management classes. Moreover, both of them went to prison, a vulnerable place for criminals to be exposed to radicalisation.¹⁶¹ In Masood’s case, the abuse towards his wife seemed to start he was released from prison and subsequently radicalised.

Rachid Redouane was one of the London Bridge attackers. While he did not have a criminal record, with his radicalisation came increasingly controlling behaviour. As shown in the case box, it appears that the abuse towards his wife started as he became more radicalised, although it is difficult to establish a clear timeline. Likewise, Omar Mateen displayed signs of being an abuser from a very young age, although this behaviour intensified when he got married. As in the rest of the cases, Mateen was extremely controlling.

Mohammed Lahouiaej-Bouhel, 31, Nice attack 2016

Lahouiaej-Bouhel was married with three children. He was thrown out of his house in 2014 for beating his wife. They subsequently divorced. His psychiatrist said that he exhibited violent tendencies toward his family. Lahouiaej-Bouhel had a violent record and was sentenced to prison for assault with weapon. He also had convictions for domestic violence and threatening behaviour.

Source: ‘Attack on Nice: who was Mohammed Lahouiaej-Bouhel’, *BBC*, 19 August 2016, available at: www.bbc.co.uk/news/world-europe-36801763, last visited: 13 July 2017; Saltman, E. M., ‘Orlando and Nice attacks: Domestic violence links to radicalisation’, *BBC*, 22 July 2016, www.bbc.co.uk/news/world-36861840, last visited: 13 July 2017; Samuel, H., and Morgan, T., ‘Who was the Nice terror attack suspect? Everything we know so far about Mohammed Lahouiaej-Bouhel’, *The Telegraph*, 18 July 2016, available at: www.telegraph.co.uk/news/2016/07/15/who-is-the-nice-terror-attacker-everything-we-know-so-far/, last visited: 12 July 2017.

These cases allude to a relationship between committing terrorist attacks and having a history of physical and/or sexual violence. If a criminal record facilitates embracing violence in the name of terrorism as it lowers violence inhibition, being a domestic abuser can also be an enabling factor. In this regard, a parallel can be drawn between gang violence and terrorism, as sexual violence and rape are

¹⁶¹ Neumann, P., ‘Prisons and Terrorism Radicalisation and De-radicalisation in 15 Countries’, International Centre for the Study of Radicalisation and Political Violence (2010), available at: <http://icsr.info/wp-content/uploads/2012/10/1277699166PrisonsandTerrorismRadicalisationandDeradicalisationin15Countries.pdf>, last visited: 13 July 2017, p. 1.

present both in initiation rituals of gang members and in the conduct of fighters of the Islamic State.¹⁶² The nexus between both is violence, which can be manifested through aggressive sexual behaviour, criminality, and/or the commission of terror acts.

It should be noted that speaking publicly about sexual abuse, as is the case of Mateen’s ex-wife, is not the norm. Rape is a crime that is usually underreported due to stigma and shame.¹⁶³ In 2016, the number of rape cases reported to the police in the UK increased by 13% compared to the previous year, while other sexual offences increased by 12%.¹⁶⁴ These figures indicate improvements. However, stigma, shame, and victim-blaming are still an obstacle for abused women. A parallel with the cases of stigma in Iraq, Syria, and Nigeria can be drawn.

Omar Mateen, 29, Orlando Nightclub attack 2016

Mateen’s teachers report that when he was 8 he was verbally and physically abusive towards his classmates. This abuse was sometimes sexual. He got married in 2008. His wife revealed that she soon noticed that he had a temper. Mateen would verbally and physically abuse her and would forbid her to call her parents. He was extremely controlling, to the point that he would only let her go to work, and he would force her to hand over her paycheck.

Source: Healy, J. ‘Sitora Yusufiy, Ex-Wife of Orlando Suspect, Describes Abusive Marriage’, *The New York Times*, 13 June 2016, available at: <https://www.nytimes.com/2016/06/14/us/sitora-yusufiy-omar-mateen-orlando-shooting.html>, last visited: 13 July 2017; Saltman, E. M., ‘Orlando and Nice attacks: Domestic violence links to radicalisation’, *BBC*, 22 July 2016, www.bbc.co.uk/news/world-36861840, last visited: 13 July 2017.

At the same time, it can be argued that individuals are attracted by the brutal sexual practices of Islamic State members. Indeed, this is the case of Ondogo Ahmed, a British citizen who escaped a rape conviction in the United Kingdom and fled to Syria to join Islamic State.¹⁶⁵ He had been convicted for eight years and breached his licence while he was out of jail around the four-year mark.¹⁶⁶ Furthermore, a testimony by Nihad Barakat, a Yazidi teenager held as a sex slave by IS, stresses that Siddharta Dhar, a British national, took Yazidi sex slaves in Syria.¹⁶⁷ These cases indicate an existence of a type of terrorism that is sexually motivated, in which individuals with prior records of sexual violence are attracted by the sexual brutality carried out by members of Islamic State.

¹⁶² Smith, J. ‘The seeds of terrorism are often sown in the home – with domestic violence’, *The Guardian*, 10 July 2017, available at: www.theguardian.com/commentisfree/2017/jul/10/seeds-terrorism-sown-home-domestic-violence-islamic-state, last visited: 13 July 2017.

¹⁶³ Lakhani, N., ‘Underreported rapes: the silent shame’, *The Independent*, 12 March 2012, available at: <http://www.independent.co.uk/news/uk/crime/unreported-rapes-the-silent-shame-7561636.html>, last visited: 13 July 2017.

¹⁶⁴ ‘Crime in England and Wales: year ending Dec 2016’, Office for National Statistics, 2017, available at: www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdec2016#how-have-trends-for-individual-crime-types-changed, last visited: 13 July 2017.

¹⁶⁵ Harley, N., and Mendick, R., ‘Gang rapist wanted by police fled to join Isis in Syria’, *The Telegraph*, 12 March 2016, available at: www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/12192264/Gang-rapist-wanted-by-police-fled-to-join-Isil-in-Syria.html, last visited: 13 July 2017.

¹⁶⁶ *ibid.*

¹⁶⁷ Withmall, A., ‘Isis sex slave kidnapped by British new ‘Jihadi John’ suspect Siddharta Dhar’, *The Independent*, 1 May 2016, available at: www.independent.co.uk/news/world/isis-rape-victim-kidnap-new-jihadi-john-siddharta-dhar-speaks-out-terrorism-yazidi-islamic-state-a7008786.html, last visited: 13 July 2017.

Chapter 2: Sexual Violence as a Tactic of Trafficking

The most comprehensive definition of human trafficking was offered in the First Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the ‘Trafficking Protocol’, one of the three ‘Palermo protocols’), part of the 2000 United Nations Convention Against Transnational Organised Crime (UNTOC). The definition went as follows:

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁶⁸

Thus, human trafficking includes both trafficking for purposes of sexual exploitation and trafficking for purposes of forced labour. The Protocol notes that the consent of a victim of trafficking to exploitation is irrelevant if the means set out in the definition have been used.¹⁶⁹ It is critical to differentiate between ‘human trafficking’ and ‘smuggling’. As the United Nations Office on Drugs and Crime (UNODC) puts it, there are three main differences between the two concepts: smuggling involves the consent of migrants while trafficking victims have not consented or have consented under coercion, smuggling ends when the migrant reaches his or her destination, while trafficking is an endless cycle of exploitation because it generates profits for traffickers, and smuggling is always transnational, while trafficking does not need to be.¹⁷⁰ Trafficking for sexual purposes is a component of human trafficking, which is why it is generally addressed in international and national laws along with forced labour. However, for the purposes of this report, the focus will be on trafficking for purposes of sexual exploitation and prostitution, with a focus on the countries of Syria, Iraq, Nigeria, Turkey, and Libya.

Prior to 1949, some international instruments touched upon human trafficking, albeit only partially. Examples include the 1926 Slavery Convention and the 1948 Universal Declaration of Human Rights, which lay the foundation for contemporary conventions and efforts to eliminating trafficking.¹⁷¹ The milestone conventions in combatting trafficking in persons are the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and the 2000 United Nations Convention Against Transnational Organised Crime. Article 17 of the 1949 Convention made the first reference to human trafficking for purposes of prostitution, and urged member states to monitor arrivals and public places in order to disrupt traffickers.¹⁷² However, the focus of this Convention is mainly on the legality of prostitution, and it does not touch upon trafficking for purposes of sexual exploitation.

The 2000 UNTOC along with its three Protocols, together form the so-called ‘Palermo Protocol’. The road to the ratification of the Palermo Protocol was paved by three General Assembly Resolutions: 53/111 in

¹⁶⁸ ‘United Nations Convention Against Transnational Organized Crime And The Protocols Thereto’, United Nations Office on Drugs and Crime (2004), available at: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>, last visited: 19 July 2017, p. 42.

¹⁶⁹ *Ibid.*, p. 43.

¹⁷⁰ ‘Trafficking in Persons and Migrant Smuggling’, United Nations Office on Drugs and Crime, undated, available at: www.unodc.org/lpo-brazil/en/trafico-de-pessoas/index.html, last visited: 19 July 2017.

¹⁷¹ King, L., ‘International Law and Human Trafficking’, Topical Research Digest: Human Rights And Human Trafficking, undated, available at: <https://www.du.edu/korbel/hrhw/researchdigest/trafficking/InternationalLaw.pdf>, last visited: 19 July 2017, p. 1.

¹⁷² ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’, *United Nations Human Rights Officer of the High Commissioner*, undated, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>, last visited: 19 July 2017.

1998, in which a committee was established to design an international instrument dedicated to combatting trafficking in women and children and other types of trafficking, 54/126 in 1999, in which the Committee was urged to intensify work to complete the Convention by 2000, and 54/129 in 1999, whereby the offer from the Government of Italy to host the signing conference in Palermo was accepted.¹⁷³ Human trafficking for sexual purposes was addressed in the Trafficking Protocol, which established measures and guidelines to protect, repatriate, prevent, exchange information, carry out border controls, and settle disputes regarding victims of trafficking for sexual exploitation or prostitution.¹⁷⁴

Sexual Violence as a Tactic of Trafficking

While human trafficking for sexual purposes is a component of sexual violence, as established by international bodies such as WHO, the UN definition on Violence against Women and Girls (VAWG), and national laws on sexual violence in Iraq and the UK, the nexus between sexual violence in conflict and trafficking has only been properly addressed in recent times. In 2016, UNSC 2331 recognised that places affected by armed conflict were more vulnerable to trafficking for sexual exploitation, prostitution, and slavery, among other types of exploitation.¹⁷⁵ The Resolution further added:

[...] Trafficking in persons in armed conflict and post-conflict situations can also be associated with sexual violence in conflict and that children in situations of armed conflict and persons displaced by armed conflict, including refugees, can be especially vulnerable to trafficking in persons in armed conflict and to these forms of exploitation.¹⁷⁶

Violence, especially sexual violence, is at the core of trafficking for sexual exploitation. Data from 2005 to 2008 in Iraq indicates that criminal gangs use the “threat or use of force, coercion, kidnapping, fraud, withholding of passports, deception and abuse of power or vulnerability, rape and sexual assault, restriction of freedom of movement, physical assault and torture”.¹⁷⁷ These tactics mirror means used by terrorists to exert control over sexual slaves.

Sexual Exploitation as a Motivation for Traffickers

The most evident driver behind sexual trafficking is financial gain. The IOM argues that human trafficking is an integral part of organised crime, and one that creates billions of dollars in profits, as the demand for sexual services is one of the root causes of trafficking.¹⁷⁸ It should be noted that situations of conflict can exacerbate human trafficking and trafficking for sexual purposes, as the forced displacement of people provides traffickers with greater potential resources.

It is evident that human trafficking for sexual purposes is part of the realm of violence against women. While human trafficking for sexual purposes can also include violence

Victim 10, 22 years old, Libya

Victim 10 was raped by traffickers more than once while she was being held in a camp. Women were threatened with a gun if they refused. She was raped twice by three men. Victim 10 was scared for her life.

Source: ‘Libya : new testimonies reveal horrors inflicted on refugees and migrants by traffickers’, *Amnesty UK*, 1 July 2016, available at: www.amnesty.org.uk/press-releases/libya-new-testimonies-reveal-horrors-inflicted-refugees-and-migrants-traffickers, last visited: 31 July 2017.

¹⁷³ ‘United Nations Convention Against Transnational Organized Crime And The Protocols Thereto’, United Nations Office on Drugs and Crime (2004), available at: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>, last visited: 19 July 2017, p. 1.

¹⁷⁴ *ibid.*, p. 44-49.

¹⁷⁵ ‘Resolution 2331’, Security Council (2016), available at: [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2331\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2331(2016)), last visited: 20 July 2017, p. 1.

¹⁷⁶ *ibid.*

¹⁷⁷ Healy, C., ‘Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons A Study of Syria, Turkey, Lebanon, Jordan and Iraq’, International Centre for Migration Policy Development (2015), available at: www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf, last visited: 19 June 2017, p. 60.

¹⁷⁸ ‘Counter-Trafficking’, *International Organisation for Migration*, undated, available at: www.iom.int/counter-trafficking, last visited: 20 July 2017.

against boys and men, the majority of the victims are women.¹⁷⁹ Traffickers around the world use rape and other types of sexual violence as a means of exerting control over their victims.¹⁸⁰ Testimony from Victim 10 illustrates how power and control are key pull factors for traffickers, as threats of violence are used to instil fear and subdue victims. It is no coincidence that these tactics mirror the use of sexual violence by terrorists. Both terrorists and traffickers resort to sexual violence for different reasons: while ideology often guides terrorists, the promise of financial gains is what drives traffickers. However, ideology may not be the only motivation for terrorists, given that some degree of overlap between the use of sexual violence by terrorists and traffickers exists (see Chapter 3).

The Overlap of Trafficking and Terrorism

There is a clear link between terrorists, criminals, and traffickers. A 2017 Europol report reveals that, in order to obtain funds, terrorists have typically resorted to organised crime tactics such as “money laundering, migrant smuggling, heroin and firearms trafficking, organised property crime and trafficking in human beings”.¹⁸¹ There is no further indication in the Interpol report about the role that sexual violence plays in facilitating this criminal activity.

Some national laws have hinted at the relationship between trafficking for sexual purposes and terrorism. Syria’s money-laundering law, legislative decree No. 33 of 2005¹⁸² establishes that anyone who is a participant of an operation to obtain illegal funds from a list of activities – which includes trafficking for purposes of prostitution – shall be subjected to a prison term from three to six years and a fine. Throughout the Decree, focus is placed on combatting terrorist-financing operations.¹⁸³ While a direct connection between terrorism and human trafficking is not established in the Decree, the acknowledgment that terrorists fund themselves through the acquirement of illegal funds opens the door to questioning whether prostitution and trafficking for sexual exploitation can be, as is the case in other illegal methods of obtaining money, a new option for terrorists. The interconnectivity between traffickers and terrorism is an important area for future study.

The most prominent acknowledgment of the nexus between trafficking for sexual purposes and terrorism appears in UNSCR 2331 (2016) which alludes to the fact that trafficking of women and girls is a critical component of financial inflows of some terrorists groups.¹⁸⁴ However, Resolution 2331 only briefly touches upon how sexual violence can be, and is, used as a source of revenue for both terrorists and traffickers. The UN recommends that the Counter-Terrorism Committee Executive Directorate address trafficking in persons for the purposes of funding terrorism.¹⁸⁵ The fact that terrorists and traffickers use sexual violence as a tactic to advance their own agendas has contributed to a blurring of boundaries between these realms, and has hinted at a gap in addressing this overlap in existing national and international legislation. It is significant how an increasing number of groups (not covered as case studies in this report) including the Taliban, Hezbollah, Maoist rebel groups in Nepal, guerrilla groups in Colombia, and militias in Congo,

¹⁷⁹ While numbers are very hard to come by due to the lack of systematic collection of data, victims of human trafficking are found to be mainly women. Reports from the United Nations Office on Drugs and Crime show that sex trafficking accounts for around 79% of the total human trafficking market. Women are visible victims, as shown by the exploitation of women as prostitutes in cities and along highways. See: ‘Human Trafficking FAQ’, *United Nations Office on Drugs and Crime*, undated, available at: https://www.unodc.org/unodc/en/human-trafficking/faqs.html#Who_are_the_victims_and_culprits_of_human_trafficking, last visited: 9 August 2017.

¹⁸⁰ Hepburn, S., ‘Sexual Assault—Tool of Power and Control in Sex Trafficking and Forced Labor.’ *Huffington Post*, 20 April 2017, available at: www.huffingtonpost.com/stephanie-hepburn/sexual-assault-tool-of-pow_b_9729060.html, last visited: 20 July 2017.

¹⁸¹ ‘European Union Serious And Organised Crime Threat Assessment: Crime In The Age Of Technology’, SOCTA (2017), available at: www.europol.europa.eu/newsroom/news/crime-in-age-of-technology-%E2%80%93-europol%E2%80%99s-serious-and-organised-crime-threat-assessment-2017, last visited: 20 July 2017, p. 55.

¹⁸² ‘Legislative Decree No. 33’, VERTIC, undated, available at: www.vertic.org/media/National%20Legislation/Syria/SY_Lg_Decree_33.pdf, last visited: 18 July 2017, p. 2.

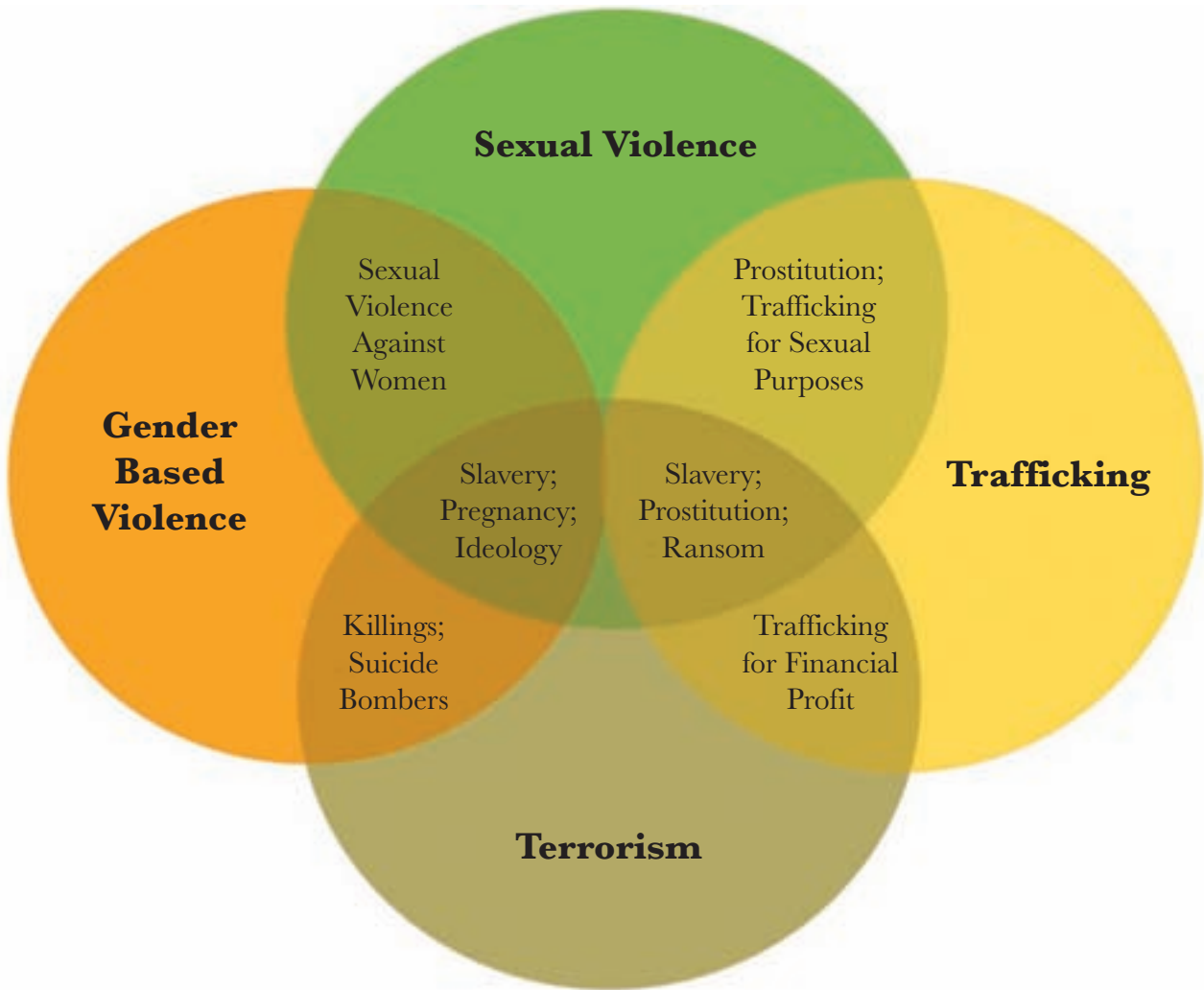
¹⁸³ *Ibid.*, p. 2.

¹⁸⁴ ‘Resolution 2331’, Security Council (2016), p. 2.

¹⁸⁵ *Ibid.*, p. 6.

Ivory Coast, and Sri Lanka, have turned to trafficking as another means of funding and recruiting new members, often children.¹⁸⁶ Some traffickers consciously engage in this activity to fund terrorism,¹⁸⁷ making this an important area for future study.

Figure 1: The Sexual Violence-Trafficking-Terrorism Nexus



Source: compilation of information in report

¹⁸⁶ Shelley, L., *Human Trafficking: A Global Perspective* (Cambridge University Press: 2010), p. 3.

¹⁸⁷ *ibid.*

Chapter 3: The Nexus of Sexual Violence, Trafficking, and Terrorism

The Nexus of Sexual Violence, Trafficking, and Terrorism

Crimes against the Yazidi community represent the most pressing and current example of terrorist organisations using modern day slavery and sexual violence to fund their activities. It is well established that IS is running an internal sexual market – offline and online – with Yazidi slaves,¹⁸⁸ but the extent to which IS is receiving inflows from traffickers and smugglers is still underexplored, and one that requires greater data collection and examination.

Ransom Payments

It is evident that the payment of ransom from Yazidi families for missing or abducted relatives has evolved into an additional source of funding for Islamic State. Insufficient data exists to paint an accurate picture of how financial flows operate in practice. However, it is evident that the payment of ransom from Yazidi families for missing or abducted relatives has evolved into an additional source of funding for Islamic State.

Anecdotal evidence indicates two avenues to secure the release of Yazidi captives. The first is rescue operations paid by Yazidi families and undertaken by smugglers without paying IS. The second is ransom payments by Yazidi families to IS through smugglers, who ask for extra fees to execute operations. However, boundaries are blurred as the majority of smugglers or middlemen vehemently deny paying IS.¹⁸⁹

In available cases, a ‘go-between’ or ‘middle man’ is regularly needed between IS and Yazidi families¹⁹⁰. This ‘go-between’ is usually an Arab tribesman, as language abilities and appearance aid in efforts to allow movements to go undetected.¹⁹¹ In order to blend in, smugglers carry Qurans and pretend to be fighters.¹⁹² One striking case was a smuggling network operating in Iraq, Syria and Turkey, run by a man named Abdullah, which managed to hire a man that lost an arm fighting for IS.¹⁹³ This man was the perfect decoy as he was able to carry out rescue operations without arising much suspicion due to his apparent allegiance to IS.¹⁹⁴

Many leaders of hostage rescue teams – including intermediates – claim smugglers are paid by Yazidi families to ‘steal’ their relatives from IS.¹⁹⁵ These smugglers are adamant that they do not pay IS to carry out these rescue operations directly.¹⁹⁶ An example is Khalil al-Dakhi, who has a network of contacts in Iraqi Kurdistan to rescue Yazidis. It is normally the case that Yazidi captives get in touch with him via telephones that smugglers introduce in IS territory.¹⁹⁷ He instructs women to escape during the night and enlists the

¹⁸⁸ Otten, C., ‘Slaves of Isis: the long walk of the Yazidi women’, *The Guardian*, 25 July 2017, available at: <https://www.theguardian.com/world/2017/jul/25/slaves-of-isis-the-long-walk-of-the-yazidi-women>, last visited: 28 July 2017.

¹⁸⁹ ‘Pbs Frontline Escaping ISIS’, *You Tube*, 6 January 2017, available at: <https://www.youtube.com/watch?v=He-FiCVbyRI>, last visited: 28 July 2017; Fache, W., ‘How this Yazidi man is saving IS captives’, *Al Monitor*, 9 June 2016, available at: <http://www.al-monitor.com/pulse/originals/2016/06/iraq-yazidi-smugglers-isis-captives.html#ixzz4nkKlhJq>, last visited: 28 July 2017.

¹⁹⁰ Fitzherbert, Y., ‘The most dangerous job in the world: The smugglers who rescue the women kidnapped by Isis’, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/>, last visited: 24 July 2017.

¹⁹¹ McBain, S., ‘The Price of a life’, *News Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

¹⁹² Fitzherbert, Y., ‘The most dangerous job in the world: The smugglers who rescue the women kidnapped by Isis’, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/>, last visited: 24 July 2017.

¹⁹³ *ibid.*

¹⁹⁴ *ibid.*

¹⁹⁵ McBain, S., ‘The Price of a life’, *News Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

¹⁹⁶ *ibid.*

¹⁹⁷ Goldhill, O., ‘This man risks his life every day to rescue kidnapped women from Islamic State’, *The Telegraph*, 8 July 2015, available at: <http://www.telegraph.co.uk/women/womens-life/11723360/Islamic-State-Meet-the-man-who-helps-kidnapped-women-escape-horrors.html>, last visited: 14 July 2017.

help of smugglers and intermediaries to guide them through a network of safe houses to exit IS-held territory.¹⁹⁸ The smugglers charge large sums to carry out these operations. Figures vary greatly, but are usually around \$10,000 in benefits for the smugglers (\$5,000 before the operation and \$5,000 upon completion), although some smugglers have charged up to \$50,000 to assist desperate families.¹⁹⁹ These figures indicate how lucrative a business these rescue missions can be. An increase in prices is directly linked to the risk of these operations,²⁰⁰ as smugglers are sometimes captured and killed by IS.²⁰¹ Abdullah, one of the negotiators in charge of a smuggling network, says that some smugglers who are caught in the process of rescuing Yazidis are beheaded by IS.²⁰²

These rescue operations are mainly funded by Yazidi families, however, the Kurdish Regional Government (KRG) has also facilitated rescue operations on several occasions.²⁰³ KRG officials confirmed that they paid around \$1.5 million to intermediaries in 2014 to free 234 Yazidi captives (150 women and 84 men), adding that the concern that intermediaries might pay money to IS was not of importance to them, because they cared about the safety and wellbeing of the victims.²⁰⁴ In the past, the KRG has paid \$10,000 to free two men, and \$20,000 to free five women, representing \$4,000-5,000 per person. The KRG has also stated on some occasions that a ransom was paid, while in others the money was used to facilitate the escape and transportation of victims – elaborating that transportation is more expensive than ransom.²⁰⁵ Another source of funding for Yazidi families comes from an initiative set up by Canadian businessman Steve Mamam to raise money online via crowdfunding to pay for ransoms.²⁰⁶ Mamam also pays middlemen to carry out these negotiations.²⁰⁷ One person associated with the Mamam’s crowdfunding campaign avoided answering the question of whether payments are made directly to IS, but argued that, in any case, payments represent an insignificant monetary contribution compared to the total funds of terrorist organisations.²⁰⁸ Revenue to IS from its two largest fiscal contributors – taxes and oil – was \$200-400 million and \$200-250 million respectively in 2016²⁰⁹. In comparison, kidnapping represented \$10-30 million of revenue in the same year (approximately 2-3% of total revenue)²¹⁰. However, reports by IHS Markit indicate that in 2017, average monthly oil revenue to IS decreased by 88%, and income from taxation decreased by 79%, compared to initial estimates in 2015.²¹¹ It is possible, moreover, that as revenues from other streams such taxation and oil decrease, revenue from hostage, ransoms, and modern day slavery may increase as IS struggles to hold onto its financial reserves.

¹⁹⁸ McBain, S., ‘The Price of a life’, *News Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

¹⁹⁹ Fitzherbert, Y., ‘The most dangerous job in the world: The smugglers who rescue the women kidnapped by Isis’, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/>, last visited: 24 July 2017.

²⁰⁰ *ibid.*

²⁰¹ Goldhill, O., ‘This man risks his life every day to rescue kidnapped women from Islamic State’, *The Telegraph*, 8 July 2015, available at: <http://www.telegraph.co.uk/women/womens-life/11723360/Islamic-State-Meet-the-man-who-helps-kidnapped-women-escape-horrors.html>, last visited: 14 July 2017.

²⁰² Fitzherbert, Y., ‘The most dangerous job in the world: The smugglers who rescue the women kidnapped by Isis’, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/>, last visited: 24 July 2017.

²⁰³ McBain, S., ‘The Price of a life’, *News Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

²⁰⁴ ‘Kurdish government gains freedom of Yazidi captives for \$1.5 million’, *RUDAW*, 4 November 2014, available at: <http://www.rudaw.net/NewsDetails.aspx?PageID=77227>, last visited: 28 July 2017.

²⁰⁵ *ibid.*

²⁰⁶ Plucinska, J., ‘Controversial campaign to buy back ISIS sex slaves hits funding milestone’, *Time*, 21 August 2015, available at: <http://time.com/4005921/ransom-yazidi-women-isis-sex-slaves/>, last visited: 28 July 2017.

²⁰⁷ *ibid.*

²⁰⁸ Rubin, S., and Wolf, M., ‘How to buy a slave girl from ISIS’, *The Daily Beast*, available at: <http://www.thedailybeast.com/how-to-buy-a-slave-girl-from-isis>, last visited: 28 July 2017.

²⁰⁹ Heiber et al. ‘Caliphate in Decline: An Estimate of Islamic State’s Financial Fortunes’, ICSR, 2017, available at: <http://icsr.info/wp-content/uploads/2017/02/ICSR-Report-Caliphate-in-Decline-An-Estimate-of-Islamic-States-Financial-Fortunes.pdf>, last visited: 22 August 2017.

²¹⁰ *ibid.*

²¹¹ ‘Islamic State Territory Down 60 Percent and Revenue Down 80 Percent on Caliphate’s Third Anniversary’, IHS Markit, 29 June 2017, available at: <http://news.ihsmarkit.com/press-release/aerospace-defense-security/islamic-state-territory-down-60-percent-and-revenue-down-80>, last visited 22 August 2017.

The most contentious issue revolves around whether smugglers or negotiators pay IS directly. Al-Qaidi, the leader of one of the rescue networks, insists that they do not pay IS.²¹² However, some available evidence contradicts this claim, with some sources suggesting that negotiators or smugglers pay IS directly and others denying this. A negotiator named Khaleel has confessed that he, in fact, receives calls directly from IS fighters.²¹³ These fighters demand that Yazidi families pay a ransom for their relatives in IS captivity, and they threaten to sell them to other fighters if they refuse to do so.²¹⁴ Khaleel is adamant that the money is paid to the contacts who help the women escape and not to IS,²¹⁵ but this statement is at odds with his confession that IS members reach out directly to him. Moreover, Kurdish authorities believe that some negotiators pay IS directly.²¹⁶ Other examples seem to confirm the theory that smugglers pay IS directly. For instance, a Kurdish smuggler working for Abdullah’s network was killed before delivering \$17,500 to IS.²¹⁷ Given that the total sum that the Yazidi family in question paid was of \$35,000,²¹⁸ the smuggler would likely have kept half of the total price of the ransom, and given the rest to IS. Abdullah indeed recognises that, while the majority of money goes to smugglers, some money ultimately ends up in IS’ hands.²¹⁹ Another example is Abu Majed, who paid \$18,000 to an Arab middleman who promised to buy his daughter from IS.²²⁰

According to some sources, smugglers “buy a Yazidi girl from her enslaver, who himself bought her from someone else or received her as a gift and is unaware that the new buyer is a smuggler”.²²¹ In these cases, smugglers defend themselves by arguing that they do not pay IS directly, but rather pay people who practise slavery freely.²²² Reports from the UN Assistance Mission for Iraq (UNAMI) reveal that IS sold Yazidi slaves to local men in the district of Al Quds in Mosul.²²³ One escapee has revealed that her jihadist forced husband posted on Facebook that he wanted to sell her for £20,000, so her family paid a smuggler to facilitate the transaction.²²⁴ However, this suggests that IS fighters are allowed to sell Yazidi women to people that are not members of IS. This contradicts declarations made by a leader of one of the hostage rescue networks, who emphasises that money cannot go directly to IS, because IS only sells slaves to other IS members, indicating some element of intra-group transfer prior to payment.²²⁵

Sufficient evidence does not exist to ascertain how the ransom system works with accuracy. Firstly, it is not clear if, and under what conditions, IS can sell Yazidi women to non-members of IS. While it seems that the sale of women is only permitted within the group, the lack of information surrounding the escape of some Yazidis seems to counter such claims. Secondly, a related question is whether IS members reach out

²¹² McBain, S., ‘The Price of a life’, *New Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

²¹³ ‘Pbs Frontline Escaping ISIS’, *YouTube*, 6 January 2017, available at: <https://www.youtube.com/watch?v=He-FiCVbyRI>, last visited: 28 July 2017.

²¹⁴ *ibid.*

²¹⁵ *ibid.*

²¹⁶ ‘Yazidi hostages are big business for IS group’, *France 24*, 24 June 2016, available at: <http://www.france24.com/en/20150624-iraq-sinjar-is-group-kidnappings-hostages-yazidis-ransoms>, last visited: 24 July 2017.

²¹⁷ Fitzherbert, Y., ‘The most dangerous job in the world: The smugglers who rescue the women kidnapped by Isis’, *The Telegraph*, available at: <http://www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/>, last visited: 24 July 2017.

²¹⁸ *ibid.*

²¹⁹ *ibid.*

²²⁰ McBain, S., ‘The Price of a life’, *New Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 24 July 2017.

²²¹ Fache, W., ‘How this Yazidi man is saving IS captives’, *Al Monitor*, 9 June 2016, available at: <http://www.al-monitor.com/pulse/originals/2016/06/iraq-yazidi-smugglers-isis-captives.html#ixzz4nkKlhJq>, last visited: 28 July 2017.

²²² *ibid.*

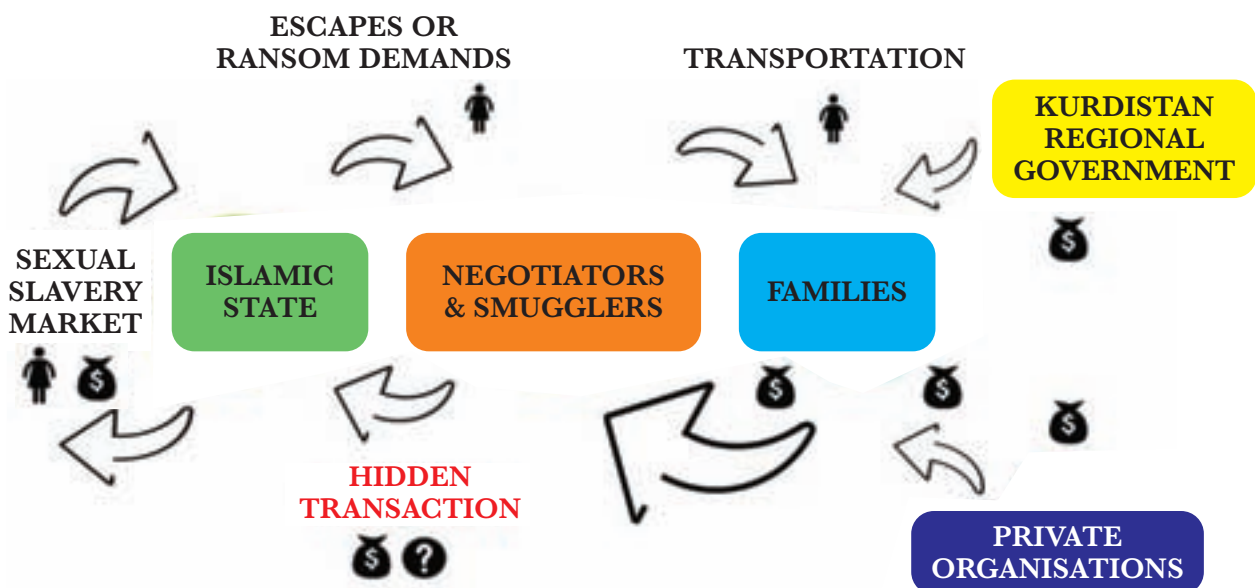
²²³ Puttick, M., ‘No place to turn: Violence against women in the Iraq conflict’, *Minority Group International and Ceasefire Centre for Civilian Rights* (2015), available at: <http://minorityrights.org/wp-content/uploads/2015/10/ceasefire-report-no-place-to-turn.pdf>, last visited: 31 July 2017, p. 32.

²²⁴ Redfern, C., ‘ISIS sold me on Facebook’, *Grazia*, 1-7 August 2017, p. 24.

²²⁵ ‘Yazidi hostages are big business for IS group’, *France 24*, 24 June 2016, available at: <http://www.france24.com/en/20150624-iraq-sinjar-is-group-kidnappings-hostages-yazidis-ransoms>, last visited: 24 July 2017. Jenan Moussa, a journalist for Akhbar, has investigated sex markets run by IS. Testimonies from her interviews indicate how IS members would buy slaves for \$1,000 and then sell them for \$3,000 to make a profit. A Telegram channel exists in which several members of IS are present, where they upload pictures of slaves with good clothes and make up for bidding. IS members would sometimes buy slaves nice clothes and make up so they can sell them for better prices. Some IS members demanded to see slaves naked before buying them, while others would buy them online. In Raqqa, a live market for slaves existed. See: Moussa, J., ‘1/ When I was in Syria, ISIS women told me how Yazidi slaves had to endure virginity tests, rapes & jealous ISIS wives. Thread in English’, *Twitter*, 3 August 2017, available at: <https://twitter.com/jenanmoussa/status/893182653767319552>, last visited: 10 August 2017.

directly to families or negotiators to re-sell Yazidis. This is reflected in the aforementioned case of the negotiator, Khaleed, who was contacted directly by a fighter.²⁸⁶ If fighters are reaching out directly to negotiators, that would transform risky rescue operations without the captors’ knowledge to simple transactions. However, the fact that negotiators deny paying IS directly leaves a missing link in this ransom scheme. While the killing of smugglers would suggest that IS has not agreed to transactions, some other cases suggest that smugglers do pay IS in some capacity. This is an ongoing situation, as illustrated by the recent nature of the aforementioned examples of rescue and smuggling networks involved in the escape of Yazidi slaves (2014-2016). While terrorists seem to be driven by ideological reasons (see Chapter 1), the fact that they seem to be asking for ransom payments points to a new source of revenue for terrorism that is directly linked with sexual violence. It is important to note, moreover, that as IS is not a monolithic group or state in the traditional sense, it is unlikely to have been able to enforce uniform rules on all its members or affiliated personnel and, as such, there will likely be different practices depending on region. Nonetheless, it is critical to map hidden benefits to terrorists from trafficking individuals, as illustrated by the diagrams below.

Figure 2: Financial flows to Islamic State resulting from the sexual slavery market



Source: compilation of information in report

²⁸⁶ Pbs Frontline Escaping ISIS', *YouTube*, 6 January 2017, available at: <https://www.youtube.com/watch?v=He-FiCVbyRI>, last visited: 28 July 2017.

“TRAFFICKING TERROR”

Table 5 below maps an indicative sample of a much larger population – using a selection of 16 cases to illustrate the ransom payments made available to IS.

Table 5: Ransom Payments to Islamic State

Price (US\$)	Number of slaves	Where	Type	Smugglers/ Intermediaries	Money goes to IS
18,000	1	Raqqa	Payment	Yes	Yes ²²⁷
11,000	1	Online	Online advert	No	No ²²⁸
6,500	1	N/A	Rescue operation	N/A	N/A ²²⁹
20,000	1	N/A	Payment	N/A	N/A ²³⁰
35,000	2	Raqqa	Payment	Yes	Yes ²³¹
20,000	1	Facebook	Payment	Yes	Yes ²³²
20,000	1	Facebook	Online advert	N/A	N/A ²³³
10,000	1	Facebook	Online advert	N/A	N/A ²³⁴
7,500	1	N/A	Payment	Yes	Yes ²³⁵
6,000	1	N/A	Ransom demand	N/A	N/A ²³⁶
9,000	1	N/A	Online advert	N/A	N/A ²³⁷
45,000	1	Raqqa	Ransom demand	Yes	N/A ²³⁸
200	1	N/A	Internal IS market	No	Yes ²³⁹
12,000	1	N/A	Payment	Yes	Yes ²⁴⁰
8	1	N/A	Internal IS market	No	Yes ²⁴¹
Total money to IS (yes only)			\$127,708		
Total money to IS (yes and N/A)			\$244,208		

NB: ‘Ransom demand’ may not be paid yet, and the answer ‘Yes’ may include a smuggler’s fee.

²²⁷ McBain, S., ‘The Price of a Life’, *New Statesman*, 31 May 2016, available at: <http://www.newstatesman.com/world/2016/05/price-life>, last visited: 17 August 2017.

²²⁸ *ibid.*

²²⁹ *ibid.*

²³⁰ *ibid.*

²³¹ BBC, ‘Smugglers Help Enslaved Yazidis Escape Islamic State’, *BBC*, 18 August 2015, available at: <http://www.bbc.co.uk/news/world-middle-east-33964147>, last visited: 18 August 2017.

²³² Redfern, C., ‘ISIS sold me on Facebook’, *Grazia*, 639 (2017), pp.1-100, p.24.

²³³ *ibid.*, p.24.

²³⁴ *ibid.*, p.24.

²³⁵ BBC, ‘Smugglers Help Enslaved Yazidis Escape Islamic State’, *BBC*, 18 August 2015.

²³⁶ *ibid.*

²³⁷ Damon, A., Alkshali, H., and Jones, B., ‘Meet the Man Saving Yazidi Slaves from ISIS’, *CNN*, 2 June 2016, available at: <http://edition.cnn.com/2016/06/02/middleeast/saving-yazidi-captives-from-isis/index.html>, last visited: 17 August 2017.

²³⁸ Fitzherbert, Y., ‘The Most Dangerous Job in the World: The Smugglers who Rescue the Women Kidnapped by Isis’, *The Telegraph*, 27 August 2016, available at: www.telegraph.co.uk/news/2016/08/27/the-most-dangerous-job-in-the-world-the-smugglers-who-rescue-the/, last visited: 17 August 2017.

²³⁹ Ensor, J., ‘I Got Four Yazidi Virgins as Part of my Isis Salary and had Sex with a Different One Every Night’, *The Telegraph*, 31 July 2017, available at: www.telegraph.co.uk/news/2017/07/31/quivering-isis-suspects-face-investigations-court-mosul-atrocities/, last visited: 17 August 2017.

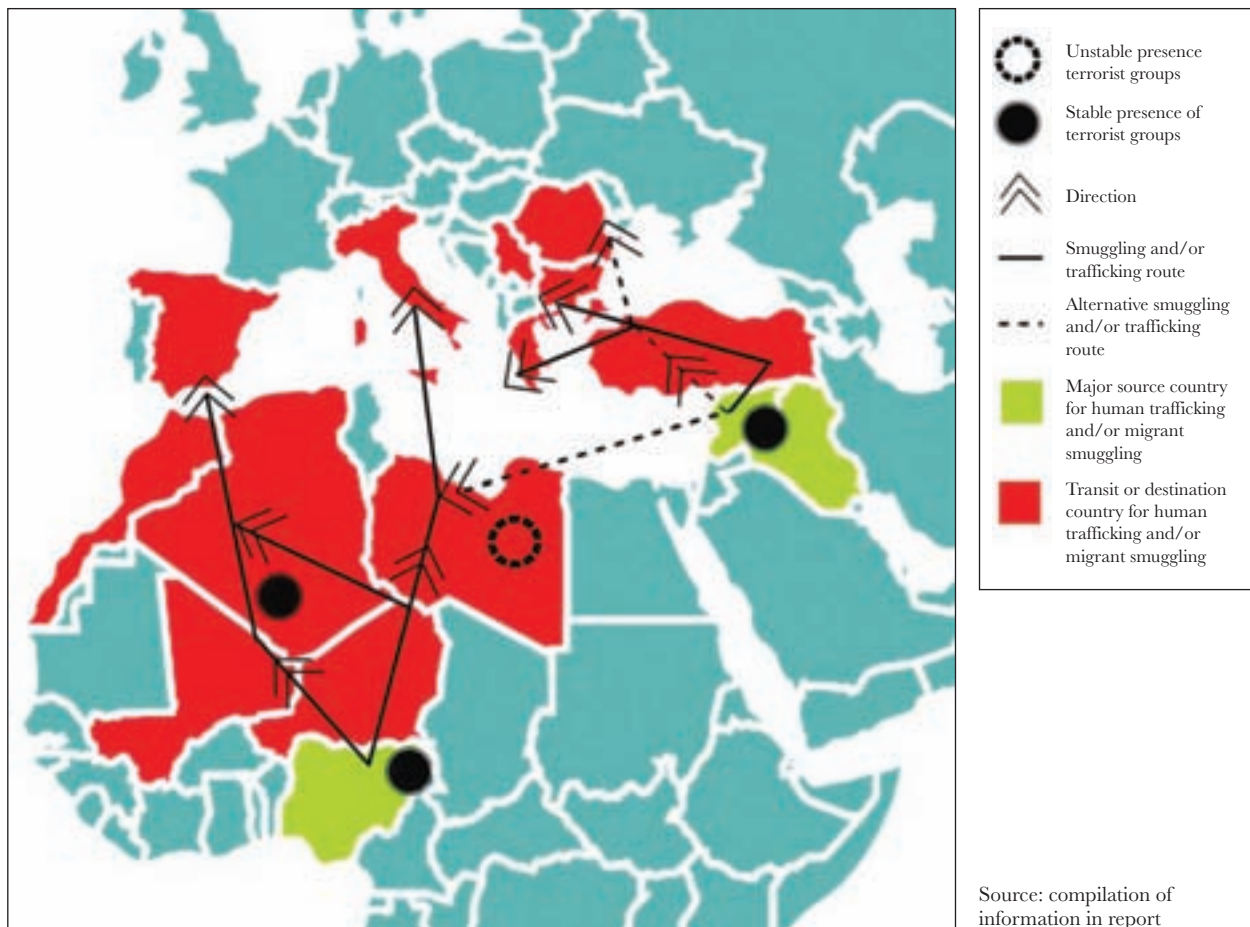
²⁴⁰ Ensor, J., ‘I Cried For my Family Every day’, Says Six-Year-Old Slave Freed From Isis Captors’, *The Telegraph*, 22 June 2017, available at: www.telegraph.co.uk/news/2017/06/22/treated-badly-reveals-six-year-old-slave-freed-isis-family/, last visited: 17 August 2017.

²⁴¹ Quéré, J., ‘Esclaves de Daesh: le témoignage de Jinan “pour sauver les femmes yézidiennes captives”’, *BMFTV*, 2 September 2015, available at: www.bfmtv.com/international/esclaves-de-daesh-le-temoignage-de-jinan-pour-sauver-les-femmes-yezidiennes-captives-911758.html, last visited: 17 August 2017.

Routes employed by Human Traffickers into Europe

While insufficient evidence exists to determine trafficking routes with precision, some evidence highlights the intersection between trafficking and conflict. Indeed, the 2016 Global Report of Trafficking in Persons from UNODC stresses the extent to which “conflict and persecution-driven trafficking along some migration routes” is becoming an emerging issue.²⁴² Moreover, human trafficking and smuggling of migrants is conflated along some of these routes. Europol – the agency which supports cooperation among law enforcement authorities in the European Union (EU) – warns that the intersection between human trafficking and migrant smuggling includes sexual and labour exploitation, although for the moment the exploitation of migrants in the routes entering the EU has largely focused on labour purposes.²⁴³ Indeed, a joint study between Europol and Interpol predicts that the link between migrant smuggling and human trafficking is likely to remain in the future²⁴⁴, and may grow as more individuals exit IS. Europol further recognises the potential of terrorists using migrant smuggling routes in Europe for their own benefit, although the focus of the report is on the operative possibilities for terrorists using routes to commit attacks,²⁴⁵ rather than the links between trafficking for sexual purposes and terrorism. It is important to note that this angle has not been properly examined, and should be an area of data collection and analysis in the future.

Figure 3: Routes used by Traffickers



²⁴² ‘Global Report of Trafficking in Persons’, United Nations Office on Drugs and Crime (2016), available at: https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf, last visited: 19 June 2017, p. 118.

²⁴³ ‘European Union Serious and Organised Crime Threat Assessment. Crime in The Age of Technology’, Europol (2017), available at: <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment-2017>, last visited: 2 August 2017, p. 53.

²⁴⁴ ‘Migrant Smuggling Networks’, Europol and Interpol (2016), available at: https://emnbelgium.be/sites/default/files/publications/ep-ip_report_executive_summary.pdf, last visited: 2 August 2017, p. 11.

²⁴⁵ *ibid.*

Nigeria-Niger-Libya-Italy/ Nigeria-Mali-Algeria-Spain

Disputes over the border between Nigeria and Niger have contributed to the creation of a trafficking route for sexual purposes that was in use as early as 2008.²⁴⁶ The route for prostitution starts in the south of Nigeria and goes through Niger and Libya before reaching Europe.²⁴⁷ Evidence indicates that Boko Haram has not directly engaged in selling women to traffickers, but some links between trafficking and terrorism in this route exist. For example, some women who were displaced as a result of Boko Haram activity ended up being captured by traffickers, who forced them to prostitute themselves.²⁴⁸ Indeed, there is one case of a woman who was taken by Boko Haram as a sex slave and then was forced to resort to prostitution to survive.²⁴⁹ Reports indicate that female escapees from Boko Haram are subject to a multitude of abuses, and are often raped both during attacks, and again when they find themselves in camps for internally displaced persons (IDPs).²⁵⁰ Thus, the interconnections between trafficking and terrorism are evident in the case of Boko Haram, and the proximity of human trafficking routes are a potential resource that terrorists may turn to if the circumstances apply. There is no reason not to believe that other terrorist groups may also utilise this route in the future.

An alternative route goes from Nigeria through Niger and via Gao, in Mali. Gao is one of the most important trafficking city hubs in the region, where the human and drug trade continue to prosper.²⁵¹ It should be noted that the north of Mali has a stable presence of jihadist groups, especially Ansar Dine, which in 2017 merged with Al Qaeda in the Islamic Maghreb's (AQIM) Sahara Region, Al-Murabitoun, and the Macina Liberation Front (Katiba Macina) to create *Jama'at Nusrat ul-Islam wal-Muslimeen* (JNIM), or the Group for the Support of Islam and Muslims.²⁵² According to reports by the US Department of State (DoS) the militant groups that seized parts of Mali in 2012 sexually exploited women and married them to militants.²⁵³ This worrying pattern is also seen in Boko Haram and Islamic State. It is important to note that Mali is also a transit country for trafficking for sexual purposes.²⁵⁴ However, the most clear connection is between the drug trade and terrorism²⁵⁵, as jihadist groups have collaborated with local tribes in order to participate in drug trafficking.²⁵⁶ To a lesser extent, JNIM has also obtained profits by taxing or trafficking people into the region.²⁵⁷ Additional reports confirm that AQIM, now part of JNIM, has resorted to human trafficking as a source of funding,²⁵⁸ but the lack of consistent monitoring is an obstacle to understanding whether trafficking for sexual purposes is a significant source of revenue for these groups. The boundaries

²⁴⁶ 'Porous borders aid human trafficking', *IRIN*, 21 May 2008, available at: <http://www.irinnews.org/news/2008/05/21/porous-border-aids-human-trafficking>, last visited: 1 August 2017.

²⁴⁷ *Ibid.*

²⁴⁸ Ferguson, S., 'Fleeing Boko Haram, and tricked into prostitution', *Unicef USA*, 29 July 2017, available at: <https://www.unicefusa.org/stories/fleeing-boko-haram-and-tricked-prostitution/32525>, last visited: 1 August 2017.

²⁴⁹ Obaji, P. Jr., 'How Boko Haram's sex slaves wind up as sex workers in Europe', *The Daily Beast*, 23 February 2017, available at: <http://www.thedailybeast.com/how-boko-harams-sex-slaves-wind-up-as-sex-workers-in-europe>, last visited: 1 August 2017.

²⁵⁰ *Ibid.*

²⁵¹ Smith, A.D., 'Inside Mali's human trafficking underworld in Gao', *BBC*, 21 April 2015, available at: <http://www.bbc.co.uk/news/world-africa-32359142>, last visited: 1 August 2017.

²⁵² Nsaibia, H., 'Jihadist Groups In The Sahel Region Formalize Merger', *Jihadology*, 27 March 2017, available at: <http://jihadology.net/2017/03/27/guest-post-jihadist-groups-in-the-sahel-region-formalize-merger/>, last visited: 28 July 2017.

²⁵³ '2015 Trafficking in Persons Report- Mali Tier 2', *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2015, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2015/243487.htm>, last visited: 15 June 2017.

²⁵⁴ '2016 Trafficking in Persons Report- Mali Tier 2', *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2016, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258816.htm>, last visited: 1 August 2017.

²⁵⁵ Thompson, G., 'Trafficking in Terror', *The New Yorker*, 14 December 2015, available at: <http://www.newyorker.com/magazine/2015/12/14/trafficking-in-terror>, last visited: 1 August 2017.

²⁵⁶ Duffy, M., 'The Sahel, Libya, and the crime-terror nexus', *Foreign Policy Journal*, 30 October 2015, available at: <https://www.foreignpolicyjournal.com/2015/10/30/the-sahel-libya-and-the-crime-terror-nexus/>, last visited: 3 August 2017.

²⁵⁷ *Ibid.*

²⁵⁸ Rubin, J., 'Al-Qaeda affiliate flexing its muscles in the Maghreb', *The Washington Post*, 6 November 2011, available at: https://www.washingtonpost.com/blogs/right-turn/post/al-qaeda-affiliate-flexing-its-muscles-in-the-maghreb/2011/11/05/gIQANMbDqM_blog.html?utm_term=.cb07d03ba744, last visited: 1 August 2017.

between terrorists, organised crime, and trafficking – terrorists engage in oil²⁵⁹ and drug smuggling,²⁶⁰ organ harvesting²⁶¹, and sexual slavery²⁶² – is becoming increasingly blurred (see Table 6 for how sexual violence is employed by criminals, traffickers, and terrorists).

The final destination for many traffickers is Europe, usually through the ports of Spain and Italy.²⁶³ Libya, Algeria, and Morocco act as transit countries.²⁶⁴ Having established human trafficking routes near the areas of operation of several terrorist groups means that these can be utilised relatively easily, taking into account the fact that terrorists already adopt trafficking techniques in their modus operandi (see Chapter 1). In the future, continued monitoring of these routes by international organisations such as Interpol, Europol, and Frontex is necessary in order to ascertain whether terrorist groups can gain control over more routes in the future. Monitoring of routes should go hand in hand with an analysis of the increasing or decreasing territorial capabilities of terrorists, as severe losses in territory and the funding that comes with it can result in terrorists resorting to alternative sources of profit, such as human trafficking and the selling of slaves.

Iraq/Syria-Turkey-Greece

The traditional migration route from countries in the Middle East through Turkey into Europe as a final destination has become more congested since the war erupted in Syria in 2011.²⁶⁵ A study by the IOM indicated that 82% and 86% of Syrians transited in Turkey on their way to Europe in 2016 and 2017 respectively, while the remaining 16% stopped in Lebanon as a first point of entry in 2016.²⁶⁶ From Turkey, migrants progress into mainland Europe through Greece or Bulgaria.²⁶⁷ A joint report by Europol and Interpol revealed that migrants are at risk of being exploited by criminal networks, including for the purposes of sexual trafficking.²⁶⁸ Moreover, concerns exist that terrorists are using migrant smuggling as means of funding, by charging migrants to reach Europe.²⁶⁹ According to some sources, IS has attacked refugee camps in the border between Syria and Jordan to increase the number of refugees fleeing from these areas, and tax them on their journeys on smuggling routes that are controlled by IS.²⁷⁰ Indeed, an alternative escape route from Syria is through a ‘trafficking chain’ that goes from Lebanon to Libya.²⁷¹ Hence, the proximity of IS to this trafficking route is a factor that should be more closely monitored in the future. As the territorial base of IS is in Syria and Iraq, it can be argued that significant losses in territory will push the group to increasingly facilitate transport or illegal entry of people into other countries, in order to make a profit.

²⁵⁹ ‘How Organized Crime and Terror are linked to Oil Smuggling along Turkey’s Borders’, *Global Initiative*, 6 July 2017, available at: <http://globalinitiative.net/how-organized-crime-and-terror-are-linked-to-oil-smuggling-along-turkeys-borders/>, last visited: 3 July 2017.

²⁶⁰ Duffy, M., ‘The Sahel, Libya, and the crime-terror nexus’, *Foreign Policy Journal*, 30 October 2015, available at: <https://www.foreignpolicyjournal.com/2015/10/30/the-sahel-libya-and-the-crime-terror-nexus/>, last visited: 2 August 2017.

²⁶¹ Speckhard, A., ‘ISIS Defector Reports on the Sale of Organs Harvested from ISIS-held ‘Slaves’’, *Huffington Post*, 1 April 2016, available at: http://www.huffingtonpost.com/anne-speckhard/isis-defector-reports-on-sale-of-organs_b_8897708.html, last visited: 3 August 2017.

²⁶² See Case Study: Yazidis and Islamic State in this report.

²⁶³ ‘Las rutas hacia España de la trata de personas’, *El País*, 17 April 2017, available at: https://elpais.com/elpais/2017/04/11/media/1491925836_905461.html, last visited: 1 August 2017.

²⁶⁴ *ibid.*

²⁶⁵ Conant, E., ‘The World’s Congested Human Migration Routes in 5 Maps’, *National Geographic*, available at: <http://news.nationalgeographic.com/2015/09/150919-data-points-refugees-migrants-maps-human-migrations-syria-world/>, last visited: 2 August 2017.

²⁶⁶ ‘Mixed migration flows in the Mediterranean and beyond’, International Organisation for Migration (2017), available at: http://migration.iom.int/docs/Flow_Monitoring_Surveys_Analysis_June_2017.pdf, last visited: 2 August 2017, p. 7.

²⁶⁷ ‘Migrant Smuggling Networks’, Europol and Interpol (2016), available at: https://emnbelgium.be/sites/default/files/publications/ep-ip_report_executive_summary.pdf, last visited: 2 August 2017, p. 6.

²⁶⁸ *ibid.*, p. 10.

²⁶⁹ ‘Migrant smuggling in the EU’, Europol (2016), available at: http://www.euractiv.ro/documente/migrant-smuggling__europol_report_2016.pdf, last visited: 2 August 2017, p. 12.

²⁷⁰ Walt, V., ‘ISIS makes a fortune from smuggling migrants says report’, *Time*, 13 May 2015, available at: <http://time.com/3857121/isis-smuggling/>, last visited: 2 August 2017.

²⁷¹ ‘Libya: a growing hub for Criminal Economies and Terrorist Financing in the Trans-Sahara’, The Global Initiative Against Transnational Organised Crime, available at: http://www.ac-grenoble.fr/lycee/berthollet.annecy/IMG/pdf/libya_criminal_economies_in_the_trans-sahara_-_may_2015.pdf, last visited: 4 August 2017, p. 8.

The Black Sea Route

Between 2015 and 2016, approximately one million people, made up largely of Syrian, Iraqi, and Afghan nationalities, entered Europe through Greece.²⁷² From this point, they transited from Greece into Macedonia (sometimes referred to as the Former Yugoslav Republic of Macedonia (FYROM), Serbia, and Hungary.²⁷³ The flow of migrants has been so large that Hungary has tested an electrified ‘smart fence’ on its border with Serbia to alert police when the border is breached.²⁷⁴ It is clear that as monitoring of the inflow of migrants has increased, so too has the evolution of traditional migrant smuggling routes from Turkey to Greece. As a result, migrants have begun to use an alternative route through the Black Sea, through Romania, Serbia, and Bulgaria.²⁷⁵ According to Romanian police, the number of migrants using this route has increased fivefold since 2016.²⁷⁶ In 2017, Romanian authorities arrested 69 Iraqi migrants trying to reach Romania by land with the help of Bulgarian and Cypriot smugglers.²⁷⁷ At the present time, it is not clear whether there is any terrorist presence on this route.

The Case of Libya: The Intersection between Terrorism and Trafficking

Libya is a critical point in the trafficking route to Europe. A survey carried out by the IOM reveals that 91% of migrants surveyed who took the Central Mediterranean route to arrive in Italy were subjected to experiences of human trafficking in Libya – including, for example, being forced to work without payment, being approached with offers of arranged marriage or organ sales, or being threatened with sexual violence.²⁷⁸ 26% of all participants confessed to having witnessed threats of sexual violence in Libya (95% of the cases), Niger (2%) and Algeria (1%).²⁷⁹ These countries coincide with the routes outlined in the previous section. While the nationalities of the individuals who participated in the IOM survey are varied and not limited to the countries examined in this report (Syria, Iraq, Nigeria, Turkey, and Libya),²⁸⁰ the findings are still indicative of how Libya has emerged as a primary hub of human trafficking.

With reference to Islamic State, in 2016 one migrant smuggler confessed that he received a call from an IS member in Libya in 2016, who offered \$40,000 in exchange for shipping 25 people in a boat to Europe.²⁸¹ The same smuggler, who refused the offer, revealed that such calls had become more

Victim 11, 24 years old, Libya

Victim 11 was captured by Islamic State fighters while travelling on a migrant smuggling route. She was later sold to a fighter for an unknown sum. He raped her repeatedly.

Source: ‘Special Report: Enslaved in Libya - One woman's extraordinary escape from Islamic State’, *Reuters*, 18 August 2016, available at: <http://www.reuters.com/article/us-europe-migrants-slave-special-report-idUSKCN10T137>, last visited: 3 August 2017.

²⁷² Smith, A.L., ‘Migrant traffickers taking Black Sea route to evade detection’, *The Times*, 15 August 2017, available at: <https://www.thetimes.co.uk/edition/world/migrant-traffickers-taking-black-sea-route-to-evade-detection-j0qnpr35b>, last visited: 18 August 2017.

²⁷³ *ibid.*

²⁷⁴ Zivanovic, M., ‘Hungarian Border ‘Smart Fence’ Violates Rights, says NGO’, *Balkan Insight*, 4 July 2017, available at: <http://www.balkaninsight.com/en/article/hungarian-smart-fence-opposes-eu-values-ngo-says-07-04-2017-1>, last visited: 21 August 2017.

²⁷⁵ Robinson, B., ‘MAPPED: The new back door route migrants are taking to reach Europe’, *The Express*, 16 August 2017, available at: <http://www.express.co.uk/news/world/841925/migrants-EU-back-door-smugglers-people-traffickers-black-sea-new-route>, last visited: 18 August 2017.

²⁷⁶ *ibid.*

²⁷⁷ Smith, A.L., ‘Migrant traffickers taking Black Sea route to evade detection’, *The Times*, 15 August 2017, available at: <https://www.thetimes.co.uk/edition/world/migrant-traffickers-taking-black-sea-route-to-evade-detection-j0qnpr35b>, last visited: 18 August 2017.

²⁷⁸ The survey consisted of a series of questions and indicators that, if answered positively, serve to determine whether human trafficking is taking place. See: ‘Analysis: Flow Monitoring Surveys The Human Trafficking And Other Exploitative Practices Prevalence Indication Survey April 2017’, International Organisation for Migration (2017), available at:

http://migration.iom.int/docs/Analysis_Flow_Monitoring_and_Human_Trafficking_Surveys_in_the_Mediterranean_and_Beyond_26_April_2017.pdf, last visited: 2 August 2017, p. 2.

²⁷⁹ *ibid.*, p. 3.

²⁸⁰ *ibid.*

²⁸¹ Paton Walsh, N., ‘How terror is infiltrating the migrant route’, *CNN*, 26 May 2016, available at: <http://edition.cnn.com/2016/05/26/middleeast/libya-isis-europe-doorstep/index.html>, last visited: 3 August 2017.

common.²⁸² According to Libyan residents, a UN report, and a US official, IS may tax “smugglers in exchange for a safe passage”.²⁸³ Contradicting this claim is a 2017 report that argues that migrant smugglers in the region of Sabratha in Libya perceived IS as a threat to their business.²⁸⁴ The same report concludes that internal divisions and lack of control over the Libyan coast was what ultimately stood in the way of IS gaining control over human smuggling routes.²⁸⁵ At the very least, these pieces of evidence hint at an awareness amongst terrorist groups of the potential of exploiting smuggling tactics and routes for their own ends. Since mid-2015, Islamic State has reportedly captured 63 women in Libya and sexually abused them.²⁸⁶ This mirrors practices in the countries of origin of Syria and Iraq, as shown by the testimony of Victim 11, although a sexual market of the extent revealed in Syria and Iraq has not been identified in Libya. After the loss of Sirte in December 2016, previously IS’s main stronghold in Libya, IS fighters regrouped in the desert valleys southeast of Tripoli, albeit in a looser and less structured manner, as they now operate in sleeper cells.²⁸⁷ Arguably, the lack of a stable operational base prevents IS from gaining control over smuggling routes and engaging in sexual slavery. However, the fact that IS in Libya has replicated the pattern of enslaving women, who were sometimes caught along migrant routes (see the testimony of Victim 11), in a manner reminiscent of how traffickers capture their victims (see testimony of Victim 10) and is indicative of the nexus between sexual violence, trafficking, and terrorism (see Figure 1).

²⁸² *ibid.*

²⁸³ ‘Special Report: Enslaved in Libya - One woman’s extraordinary escape from Islamic State’, *Reuters*, 18 August 2016, available at: <http://www.reuters.com/article/us-europe-migrants-slave-special-report-idUSKCN10T137>, last visited: 3 August 2017.

²⁸⁴ Micallef, M., ‘The human conveyor belt: trends in human trafficking and smuggling in post-revolution Libya’, *The Global Initiative Against Transnational and Organised Crime* (2017), available at: <http://globalinitiative.net/wp-content/uploads/2017/03/global-initiative-human-conveyor-belt-human-smuggling-in-libya-march-2017.pdf>, last visited: 3 August 2017, p. 15.

²⁸⁵ *ibid.*

²⁸⁶ ‘Libya: Office to Monitor and Combat Trafficking in Persons 2017 Trafficking in Persons Report Special Case’, *US Department of State*, 2017, available at: www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm, last visited: 28 July 2017.

²⁸⁷ Lewis, A., ‘Islamic State shifts to Libya’s desert valleys after Sirte defeat’, *Reuters*, 10 February 2017, available at: <http://www.reuters.com/article/us-libya-security-islamicstate-idUSKBN15PIGX>, last visited: 3 July 2017.

Table 6: The Use of Sexual Violence by Criminals, Traffickers, and Terrorists

	Traffickers	Terrorists	Criminal Gangs
Financial Incentive	YES Prostitution	YES Ransom Slave auctions Recruits	YES Prostitution Recruits
Other Incentives	Power & Control	Incentive for new recruits	Increase status of gang
Misogyny	YES	YES Misogyny is a partial explanation. ²⁸⁸	YES Women tend to be seen as sexual objects. The gang itself is a “hyper masculine environment”. ²⁸⁹
Religion / Ideology	Religion may or may not add a ‘group identity’ but is not a defining component	Goals are often intertwined with religion or certain ideologies In the case of the sexual violence against the Yazidis, IS have used religion as a justification.	Religion may or may not add a ‘group identity’ but is not a defining component
Perception	Perceived as criminals	Perceived as terrorists	Perceived as criminals
Conduct	Will often repeatedly abuse the victims in question. Often done by multiple perpetrators.	Will often repeatedly abuse the victims in question. Often done by multiple perpetrators.	Will sometimes repeatedly abuse the victims in question. Often done by multiple perpetrators. Because it is done in public, bears resemblance to conflict zones. ²⁹⁰
Victims	Women of lower socio-economic status, vulnerable individuals.	Tends to be women of other religions. Examples would include violence against the Yazidis.	Female gang members are at risk. However, anyone can be the subject of rape.
Punishment under British law	Maximum sentence is 14 years imprisonment, although it is also a “lifestyle offence” under schedule 2 of the Proceeds of Crime Act 2002. ²⁹¹	Varies between offences, but maximum penalty is life. ²⁹²	Rape carries a maximum penalty of life imprisonment. However, it is common that perpetrators receive shorter sentences. ²⁹³
How widespread is the practice?	Numbers difficult to determine, but widespread; no indication of decreasing. Hidden populations likely. It is a fast-growing enterprise and the third largest in the world. ²⁹⁴	Numbers difficult to determine, but seems widespread; no indication of decreasing. Hidden populations likely.	Numbers difficult to determine, but seems widespread; no indication of decreasing. Hidden populations likely.
Structure / Hierarchy	Often a defined hierarchy. Single actors uncommon.	Often a defined hierarchy. Single actors uncommon.	Often a defined hierarchy. Single actors as well as multiple actors are common.

²⁸⁸ Bitar, S., ‘Sexual violence as a weapon of war: the case of ISIS in Syria and Iraq’, Master’s degree dissertation, Uppsala University (2015), available at: <http://www.diva-portal.org/smash/get/diva2:889178/FULLTEXT01.pdf>, last visited: 14 August 2017.

²⁸⁹ Hosea, L., ‘Why sexual violence in UK gangs ‘similar to war zones’’, 13 June 2014, available at: <http://www.bbc.com/news/uk-27815220>, last visited: 14 August 2017.

²⁹⁰ *ibid.*

²⁹¹ ‘Human Trafficking, Smuggling, and Slavery’, *The Crown Prosecution Service*, undated, available at: http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/#a04, last visited: 14 August 2017.

²⁹² ‘The Terrorism Act 2006’, *Gov.uk*, available at: <https://www.gov.uk/government/publications/the-terrorism-act-2006>, last visited: 14 August 2017.

²⁹³ ‘Rape and Sexual Offences’, *The Crown Prosecution Service*, undated, available at: http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/sentencing/, last visited: 14 August 2017.

²⁹⁴ Walker-Rodriguez, A., and Hill, R., ‘Human Sex Trafficking’, *FBI*, March 2011, available at: <https://leb.fbi.gov/2011/march/human-sex-trafficking>, last visited: 14 August 2017.

Chapter 4: Conclusion and Policy Recommendations

Based on the aforementioned findings, this report presents the following recommendations to better understand and deter the use of sexual violence as a tactic of terrorism.

1. DFID and the FCO must pressure Iraq, Syria, Libya, and Nigeria to outlaw sexual violence.

National laws regarding sexual violence in Iraq, Syria, Libya, and Nigeria unfairly disadvantage victims. This includes, but is not limited to, laws that encourage marriage between perpetrators of rape and their victims, or laws that do not recognise rape within marriage as rape²⁹⁵. As a result, national courts within these states will not legislate against rape, or other acts contained within definitions of sexual violence. It is not possible for the countries examined in this report to address sexual violence as a tactic of terrorism without changes in legislation.

The Select Committee on Sexual Violence in Conflict (House of Lords report, 2015-2016) elaborates that in states with ‘inadequate’ domestic legislation, political will to address sexual violence in conflict “may be lacking or social attitudes may prevent reform”.²⁹⁶ Legislative reform on its own is insufficient, however, where societal attitudes to sexual violence will impede successful implementation (see Chapter 1). It is important to remember that both stigma and a general lack of understanding around concerns about sexual violence are not limited to the lay population but often pervade in professional lawyers and judges. Capacity building must focus on legal professionals dealing with laws intended to be enacted regarding sexual violence. Resources regarding capacity building for law enforcement (including, but not limited, to police and investigators) must also be increased.

The Department of International Development (DFID) and the Foreign and Commonwealth Office (FCO) must encourage domestic laws on sexual violence to be brought in line with international standards, and bolster capacity building for national judiciary and law enforcement on sexual violence, by tying these requirements to any existing aid or assistance programs. In the absence of existing programs, specific country-tailored programs to address these matters must be established to better prosecute those who commit sexual violence as a tactic of terrorism.

2. An International Legal Task Force to gather evidence on sexual violence as a tactic of terrorism must be created.

The collection of evidence to build cases against individuals and against networks using sexual violence as a terror tactic must be strengthened within national justice systems in Iraq, Syria, Libya, and Nigeria. The Select Committee on Sexual Violence in Conflict (House of Lords, 2015-2016) has suggested that peacekeeping and post-conflict work should incorporate a review of local legislation.²⁹⁷ It has suggested that the Bar Associations of the UK and the US should ‘assist’ in countries where common law is practiced. It is important to note that Nigeria is the only common law country amongst the countries examined in this report; therefore, Iraq, Syria, and Libya would be excluded from this proposal.

While a review of local legislation is an important first step, it does not go far enough. This report recommends that the British government lead on the creation of an international task force, which

²⁹⁵ While rape is an element of sexual violence, sexual violence is not limited to rape alone, and can include forced pregnancies, inseminations, abductions, forced prostitution, sexual slavery, and more. See Chapter 1 and Appendix 1 for the evolution of the definition of sexual violence, and its limitations.

²⁹⁶ Point 353: Authority of the House of Lords, ‘Sexual Violence in Conflict: a War Crime’, House of Lords (2016), available at: <https://www.publications.parliament.uk/pa/ld201516/ldselect/ldsvec/123/123.pdf>, last visited: 11 July 2017, p. 100.

²⁹⁷ Point 354: Authority of the House of Lords, ‘Sexual Violence in Conflict: a War Crime’, House of Lords (2016), available at: <https://www.publications.parliament.uk/pa/ld201516/ldselect/ldsvec/123/123.pdf>, last visited: 11 July 2017, p. 100.

includes legal assistance from the UK, to document evidence of sexual violence as a tactic of terrorists and traffickers (including e.g., the flow and creation of financial revenue; the ability to reward, recruit, and retain terrorist fighters; ideological justifications) and assist in the gathering of evidence in conflict-ridden countries where terrorist groups such as Islamic State and Boko Haram are prevalent. Groups such as Islamic State have kept extensive records of fighters and their backgrounds, which can be used to gather and inform evidence for potential further investigation and potentially prosecution. The proposed task force must assist both with documentation and with prosecutions, by providing legal training and practical assistance.²⁹⁸

3. The International Legal Task Force must focus evidence gathering efforts on the nexus between sexual violence, trafficking, and terrorism.

To address the damaging impact of sexual violence in conflict, a multi-faceted approach will be required. This report recommends that the International Legal Task Force work with non-governmental organisations (NGOs), charities, and embassies on the ground to better track the overlap between sexual violence, trafficking groups, and terrorist organisations. Special attention must be given to information drawn from the body of evidence emerging from victims of sexual violence as a tactic of terrorism, as the testimonies of victims can hint at the level of financial revenues implicit in transactions between traffickers and terrorists.

It is important that victims of sexual violence as a tactic of terrorism continue to work with NGOs and organisations that they trust, and funding must be tailored to support these groups. However, better practice can be put in place for questionnaires regarding information from victims who have suffered from the trifecta of sexual violence, trafficking, and terrorism. This information would prove essential in tracking and monitoring the overlap between criminal and terrorist groups, and recognising that testimonies from victims who have suffered from terrorism may overlap with those who have suffered from trafficking, and vice versa (terrorists are traffickers, traffickers are criminals). This information will better inform assistance, reparations, and justice given to victims of sexual violence as a tactic of terrorism.

One example would be to monitor and create a log of individuals trafficked and traded by terrorist and trafficking groups who are found in trafficking ‘hot spots’: a register treated with the highest degree of confidentiality to ensure protection of those who have been forthcoming with information of their experiences. The European Migrant Smuggling Centre (EMSC), a division of Europol, have already begun to do this by mapping criminal organisations that facilitate smuggling.²⁹⁹ However, the overlap between criminal organisations and terrorist groups – particularly when it comes to the sale of human bodies – must be more closely examined. Tailored interviews and evidence collection would enable a better understanding of routes taken, the basis on which individuals are trafficked, where they were going, what they were doing, and the level of systematic criminal policy involved. This evidence collection would allow cases to be built against traffickers, enabling data to serve as corroboration of anecdotal evidence. It must be kept in mind that evidence collection to examine the trafficking-terrorism nexus must protect, not prosecute, victims of sexual violence as a tactic of terrorism.

²⁹⁸ A number of initiatives exist to document the use of sexual violence in conflict and assist victims – including, but not limited to, the FCO’s roster of experts, the Stabilisation Unit, and Justice Rapid Response. These groups deploy experts to countries to assist with issues of sexual violence related to conflict, depending on the needs of the country. Moreover, the UK Daesh Task Force (formerly known as the ISIL Task Force) works across Whitehall to isolate Daesh and counter its messaging (from a sexual violence perspective, focusing on refuting Daesh propaganda about rape being Islamic duty). **However, these efforts are not solely legal missions and operate on an ad hoc basis.** The recommendation in this report would therefore be for a greater commitment on the part of the British government by creating a dedicated international legal unit to address sexual violence as a tactic of terrorism.

²⁹⁹ Europol’s research indicates that 90% of these migrants have their journey facilitated by a criminal organisation, see: ‘European Migrant Smuggling Centre – EMSC’, *Europol*, undated, available at: <https://www.europol.europa.eu/about-europol/european-migrant-smuggling-centre-emsc>, last visited: 27 July 2017.

4. Sexual violence must be prosecuted as a tactic of terrorism.

As the Terrorism (United Nations Measures) Order 2006 gave effect to UNSCR 1373 to freeze funds and economic resources of designated persons committing, attempting to commit, participating in, or facilitating the commission of acts of terrorism,³⁰⁰ so too should effect be given to UNSCR 2242 (2015) on the use of sexual violence as a tactic of terrorism. This includes the development of national action plans to recognise that acts of sexual and gender based violence are part of the strategic objectives and ideology of terrorist groups, and feeding this recognition into legal accountability and the issuing of targeted sanctions against terrorists and terrorist groups.

There are several routes to prosecute Islamic State fighters, including the UK encouraging Iraq to become a party to the Rome Statute and allowing the ICC to prosecute there,³⁰¹ the establishment of a new ad-hoc tribunal for the purposes of Iraq or Syria, existing ICC investigations into events in Libya³⁰² pursuant to the Security Council’s referral in 2011,³⁰³ and jurisdiction over attacks on the areas where IS held territory.³⁰⁴ The UK has an important role to play to strengthen access to justice, collecting and preserving evidence, and upholding accountability through capacity building.

It is clear that domestic prosecutions regarding British fighters of Islamic State will be contingent on the ease with which foreign fighters can return to the United Kingdom. It is imperative that, where foreign fighters are identified, sexually violent crimes must be considered as a potential basis for prosecution based on existing provisions outlawing terrorist acts or under relevant customary international laws that are considered to be part of British law. This report calls for British laws including the Modern Slavery Act 2015 and the Terrorism Act 2006 to be interpreted more broadly so that they adequately reflect the spectrum of crimes committed by individuals using sexual violence as a tactic of terrorism, under UNSCR 2242 (2015).³⁰⁵

5. Human trafficking connected to terrorist groups should be treated as aiding and abetting terrorism.

Human traffickers working with terrorist organisations can be prosecuted under Sections 15-18 of the Terrorism Act 2006,³⁰⁶ namely funding, fundraising, and using money or property and money laundering for terrorism. However, a better understanding of human trafficking networks and their assistance to terrorist groups – through recruitment, financial revenue, trade, control, intelligence, and ideology – should be better reflected in the 2015 Modern Slavery Act, pursuant to the UNSCR 2331 (2016) recommendation to ensure that considerations regarding the “connection between trafficking in persons, sexual violence, and terrorism” is reflected in international law and national laws³⁰⁷. This can be

³⁰⁰ ‘The Terrorism (United Nations Measures) Order 2006’, Legislation.gov.uk (2006), available at: http://www.legislation.gov.uk/uksi/2006/2657/pdfs/ukxi_20062657_en.pdf, last visited: 27 July 2017, p. 16.

³⁰¹ Authority of the House of Lords, ‘Sexual Violence in Conflict: a War Crime’, House of Lords (2016), available at: <https://www.publications.parliament.uk/pa/ld201516/ldselect/ldsvec/123/123.pdf>, last visited: 11 July 2017, p. 18.

³⁰² Chertoff, E., ‘Prosecuting Gender-Based Persecution: The Islamic State and the ICC’, *The Yale Law Journal* 126:4 (2017), available at: <http://www.yalelawjournal.org/note/prosecuting-gender-based-persecution-the-islamic-state-at-the-icc>, pp. 1050-1117, p. 1086; the ICC’s open file in Libya where IS controlled territory can be used to exercise jurisdiction over the top leaders not in that territory, because ‘some elements of the crime charged would have occurred on a territory where these is jurisdiction.’

³⁰³ UNSCR 1970 (2011) referred Libya to the International Criminal Court (ICC), following which the ICC issued three arrest warrants against Muammar Gaddafi, his son Saif Al Islam, and military chief Abdullah El Senoussi (from June 2011 onwards). In a statement to the UNSC on the situation in Libya, pursuant to UNSCR 1970 (2011), ICC prosecutor Fatou Bensouda stated in May 2015 “I have also taken note of this Council’s call for accountability for the use of violence against civilians and civilian institutions by groups purportedly claiming allegiance to the Islamic State of Iraq and the Levant (ISIL) or Daesh. My Office considers that ICC jurisdiction over Libya prima facie extends to such alleged crimes. I recall however the principle that States, in the first instance, bear the primary responsibility to investigate and prosecute their nationals who have joined forces with ISIL/Daesh and are alleged to be committing Rome Statute crimes”. See: Office of the Prosecutor, ‘Statement to the United Nations Security Council on the Situation in Libya, pursuant to UNSCR 1970 (2011)’, *ICC*, 12 May 2015, available at: www.icc-cpi.int/legalAidConsultations?name=otp-stat-12-05-2015, last visited: 3 August 2017.

³⁰⁴ Kenny, C., ‘Prosecuting Crimes of International Concert: Islamic State at the ICC?’, *Utrecht Journal of International Affairs* 33: 84 (2017), available at: <https://doi.org/10.5334/ujia.364>, pp. 120-145, p. 120.

³⁰⁵ While the Terrorism Act of 2000 has a clause that opposes ‘violence’ against a person (see Part 1.2 in ‘The Terrorism (United Nations Measures) Order 2006’, Legislation.gov.uk (2006), available at: http://www.legislation.gov.uk/uksi/2006/2657/pdfs/ukxi_20062657_en.pdf, last visited: 27 July 2017, pp. 2-4.), which would possibly include sexual violence, not just physical violence, this provision must be made more elaborate to include crimes sexual in nature and sexual violence as a tactic of terrorism.

³⁰⁶ ‘The Terrorism Act 2006’, Legislation.gov.uk (2006), available at: http://www.legislation.gov.uk/ukpga/2006/11/pdfs/ukpga_20060011_en.pdf, last visited: 27 July 2017, p. 39.

³⁰⁷ ‘Resolution 2331 (2016)’, UNSC (2016), available at: www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2331%282016%29, last visited: 3 August 2017.

achieved either by a legislative amendment, or calling for legislation to be better interpreted to include the connection between these issues.

The application of material statute laws, such as Sections 15-19 of the Terrorism Act 2006, to better link terrorism and trafficking would allow for the targeting of traffickers in various stages³⁰⁸ under support statutes.³⁰⁹ When it comes to sexual slavery in particular, terrorists are themselves traffickers, and understanding the hybrid nature of trafficking and terrorist networks would effectively target the financial revenue streams in criminal and terrorist enterprises, pursuant to the sanctions recommended under UNSCR 2242 (2015) and UNSCR 1373, in that traffickers found to be trading with terrorist groups should be targeted with sanctions. The extensive record keeping process of groups such as IS would enable a better understanding of the financial sales and trade of sexual violence (see Table 5), connections between terrorists and traffickers, as well as recognising and targeting their revenue streams.

Data on human trafficking and its use of sexual violence as a terror tactic is very hard to monitor. While the National Crime Agency (NCA) joint money laundering intelligence taskforce works with the Independent Anti-Slavery Commissioner to collect data on human trafficking, more focus needs to be placed on identifying trafficking networks using detection technology, understanding connections with trafficking networks abroad, and ending supply chains.³¹⁰ Monitoring and evidence gathering would also allow appropriate due diligence on individuals as traffickers and their connections with terrorist groups.³¹¹ Therefore, we recommend greater resources for British law enforcement to monitor and collect evidence on the identification and detection of human traffickers in general, and within this, the links to terrorist networks should be specifically analysed. These recommendations are necessary to overcome obstacles to both the effective prosecution of traffickers (generally) as well as terrorists operating as traffickers for sexual violence crimes.

6. The Home Office should expand the remit of the Office of Independent Anti-Slavery Commissioner to examine Libya as a hub of trafficking and terrorism.

Following the announcement that the ICC will be examining human trafficking marketplaces in Libya,³¹² it is imperative that the ICC analyse the overlaps between trafficking and terrorism. As the ICC Prosecutor has mentioned the possibility of opening an investigation, any evidence and information from the Anti-Slavery Commissioner should be shared with the ICC Prosecutor to increase the likelihood of the formal opening of an investigation. Therefore, the Commissioner’s international collaboration must be expanded to include Libya.³¹³

7. There must be more collaborative action between different agencies to tackle the nexus between sexual violence, trafficking, and terrorism.

There is a pressing need for data collection and data aggregation to understand the scale of the problem, and the routes used, in the overlap between terrorists and traffickers. A collaborative approach between the anti-slavery commissioner, the British embassies in Libya, Niger, and Nigeria and financial crime

³⁰⁸ As suppliers of trafficked goods and services, working with financial institutions, and as facilitators of traffickers. Individuals buying and selling people from terrorists, for example, would be providing material support to the group.

³⁰⁹ Welch, S.A., ‘Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State’, *Duke Journal of Gender Law and Policy* 24:165 (2017), available at: <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1318&context=djglp>, last visited: 27 July 2017, pp. 165-188, p. 180.

³¹⁰ This has been discussed in the US context in great detail, see, for example: Welch, S., ‘Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State’, *Duke Journal of Gender Law and Policy* 24:165 (2017).

³¹¹ Group structures within terrorist organisations such as Islamic State are self-contained and do not identify international borders or laws, as a result, financial sanctions on the organisation are unlikely to make a difference to their activity. It is therefore essential to understand their use of illicit transactions, trade for commodities, and their use of human trafficking (for transport of goods and for the sale of human organs). Identifying those facilitating and communicating with terrorist groups, including traffickers, can help understand the network of organised criminality.

³¹² ‘ICC to investigate ‘human trafficking marketplace’ in Libya’, *The New Arab*, 9 May 2017, available at: <https://www.alaraby.co.uk/english/news/2017/5/9/icc-to-investigate-human-trafficking-marketplace-in-libya>, last visited: 27 July 2017.

³¹³ ‘Priority 5: International Collaboration’, *Independent Anti-Slavery Commission*, available at: <http://www.antislaverycommissioner.co.uk/priorities/priority-5-international-collaboration/>, last visited: 27 July 2017.

services in these countries (for example, a potential partnership with the NCA joint money-laundering intelligence task force) would help to achieve this, and aid not only in building an understanding of the sale of people to finance trafficking and terrorism, but also how this problem is likely to evolve in the future.

8. Victims of trafficking and terrorism will require a more nuanced approach regarding rehabilitation, remittances, and care.

Frontline funding and support must be provided to officials working with victims of sexual violence, trafficking, and terrorism to equip them with skills to properly report and document experiences of survivors, and develop an understanding of harms, abuses, and exploitation that victims have faced. Survivors must also be engaged in the development of training to ensure that any training truly reflects their experiences. Those interviewed must be adequately safeguarded and appropriate access must be provided for health services, emotional welfare, and social care.

9. Children born in Islamic State must be given proper documentation.

Children born as a result of sexual violence within the ‘caliphate’, will require legitimate documentation. As Islamic State is a non-state actor, any documentation regarding Islamic State citizenship will render individuals effectively stateless – which is prohibited under international law.³¹⁴ It is important to recognise that some marriages would have been made under extreme distress or coercion (forced marriages) or for self-protection. As such, women from these marriages and children born from them should not be stigmatised, as they are victims of extreme violence. We recommend that the United Kingdom continue to assist Iraq and work with UNHCR in providing documentation to stateless individuals in conflict, including those born to fighters, or those born to foreign fighters.³¹⁵

³¹⁴ See the 1961 Convention on the Reduction of Statelessness: ‘Convention on the Reduction of Statelessness’, UNHCR (1961), available at: www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf, last visited: 3 August 2018. It is important to note that attempts to properly address statelessness in international law under this convention and the 1954 Convention relating to the Status of Stateless Persons are hindered by the fact that both proposals are not widely ratified (see ‘The 1954 Convention relating to the Status of Stateless Persons: Implementation within the European Union Member States and Recommendations for Harmonisation’, UNHCR (1954), available at: www.refworld.org/pd/415c3efb4.pdf, last visited: 3 August 2017). To this end it is important that people who lived under IS control are not seen as complicit to IS, or stigmatised for it, particularly in the case of women and children.

³¹⁵ Houry, N., ‘Children of the Caliphate’, *Human Rights Watch*, 23 November 2016, available at: <https://www.hrw.org/news/2016/11/23/children-caliphate>, last visited: 27 July 2017.

Appendix 1: Mapping Sexual Violence in Conflict

1.1 Violence against Women and Girls

Violence against women and girls (hereafter VAWG) is a broad term that incorporates a broad spectrum of violence committed against women. The United Nations (UN) defines violence against women as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.³¹⁶

VAWG encompasses three main aspects:

- i. physical, sexual and psychological violence committed by families, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation (FGM), non-spousal violence, violence related to exploitation, and other practices that might be harmful to women.
- ii. physical, sexual, and psychological violence occurring within the community, including rape, sexual abuse, sexual harassment and intimidation at work, educational institutions, and elsewhere, trafficking in women, and forced prostitution,
- iii. physical, sexual, and psychological violence committed or condoned by the state, wherever it occurs.³¹⁷

While both intimate partner violence and sexual violence are part of the realm of GBV, it is important to distinguish between them. The World Health Organisation (WHO) defines intimate partner violence as any behaviour within an intimate relationship that causes physical, sexual or psychological harm and results in coercion, sexual or psychological abuse, and aggression towards women.³¹⁸ On the contrary, sexual violence refers to:

Any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object.³¹⁹

The use of the term “acts of sexual nature” stresses that acts need to be sexual *per se* to be included in the definition of sexual violence within the Istanbul Convention.³²⁰ As a result, while rape is explicitly mentioned³²¹ in articles about sexual violence, other, less sexually explicit acts such as sexual slavery, forced pregnancies, or forced inseminations are not highlighted within definitions of sexual violence. As such, it became clear that offering a more comprehensive categorisation for sexual violence would allow a better understanding of how sexual violence operates in practice.

1.2 International Legal Framework on Sexual Violence in Conflict

A special mention should be made to UN Resolution 1888, which in 2009 created the role of the Special Representative of the Secretary General on Sexual Violence in Conflict. It has six priorities:

- vii) to end impunity for sexual violence by strengthening the judicial system,

³¹⁶ ‘A/RES/48/104 Declaration on the Elimination of Violence Against Women’, UN General Assembly (1993), available at: <http://www.un.org/documents/ga/res/48/a48r104.htm>, last visited: 22 June 2017.

³¹⁷ *ibid.*

³¹⁸ ‘Violence Against Women’, *World Health Organisation*, November 2016, available at: <http://www.who.int/mediacentre/factsheets/fs239/en/>, last visited: 22 June 2017.

³¹⁹ *ibid.*

³²⁰ ‘Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence’, Council of Europe Treaty Series 210 (2011), available at: <https://rm.coe.int/16800d383a>, last visited: 04 August 2017, p. 33.

³²¹ ‘Council of Europe Convention on preventing and combating violence against women and domestic violence’, Council of Europe (2011), available at: <https://rm.coe.int/168046031c>, last visited: 22 June 2017, p. 7.

- viii) to protect women and girls from sexual violence,
- ix) to encourage government engagement on the issue,
- x) to increase awareness of rape as a tactic of war,
- xi) to harmonise UN engagement through the UN Action Against Sexual Violence in Conflict, an initiative of 18 UN agencies that carry out programming and outreach,
- xii) to emphasise national ownership.³²²

This Office has eight priority countries, Bosnia and Herzegovina; Central African Republic (CAR); Colombia; Cote d’Ivoire; Democratic Republic of Congo (DRC); Liberia; South Sudan and Sudan, but also works in Syria and parts of Cambodia.³²³ Nigeria and Afghanistan, two countries with significant cases of sexual violence in conflict, are not outlined in the website of the Office.³²⁴ The current Special Representative for Sexual Violence in Conflict is Pramila Patten.³²⁵

Table 7: Secretary General (SG) Reports to the Security Council on Women, Peace, and Security, with a focus on Sexual Violence³²⁶

Report	Year	Summary
S/2002/1154	2002	Sexual violence can be employed as a weapon of war
S/2004/814	2004	Mechanisms to respond to sexual-violence are inefficient
S/2005/636	2005	A system wide Action Plan to implement resolution 1325 should be devised
S/2006/770	2006	Good progress in awareness, training, monitoring and reporting sexual violence reported
S/2007/567	2007	Some progress in response to GBV in conflict reported
S/2008/622	2008	Innovative approaches are needed to combat sexual violence in conflict
S/2009/465	2009	Sexual violence continues to be used as a weapon of war
S/2010/498	2010	Some indicators to measure sexual violence (prevalence, patterns) are presented
S/2011/598	2011	According to indicators, sexual violence in conflict is taking place in 12 countries

The most active organ of the UN regarding sexual violence in conflict is the Secretary General. The first report of the Secretary General to the Security Council, which built upon Resolution 1325, was published in 2002 and reflected on the vulnerability of women in conflict to sexual violence, exploitations, forced pregnancies, rape, mass rape, sexual slavery, forced prostitution, and human trafficking.³²⁷ The report mentions how sexual violence can be employed as a weapon of war for the first time.³²⁸ For example, sexual violence puts women at risk of contracting sexually transmitted diseases, which is heightened by gender-based discrimination and their inability to protect themselves from

³²² ‘About the Office’, *Office of the Special Representative of the Secretary General on Sexual Violence in Conflict* 2017, available at: <http://www.un.org/sexualviolenceinconflict/about-us/about-the-office/>, last visited: 26 June 2017.

³²³ *ibid.*

³²⁴ *ibid.*

³²⁵ ‘Ms. Pramila Patten of Mauritius - Special Representative of the Secretary-General on Sexual Violence in Conflict’, *United Nations Secretary General*, 12 April 2017, available at: <https://www.un.org/sg/en/content/sg/personnel-appointments/2017-04-12/ms-pramila-patten-mauritius-special-representative>, last visited: 29 June 2017.

³²⁶ ‘Report of the Secretary General on women, peace, and security’, Security Council (2002), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2002/1154, last visited: 26 June 2017, pp. 1-2; ‘Women, peace, and security’, Security Council (2004), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2004/814; last visited: 26 June 2017, pp. 15-18; ‘Report of the Secretary General on women, peace, and security’, Security Council (2005), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2005/636, last visited: 26 June 2017, pp. 6-7; ‘Report of the Secretary General on women, peace, and security’, Security Council (2006), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2006/770, last visited: 26 June 2017, p. 7; ‘Report of the Secretary General on women, peace, and security’, Security Council (2007), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2007/567, last visited: 26 June 2017, p. 10; ‘Women, peace, and security’, Security Council (2008), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2008/622, last visited: 26 June 2017, pp. 13-16; ‘Women, peace, and security’, Security Council (2009), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2009/465, last visited 26 June 2017, p. 2; ‘Women, peace, and security’, Security Council (2010), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2010/498, last visited: 26 June 2017, p. 33-48; ‘Report of the Secretary General on women, peace, and security’, Security Council (2011), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2011/598, last visited: 26 June 2017, p. 5.

³²⁷ ‘Report of the Secretary General on women, peace, and security’, Security Council (2002), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2002/1154, last visited: 26 June 2017, p. 1.

³²⁸ *ibid.*, p. 2.

risks.³²⁹ The 2005 Report created a system wide Action Plan that included a detailed account regarding how agencies are incorporating lessons from Resolution 1325, with special interest in introducing gender perspectives to fight against sexual violence in conflict, but also in conflict prevention, early warning systems, peacemaking, peacebuilding, peacekeeping, humanitarian operations, post-conflict, and reconstruction.³³⁰ Table 7 illustrates how awareness on the issue has increased in recent years, as portrayed by the level of detail in more recent reports.

The two reports published in 2010 break away from previous reports by offering a set of indicators to measure sexual violence and the effectiveness of strategies in place (see table 9).³³¹ From 2010 to 2014, all reports included statistics that were calculated according to these indicators, which showed an increasing trend of cases of sexual violence in conflict.³³² Moreover, indicators proved useful in illustrating patterns of sexual violence being used, often at an increasing rate, in the majority of war-like contexts.

Table 8: Example of one indicator used to prevent sexual violence, reflected in UN S/2010/498³³³

No.	Designation	Description	Context-specific issues supporting narrative	Paragraphs in Security Council resolutions
1 a	Prevalence of sexual violence Responsibility: Member State	Number of people who have ever been a victim of sexual violence X 100 Total size of relevant population • Defines sexual violence from Rome Statute • Rapid increases in prevalence can indicate grave breaches of international humanitarian law and can serve as early warning to conflict	(a) Nature of the conflict and known use of sexual violence for military/political ends (b) Ethical and confidentiality arrangements for survey (c) Frequency of attacks or reoccurrence against same victims	9, 10 RES 1325 (2000) 1, 2, 3, 4 RES 1820 (2008) 1, 2, 3, 24 RES 1888 (2009) 2 RES 1889 (2009)

It is clear that sexual violence affects children, especially girls. Girls fall under the wider topic of gender-based and sexual violence, which is why the terms ‘women and girls’ and ‘women and children’ are often coupled together within lexicon around the issue. For instance, Report S/2002/1299 from the Secretary General outlines how both women and children are vulnerable to sexual violence while staying in refugee camps.³³⁴ The evolution of legislation follows a similar pattern to the resolutions and reports focused solely on women. The year 2000 marks the start of a more focused awareness on sexual violence of women and children in situations of conflict and war (see Table 1, 7, and 11).

³²⁹ *ibid.*

³³⁰ ‘Report of the Secretary General on women, peace, and security’, Security Council (2005), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2005/636, last visited: 26 June 2017, pp. 39-46.

³³¹ ‘Women, peace, and security’, Security Council (2010), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2010/498, last visited: 26 June 2017, pp. 33-48; ‘Women, peace, and security’, Security Council (2010), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2010/173, last visited: 26 June 2017, pp. 15-24.

³³² ‘Report of the Secretary General on women, peace, and security’, Security Council (2014), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2014/693, last visited: 26 June 2017, p. 7.

³³³ ‘Women, peace, and security’, Security Council (2010), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2010/498, last visited: 26 June 2017, pp. 33-48.

³³⁴ ‘Report of the Secretary General on Children in Armed Conflict’, Security Council (2002), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol-S/2002/1299, last visited: 27 June 2017, p. 5.

Table 9: Security Council Resolutions on Children and Armed Conflict⁸⁸⁵

Resolution	Year	Summary
1261	1999	Sexual violence against children is occurring in conflict situations
1314	2000	Creation of Resolution to focus on girls suffering sexual abuses in conflict
1379	2001	Parties involved in conflict should protect girls from rape
1539	2004	The Secretary General should devise an urgent action plan to combat abuses
1612	2005	The Secretary General’s action plan is approved, with a focus on monitoring
1882	2009	Rape against children used as tactic of war and parties can be listed in SG reports
2068	2012	Sanctions must be imposed on perpetrators of abuses
2225	2015	Abduction can be considered as a trigger for a party to be listed in SG reports

Table 10: Secretary General Reports to the Security Council on Children and Armed Conflict⁸⁸⁶

Report	Year	Summary
S/2000/712	2000	There is little awareness about sexual violence against girls
S/2001/852	2001	Sexual violence against girls increases in conflict and should be a war crime
S/2002/1299	2002	Refugees in camps are vulnerable to sexual violence, especially women & children
S/2003/1053	2003	Correlation between sexual violence and HIV/AIDs
S/2005/72	2005	Rape should be one of the six priorities regarding monitoring
S/2007/757	2007	Sexual violence should be recognised as a violation as grave as using child soldiers
S/2009/158	2009	Sexual violence against children is used to humiliate & displace communities
S/2010/181	2010	Information on sexual violence must be found for listing purposes
S/2011/250	2011	Action Plans to combat sexual violence in conflict against children are created
S/2014/339	2014	Impunity for sexual violence exacerbates children’s vulnerability
S/2015/409	2015	Abduction is being used as a prelude to sexual violence

⁸⁸⁵ ‘Resolution 1261 (1999)’, Security Council (1999), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1261%20\(1999\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1261%20(1999)), last visited: 27 June 2017, p. 1; ‘Resolution 1314 (2000)’, Security Council (2000), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1314%20\(2000\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1314%20(2000)), last visited: 27 June 2017, p. 3; ‘Resolution 1379 (2001)’, Security Council (2001), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1379%20\(2001\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1379%20(2001)), last visited 27 June 2017, p. 2; ‘Resolution 1539 (2004)’, Security Council (2004), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1539%20%282004%29&Lang=E&Area=UNDOC, last visited: 27 June 2017, p. 2; ‘Resolution 1612 (2005)’, Security Council (2005), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1612%20%282005%29&Lang=E&Area=UNDOC, last visited: 27 June 2017, p. 3; ‘Resolution 1882 (2009)’, Security Council (2009), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1882%20\(2009\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1882%20(2009)), last visited: 27 June 2017, p. 2; ‘Resolution 2068 (2012)’, Security Council (2012), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2068%20%282012%29&Lang=E&Area=UNDOC, last visited: 27 June 2017, p. 2; ‘Resolution 2225 (2015)’, Security Council (2015), available at: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2225%20\(2015\)&Lang=E&Area=UNDOC](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2225%20(2015)&Lang=E&Area=UNDOC), last visited: 27 June 2017, p. 3.

⁸⁸⁶ ‘Children in Armed Conflict’, Security Council (2000), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/712, last visited: 27 June 2017, p. 15; ‘Children in Armed Conflict’, Security Council (2000), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/712, last visited: 27 June 2017, p. 15; ‘Children in Armed Conflict’, Security Council (2001), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2001/852, last visited: 27 June 2017, pp. 12-13; ‘Report of the Secretary General on Children in Armed Conflict’, Security Council (2002), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2002/1299, last visited: 27 June 2017, p. 5; ‘Children in Armed Conflict’, Security Council (2003), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2003/1053, last visited: 27 June 2017, p. 5; ‘Children in Armed Conflict’, Security Council (2005), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2005/72, last visited: 27 June 2017, p. 16; ‘Children in Armed Conflict’, Security Council (2007), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2007/757, last visited: 27 June 2017, p. 37; ‘Children in Armed Conflict’, Security Council (2009), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2009/158, last visited: 26 June 2017, pp. 42-43; ‘Children in Armed Conflict’, Security Council (2010), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2010/181, last visited: 27 June 2017, p. 44; ‘Children in Armed Conflict’, Security Council (2011), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2011/250, last visited 27 June 2017, p. 47; ‘Children in Armed Conflict’, Security Council (2014), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/339, last visited: 27 June 2017, p. 2; ‘Children in Armed Conflict’, Security Council (2015), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/409, last visited: 27 June 2017, p. 2.

Table 11: Secretary General Reports to the Security Council on Sexual Violence in Conflict³⁸⁷

Report	Year	Aim
S/2012/33	2012	First definition of conflict-related sexual violence; first list of perpetrators
S/2013/149	2013	Nexus between sexual violence and displacement of communities is highlighted
S/2014/181	2014	Need for framework outlined in RES 2106 to be translated on the ground
S/2015/203	2015	Ideological discrimination against adolescent girls by extremists puts them at risk

1.3 Ratification of International Laws on Sexual Violence

The countries under examination in this report (Iraq, Syria, Nigeria, Libya, Turkey, and the UK) are State Parties to significant international legal instruments, with the significant exception of the Rome Statute, to which Syria, Iraq, Libya, and Turkey are not signatories. The main problem with the absence of Iraq and Syria from the Rome Statute is that the ICC is unable to investigate the crimes committed by IS on Iraqi or Syrian land because it has no jurisdiction.³⁸⁸ In the past, the Prosecutor of the ICC, Fatou Bensouda, has stated that foreign fighters belonging to IS³⁸⁹ who are nationals from member states – parties that are signatories to the Rome Statute – may be able to be prosecuted. However, she stressed that the leadership of IS is out of reach because it is made up mainly by Iraqi and Syrian nationals.³⁴⁰ Thus, the lack of war tribunals to bring IS leaders to justice for the commission of sexual crimes is a major obstacle standing in the way of addressing significant violations.

Table 12: Member States of Legally Binding³⁴¹ International Instruments regarding Sexual Violence³⁴²

	Geneva 1949	Protocol 1977	CEDAW 1979	Rome Statute 1998	Istanbul Convention 2011
Iraq	Since 1956	Since 2010	Since 1986	Not state party	N/A
Syria	Since 1953	Since 1983	Since 2003	Not state party	N/A
Nigeria	Since 1961	Since 1988	Since 1985	Since 2001	N/A
Libya	Since 1956	Since 1978	Since 1989	Not state party	N/A
Turkey	Since 1954	Not state party	Since 1985	Not state party	Since 2014
United Kingdom	Since 1957	Since 1998	Since 1986	Since 2001	Signed in 2012 ³⁴³

³⁸⁷ ‘Conflict-related sexual violence’, Security Council (2012), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2012/33, last visited: 26 June 2017, p. 2; ‘Conflict-related sexual violence’, Security Council (2013), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149, last visited: 26 June 2017, p. 3; ‘Conflict-related sexual violence’, Security Council (2014), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/181, last visited: 26 June 2017, p. 3; ‘Conflict-related sexual violence’, Security Council (2015), available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/203, last visited: 26 June 2017, p. 2.

³⁸⁸ ‘Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS’, *International Criminal Court*, 8 April 2015, <https://www.icc-cpi.int/legalAidConsultations?name=otp-stat-08-04-2015-1>, last visited: 30 June 2017.

³⁸⁹ The Soufan Group estimated in 2015 that between 27,000 and 31,000 individuals have travelled to Syria and Iraq to join the Islamic State. While numbers vary greatly, some reliable estimates indicate that IS has around 100,000 members. See: ‘Foreign fighters: an updated assessment of the flow of foreign fighters into Syria and Iraq’, Soufan Group (2015), available at: http://soufangroup.com/wp-content/uploads/2015/12/TSG_ForeignFightersUpdate3.pdf, last visited: 7 August 2017, p. 4; and Gartenstein Ross, D., ‘How many fighters does the Islamic State really have’, *War on the Rocks*, 9 February 2015, available at: <https://warontherocks.com/2015/02/how-many-fighters-does-the-islamic-state-really-have/>, last visited: 7 August 2017.

³⁹⁰ ‘Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the alleged crimes committed by ISIS’, *International Criminal Court*, 8 April 2015, <https://www.icc-cpi.int/legalAidConsultations?name=otp-stat-08-04-2015-1>, last visited: 30 June 2017.

³⁴¹ The term legally binding can be very problematic. Treaties that are legally binding are not necessarily implemented effectively, so there is no direct connection between legally binding provisions and the overall effectiveness of a treaty, as state actions are what ultimately determine the success of a treaty. For a discussion of the term in another context, see: Chang, H., ‘A “Legally Binding” Climate Agreement: What Does it Mean? Why Does it Matter?’, *State of the Planet Earth Institute Columbia University*, available at: <http://blogs.ci.columbia.edu/2010/02/23/a-“legally-binding”-climate-agreement-what-does-it-mean-why-does-it-matter/>, last visited: 7 August 2017.

³⁴² ‘States Party to the Following International Humanitarian Law and Other Related Treaties as of 23-May-2017’, *International Committee of the Red Cross* (2017), available at: http://ihl-databases.icrc.org/applic/ihl/ihl.nsf/xsp/.ibmmodes/domino/OpenAttachment/applic/ihl/ihl.nsf/4B377401045736E0C12580A300505F5B/%24File/IHL_and_othe_r_relatd_Treaties.pdf?Open, last visited: 30 June 2017, pp. 5, 6, 8; ‘Convention on the Elimination of All Forms of Discrimination Against Women’, *United Nations Treaty Collection*, undated, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, last visited: 4 July 2017; ‘Chart of signatures and ratifications of Treaty 210’, *Council of Europe Portal*, 4 August 2017, available at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=mN4RHANK, last visited: 4 August 2017.

³⁴³ According to the United Nations library, ‘where the signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and

Reservations to other Conventions represent an additional cause of concern. Article 2 of CEDAW establishes that “State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”.³⁴⁴ However, Iraq submitted a reservation to the 1979 CEDAW regarding article 2(f), which urges states to repeal or modify existing laws, regulations, customs and practices that perpetuate discrimination against women, and article 2(g), which demands states repeal national penal provisions that discriminate against women.³⁴⁵ Syria, on the other hand, submitted a reservation in regards to the content of article 2 in full.³⁴⁶ A reservation to this article is particularly alarming given that without laws that enforce that women are not discriminated against, the Convention cannot be effective. Despite the fact that article 2 makes no explicit mention to GBV, it is evident that discrimination against women creates the foundation of violence against them. It should be noted that all legislation about sexual and other types of violence against women has been built from CEDAW (see Chapter 1).

the purpose of the treaty’. See: ‘What is the difference between signing, ratification and accession of UN treaties?’, *Dag Hammarskjöld Library*, available at: <http://ask.un.org/faq/14594>, last visited: 7 August 2017.

³⁴⁴ ‘Convention on the Elimination of All Forms of Discrimination Against Women’, UN General Assembly (1979), available at: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/378/07/IMG/NR037807.pdf?OpenElement>, last visited: 22 June 2017, p. 2.

³⁴⁵ *ibid.*

³⁴⁶ ‘Convention on the Elimination of All Forms of Discrimination Against Women’, *United Nations Treaty Collection*, undated, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, last visited: 4 July 2017.

Appendix 2: National Laws on Sexual Violence

2.1 Iraqi Laws on Sexual Violence and HBV

Domestic violence is not addressed in national legislation in Iraq.³⁴⁷ Article 41 of the 1969 Penal Code allows husbands to beat their wives.³⁴⁸ Sexual violence is briefly mentioned in Article 37 of the 2005 Iraqi Constitution, which states that: “forced labour, slavery, the slave trade, trafficking in women and children and the sex trade shall be prohibited”.³⁴⁹ Rape is notoriously absent from this article. In the 1969 Penal Code, rape is defined as a “dishonourable offence”, and is placed in the same category as theft, embezzlement, forgery, breach of trust, fraud, and bribery.³⁵⁰ Initially, rape was punishable with a prison term not exceeding 15 years³⁵¹, but this was repealed between 2003 and 2004 by the transitional government established after the ousting of Saddam Hussein in 2003 under Order 31 Section 3(1) of the Coalition Provisional Authority (CPA)³⁵². The main modification is that the punishment for rape is now life imprisonment.³⁵³

Regarding honour-based violence (HBV), Article 128 of the Iraqi Penal Code allows for a mitigation of punishment if a crime is committed for “honourable motives”.³⁵⁴ This implies that convictions carrying the death penalty can be reduced to life imprisonment, an unspecified term of years, or a period of less than one year, while life imprisonment or a term of years can be reduced to a period of six months.³⁵⁵ More worryingly, Article 398 allows rapists to escape prison if they marry their victims.³⁵⁶ This is extremely troubling and problematic, as it legitimises sexual abuses against women. Furthermore, Article 409 establishes that the maximum period sentence for an individual who finds his wife in a situation of adultery and then murders, assaults, or physically impairs his wife, lover, or both of them should not exceed three years.³⁵⁷ ‘Honour’ crimes are not addressed further within the Penal Code. Despite Iraqi Kurdistan repealing the provision to allow for mitigation of offences on the basis of ‘honour’ in 2003, this article is still enforced within the rest of the country.³⁵⁸ As such, ‘honour’ crimes are not considered worthy of a robust legal response in Iraq, leaving women unprotected and vulnerable to sexual crimes and HBV.

2.2 Syrian Laws on Sexual Violence and HBV

Rape is recognised as a criminal offence in Syria and can be punished with a minimum of 15 years, but the law is not properly enforced.³⁵⁹ In the past, perpetrators were exempt from prosecution if they married their victim, as in the case with Iraq, but this was amended in 2011 by Bashar al-Assad to impose a prison term of two years to perpetrators.³⁶⁰ Article 548 of the Syrian Penal Code is very similar to Article 409 of the Iraqi Penal Code, in that men are exempt from prison if they kill or injure their wife for adultery.³⁶¹ This provision goes further than the Iraqi Penal Code because men can kill sisters,

³⁴⁷ ‘Iraq’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/iraq/#_ftn47, last visited: 4 July 2017.

³⁴⁸ *ibid.*

³⁴⁹ ‘Iraq’, *Slavery in Domestic Legislation*, October 2011, available at: <http://www.qub.ac.uk/slavery/?page=countries&category=4&country=80>, last visited: 14 August 2017.

³⁵⁰ ‘Penal code no. 111 of 1969’, Global Justice Project Iraq (2009), available at: <http://gjpi.org/2009/04/12/penal-code-111-of-1969/>, last visited: 30 June 2017, p. 27.

³⁵¹ *ibid.*, p. 95.

³⁵² ‘Coalition Provisional Authority Order Number 31’, Global Justice Project Iraq (undated), available at: <http://gjpi.org/wp-content/uploads/order-31.pdf>, last visited: 30 June 2017, p. 2

³⁵³ ‘Coalition Provisional Authority Order Number 31’, Global Justice Project Iraq (undated), available at: <http://gjpi.org/wp-content/uploads/order-31.pdf>, last visited: 30 June 2017, p. 2

³⁵⁴ ‘Penal code no. 111 of 1969’, Global Justice Project Iraq (2009), available at: <http://gjpi.org/2009/04/12/penal-code-111-of-1969/>, last visited: 30 June 2017, p. 47.

³⁵⁵ *ibid.*

³⁵⁶ ‘Iraq’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/iraq/#_ftn47, last visited: 4 July 2017.

³⁵⁷ ‘Penal code no. 111 of 1969’, Global Justice Project Iraq (2009), available at: <http://gjpi.org/2009/04/12/penal-code-111-of-1969/>, last visited: 30 June 2017, p. 98.

³⁵⁸ ‘Honour Killings by Region’, *Honour Violence Awareness Network*, undated, available at: <http://hbv-awareness.com/regions/>, last visited 2 July 2017.

³⁵⁹ ‘Syrian Arab Republic’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/syrian-arab-republic/#_ftn47, last visited: 4 July 2017.

³⁶⁰ *ibid.*

³⁶¹ ‘Penal Code’, *Equality Now*, undated, available at: <https://www.equalitynow.org/content/penal-code-1>, last visited: 4 July 2017.

mothers, and daughters for adultery.³⁶² In 2009, this was amended to increase the minimum prison time to two years, and in 2011 to five years, with a total limit of seven years being established.³⁶³

2.3 Nigerian Laws on Sexual Violence and HBV

As in the case with Syria and Iraq, domestic violence is not addressed in national laws.³⁶⁴ The Muslim population in North Nigeria is governed by the Penal Code, while the Christian population follows the Criminal Code. Indeed, according to section 55(1)(d) of the Northern Nigeria Penal Code, a man is permitted to beat his wife without being prosecuted.³⁶⁵ Nonetheless, some states, such as Lagos or Ekiti, have local laws in place about domestic violence, including violence of a sexual nature.³⁶⁶ North Nigeria has more gaps in legislation regarding rape than South Nigeria, as this offence carries a life imprisonment in the South Nigeria, while in North Nigeria it can be punished with life imprisonment, an unspecified term, or a fine.³⁶⁷ In North Nigeria, under section 6 and 30 of the Criminal Code Act, a husband cannot be found guilty of rape,³⁶⁸ which means that a perpetrator who marries his victim would not face prosecution. It is worth noting that abductions are recognised in the Criminal Code, although the prison term established for this offence is only 2 years.³⁶⁹ There is no mention in legislation of HBV.

2.4 Libyan Laws on Sexual Violence and HBV

In Libya, rape is a criminal offence that can be punished with a prison sentence of up to 25 years.³⁷⁰ A convicted rapist can also marry their victim to avoid prison, albeit with her agreement.³⁷¹ The Penal Code establishes that sentences can be reduced for men who kill or harm a female relative if the relative is found to have engaged in extra-marital sex.³⁷² Indeed, rape is placed under the section of “crimes against freedom, honour, and morality”,³⁷³ which links back to the concept of rape being an attack against families and societies, rather than just against individuals. In 2013, the Libyan Minister of Justice submitted a draft law to enforce the protection of victims of rape, emphasising the need to allow victims to seek accountability.³⁷⁴ This draft law was stalled due to criticisms regarding the law’s focus on reparations rather than prosecution.³⁷⁵ In 2014, the Libyan Minister of Justice adopted a decree that protected victims of rape and GBV, with a focus on redressing victims.³⁷⁶ The decree was not passed into law,³⁷⁷ and there is no indication that its status has changed. While these positive steps showcase more awareness around rape and its consequences, the absence of enforceable laws are a major obstacle in the way of justice and accountability for victims of sexual violence in Libya.

2.5 Turkish Laws on Sexual Violence and HBV

Rape and sexual assault are considered crimes in the 2004 Turkish Penal Code, and the punishment ranges between two and seven years in prison for assault, and between seven and 12 years in prison for

³⁶² *ibid.*

³⁶³ *ibid.*

³⁶⁴ ‘Nigeria’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/nigeria/#_ftn47, last visited: 4 July 2017.

³⁶⁵ ‘The Penal Code of Northern Nigeria’, *Equality Now*, undated, available at: <https://www.equalitynow.org/content/penal-code-northern-nigeria>, last visited: 4 July 2017.

³⁶⁶ ‘Nigeria’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/nigeria/#_ftn47, last visited: 4 July 2017.

³⁶⁷ ‘Criminal Code Act’, *Nigeria Law*, undated, available at: [http://www.nigeria-law.org/Criminal%20Code%20Act-PartV.htm#Chapter 30](http://www.nigeria-law.org/Criminal%20Code%20Act-PartV.htm#Chapter%2030), last visited: 04 July 2017.

³⁶⁸ Imosemi, A., and Nzeribe, A., ‘Rape as a tool of terrorism: exploring the situation in northeastern Nigeria and scrutinising the legal frameworks’, *International Journal of Law & 2: 4* (2016), available at: <http://www.lawjournals.org/search/rape%20as%20a%20tool%20of%20terrorism>, last visited: 9 August 2017, pp. 10-21, p. 15.

³⁶⁹ *ibid.*

³⁷⁰ ‘Libya’, *Social Institutions and Gender Index*, available at: http://www.genderindex.org/country/libya/#_ftn52, last visited: 4 July 2017.

³⁷¹ *ibid.*

³⁷² *ibid.*

³⁷³ Background’, *Human Rights Watch*, available at: https://www.hrw.org/reports/2006/libya0206/3.htm#_ftnref27, last visited: 18 July 2017.

³⁷⁴ ‘The State of Libya Women’s rights’, Joint Submission by the Civil Network for Transitional Justice, and No Peace Without Justice (2014), available at: https://www.google.co.uk/?gfe_rd=cr&ei=wNltWZefJafA8gf04rnACA&gws_rd=ssl#, last visited: 18 July 2017, p. 6.

³⁷⁵ Idris, I., ‘Implementation of UN Security Council Resolution 1325 in Libya’, K4D (2017), available at: https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/13048/K4D_HDR_%20Implementation%20of%20UNSCR%201325%20in%20Libya.pdf?sequence=1, last visited: 7 August 2017, p. 10.

³⁷⁶ ‘The State of Libya Women’s rights’, Joint Submission by the Civil Network for Transitional Justice, and No Peace Without Justice (2014), available at: https://www.google.co.uk/?gfe_rd=cr&ei=wNltWZefJafA8gf04rnACA&gws_rd=ssl#, last visited: 18 July 2017, p. 6.

³⁷⁷ *ibid.*

sexual penetration.³⁷⁸ If more than one person participates in the abuse, or if arms are used, the penalties increase by half.³⁷⁹ It should be highlighted that Turkey is the only country out of Nigeria, Iraq, Syria, and Libya that punishes marital rape, contrary to Article 102 of the 2004 Penal Code.³⁸⁰ The 2004 Penal Code removed the mention of ‘morality’ and ‘shame’ in the definition of crimes against women, and abolished provisions that legitimised rape if the perpetrator later married the victim.³⁸¹ Moreover, under Article 82 of the Penal Code, there is no longer a reduction of punishment for ‘honour’ reasons.³⁸² However, recent times have indicated worrying changes, none of which have translated into law. In November 2016, the Turkish government attempted to pass a bill to allow men to avoid penalties if they sexually abused a minor without force, and if they ended up marrying the victim.³⁸³ However, the bill was withdrawn following public backlash and demonstrations.³⁸⁴

2.6 UK Laws on Sexual Violence and HBV

The Sexual Offences Act was created in 1956, and amended in 2003. The 1956 Act covered offences of rape, intercourse with girls under 16 and under 13, intercourse with people with mental disorders, incest, ‘indecent’ assault, abduction, and prostitution,³⁸⁵ while the revised 2003 Act included new offences focusing on children, pornography and trafficking.³⁸⁶ Rape and assault by penetration – the difference being that the latter involves penetrating the body of an individual with any body part other than the penis and with a sexual intent – are both punished with a maximum penalty³⁸⁷ of life imprisonment.³⁸⁸ The 2003 Act also reflects, with good reason, on the notion of consent. According to point 75, consent is invalid if there is evidence of:

- i) use or threat of violence at any point,
- ii) unlawful detention of the victim,
- iii) the victim being in state of unconsciousness, or asleep,
- iv) the victim being disabled and unable to communicate consent,
- v) the victim being under the effect of substances.³⁸⁹

Consent shall also be rendered invalid if the perpetrator deceived the victim or impersonated a third person.³⁹⁰ The legal preoccupation around the notion of consent is indicative of an increased awareness of sexual violence. The British Government has elaborated several action plans to end sexual violence, as shown by Table 13.

³⁷⁸ ‘Turkey’, *Social Institutions and Gender Index*, available at: <http://www.genderindex.org/country/turkey>, last visited: 20 July 2017.

³⁷⁹ *ibid.*

³⁸⁰ *ibid.*

³⁸¹ *ibid.*

³⁸² *ibid.*

³⁸³ ‘Turkey: Bill to quash child sex convictions protested’, *Al Jazeera*, 20 November 2016, available at: <http://www.aljazeera.com/news/2016/11/turkey-bill-quash-child-sex-convictions-protested-161120075936564.html>, last visited: 20 July 2017.

³⁸⁴ ‘Turkey: Controversial bill on sexual assault withdrawn’, *Al Jazeera*, 22 November 2016, available at: <http://www.aljazeera.com/news/2016/11/turkey-controversial-bill-sexual-assault-withdrawn-161122083358851.html>, last visited: 20 July 2017.

³⁸⁵ ‘The Sexual Offences Act 1956’, *Legislation.gov.uk*, undated, available at: http://www.legislation.gov.uk/ukpga/1956/69/pdfs/ukpga_19560069_en.pdf, last visited: 4 July 2017, pp. i-ii.

³⁸⁶ *ibid.*, pp. i-iii.

³⁸⁷ Rape carries a ‘discretionary life sentence’. However, if the offence is committed by a single offender only once, the penalties are: i) 5 years if the victim is 16, ii) 8 years if the victim is between 13 and 16, and iii) 10 years if the victim is under 13. If rape is accompanied by an aggravating factor, the penalties are: i) 8 years if the victim is 16, ii) 10 years if the victim is between 13 and 16, and iii) 13 years if the victim is under 13. Repeated rape of the same victim by one offender or cases of rape that involve multiple victims carry a sentence of 15 years. The aggravating factors are: abduction or detention, awareness by the offender that he has a sexually transmitted disease, several offenders acting together, abuse of trust, existence of any kind of prejudice, sustained attack, pregnancy or infection in the victim, offender ejaculated or caused victim to ejaculate, signs of intimidation and coercion, and use of substances (including drugs and alcohol) to facilitate the offence. Mitigating factors include: i) consent by a victim older than 16 on the same occasion and immediately before the offense, and ii) the offender had reason to believe that the victim was older than 16. See: ‘Rape and Sexual Offences Chapter 19: Sentencing’, *The Crown Prosecution Service*, undated, available at: http://www.cps.gov.uk/legal/p_to_r/rape_and_sexual_offences/sentencing/, last visited: 7 August 2017.

³⁸⁸ ‘The Sexual Offences Act 2003’, *Legislation.gov.uk*, undated, available at http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf, last visited: 04 July 2017, pp. 1-2.

³⁸⁹ ‘The Sexual Offences Act 2003’, *Legislation.gov.uk*, undated, available at http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf, last visited: 04 July 2017, pp. 39-40.

³⁹⁰ *ibid.*, p. 40.

Table 13: UK Government’s Action Plans to end Sexual Violence³⁹¹

Year	Action
2010	Call to End Violence against Women and Girls by the Government; Baroness Stern publishes a report highlighting that the policies in place to stop rape are adequate, but implementation has largely failed.
2011	Government publishes action plan to stop violence against women with 88 specific measures regarding prevention, early intervention, first response, support, training, domestic and international punishments, and legislation; Separate response to Stern’s report.
2012	Half of the 88 actions outlined in 2011 are completed; 12 new measures are added; A Preventing Sexual Violence Initiative is announced in May 2012.
2013	More than 40 out of the 100 actions outlined in 2012 are completed; the definition of domestic violence is expanded to include those aged 16-17; the Istanbul Convention is signed, but not ratified.
2014	Over 50 actions outlined in 2013 are completed.
2016-2020	A strategy for the period 2016-2020 is published that stresses three ‘p’s’: preventing abuse by empowering partnerships, especially in schools, and launching campaigns, providing services to victims by enforcing collaboration between government and local agencies, and pursuing perpetrators by targeting coercive and controlling behaviour and intervening to change behaviour patterns in offenders. ³⁹²

Point 77 of the 2011 Action Plan accepts revisiting the definition of domestic violence, which up until 2011 did not include minors under 18.³⁹³ In 2013, this definition was expanded to include those aged between 16 and 17, and controlling behaviour was listed as a criminal offence.³⁹⁴ In 2013, the UK Government introduced a pilot scheme known as ‘Clare’s law’ that allows individuals to ask the police to disclose whether a new or existing partner has a criminal past.³⁹⁵ In 2016, this action plan was renewed until 2020, albeit it was renamed as ‘Strategy’.³⁹⁶ The main objectives, as shown by Figure 4 below, are to reduce the prevalence of all forms of violence against women and girls and to increase the reporting and convictions of perpetrators.³⁹⁷

³⁹¹ Stern, V., ‘The Stern Review’, Government Equalities Office (2010), available at: http://webarchive.nationalarchives.gov.uk/20110608162919/http://www.equalities.gov.uk/pdf/Stern_Review_acc_FINAL.pdf, last visited: 3 July 2017, p. 8; ‘Call to End Violence Against Women and Girls: Action Plan’, HM Government (2011), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118153/vawg-action-plan.pdf, last visited 3 July 2017, pp. 1-33; ‘Call to End Violence against Women and Girls Taking Action- the next chapter’, HM Government (2012), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118156/action-plan-new-chapter.pdf, last visited: 3 July 2017, pp. 1-48; ‘A Call to End Violence against Women and Girls Action Plan 2013’, HM Government (2013), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf, last visited: 3 July 2017, pp. 7-12; ‘A Call to End Violence against Women and Girls Action Plan 2014’, HM Government (2014), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf, last visited: 3 July 2017, p. 7.

³⁹² ‘Ending Violence against Women and Girls Strategy 2016 2020’, HM Government (2016), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF, last visited: 3 July 2017, pp. 9, 12.

³⁹³ The report notes that “following a recommendation from the Home Affairs Committee report in 2008, the Government will consult on a revised definition of domestic violence to include victims under 18 years of age”. See: ‘Call to End Violence Against Women and Girls: Action Plan’, HM Government (2011), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118153/vawg-action-plan.pdf, last visited: 3 July 2017, p. 30.

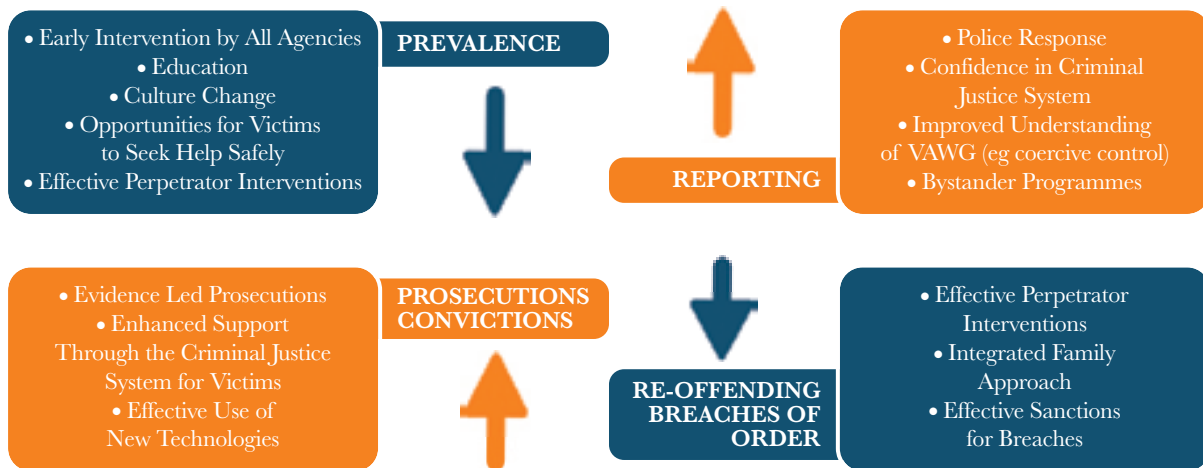
³⁹⁴ ‘2010 to 2015 government policy: violence against women and girls’, *Home Office*, available at: <https://www.gov.uk/government/publications/2010-to-2015-government-policy-violence-against-women-and-girls>, last visited: 3 July 2017.

³⁹⁵ *ibid.*

³⁹⁶ ‘Ending Violence against Women and Girls Strategy 2016 2020’, HM Government (2016), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF, last visited: 3 July 2017, pp. 9, 12.

³⁹⁷ *ibid.*

Figure 4: 2016-2020 UK Action plan to end VAWG



Source: ‘Ending Violence against Women and Girls Strategy 2016 2020’, *HM Government* (2016), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF, last visited: 3 July 2017, pp. 9, 12

Finally, it should be noted that the UK has signed, but not yet ratified, the Istanbul Convention of 2011. The official reason that the UK government has given for not ratifying the Convention is that the UK needs to introduce domestic legislation first to extend extraterritorial jurisdiction over a number of criminal offences.³⁹⁸ The aim of the bill is also to ensure that victims can come forward and be supported, to establish a Domestic Violence and Abuse Commissioner, to define domestic abuse in law, and to ensure that the penalty for sexually abusing children is coherent with the devastating trauma exerted upon them.³⁹⁹ However, it should be noted that the UK government has earned a fair share of criticism for the delay in ratifying the Convention from the Joint Committee on Human Rights, and organisations such as Women’s Aid and Amnesty International.⁴⁰⁰

In 2016, the UK government declared it was already exercising extraterritorial jurisdiction over murder, FGM, forced marriages, and offences against children.⁴⁰¹ Extraterritorial jurisdiction can also be granted in cases of terrorism: particularly encouragement of terrorism, attendance of a place for terrorism training, preparation for terrorist attacks, training for terrorism, and creation, possession or threat to use devices, materials to destroy facilities, and membership of a proscribed organisation.⁴⁰² However, the cases in which extraterritorial jurisdiction can be granted are quite restrictive, especially in light of the numerous sexual crimes committed against women. Currently, these are: offences against children under 13 or 16, indecent photographs of children, or possession of indecent photograph of a child under 16.⁴⁰³ It should be noted that Northern Ireland laws are broader, as they list rape and sexual assault as crimes that grant extraterritorial jurisdiction.⁴⁰⁴

³⁹⁸ ‘UK policy on ratifying the Istanbul Convention on preventing violence against women’, House of Commons 7829 (2017), available at: <http://researchbriefings.files.parliament.uk/documents/CBP-7829/CBP-7829.pdf>, last visited: 13 July 2017, p. 5.

³⁹⁹ *ibid.*

⁴⁰⁰ *ibid.*, p. 3.

⁴⁰¹ ‘UK policy on ratifying the Istanbul Convention on preventing violence against women’, House of Commons 7829 (2017), available at: <http://researchbriefings.files.parliament.uk/documents/CBP-7829/CBP-7829.pdf>, last visited: 13 July 2017, p. 5.

⁴⁰² ‘Fact sheet: Extending extra-territorial jurisdiction to sections 5 and 6 of the Terrorism Act 2006’, Home Office (2015), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417851/Fact_sheet_extending_extra-territorial_jurisdiction.pdf, last visited: 13 July 2016; ‘Jurisdiction’, *The Crown Prosecution Service*, undated, available at: https://www.cps.gov.uk/legal/h_to_k/jurisdiction/, last visited: 13 July 2017; ‘Terrorism Act 2006’, *The Crown Prosecution Service*, undated, available at: <http://www.legislation.gov.uk/ukpga/2006/11/section/17#commentary-key-0bc14aff566460013440a788499c1e10>, last visited: 13 July 2017.

⁴⁰³ ‘The Sexual Offences Act 2003’, *Legislation.gov.uk*, undated, available at http://www.legislation.gov.uk/ukpga/2003/42/pdfs/ukpga_20030042_en.pdf, last visited: 4 July 2017, p. 83.

⁴⁰⁴ *ibid.*

Despite the non-ratification of the Istanbul Convention, there have been notable advances in terms of UK domestic laws about sexual violence, as illustrated by Clare’s law outlined above and the introduction of the Domestic Violence Protection Orders and Notices in 2014, which allow police forces to provide protection for victims in the period between the offence and resolution in court.⁴⁰⁵ According to government sources, there are still two million victims of domestic abuse every year.⁴⁰⁶ As a result, the UK government promised to dedicate £100 million until 2020 to combatting VAWG,⁴⁰⁷ but worrying reports from 2017 show that funding for refuges aimed at sheltering victims from domestic abuse has been reduced by 38% since 2010.⁴⁰⁸

A Domestic Abuse Bill was approved and announced in 2017 and is still to be implemented, after which the Istanbul Convention will be signed. This Bill will create the post of Domestic Violence and Abuse Commissioner,⁴⁰⁹ a figure that bears resemblance to the Anti-Slavery Commissioner. The Bill will include measures to extend extra-territorial jurisdiction to convict rapists over 18 years old.⁴¹⁰

Regarding ‘honour’-based crimes, the Crown Prosecution Service (CPS) clarifies that ‘honour’-based crimes do not appear in legislation because they refer to a group of practices “[that] are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour”.⁴¹¹ Therefore, cases are prosecuted according to legislation on the particular offence committed, such as assault, grievous bodily harm, stalking, harassment, kidnap, rape, threats and murder.⁴¹²

⁴⁰⁵ ‘Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) Guidance’, GOV.UK (2016), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575363/DVPO_guidance_FINAL_3.pdf, last visited: 4 July 2017.

⁴⁰⁶ ‘New measures to allow ratification of Istanbul Convention’, GOV.UK, 29 June 2017, available at: <https://www.gov.uk/government/news/new-measures-to-allow-ratification-of-istanbul-convention?platform=hootsuite>, last visited: 4 July 2017.

⁴⁰⁷ *ibid.*

⁴⁰⁸ McIntyre, N., ‘London refuges have funding slashed as rates of domestic violence soar’, *The Independent*, 7 March 2017, <http://www.independent.co.uk/news/uk/home-news/london-councils-funding-refuges-domestic-violence-cut-38-percent-2010-a7612871.html>, last visited: 4 July 2017.

⁴⁰⁹ ‘New measures to allow ratification of Istanbul Convention’, GOV.UK, 29 June 2017, available at: <https://www.gov.uk/government/news/new-measures-to-allow-ratification-of-istanbul-convention?platform=hootsuite>, last visited: 4 July 2017.

⁴¹⁰ *ibid.*

⁴¹¹ ‘Honour-based violence and forced marriages’, *The Crown Prosecution Service*, undated, available at: http://www.cps.gov.uk/legal/h_to_k/honour_based_violence_and_forced_marriage/#a04, last visited: 4 July 2017.

⁴¹² *ibid.*

Appendix 3: Human Trafficking

3.1 International Legal Framework of Human Trafficking, with a focus on Trafficking for purposes of Sexual Exploitation

The Organisation for Security and Cooperation in Europe (OSCE), of which United Kingdom and Turkey are member states, is leading efforts regionally and internationally to combat human trafficking. In 2003, it created the Office and Post of Special Representative and Coordinator for Combating Trafficking in Human Beings in order to help States implement effective policies.⁴¹³ Every year, the Special Representative holds a conference that includes international governmental and NGOs to “develop effective joint strategies, combine individual efforts, and provide OSCE participating States and Partners for Co-operation with innovative and co-ordinated approaches to strengthen the prevention of trafficking in human beings and the fight against it.”⁴¹⁴ This bears resemblance to The Inter-Agency Coordination Group against Trafficking in Persons (ICAT), a policy forum that was created in 2007 by the United Nations General Assembly to improve coordination among United Nations agencies and other international bodies.⁴¹⁵ The following table (Table 10) illustrates the overlap of members from both organisations. The presence of some organisations, such as UN Women and OHCHR, are particularly significant as both offices work on issues of sexual violence against women in conflict zones.

Table 14: ICAT and OSCE Common Partnerships Regarding Anti-Trafficking in Persons

	ICAT⁴¹⁶	OSCE Alliance⁴¹⁷
Amnesty International	Not a member	Alliance Member
Anti-Slavery International	Not a member	Alliance Member
Bureau of the Dutch Rapporteur on Trafficking in Human Beings	Not a member	Alliance Member
Commonwealth of Independent States (CIS)	Not a member	Alliance Member
Council of Europe (CoE)	Not a member	Alliance Member
Council of the Baltic Sea States (CBSS)	Not a member	Alliance Member
Department of Peace Keeping Operations (DPKO)	ICAT Member	Not a member
End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International)	Not a member	Alliance Member
European Commission	Not a member	Alliance Member
European Police Office (EUROPOL)	Not a member	Alliance Member
Human Rights Watch (HRW)	Not a member	Alliance Member
International Centre for Migration Policy Development (ICMPD)	ICAT Partner	Alliance Member
International Centre for Missing and Exploited Children (ICMEC)	Not a member	Alliance Member
International Civil Aviation Organization (ICAO)	ICAT Member	Not a member
International Criminal Police Organization (ICPO-Interpol)	ICAT Member	Alliance Member
International Federation of Red Cross and Red Crescent Societies (IFRC)	Not a member	Alliance Member

⁴¹³ ‘Combating trafficking in human beings’, *Organisation for Security and Co-operation in Europe*, undated, available at: <http://www.osce.org/secretariat/trafficking>, last visited: 19 July 2017.

⁴¹⁴ ‘Alliance against Trafficking in Persons’, *Organisation for Security and Co-operation in Europe*, undated, available at: <http://www.osce.org/secretariat/107221>, last visited: 19 July 2017.

⁴¹⁵ ‘About us’, *Inter-Agency Coordination Group against Trafficking in Persons*, available at: <http://icat.network/about-us>, last visited: 19 July 2017.

⁴¹⁶ ‘About us’, *Inter-Agency Coordination Group against Trafficking in Persons*, available at: <http://icat.network/about-us>, last visited: 19 July 2017.

⁴¹⁷ Alliance against Trafficking in Persons’, *Organisation for Security and Co-operation in Europe*, undated, available at: <http://www.osce.org/secretariat/107221>, last visited: 19 July 2017.

“TRAFFICKING TERROR”

International Labour Organization (ILO)	ICAT Working Group	Alliance member
International Organisation of Employers (IOE)	Not a member	Alliance Member
International Organization on Migration (IOM)	ICAT Working Group	Alliance Member
International Trade Union Confederation (ITUC)	Not a member	Alliance Member
La Strada International	Not a member	Alliance Member
North Atlantic Treaty Organization (NATO)	Not a member	Alliance Member
Organization for Security and Co-operation in Europe (OSCE)	ICAT Partners	N/A
Organization of American States (OAS)	Not a member	Alliance Member
Platform for International Cooperation on Undocumented Migrants (PICUM)	Not a member	Alliance Member
Save the Children	Not a member	Alliance Member
Terre des Hommes	Not a member	Alliance Member
The Churches' Commission for Migrants in Europe (CCME)	Not a member	Alliance Member
The World Bank	ICAT Member	Not a member
UN Women	ICAT Member	Alliance Member
United Nations Children's Fund (UNICEF)	ICAT Working Group	Alliance Member
United Nations Development Program (UNDP)	ICAT Member	Not a member
United Nations Educational, Scientific and Cultural Organization (UNESCO)	ICAT Member	Not a member
United Nations Entity for Gender Equality and the Empowerment of Women (UN WOMEN)	Not a member	Alliance Member
Office of the High Commissioner for Human Rights (OHCHR)	ICAT Working Group	Alliance Member
United Nations High Commissioner for Refugees (UNHCR)	ICAT Working Group	Alliance Member
United Nations Interregional Crime and Justice Research Institute (UNICRI)	ICAT Member	Not a member
United Nations Joint Program on HIV/AIDS (UNAIDS)	ICAT Member	Not a member
United Nations Office on Drugs and Crime (UNODC)	ICAT Working Group	Alliance Member
United Nations Population Fund (UNFPA)	ICAT Member	Not a member
World Vision	Not a member	Alliance Member

Table 15: Ratification of International Laws on Human Trafficking

	Iraq	Syria	Nigeria	Libya	Turkey	United Kingdom
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949⁴¹⁸	Accessed in 1955	Accessed in 1959	Signed in 2003	Accessed in 1956	No	No
UN Convention Against Transnational Organised Crime, 2000⁴¹⁹	Accessed in 2008	Signed in 2000, ratified in 2009	Signed in 2000, ratified in 2001	Signed in 2001, ratified in 2004	Signed in 2000, ratified in 2003	Signed in 2000, ratified in 2006
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000⁴²⁰	Accessed in 2009	Signed in 2000, ratified in 2009	Signed in 2000, ratified in 2001	Signed in 2001, ratified in 2004	Signed in 2000, ratified in 2003	Signed in 2000, ratified in 2006
Council of Europe Convention on Action against Trafficking in Human Beings⁴²¹	N/A	N/A	N/A	N/A	Signed in 2009, ratified in 2016, entered into force in 2016	Signed in 2007, ratified in 2008, entered into force in 2009
Arab Charter on Human Rights for the Arab League^{422,423}	Yes ⁴²⁴	Yes	N/A	Yes	N/A	N/A

⁴¹⁸ ‘Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others’, United Nations Treaty Series 96, undated, available at: <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20VII/VII-11-a.en.pdf>, last visited: 20 June 2017.

⁴¹⁹ ‘United Nations Convention Against Transnational Organised Crime’, *United Nations Treaty Collection*, available at: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=_en#7, last visited: 19 July 2017.

⁴²⁰ ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime’, *United Nations Treaty Collection*, undated, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-12-a&chapter=18&lang=en, last visited: 20 June 2017.

⁴²¹ ‘Chart of signatures and ratifications of Treaty 197’, *Council of Europe*, 2017, available at: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197/signatures?p_auth=C8VCXTSf, last visited: 19 July 2017.

⁴²² Article 1 establishes that “all forms of slavery and trafficking in human beings are prohibited and are punishable by law. No one shall be held in slavery and servitude under any circumstances”. Article 2 says that “forced labour, trafficking in human beings for the purposes of prostitution or sexual exploitation, the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed conflict are prohibited”. ‘League of Arab States, Arab Charter on Human Rights, May 22, 2004’, *reprinted in* 12 Int'l Hum. Rts. Rep. 893 (2005), *entered into force* March 15, 2008’, *University of Minnesota Human Rights Library*, available at: <http://hrlibrary.umn.edu/instrec/loas2005.html>, last visited: 19 July 2017.

⁴²³ Rishmawi, M., ‘The Arab Charter on Human Rights’, *Carnegie Endowment*, 6 October 2009, available at: <http://carnegieendowment.org/sada/?fa=23951>, last visited: 19 July 2017.

⁴²⁴ ‘Human Rights’, *Iraqi Ministry of Foreign Affairs*, undated, available at: <http://www.mofa.gov.iq/en/page.php?id=9>, last visited: 19 July 2017.

Appendix 4: National Laws on Human Trafficking

4.1 Iraqi Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

The protection of women against trafficking for sexual purposes falls under Article 37 of the Iraqi Constitution, which states that: “forced labour, slavery, the slave trade, trafficking in women and children and the sex trade shall be prohibited”.⁴²⁵ Two additional laws are meant to protect women from trafficking: the Repression of Prostitution Act No. 8 from 1988, and Combatting Trafficking in Persons from 2012.⁴²⁶ However, the Repression of Prostitution Act criminalises victims, as prostitution is a criminal offense under the Iraqi Penal Code.⁴²⁷ This is a worrying pattern seen across four countries under study (Iraq, Syria, Nigeria, and Libya) and represents a failure to acknowledge women forced into prostitution by traffickers. An initial failure to implement the 2012 Combatting Trafficking in Persons Law in Iraq was seemingly corrected with the designation of two judges by the Higher Judiciary Council for trafficking cases and the creation of special units regarding trafficking by the Ministry of Interior.⁴²⁸ Some further institutions have been created for the purpose of combatting trafficking, such as the Anti-Trafficking Department at the Interior Ministry, and the Central Committee on Counter-Trafficking (CCCT), headed by the Ministry of the Interior, the latter of which is tasked with drafting executive orders to implement the 2012 Law.⁴²⁹ In its annual Trafficking in Persons report, the Office to Monitor and Combat Trafficking in Persons (J/TIP) from the US Department of State ranked Iraq in the second tier out of three regarding the enforcement of legislation against trafficking.⁴³⁰ While this Office recognises that the 2012 Iraqi Anti-Trafficking law establishes adequate punishment for sex trafficking – from temporary imprisonment and a fine to the death penalty – it criticises that some provisions of the 2012 Law have not been implemented, and that the Kurdistan Regional Government has not endorsed it.⁴³¹

4.2 Syrian Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

Regarding the inclusion of international human trafficking legislation into Syrian laws, Decree No. 33, Article 1,6 of 2010 established that anyone who obtains illegal funds derived from “organised prostitution, trafficking in human beings or children or illegal trafficking in human organs” shall be punished with a prison term of between three to six years or a fine equal to what has been seized or higher if the money cannot be retrieved.⁴³² If this offence is committed as part of an organised criminal gang, then the penalty shall be stricter.⁴³³ This addendum acknowledges that human trafficking can be

⁴²⁵ ‘Iraq’, *Slavery in Domestic Legislation*, October 2011, available at: <http://www.qub.ac.uk/slavery/?page=countries&category=4&country=80>, last visited: 14 August 2017.

⁴²⁶ The Organization of Women’s Freedom in Iraq (OWFI), et al., ‘Seeking Accountability and Demanding Change: A Report on Women’s Rights Violations in Iraq’, United Nations Human Rights Committee International Covenant On Civil and Political Rights (2015), available at: <http://www.law.cuny.edu/academics/clinics/iwhr/publications/Seeking-Accountability-and-Demanding-Change.pdf>, last visited: 18 July 2017, p. 31.

⁴²⁷ Healy, C., ‘Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons A Study of Syria, Turkey, Lebanon, Jordan and Iraq’, International Centre for Migration Policy Development (2015), available at: https://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf, last visited: 19 June 2017, p. 38. About half of the women imprisoned in the Al-Kadimiyyah prison in Baghdad were convicted for prostitution. See: Puttick, M., ‘No place to turn: Violence against women in the Iraq conflict’, Minority Group International and Ceasefire Centre for Civilian Rights’ (2015), available at: <http://minorityrights.org/wp-content/uploads/2015/10/ceasefire-report-no-place-to-turn.pdf>, last visited: 31 July 2017, p.33. In Kurdistan, several women that practised prostitution were jailed. See: Salih, H., ‘Prostitutes in Iraqi Kurdistan face jail while clients stay free’, *E Kurd Daily*, available at: <http://ekurd.net/mismas/articles/misc2014/2/state7782.htm>, last visited: 31 July 2017.

⁴²⁸ Healy, C., ‘Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons A Study of Syria, Turkey, Lebanon, Jordan and Iraq’, International Centre for Migration Policy Development (2015), available at: https://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf, last visited: 19 June 2017, p. 42.

⁴²⁹ *ibid.*, p. 43.

⁴³⁰ ‘Trafficking in Persons Report June 2017’, U.S. Department of State (2017), available at: <https://www.state.gov/documents/organization/271342.pdf>, last visited: 18 July 2017, p. 213.

⁴³¹ *ibid.*, p. 213.

⁴³² ‘Legislative Decree No. 33’, VERTIC, undated, available at: http://www.vertic.org/media/National%20Legislation/Syria/SY_Lg_Decree_33.pdf, last visited: 18 July 2017, p. 2.

⁴³³ ‘Legislative Decree No. 33’, VERTIC, undated, available at: http://www.vertic.org/media/National%20Legislation/Syria/SY_Lg_Decree_33.pdf, last visited: 18 July 2017, p. 2.

utilised as a source of revenue for criminal gangs, which provides a legal precedent for adding terrorists to this equation. Given that terrorists come from organised groups that also engage in criminal acts and trafficking as a source of funding, it could be argued that they could be held accountable for trafficking crimes under this law. Furthermore, in 2011 the Decree No. 3 provided some legal basis to prosecute traffickers and established a minimum conviction time of seven years.⁴³⁴ Nonetheless, it failed to define human trafficking, especially trafficking for sexual purposes, and to account for cases of rape.⁴³⁵ It is likely that rape has been omitted due to a general lack of awareness of rape in Syria, illustrated by the way in which rape is laxly defined in national legislation (see Appendix 2.2). In its annual Trafficking in Persons report, J/TIP from the US Department of State ranked Syria in the lowest tier regarding its effectiveness in tackling trafficking, arguing that the government directly contributes to exacerbating the current state of human trafficking in the country. The Syrian government has not investigated or punished traffickers, or made efforts to protect trafficking victims, who are usually tried for crimes they committed as a result of being victims of human trafficking.⁴³⁶ The Syrian government has created a National Committee on Trafficking, but the ongoing conflict has prevented the government from monitoring trafficking.⁴³⁷

It should be noted that the Syrian Law no. 10 of 1961 for Combatting Prostitution dictates that prostitution is illegal in Syria.⁴³⁸ This can lead to treating victims of trafficking for sexual purposes as criminal offenders.⁴³⁹

4.3. Nigerian Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

Nigeria adopted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act in 2003, which was amended in 2015 to increase the penalties for trafficking offenders to a minimum of five years' imprisonment and a minimum fine of one million naira (approximately £2,170) and to a minimum penalty of seven years' imprisonment if there is a child involved.⁴⁴⁰ However, the definition of trafficking as covered by the Act falls short of the requirements set out by the 2000 UN Trafficking protocol, as it does not acknowledge the vulnerability of victims in conflict.⁴⁴¹ A major obstacle in enforcing international provisions on trafficking within Nigeria is that international treaties are introduced into Nigeria through the creation of domestic laws that do not encompass international requirements, but rather offer alternatives that reflect domestic cultural, religious and social practices.⁴⁴² This is inherently problematic as the local “home-grown alternatives”⁴⁴³ still contain abuses of human rights.⁴⁴⁴ In 2015, this Law was amended to criminalise all forms of trafficking and increased the punishment for sex trafficking (minimum prison time of five years, minimum fine of one million naira

⁴³⁴ ‘2016 Trafficking in Persons Report- Syria Tier 3’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2016, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258872.htm>, last visited: 15 June 2017.

⁴³⁵ *ibid.*

⁴³⁶ ‘Trafficking in Persons Report June 2017’, U.S. Department of State (2017), available at: <https://www.state.gov/documents/organization/271344.pdf>, last visited: 18 July 2017, p. 380.

⁴³⁷ Healy, C., ‘Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons A Study of Syria, Turkey, Lebanon, Jordan and Iraq’, International Centre for Migration Policy Development (2015), available at: https://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf, last visited: 19 June 2017, p. 40.

⁴³⁸ *ibid.*, p. 37.

⁴³⁹ *ibid.*, p. 119.

⁴⁴⁰ ‘2016 Trafficking in Persons Report- Nigeria Tier 2’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2016, available at <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm>, last visited: 16 June 2017.

⁴⁴¹ Kigbu, S.K., and Hassan, Y.B., ‘Legal Framework for Combatting Human Trafficking in Nigeria: The Journey So Far’, *Journal of Law, Policy, and Globalisation* 38 (2015), available at: <http://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23682/24216>, last visited: 16 June 2017, pp. 205-220, p. 206.

⁴⁴² *ibid.*, pp. 205-220, p.220.

⁴⁴³ *ibid.*, pp. 205-220, p.220.

⁴⁴⁴ For example, the Child Rights Act of 2003 was adopted in order to introduce the provisions of the Convention of the Rights of the Child. However, it only applies to Federal territories. In 2010, a Nigerian Senator married a 15-year-old girl, and defended himself by arguing that in his state, Zamhara, the law did not apply. See: Kigbu, S.K., and Hassan, Y.B., ‘Legal Framework for Combatting Human Trafficking in Nigeria: The Journey So Far’, *Journal of Law, Policy, and Globalisation* 38 (2015), available at: <http://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23682/24216>, last visited: 16 June 2017, pp. 205-220, p. 215.

(£2,441.56) for sex trafficking).⁴⁴⁵ The Nigerian National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) has been at the forefront of awareness and training campaigns against trafficking; however, there are still some gaps in implementation, such as traffickers being able to avoid jail by paying a fine.⁴⁴⁶ In its annual Trafficking in Persons report, J/TIP from the US Department of State ranked Nigeria in the second tier out of three and concluded that the government is making significant efforts to eliminate human trafficking.⁴⁴⁷ According to the report, NAPTIP reported 654 investigations, 24 prosecutions, and 23 convictions for trafficking offenses in 2016.^{448 449} There were gaps in the implementation of the 2015 Amendment, as one trafficker was given the option to pay a fine to avoid jail.⁴⁵⁰ This mirrors Nigerian and other regional laws regarding cases of rape. As in the case with Iraq and Syria, some victims of trafficking for sexual purposes were initially detained for prostitution.⁴⁵¹

4.4. Libyan Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

The Libyan Penal Code includes articles that forbid trafficking of women for prostitution, sexual exploitation, slavery, and child sex trafficking.⁴⁵² The penalties for trafficking-related offenses are 1-10 years imprisonment for sex trafficking, and 5-15 years imprisonment for slavery.⁴⁵³ Security concerns in Libya have meant that the national criminal judicial system has not been functioning adequately, and no traffickers were investigated or prosecuted in 2016.⁴⁵⁴ As in Iraq, Syria, and Nigeria, the Libyan government treats victims of trafficking as perpetrators of several crimes (mainly prostitution and illegal immigration), for which they are detained, punished, and deported.^{455 456} In its annual Trafficking in Persons report, J/TIP from the US Department of State ranked Libya as a “special case” due to the ongoing security situation in the country, which prevented the government from addressing human trafficking in general.⁴⁵⁷

⁴⁴⁵ Healy, C., ‘Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons A Study of Syria, Turkey, Lebanon, Jordan and Iraq’, International Centre for Migration Policy Development (2015), available at: https://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf, last visited: 19 June 2017, p. 302.

⁴⁴⁶ ‘2016 Trafficking in Persons Report- Nigeria Tier 2’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2016, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm>, last visited: 19 July 2017.

⁴⁴⁷ Trafficking in Persons Report June 2017’, U.S. Department of State (2017), available at: <https://www.state.gov/documents/organization/271344.pdf>, last visited: 18 July 2017, p. 304.

⁴⁴⁸ Trafficking in Persons Report June 2017’, U.S. Department of State (2017), available at: <https://www.state.gov/documents/organization/271344.pdf>, last visited: 18 July 2017, p. 304.

⁴⁴⁹ The cross-border nature of trafficking is recognised in the Trafficking Act, as some cases allow for extra-territorial jurisdiction. See: Kigbu, S.K., and Hassan, Y.B., ‘Legal Framework for Combatting Human Trafficking in Nigeria: The Journey So Far’, *Journal of Law, Policy, and Globalisation* 38 (2015), available at: <http://www.iiste.org/Journals/index.php/JLPG/article/viewFile/23682/24216>, last visited: 16 June 2017, pp. 205-220, p. 210.

⁴⁵⁰ Trafficking in Persons Report June 2017’, U.S. Department of State (2017), available at: <https://www.state.gov/documents/organization/271344.pdf>, last visited: 18 July 2017, p. 304.

⁴⁵¹ ‘2014 Trafficking in Persons Report- Nigeria Tier 2’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2014/226790.htm>, last visited: 18 July 2017.

⁴⁵² ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm>, last visited: 19 July 2017.

⁴⁵³ ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm>, last visited: 19 July 2017.

⁴⁵⁴ ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm>, last visited: 19 July 2017.

⁴⁵⁵ ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm>, last visited: 19 July 2017.

⁴⁵⁶ ‘2016 Trafficking in Persons Report- Nigeria Tier 2’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2016, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258834.htm>, last visited: 19 July 2017.

⁴⁵⁷ ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271228.htm>, last visited: 19 July 2017.

4.5. Turkish Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

Article 80 of the Turkish penal codes forbids sex trafficking and carries a prison sentence of between eight and 12 years.⁴⁵⁸ In 2013, the ‘Law on Foreigners and International Protection’ provided a definition of trafficking and determined victims’ eligibility for a special type of residence permit.⁴⁵⁹ A National Task Force on Fight against Human Trafficking (NTFFHT) was established in 2002, which is made up by government agencies and NGOs.⁴⁶⁰ In 2016, the Regulation on Combatting Human Trafficking and Protection of Victim entered into force and the Directorate General for Migration Management (DGMM) sent the “Implementing Regulation for Fighting against Human Trafficking” to the Ministry of Interior to monitor its implementation.⁴⁶¹ In its annual Trafficking in Persons report, J/TIP from the US Department of State ranked Turkey in the second tier out of three, arguing that while Turkey adopted a national action plan, identified more victims, trained government staff, and created an anti-trafficking unit within the Turkish National Police, corruption and lack of international cooperation still stand in the way of combatting human trafficking.⁴⁶²

4.6. UK Laws on Human Trafficking, Especially Trafficking for purposes of Sexual Exploitation

Before 2015, provisions of human trafficking were not contained in the same act.⁴⁶³ Human trafficking for purposes of sexual exploitation was addressed in the Sexual Offences Act 2003 for England, Wales, and Northern Ireland, while Scotland was covered under Section 22 of the Criminal Justice (Scotland) Act 2003.⁴⁶⁴ The Modern Slavery Act, introduced in 2015, lists slavery, servitude, forced or compulsory labour, human trafficking, or the intent to commit any of these offences as crimes.⁴⁶⁵ The first four are punished with a life sentence or in cases of summary conviction, a term not exceeding 12 months or a fine, or both. The intent to commit a crime is punishable with an imprisonment term of no more than ten years, or in cases of summary conviction, a term not exceeding 12 months or a fine, or both.⁴⁶⁶ The Modern Slavery Act also established the Independent Anti-Slavery Commissioner, who is tasked with encouraging good practices “in the prevention, detection, investigation and prosecution of slavery and human trafficking offences; and the identification of victims of those offences”.⁴⁶⁷

⁴⁵⁸ ‘Turkey on Trafficking in Human Beings’, *Republic of Turkey Ministry of Foreign Affairs*, available at: <http://www.mfa.gov.tr/turkey-on-trafficking-in-human-beings.en.mfa>, last visited: 19 July 2017.

⁴⁵⁹ *ibid.*

⁴⁶⁰ *ibid.*

⁴⁶¹ *ibid.*

⁴⁶² ‘2017 Trafficking in Persons Report- Libya Special Case’, *Office to Monitor and Combat Trafficking in Persons, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Department of State*, 2014, available at: <https://www.state.gov/documents/organization/271345.pdf>, last visited: 19 July 2017.

⁴⁶³ ‘Report on the Internal Review of Human Trafficking Legislation’, HM Government (2012), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97846/human-trafficking-legislation.pdf, last visited: 19 July 2017, p. 6.

⁴⁶⁴ ‘Report on the Internal Review of Human Trafficking Legislation’, HM Government (2012), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97846/human-trafficking-legislation.pdf, last visited: 19 July 2017, p. 6-7.

⁴⁶⁵ ‘Modern Slavery Act’, *Legislation.gov.uk* (2015), available at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>, last visited: 19 July 2017, p. i.

⁴⁶⁶ ‘Modern Slavery Act’, *Legislation.gov.uk* (2015), available at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>, last visited: 19 July 2017, p. 4.

⁴⁶⁷ ‘Modern Slavery Act’, *Legislation.gov.uk* (2015), available at: <http://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>, last visited: 19 July 2017, p. 31.

“It is vital the complex relationship between human trafficking, sexual violence and both the funding for, and tactics deployed, by terrorist groups is fully understood and reflected in domestic and international law if we are to effectively combat these dangerous organisations.

“ISIL, Boko Haram and other evil groups are increasingly seeing human trafficking as a possible revenue stream – and we know that terrorists use sexual violence as one of the weapons they use to divide and create fear within communities. It is important this is recognised in the interpretation of terror in our current laws.

“This report is a very important step forward and the Government should look carefully at the recommendations set out.”

Yvette Cooper MP

Chair of the Home Affairs Select Committee

“The work the HJS is launching is a must-read for all those who wish to attack sexual trafficking and its part in the horrors of modern slavery. It highlights the imperative need for more international cooperation, to break up the trafficking gangs and routes, which are so essential for their wicked trade in human beings.”

Lord Carlile of Berriew Q.C.

Independent Reviewer of Terrorism
Legislation 2002-2011