



THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Stakeholder Report for the United Nations Universal Periodic Review

Submitted by Reprieve, a non-governmental organization in special consultative status

For the 41st Session of the Working Group on the Universal Periodic Review

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ABOUT REPRIEVE

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Reprieve is a legal action non-governmental organization founded in 1999. Reprieve promotes and protects the rights of those facing the death penalty and human rights abuses, often at the hands of governments, carried out in the name of “counter-terrorism” or “national security,” with a focus on arbitrary detention, torture, and extrajudicial executions.

I. INTRODUCTION

1. This submission focuses on three areas where Reprieve has identified that the UK has **not adequately implemented** recommendations made during the previous Universal Periodic Review:
 - Commitments towards victims of trafficking, especially in relation to British citizens trafficked to North-East Syria (**Section II**);
 - Commitments to respect the right to life and international law surrounding the use of force, especially in relation to its policy on drone strikes (**Section III**);
 - Commitments to prevent and investigate all instances of complicity in torture and extraordinary rendition (**Section IV**).

II. DUTY TOWARDS VICTIMS OF HUMAN TRAFFICKING

2. The UK has **failed to implement five supported recommendations**¹ to protect victims of human trafficking, particularly children, and **one recommendation**² to respect the principle of family unity. The UK is obliged by international and regional human rights law to identify, assist and protect victims of human trafficking.³
3. Instead, the UK has adopted a suite of punitive measures against British nationals detained in North-East Syria (NES), including failing to identify them as victims of trafficking; depriving them of citizenship apparently indiscriminately; refusing to repatriate; and adopting a policy of family separation.⁴ The UK's measures are in direct violation of the recommendations that it supported in the previous UPR cycle to adopt a victim-centric approach to combating trafficking.⁵
4. There are reasonable grounds to believe that many of these detainees are victims of human trafficking.⁶ Only 20 British families remain in detention without charge in NES.⁷ The women and children are held in two heavily-guarded open-air camps, in conditions which have been found to constitute cruel, inhuman, and degrading treatment.⁸ Men are held, incommunicado, in up to 14 different makeshift detention facilities.⁹ The UN has found that detainees have been tortured in these facilities.¹⁰

Failure to identify British nationals as victims of trafficking

5. At least 63% of British women detained in NES may have been trafficked into or within Syria or Iraq by the so-called Islamic State. At least 44% of British women were coerced by a male partner or relative. Over half of British detainees are children, a significant number of whom were born in Syria. Of the British nationals currently detained in NES who were not born there,

almost half were children when they travelled.¹¹

6. The UK is obliged to identify whether these British nationals are victims of trafficking.¹² Failure to do so violates its duty to take effective measures to protect vulnerable individuals, including victims and potential victims of trafficking located outside of the State's territory.¹³ Despite the Human Rights Committee confirming that this obligation applies extra-territorially,¹⁴ the UK has denied that its nationals in NES are within its jurisdiction under international law,¹⁵ and asserted that it only has an obligation to identify victims of human trafficking who are in the UK.¹⁶

The non-punishment principle, citizenship deprivation and refusal to repatriate

7. The UK is under a duty to consider the non-punishment principle when victims of human trafficking are identified.¹⁷ The non-punishment principle protects victims from penalties or prosecution for acts committed because of their trafficking or exploitation.¹⁸ However, the UK has adopted policies that penalise and stigmatise British citizens in NES, including by depriving them of citizenship and refusing repatriation.¹⁹
8. Citizenship deprivation of victims of human trafficking constitutes an administrative sanction that violates the non-punishment principle and increases risks of trafficking or re-trafficking.²⁰ At least 19 British adults detained in NES have been deprived of their citizenship and at least one British child may have been rendered stateless because her mother was deprived while pregnant with her.²¹
9. The UK has justified deprivation of their citizenship on the basis that "they travelled to Syria of their own volition" and "co-located" with the so-called Islamic State.²² However, many have been groomed, coerced or deceived into travelling to Syria. Many women remained there as they were often the most vulnerable and least able to escape of all detainees.²³
10. The UK is legally obliged to repatriate British victims of trafficking.²⁴ Instead, the UK has adopted a blanket policy of refusing to repatriate any British adult who it claims travelled to Syria volitionally, stating that it will only consider repatriating unaccompanied or orphaned children. At least two British women who were under 18 at the time they travelled have been refused repatriation.²⁵
11. A blanket policy of refusal to repatriate victims of human trafficking is a violation of the non-punishment principle.²⁶ Denying repatriation *en masse* to this category of citizens penalises and stigmatises them for their perceived involvement in unlawful activities arising out of their trafficking.²⁷

Violation of the rights of British children in NES

12. The UK is contributing to the unlawful detention of British children by failing to repatriate them and by automatically depriving their parents of citizenship. The UK's apparent policy is to encourage mothers imprisoned in NES to consent to the repatriation of their children without them, instead of repatriating the family unit. At least five families were informed by the UK that it would consider the repatriation of children if mothers consented to being separated from them.²⁸
13. Refusal to repatriate mothers together with their children is a violation of the UK's obligations under the Convention on the Rights of the Child to uphold the best interests of the child²⁹ and the right to family life under the International Covenant on Civil and Political Rights (ICCPR).³⁰ Any decision to separate children from parents or primary caregivers should be of last resort and requires an appropriate best interests assessment. The UK is not in a position to conduct these assessments while children and their primary caregivers are in detention camps.³¹
14. The UK is allowing its refusal to repatriate adult caregivers to determine its policy of encouraging child separation, rather than the best interests of the child.³² The UK's separation policy could have significant, severe and long-term adverse psychological consequences; and cause severe psychological suffering of both the child and their parent.³³ The separation of children from their parents in NES also violates the non-punishment principle.³⁴

RECOMMENDATIONS

15. The UK should:
 - Facilitate the voluntary repatriation of all nationals detained in NES to effectively assess and investigate their status as victims of human trafficking and provide them with protection and assistance in line with the UK's domestic and international law obligations;
 - Reinstate the British citizenship of all suspected victims of human trafficking in NES in line with the UK's domestic and international legal obligations, including not to punish victims of trafficking for acts that arose out of their trafficking and exploitation;
 - Reverse its position that it has no obligations towards British victims of trafficking who are outside the UK and take necessary and reasonable steps to investigate and identify all British nationals who are potential victims of trafficking;
 - Uphold the best interests of British children by repatriating them together with their mothers or primary caregivers and adopt a clear position opposing the separation of children from their mothers or primary caregivers;

- Ratify the Optional Protocol to the Convention on the Rights of the Child enabling communications procedures;
- Ratify the Optional Protocol to the Convention on the Elimination of Discrimination against Women enabling communications procedures.

III. THE RIGHT TO LIFE AND SUPPORT FOR DRONE STRIKES OUTSIDE OF ARMED CONFLICT

16. The UK **failed to implement two recommendations**³⁵ to ensure that its policies in the context of its so-called ‘fight against terrorism’ conform to international human rights law. The UK also **declined to support a crucial recommendation**³⁶ to bring its use of force in line with the UN Charter and international human rights law.
17. The UK’s policies on lethal targeting and the use of drones continue to raise concerns about compliance with the right to life under Article 6 of the ICCPR³⁷ and international law on the use of force.³⁸ The UK’s assistance to the US in conducting drone strikes outside of armed conflict amount to extrajudicial killings, violating international law.³⁹
18. Evidence suggests that UK personnel are permitted to assist allied forces, even in operations that do not comply with the UK’s own interpretation of international law,⁴⁰ and the UK has assisted the US program of drone strikes in several ways:
 - UK personnel are embedded in US Forces and assist them in carrying out strikes, for example, through ‘buddy lasing’ (lighting up targets for the US to bomb);⁴¹
 - The UK provides military bases and satellite and fibre optic communications infrastructure to the US, which are essential for the operation of US drone strikes;⁴²
 - US personnel based in the UK and their British counterparts conduct intelligence-gathering and analysis which is used to conduct drone strikes;⁴³
 - The UK has developed software that tracks individuals and facilitates ‘target selection’ through artificial intelligence algorithms, increasingly taking the ‘human out of the loop’.⁴⁴
19. In March 2021, the UK suggested that force may be used outside of armed conflict to protect a vague notion of national interests, while confirming that it would be expanding its fleet of armed drones, citing “threats above and below the traditional threshold of war ... We will demonstrate that we are able and willing to respond when our citizens and interests are targeted, including with force if necessary.”⁴⁵

20. In September 2021, the UK's Secretary of State for Defence, Ben Wallace, was asked if he would be prepared to launch drone strikes in Afghanistan; Wallace replied "I'll do whatever I have to do to protect citizens' lives and our interests and our allies, when we're called upon to do so, wherever that may be ... One of the options is to deploy anywhere in the world where there is an imminent threat to life, British life or our allies, where international law enables us to take action."⁴⁶ This followed a US drone strike during the withdrawal from Afghanistan that killed ten people, including seven children.⁴⁷
21. These statements indicate minimal regard for the *jus cogens* prohibition on the use of force and suggest that having ended the war, the UK could still periodically use military force against Afghanistan, so long as it perceived a 'terrorist' threat. The Secretary's suggestion that such strikes would be justified under 'self-defence' raise concerns about whether the UK has adopted an expansionist interpretation of the right to self-defence inconsistent with its international obligations.⁴⁸ Such an interpretation would erode international norms around the use of force and undermine international peace and security.
22. Any lethal action taken by the UK or its allies in Afghanistan following the US withdrawal would occur outside of armed conflict and therefore would be governed by international human rights law, including the ICCPR.

RECOMMENDATIONS

23. The UK should:
- Publish a targeting policy that includes the following:
 - Specific reference to the UK's commitment to Article 2.4 of the UN Charter and Article 6 of the ICCPR, and details of how the policy conforms to those international standards;
 - Confirmation that the UK will refrain from assisting allied forces in operations 'below the traditional threshold of war' or carrying out its own lethal force operations in such contexts;
 - Appropriate safeguards to ensure transparency and accountability in relation to specific UK strikes as well as strikes carried out by its allies that it has supported, including seeking UN and parliamentary consent for any military action.
 - Establish an independent mechanism to conduct thorough, transparent and prompt investigations into any use of lethal force that the UK deploys and UK assistance in lethal action carried out by its allies. To be effective and meet international standards on post-strike investigations the mechanism should:

- Welcome and consider NGO submissions;
 - Assess civilian casualties and the lawfulness of UK actions;
 - Analyse the findings of post-action investigations in the aggregate and draw out learning to strengthen civilian protection and the rule of law;
 - Integrate that learning into Ministry of Defence training, military strategy, and disciplinary procedures;
 - Provide accountability and redress to the families of civilian victims of UK action.
- Ratify the Optional Protocol to the International Covenant on Civil and Political Rights enabling communications procedures.

IV. COMPLICITY IN TORTURE AND RENDITIONS

24. The UK **failed to implement one recommendation**⁴⁹ to investigate and act on allegations of complicity of British military personnel in the ill-treatment of civilians and detainees overseas.

Failure to investigate systematic involvement in torture through intelligence-sharing

25. In July 2019, the UK confirmed it would renege on its promise made in 2010 of launching an independent, judge-led inquiry into its involvement in torture and rendition.⁵⁰ The UK's intelligence services have since identified at least 15 additional cases of UK complicity in torture which may require further investigation.⁵¹

26. The UK's failure to launch an independent and effective investigation leaves it in breach of its positive obligations under Article 3 of the ECHR and Article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). It is also a breach of its obligations under UNCAT Article 13 to promptly and impartially examine all complaints by victims of torture⁵² and Article 14 to provide redress to all victims of torture.⁵³

Failure to establish a clear legal or policy prohibition on involvement in torture

27. The UK's current policy on intelligence-sharing continues to risk UK officials becoming involved in abuses. In 2019, the UK published 'The Principles' - its policy to ensure that the detention and interviewing of detainees overseas, and the passing and receipt of intelligence on detainees, is consistent with the UK's human rights obligations.⁵⁴ The Principles state that where there remains a real risk that UK intelligence-sharing will lead to torture or other mistreatment, there is only a "presumption" that it would not proceed.⁵⁵ There is no unequivocal prohibition on

intelligence-sharing in such cases; instead, the matter is elevated to the minister, who considers “the full complexities of the case”.⁵⁶

28. This appears to leave open that a minister might authorise action which leads to the use of torture. In 2019, it was revealed that the Ministry of Defence (MOD) maintained a secret policy which suggested that ministers could approve action carrying a serious risk of torture if “the potential benefits justify accepting the risk and legal consequences”.⁵⁷ The Investigatory Powers Commissioner’s Office (IPCO) found that despite having amended their internal guidance to remove this passage, the MOD has for nearly three years continued to conduct the same prohibited “balancing exercise” between the rights of detainees not to face torture and the perceived need for intelligence.⁵⁸
29. In 2020, IPCO found that the Foreign, Commonwealth and Development Office (FCDO) was conducting “compliance monitoring” at a secret detention facility run by a UK partner where individuals were held “as a result of UK operations” and subjected to “unacceptable treatment”.⁵⁹ When FCDO officials learned of mistreatment taking place at the facility, they failed to report it until over a year later and “did not identify the practice as unacceptable when it ought to have done”.⁶⁰
30. Without a clear prohibition, UK complicity in mistreatment will continue. In December 2017, the Intelligence Services Commissioner found that, in 2016 alone, Communications Headquarters (GCHQ) reported 35 cases in which officers had failed to apply the Principles and concluded that in eight of these cases GCHQ should not have shared the intelligence in view of the real risk of mistreatment.⁶¹
31. Failure to adopt effective measures to prevent torture is a violation of UNCAT.⁶² In contrast to the Principles, no discretion exists under UNCAT to authorise action risking torture.⁶³ The UK must introduce a clear prohibition against intelligence action where there is a risk of torture or cruel, inhuman or degrading treatment (CIDT).

Failure to institute a ‘right to know’ for victims of torture

32. Survivors of torture and rendition have few means of learning how other countries may have facilitated or aided their treatment.⁶⁴ The UK’s UNCAT obligations cannot be fulfilled if victims of torture have no means of identifying those involved.
33. The UK should establish a post-notification system in domestic law for individuals subjected to a risk of torture through intelligence-sharing, with appropriate safeguards to ensure ongoing intelligence operations are not jeopardised. Such a process would recognise a victim’s ‘right to know’ who was involved in their torture, enabling them to take legal action or other forms of redress.

RECOMMENDATIONS

34. The UK should:

- Conduct independent and effective investigations, fully empowered to examine involvement in torture and CIDT;
- Introduce into domestic law clear legal prohibitions on intelligence action where there is a real risk of torture or CIDT;
- Recognise in domestic law a 'victim's right to know', creating a legal process for individuals subject to intelligence action arising from torture or leading to its use can be notified of a state's involvement;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Ratify the Optional Protocol to the Convention against Torture enabling communications procedures.

ENDNOTES

¹ **134.139**, Adopt a victim-centred comprehensive national framework against trafficking in persons, especially women and girls (Philippines, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.139);

134.144, Strengthen national mechanisms to combat human trafficking, specifically of women and girls, and to support and rehabilitate its victims (Lebanon, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.144);

134.143, Strengthen the national framework to combat human trafficking and ensure adequate support and protection to victims of trafficking (Uganda, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.143);

134.141, Reinforce the National Referral Mechanism to identify and assist victims of human trafficking (Spain, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.141);

134.146, Continue strengthening the positive measures taken to combat the crime of trafficking in persons and particularly those measures concerning the protection of child victims (Bahrain, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.146);

² **134.152**, Provide protection to the family as a natural and fundamental unit to the society (Egypt, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.152).

³ *Council of Europe Convention on Action against Trafficking in Human Beings*, 2005, CETS 2005 No 197 arts 10 and 12, OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UN Doc E/2002/68/Add. 1, guideline 2.

⁴ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 30 April 2021, p.41, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf.

⁵ **134.139**, Adopt a victim-centred comprehensive national framework against trafficking in persons, especially women and girls (Philippines, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.139).

⁶ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 30 April 2021, p.11, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf.

⁷ Information on file with Reprieve.

⁸ *Shamima Begum v Home Secretary*, SC/163/2019, Special Immigration Appeals Commission, 7 February 2020, paragraph 130, available at: <https://www.judiciary.uk/wp-content/uploads/2020/02/begum-v-home-secretary-siac-judgment.pdf>; See also, <https://reliefweb.int/report/syrian-arab-republic/syria-un-experts-urge-57-states-repatriate-women-and-children-squalid>.

⁹ Lead Inspector General Report to the US Congress, *Operation Inherent Resolve*, July 1 - September 30 2021, p.76, available at <https://media.defense.gov/2021/Nov/08/2002889206/-1/-1/LEAD%20INSPECTOR%20GENERAL%20FOR%20OPERATION%20INHERENT%20RESOLVE%20QUARTERLY%20REPORT%20JULY%202021%20%E2%80%93%20SEPTEMBER%202021.PDF>.

¹⁰ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/45/31, 14 August 2020, p.16, available at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session45/Documents/A-HRC-45-31-en.docx>.

¹¹ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 30 April 2021, p.11, p.20 and p.26, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf.

¹² *Council of Europe Convention on Action against Trafficking in Human Beings*, 2005, CETS 2005 No 197 arts 10 and 12, OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UN Doc E/2002/68/Add. 1, guideline 2.

¹³ *Inter alia*, *Soering v. The United Kingdom*, App. No. 14038/88, [1989] ECHR, paragraph 111;

Drozd and Janousek v. France and Spain, App. No. 12747/87, [1992] ECHR, paragraph 91.

¹⁴ UN HRC, *General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to Life*, 2018, CCPR/C/GC/36, paragraph 63. In the ECHR jurisprudence, *Opuz v. Turkey*, App. No. 33401/02, [2009] ECHR; *Osman v. United Kingdom* [GC] App. No. 23452/94 [1998] ECHR; *Z and Others v. the United Kingdom* [GC] App. No. 29392/95 [2001] ECHR, and *Talpis v. Italy*, App. No. 41237/14 [2017] ECHR.

¹⁵ UK Mission Geneva, *Response to communication AL GBR 2/2021 of 26 January 2021 of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism et al*, 16 April 2021, p.3, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=36143>.

¹⁶ Written Parliamentary Question, *British Nationality*, UIN 139992, tabled on 19 January 2021 and answered on 27 January 2021, available at: <https://questions-statements.parliament.uk/written-questions/detail/2021-01-19/139992>.

¹⁷ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000, art 2(b) (entered into force 25 December 2003). A specific reference to the non-punishment principle was proposed for inclusion in the Protocol by the United Nations High Commissioner for Human Rights at the time (A/AC.254/16, para. 17); See also: UN General Assembly, *Report by the Special*

Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally: Implementation of the Non-Punishment Principle, 17 May 2021, A/HRC/47/34, paragraph 32, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_34_E.pdf.

¹⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, art 2(b) (entered into force 25 December 2003). A specific reference to the non-punishment principle was proposed for inclusion in the Protocol by the United Nations High Commissioner for Human Rights at the time (A/AC.254/16, para. 17); See also: UN General Assembly, *Report by the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally: Implementation of the Non-Punishment Principle*, 17 May 2021, A/HRC/47/34, paragraph 32, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_34_E.pdf.

¹⁹ The non-punishment principle of victims of human trafficking is essential to the object and purpose of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. As such, the UK is in violation of the non-punishment principle under Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), and Article 8 of the EU Anti Trafficking Directive.

²⁰ UN General Assembly, *Report by the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally: Implementation of the Non-Punishment Principle*, 17 May 2021, A/HRC/47/34, paragraph 42, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_34_E.pdf.

²¹ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 30 April 2021, p.19, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf.

²² Communication on file with Reprieve.

²³ United Nations Security Council Counter-Terrorism Committee Executive Directorate, *Gender Dimensions of the Response to Returning Foreign Terrorist Fighters: Research Perspectives*, CTED Trends Report, February 2019, p. 8, available at:

https://www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/feb_2019_cted_trends_report_0.pdf.

²⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, art 8(1) (entered into force 25 December 2003). Repatriation of victims of trafficking in persons: The State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

²⁵ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to Islamic State*, 30 April 2021, p.19, available at: https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf.

²⁶ UN General Assembly, *Report by the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally: Implementation of the Non-Punishment Principle*, 17 May 2021, A/HRC/47/34, paragraphs 41-43, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_34_E.pdf.

²⁷ *Shamima Begum v Home Secretary*, Special Immigration Appeals Commission, 7 February 2020, available at:

<https://www.judiciary.uk/wp-content/uploads/2020/02/begum-v-home-secretary-siac-judgment.pdf>

²⁸ Reprieve, *Trafficked to ISIS: British families detained in Syria after being trafficked to the Islamic State*, 30 April 2021, p.42, available at https://reprieve.org/wp-content/uploads/sites/2/2021/04/2021_04_30_PUB-Reprieve-Report-Trafficked-to-Syria-British-families-detained-in-Syria-after-being-trafficked-to-Islamic-State-1.pdf; information held on file at Reprieve.

²⁹ *Convention on the Rights of the Child*, 20 November 1989, UNTS, arts 3 and 9 (entered into force 2 September 1990).

³⁰ *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS, arts 17 and 23(1) (entered into force 23 March 1976).

³¹ All-Party Parliamentary Groups, *Report of the Inquiry by the All-Party Parliamentary Group on Trafficked Britons in Syria*, p. 36, available at: <https://appgtraffickedbritons.org/wp-content/uploads/2022/03/Report-of-the-Inquiry-by-the-APPG-on-Trafficked-Britons-in-Syria.pdf>. Written evidence from Child Rights International Network for the *Report of the Inquiry by the All-Party Parliamentary Group on Trafficked Britons in Syria*, 1 November 2021, paragraph 32.

³² All-Party Parliamentary Groups, *Report of the Inquiry by the All-Party Parliamentary Group on Trafficked Britons in Syria*, p. 36, available at: <https://appgtraffickedbritons.org/wp-content/uploads/2022/03/Report-of-the-Inquiry-by-the-APPG-on-Trafficked-Britons-in-Syria.pdf>.

³³ All-Party Parliamentary Groups, *Report of the Inquiry by the All-Party Parliamentary Group on Trafficked Britons in Syria*, p. 36, available at: <https://appgtraffickedbritons.org/wp-content/uploads/2022/03/Report-of-the-Inquiry-by-the-APPG-on-Trafficked-Britons-in-Syria.pdf>; Professor Nimisha Patel, *Briefing on psychological considerations of family separation*, International Centre for Health & Human Rights, 26 October 2019.

³⁴ UN General Assembly, *Report by the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally: Implementation of the Non-Punishment Principle*, 17 May 2021, A/HRC/47/34, paragraphs 41-43, available at:

https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_47_34_E.pdf.

³⁵ **134.62**, Ensure that all laws and policies adopted are in conformity with international human rights law and standards, including on the fight against terrorism (Botswana, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.62);

134.128, Review counter-terrorism measures which target individuals or groups based on race, ethnic background or religion, including Muslims or Muslim communities (Malaysia, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.128).

³⁶ **134.130**, In the context of the fight against terrorism, that the use of force be in line with the United Nations Charter and international human rights law and with due respect for the necessity and proportionality criteria (Peru, 3rd Cycle, Report of the Working Group on the Universal Periodic Review 2017, at 134.130). This recommendation was noted but not supported.

³⁷ *International Covenant on Civil and Political Rights*, 16 December 1966, 999 UNTS, art 6 (entered into force 23 March 1976).

³⁸ *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, art 2(4).

³⁹ Since 2009, and throughout the review period, the US has been implementing a program of drone strikes outside of armed conflict for example in Yemen, Somalia and Pakistan. At least 4,892 people have been killed in US drone strikes in those states over the past decades. Studies have found that only 6% of 1,572 deaths caused by US drone strikes in Yemen have been leaders of non-state armed groups, and only 4% of those killed in US drone strikes in Pakistan were members of Al Qaeda. This figure is pegged at almost 8,000 according to some estimates; See, The Bureau of Investigative Journalism database on Pakistan available at: <https://docs.google.com/spreadsheets/d/1NAfjFonM-Tn7fziqiv33HIGt09wgLZDSCP-BQaux51w/edit#gid=694046452>, The Bureau of Investigative Journalism database on Yemen available at:

https://docs.google.com/spreadsheets/d/1lb1hEYJ_oml8lSe33izwS2a2lbiygs0hTp2Al_Kz5KQ/edit#gid=323032473, New America database on Somalia, available at: https://docs.google.com/spreadsheets/d/1Z4cue3_nMMTQMY18Zz8-Frz-02jfyKPgg-ioJMOujeU/pubhtml?gid=756081961

⁴⁰ Ministry of Defence, *Chief of Defence Staff Operational Directive to UK Personnel Embedded within Other States' Forces*, 2016. See also: Guardian, Haroon Siddique, *MoD document approves British troops for illegal bombing, charity claims*, 19 May 2021, available at:

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⁵⁴ *The Principles* (formally known as *The Principles relating to the detention and interviewing of detainees overseas and the passing and receipt of intelligence relating to detainees*) published on 18 July 2019 replaces the previous policy known as the *Consolidated Guidance*. For an overview of *The Principles*, see: <https://www.ipco.org.uk/news/oversight-of-the-principles/>.

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⁶⁰ Investigatory Powers Commissioner's Office, *Annual Report of the Investigatory Powers Commissioner 2020*, 6 January 2022, paragraphs 13.39 and 13.40, available at: https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/IPCO-Annual-Report-2020_Web-Accessible-version.pdf.

⁶¹ Intelligence Services Commissioner, *Report of the Intelligence Services Commissioner for 2016*, 20 December 2017, p. 34-35, available at: <https://ipco-wpmedia-prod-s3.s3.eu-west-2.amazonaws.com/Intelligence-Services-Commissioner-Annual-Report-2016.pdf>.

⁶² Article 2 of UNCAT requires State Parties to “adopt effective measures to prevent” public authorities and other persons acting in an official capacity from directly committing, instigating, inciting, encouraging, acquiescing in or otherwise participating or being complicit in acts of torture: See also, UN Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, 24 January 2008, CAT/C/GC/2, paragraph 17, available at:

<https://www.refworld.org/docid/47ac78ce2.html>. (“States parties should adopt effective measures to prevent authorities or others acting in an official capacity or under colour of law, from consenting to or acquiescing in any acts of torture. The Committee has concluded that States parties are in violation of the Convention when they fail to fulfil these obligations.”)

⁶³ UN Committee Against Torture (CAT), *General Comment No. 2: Implementation of Article 2 by States Parties*, 24 January 2008, CAT/C/GC/2, paragraph 5, available at: <https://www.refworld.org/docid/47ac78ce2.html>.

⁶⁴ For example, Abdel Hakim Belhaj and his wife Fatima Boudchar only learned of the UK's critical role in their kidnapping, rendition and torture when secret documents were discovered by chance after the fall of Colonel Gaddafi's government in 2011.