

TALLINN UNIVERSITY
School of Governance, Law and Society
Law

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THE RIGHTS OF WOMEN AND CHILDREN IN ISIS
Bachelor's Thesis

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Helsinki
2020

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ABBREVIATIONS

CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
GASC	General Assembly Security Council
HRC	Human Rights Council
HRW	Human Rights Watch
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
ILO	International Labor Organization
Protocol II	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts
Trafficking Protocol	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
UNCCT	UN Counter-Terrorism Centre
UNCRC; CRC	The United Nations Convention on the Rights of the Child
UDHR	Universal Declaration of Human Rights
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNSC	United Nations Security Council

INTRODUCTION

Since the beginning of 2020, when ISIS was defeated and it lost the areas it was governing, I have been reading news from a number of sources, related to the women and children on different camps across Syrian Arab Republic. I have been shocked with the situation on the camps and how these groups of people are treated. After searching for more information, I discovered several videos, documents and articles describing the conditions the children and women had faced when ISIS held power in Syria and Iraq: how children were recruited and taught the skills of fighting in combat and killing human beings, how girls as young as 9 years old were forced to marry an ISIS fighter, how women were restricted from leaving their homes and how they had no choice but to adapt to the situation.

I do certainly realize that the women living under ISIS were not merely victims and some of them even participated in combat, yet I decided to focus my thesis on the women who were held 'captive' in the Caliphate and who did not fight the battles alongside the male ISIS fighters. My interest in this subject matter was increased as I began to understand that ISIS recruited foreign fighters from across Europe, including Finland. Furthermore, when I learned that European and Finnish women had voluntarily, or by strong pressure from their husbands or boyfriends, left their homes to join the Caliphate and become 'ISIS mothers', I decided to focus my thesis on ISIS women and children and their rights in ISIS.

It would be unreasonable not to address further the other side of 'ISIS women'. Reportedly women committing attacks or shootings on behalf of ISIS are violent and those women really believe in the ideology of ISIS. Another group of women being involved with the violent side of ISIS are those who, in order to escape ISIS, agree to commit an attack abroad and in this way they are able to free themselves from the control by the help from ISIS, including money and possibilities for travel. At first, in 2014, when ISIS declared Raqqa as its capital, women went from door to door to offer money to poor families and to offer marriage with ISIS fighters to unmarried girls.¹

I have decided to focus on five research questions for this thesis, each of which I will shortly discuss below.

¹ A. H. Almohammad & A. Speckhard. International Center for the Study of Violent Extremism. 23.4.2017. Available online: <https://www.icsve.org/the-operational-ranks-and-roles-of-female-isis-operatives-from-assassins-and-morality-police-to-spies-and-suicide-bombers/> (22.12.2020).

1. What is the legal status of the women in ISIS?
2. What is the legal status of children in ISIS?
3. Who has the obligation to protect their rights?
4. What are the international instruments that govern issues related to this topic?
5. Why is the issue relevant and current?

The first two questions are the starting point to my research for this thesis. To specify and understand the current standard and situation for women and children under ISIS is remarkable. In order to look at how their rights are violated, assuming that some violations are happening, there has to be awareness about the current situation.

The third question is also vital to observe and investigate. Each individual is entitled a number of rights granted in various instruments or laws, often also in constitutions of different countries. As I researched all the violations done to these groups, I found a relevant issue being the protection of the rights of women and children under ISIS. The focus is on who is obligated to protect their right: whether it is each state separately, a community of states (such as the EU or the UN) or something else. I also researched what has been done so far to ensure their rights are protected and why there are still numerous serious violations being done and reported. The fourth research question relates closely to the third. Since ISIS is a non-state actor, the issue is certainly of an international type. Therefore, it was in particular international instruments I focused on in my research.

The final question is a rather general one. The issue is certainly relevant as ISIS has affected people from all over the world, either by direct recruitments or terrorist attacks done under ISIS's name. The topicality of the issue relates to the camps in Al-Hol which have been widely written about in different news sources. Even though ISIS has existed for years, the fact that it lost its areas governed in 2019 brought its brutality closer when thousands of people being held captive by ISIS got out to tell their stories.

My main research methods include qualitative data research and, as a secondary source, writings done by other people through communicating directly with the ISIS women and children. There was no possibility for me to do field research but luckily other people had done so and I used that in my research. Descriptive research was used as a way of highlighting the actions done to the ISIS women and children. Qualitative research was the

best fit method for this research because it included stories of people and the goal was to understand and explain the phenomenon instead of focusing on numbers or similar data.

A big amount of the sources is based on eyewitnesses and the stories of those who were able to flee ISIS and had first-hand experience of life under ISIS. This was a secondary source but I used quite a few sources to learn about what those witnesses had experienced. The most realistic information about the violations of women's and children's rights was in those witness stories.

For the sake of this thesis, with 'ISIS women' I refer to women being under the influence of ISIS by marriage to an ISIS fighter or women who have made the voluntary decision of joining ISIS, either by fighting or staying at home and accepting the actions of ISIS. The term 'ISIS children' consequently refers to children who have been born or brought to areas held by ISIS and whose parent or both parents are part of ISIS.

The focus of research for the thesis has been various sources of international organizations that have written about ISIS from the legal perspective and its effects of those under its control or in the areas it used to control in Syria and Iraq. For clarity, international laws do not directly apply to ISIS and therefore all applicable statutes are applicable in either Iraq or Syria. Crimes, or more accurately actions judged by the international community and considered crimes under international law, by non-state actors include the disrespect for widely accepted international rights and rule of law. The term 'non-state actor' is used in international law to refer to other actors than states.²

Hypotheses:

- Restriction and violation of fundamental rights of women and children is part of ISIS ideology.
- International legislation has had a minor effect in protecting the rights of women and children in ISIS.

² D. E. W. Johnson. The Problem of the Terror Non-State: RESCUING INTERNATIONAL LAW FROM ISIS AND BOKO HARAM. 28.5.2019. pp. 10-11. Available online: <https://poseidon01.ssrn.com/delivery.php?ID=942094068073002103086098125091114086034008059068089043102126106104085003073091116076103052038060105029109001071079121119100019052078027028048091127029013094114014029095043064102102124076089002072088017084098019112023006126080023118027064020094090097067&EXT=pdf> (22.12.2020).

The hypotheses state my assumption that ISIS's ideology in its core has an emphasis on the restriction of basic, fundamental rights of women and children. This would mean that it lays deep in the group that it is accepted and even encouraged to restrict the behavior of women and children and treat them differently to men. Furthermore, I also predict that, even though relevant international legislation and treaties exist and would in theory be applicable, it is extremely difficult to enforce these laws and treaties and hold ISIS fighters and leaders accountable for violations.

The main reason this topic is extremely relevant and novel is because at the end of 2019 ISIS lost the area it was governing in Syria and Iraq. As a result, ISIS is not vanished entirely, it has merely gone underground.³ Covid-19, which has been around world-wide for almost the entire year of 2020, is being abused by ISIS and it has spread to Western-Africa, too.⁴ I decided to look into the role and rights of women in ISIS is because ISIS is strictly a terrorist group which not only favors but also demands violence from its members. Therefore, it is logical to discuss this subject from the point of view of ISIS in particular.⁵

In order to minimize any possibilities of misunderstanding the terminology of this thesis, some terms must be clarified. The term 'religious terrorism' stems from terrorism studies and is closely linked to the Western way of seeing the matter. Often terrorism is closely linked to religion, mainly Islam and there the link quickly goes to ISIS, probably one of the most popular and well-known terrorist group in the world and if not that then at least the deadliest or most dangerous.⁶ This enlightens perhaps one of the main reasons why people associate terrorism quickly to Islam. However, terrorism is multidimensional and can be political as well. Religious terrorism is used to describe terrorism which is done in the guise of religion or where religion is used as an excuse for terror and violence. Religious terrorism can be based on other religion than merely Islam, for example Anders Behring Breivik used Christianity as the reason for his attack.

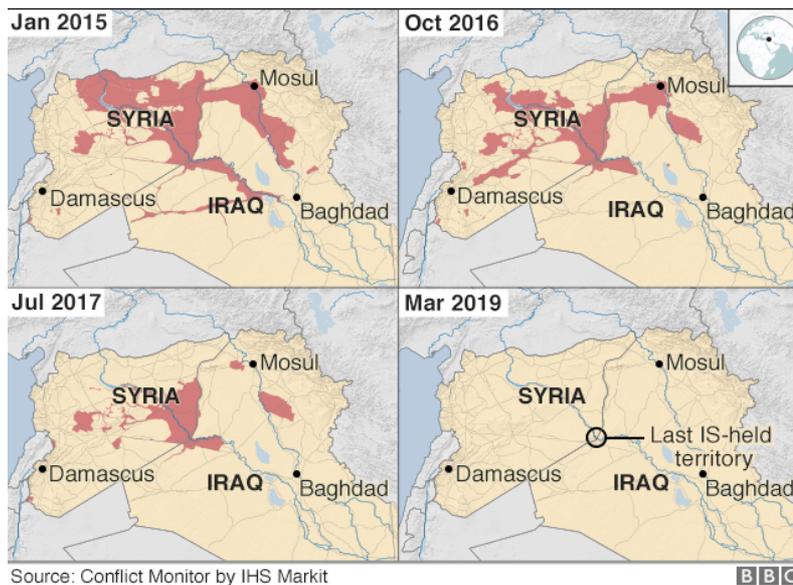
³ Yle. Ulkolinja: Isis - Raqqaan painajainen. 26.4.2018. Available online: <https://areena.yle.fi/1-4315630> (22.12.2020).

⁴ Ulkoministeriö. Ministeri Haavisto osallistuu Isisin vastaisen koalition pienryhmän ulkoministerikokoukseen. 4.6.2020. Available online: https://um.fi/ajankohtaista/artikkeli/-/asset_publisher/iYk2EknllmNL/content/ministeri-haavisto-osallistuu-isisin-vastaisen-koalition-pienryhm-c3-a4n-ulkoministerikokoukseen (22.12.2020).

⁵ C. D. Ness. Female terrorism and militancy: agency, utility and organization. 1st edition. Routledge. 2008.

⁶ D. Dudley. The Deadliest Terrorist Groups in the World Today. Forbes 5.12.2018. Available online: <https://www.forbes.com/sites/dominicdudley/2018/12/05/deadliest-terrorist-groups-in-the-world/#4f73f34a2b3e> (22.12.2020).

I. ISIS



⁷The attached image illustrates the areas held by ISIS from 2015 to 2019 when ISIS was defeated.

1.1 ISIS and its background

The term ISIS stands for Islamic state of Iraq and Syria and refers to the areas where ISIS operated. In 2003 Saddam Hussein built an army and from 2011 protests in Syria were started. By 2014 there was a civil war in Syria. It is believed that most of ISIS leaders were formed of Saddam Hussein army-members. An even earlier form of ISIS is Osama bin Laden's idea of a 'holy war', a jihad against American forces. A message was sent to all Muslims worldwide to 'kill Americans and their allies' and it was framed as a duty of each Muslim.

After 2014 ISIS began to recruit 'foreign fighters' from all over the world, including Western Europe. The Islamic Caliphate was established in 2014 and it was overthrown in 2019. The area reached from Aleppo to Diyala.⁸

Before ISIS became ISIS, it was from 2004 until 2013 called and referred to as ISI which in turn stands for Islamic State of Iraq. In 2011 operatives of ISI were sent to Syria and after

⁷ BBC News. IS 'caliphate' defeated but jihadist group remains a threat. 23.3.2019. Available online: <https://www.bbc.com/news/world-middle-east-45547595> (22.12.2020).

⁸ United Nations Security Council. Conflict-related sexual violence. Report of the Secretary General. S/2015/203. 23.3.2015. pp. 9. Available online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/081/36/PDF/N1508136.pdf?OpenElement> (22.12.2020).

battles there, ISIS was re-formed. In 2014 the group was declared a caliphate. By use of terror and taking advantage of the unstable situation in Iraq and Syria⁹, ISIS was able to keep its territories and people under its control until 2019.

Iraq did not consent to the US using force against ISIS, but the US committed an airstrike in the territory of Iraq, using international law as a basis for the strike: a state can use military force in the territory of another states if 1) the state has given consent to do so, 2) the UN Security Council has authorized the use of force and 3) acting in self-defense. In Syria, the US did an airstrike against any authorization by the Security Council or consent from Syria.¹⁰

Despite the acts of a 'terrorist' group seem to be unlawful in the eyes of Westerners, they in fact follow the laws of that group itself. In the case of ISIS that is the Sharia law, an extreme form of Islamic law, according to which violence is legitimate is justified by law but only then.¹¹

Under international law ISIS is considered a non-state actor because it is not a state, rather an organization, which cannot ratify or implement international treaties.¹² As a basic rule, under the Montevideo Convention, the criteria of a state include defined territory, permanent population, government and the capacity to enter into diplomatic relations.¹³ These criteria are used commonly among international scholars. Based on this, ISIS cannot be said to fulfill the criteria of a state. ISIS has, by force, been able to gain territory in Iraq and Syria and control the lives of the people there. However, it does not meet the legal definition of a state.¹⁴ This is mainly because other states have not approved of its territory or government nor does ISIS have a permanent population or a stable government.

⁹ Human Rights Council. Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson. A/HRC/29/51. 16.6.2015. pp. 4-6. Available online: <https://www.refworld.org/docid/558982fc4.html> / <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/127/02/PDF/G1512702.pdf?OpenElement> (22.12.2020).

¹⁰ M. P. Scharf. How the War Against ISIS Changed International Law. Case Western Reserve University – School of Law. 2016. Available online: https://scholarlycommons.law.case.edu/cgi/viewcontent.cgi?article=2637&context=faculty_publications (22.12.2020).

¹¹ M. Revkin. The legal foundations of the Islamic State. The Brookings project on U.S. Relations with the Islamic World. No. 23. July 2016. pp. 5-6. Available online: https://www.brookings.edu/wp-content/uploads/2016/07/Brookings-Analysis-Paper_Mara-Revkin_Web.pdf (22.12.2020).

¹² D. E. W. Johnson (reference 2), pp. 22.

¹³ Montevideo Convention on the Rights and Duties of States. Article 1. Available online: <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml> (22.12.2020).

¹⁴ D. E. W. Johnson (reference 2), pp. 11.

1.2 Legal problems related to ISIS

Before assessing the legal problems arising towards women and children, a note has to be made that the traditions and cultural habits of a state determine the status of women, at least to some extent. No generalization can be made that all Islamic women face the same treatment or are under the same rules. The faction of Islam, of which is talked about, has an impact on the status of women.¹⁵

The often accepted view as to why men are special compared to women stems from the standing that men have been chosen as prophets. According to a Muslim feminist, Amina Wadud-Mushin, one of the reasons for men's greatness over women has to do with divorce. Men can divorce without arbitration or assistance whereas women are able to divorce only once an authority has intervened.¹⁶

To support the subject of this thesis, the role of women within ISIS is important to assess: it can be understood by looking at the goals of ISIS. ISIS aims to not only create a group but also a state, and this is what women are needed for: they are seen essential to create (that is, give birth to) future terrorists and raise them.¹⁷

According to the report by UN HRC, genocide, crimes against humanity and war crimes may have been committed by ISIS or other parties of the conflict. This conflict is therefore of international nature. It is specified that war crimes in this instance include enlisting children under the age of 15 or in other ways using them as part of the conflict.¹⁸

The view by the UN HRC is supported by the Special Rapporteur: Ben Emmerson states in his report that ISIS has severely violated international law and has, for example, committed

¹⁵ K. Ask and M. Tjomsland. *Women and Islamization. Contemporary Dimensions of Discourse on Gender Relations*. New York. 1998. pp. 3

¹⁶ A. S. Roald. *Feminist Reinterpretation of Islamic Sources: Muslim Feminist Theology in the Lights of the Christian Tradition of Feminist Thought*. In: *Ibid.*, pp. 36.

¹⁷ E. Canal. *What Life Is Like For ISIS' Female Recruits*. Bustle. 9.2.2015. Available online: <https://www.bustle.com/articles/62240-what-life-for-isis-female-recruits-is-like-and-what-happens-if-they-try-to> (22.12.2020).

¹⁸ HRC. *Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Leant and associated groups*. A/HRC/28/18. 27.3.2015. pp.15-16. Available online <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/066/10/PDF/G1506610.pdf?OpenElement> (22.12.2020).

international crimes including genocide, war crimes, crimes against humanity and human rights law.¹⁹

The violations of the rights of a child cause bigger issues to society than only the harm done to an individual and their close ones. Each State has an obligation to protect children from violence.²⁰ One major issue is the lack of tools to enforce international instruments of law upon ISIS since it is not a state and therefore not party to any major conventions protecting women and children, in particular.

The UN Security Council has expressed concern towards ISIS's ideology: violence towards women and children, mainly girls in this case, seems to be part of the ideology of 'certain terrorist groups'.²¹ This supports my hypothesis which held that it is deep in the structures of ISIS that women and girls are sexually violated, merely based on their gender.

ISIS's ideology is based on the Islam religion but ISIS has taken the teachings and values of Islam further. ISIS claims to be a body interpreting the Islam religious texts, even though a majority of Muslims do not accept ISIS's interpretation of the Koran and other holy texts. ISIS members believe they alone represent the 'true Islam'. The fundamental difference between the ISIS ideology and the ideology of 'other' Muslims is the use of violence. ISIS justifies use of violence as a way of protecting themselves against 'enemies against Muslims'.²² The conservative of Islam is strongly supported and followed by ISIS and this is seen, for example, by restrictions towards women related to with whom they can be seen in public. The concept of 'sexual purity' of women is a reason explaining why women are not seen as much in combat as men. Under ISIS, the differences between men and women are emphasized and women are seen weaker and in need of protection of men. This is one of the reasons why women are not seen equal to men in the society. The inequality causes

¹⁹ HRC (reference 9), pp. 3-4.

²⁰ United Nations Office on Drugs and Crime. Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System. 2017. pp.16. Available online: http://www.unodc.org/documents/justice-and-prison-reform/Child-Victims/Handbook_on_Children_Recruited_and_Exploited_by_Terrorist_and_Violent_Extremist_Groups_the_Role_of_the_Justice_System.E.pdf (22.12.2020).

²¹ Security Council Resolution 2242 (2015). 13.10.2015. pp. 2. Available online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/311/09/PDF/N1531109.pdf?OpenElement> (22.12.2020).

²² J. Willoughby. ISIS and Islam: How a Terrorist's Ideology Twists Religion. In: The American Journal of Islamic social sciences. Vol. 33(3). 2016-07. pp. 162-164. Available online: <https://web-b-ebsohost-com.libproxy.tuni.fi/ehost/pdfviewer/pdfviewer?vid=1&sid=00233b65-4a19-4f9f-b5ec-f2161863be22%40sessionmgr103> (22.12.2020).

supremacy of men over women in numerous ways²³, which will be discussed in detail in chapter 2 of this thesis.

Sexual violence is used as part of ISIS's ideology to spread terror and suppress people who are against ISIS and its philosophies. Young women who have gotten away from ISIS have reported forced marriages, rapes and slavery, where young girls have been sold or 'given away as gifts'.²⁴ According to estimations, about 1500 civilians have possibly been subject to forced sexual slavery.²⁵

²³ H. Khelghat-Doost. Women of the Caliphate: the Mechanism for Women's Incorporation into the Islamic State (IS). In: Perspectives on Terrorism. Vol. 11, No. 1. Terrorism Research Initiative, February 2017. pp. 18-21. Available online: https://www.jstor.org/stable/26297734?seq=5#metadata_info_tab_contents (22.12.2020).

²⁴ UNSC (reference 8), pp. 9.

²⁵ *Ibid.*, pp. 10.

II. THE CURRENT STATUS AND RIGHTS OF WOMEN AND CHILDREN IN ISIS

Violations by ISIS have been severe and in particular targeted Yezidis and other ethnic and religious groups and minorities. Families have been separated and men have been executed. In particular, brutality towards women has been reported and verified by UN. Women have been detained in their homes and restrictions have been set as to how they should dress. Furthermore, the social contacts and work places of women have been set by ISIS. Yezidi women have been sold, raped and killed, which amount to war crimes and crimes against humanity against international law. Children have faced similar treatment than women, including inhuman treatment and torture as well as forcibly watching executions.²⁶

The restrictions on the rights of women can be seen immediately by the way women have to dress. ISIS women dress in black and not even their eyes are shown. Their options to live outside the homes are limited and they are carefully watched almost all the time. An unmarried woman is not forced but strongly encouraged to marry and the life of an unmarried woman under the Caliphate is not easy.²⁷

It is reported that women face sexual violence from their husbands once they reach Syria and they are overall very strictly controlled by men under ISIS rules. Women can not for example leave the house without a man being with them.²⁸

2.1 The rights of women

Gender equality, or in fact inequality, exists worldwide and in different countries and cultures. Islamic states are no exception: eventually they can be more radical due to sharia and the role of the Quran which itself includes a vast number of discriminatory texts towards women. The Quran is believed to be straight from God and therefore its words are respected and followed

²⁶ HRC (reference 9), pp. 8-10.

²⁷ A. Perešin. Fatal Attraction: Western Muslimas and ISIS. In: Perspectives on Terrorism. Vol. 9, No. 3. June 2015. pp. 21-38. Available online: https://www.jstor.org/stable/26297379?seq=1#metadata_info_tab_contents (22.12.2020).

²⁸ The Guardian. Schoolgirl Jihadis: the Female Islamists Leaving Home to Join ISIS Fighters. 29.9.2014. Available online: <https://www.theguardian.com/world/2014/sep/29/schoolgirl-jihadis-female-islamists-leaving-home-join-isis-iraq-syria> (22.12.2020).

precisely in many Islamic states. In family context, the roles of each gender become very clear.²⁹

In her article Alice Martini makes a distinction between women and men: women are often seen to be peaceful and caring whereas men are deemed to be strong and political. In the Western world Muslim women seem to appear as victims of the power of men. It seems the take on female jihadists is that they are victims of the group and they have been persuaded to ISIS without them really knowing what it was all about. This is problematic because this takes away the responsibility of those women joining ISIS as well as swifts away from the real problem since women can as well as men be interested in actually joining ISIS and fighting the holy war, jihad.³⁰

The role of women in the Jihad is mainly to support the fighters, often men, in that they care for the children, homes and community in general. It has become more common for women to fight the actual wars, too. According to a study by UN Women, under ISIS rule and influence women are to be obedient towards their husbands and all men, frankly. In its propaganda reaching out for Muslims in Europe and elsewhere ISIS has shamed women who do not join the Caliphate, and in this way ISIS has strongly influenced Muslims around the world to leave their homes to fight the 'holy war'. ISIS uses religion as the justification for limiting the way women dress or where they are allowed to travel.³¹

Related to the history of ISIS, it is important to note that ISIS itself tried to stop women from joining but as the Caliphate begun to arise, ISIS started to recruit women into ISIS. Women have a vital role in parenting and creating new fighters and members for the Caliphate.³²

Unlike some other terrorist-related groups, such as Al-Qaida and Boko Haram, ISIS has considered women more as mothers and wives, not fighters. According to the values and ideology of ISIS, the women have to raise good soldiers from their sons and good wives from their daughters. Some women have received training related to firearms. Suicide bomb vests

²⁹ L. Welchman. Women's rights & Islamic family law. perspectives on reform. Zed Books. 2004. pp. 235.

³⁰ A. Martini. Making Women Terrorists into "Jihadi Brides": An analysis of Media Narratives on Women Joining ISIS, 2018. Available online: <https://www-tandfonline-com.libproxy.tuni.fi/doi/full/10.1080/17539153.2018.1448204> (22.12.2020).

³¹ UN Women. Empowerment or Subjugation: An analysis of ISIL's gendered messaging. June 2018. Available online: <https://www2.unwomen.org/-/media/field%20office%20arab%20states/attachments/publications/lahoud-fin-web-rev.pdf?la=en&vs=5602> (22.12.2020).

³² T. A. Jacoby. Jihadi Brides at the Intersections of Contemporary Feminism. New Political Science. 27.11.2015. Available online: <https://www-tandfonline-com.libproxy.tuni.fi/doi/full/10.1080/07393148.2015.1089028?src=recsys> (22.12.2020).

have been given to women but not for the sake of committing a suicide attack, merely for the protection from enemies.³³

ISIS women are strongly advised from everyday activities to the way they live in their marriage and family life, including rules from strict behavioral codes to who the women can talk to and spend time with. Spending time with other males than those of one's own family is not accepted in ISIS's ideology, under their interpretation of sharia law. The dress code of women in the Caliphate is strict and women can be stopped on the streets if they do not obey it. Women cannot show their wrists, ankles or faces, this is considered dishonorable.³⁴

2.2 The rights of children

The women, and girls, traveling to join ISIS are usually 16-24 years old and have roots in the area where ISIS operates, however also people with no connection to that part of the world have joined ISIS and moved away from their homes. The younger and more vulnerable the girls are, the easier it is to radicalize them.³⁵ The age range illustrates that children are involved, as in international conventions anyone under the age of 18 is generally considered a child.

As ISIS children did not voluntarily join ISIS but were brought there with their parents or born there, they are considered victims, to begin with. ISIS has reasoned its recruitment of children with the statement that it is the duty of all Muslim men to be a part of jihad, the holy war.³⁶ International norms, especially those that set standards for human rights are violated as the children held currently captive in camps in Syria. In January 2020, the UN reported that it was about 8000 who were held on the camps, about 700-750 of which are European.³⁷

³³ UNODC. Foreign Terrorist Fighters. Manual for Judicial Training Institutes. South-Eastern Europe. Vienna. 2019. pp. 9. Available online: https://www.unodc.org/pdf/terrorism/Foreign_Terrorist_Fighters_Handbook/EN_Foreign_Terrorist_Fighters_Ebook.pdf (22.12.2020).

³⁴ G. Vale. Women in Islamic State: From Caliphate to Camps. International Centre for Counter-Terrorism. The Hague. October 2019. Available online: <https://icct.nl/app/uploads/2019/10/Women-in-Islamic-State-From-Caliphate-to-Camps.pdf> (22.12.2020).

³⁵ A. khešin (reference 27), pp. 21-38.

³⁶ UN Security Council. Report of the Secretary-General on children and armed conflict in Iraq. S/2015/852. 9.11.2015. Available online: <https://undocs.org/S/2015/852> (22.12.2020).

³⁷ A. Speckhard and M. Ellenberg. Can We Repatriate the ISIS Children? International Center for the Study of Violent Extremism. 7.7.2020. Homeland Security. GTSC. Available online: <https://www.hstoday.us/subject-matter-areas/counterterrorism/perspective-can-we-repatriate-the-isis-children/> (22.12.2020).

ISIS children have been attending in school teaching the basic ideology of ISIS and therefore they have been subject to the group and its conservative ideology from a very young age.³⁸

Young girls were forcibly married to ISIS fighters by their parents to make sure the whole family would be safe and accessed to different services, according to a study by Oxfam, including comments from locals. As well male members of the family, such as the fathers or brothers of these girls facing involuntary marriage, would join ISIS and then force the girls to marry an ISIS fighter.³⁹

2.3 The violations of the rights of women and children

Yezidi women have faced serious violations of their rights by ISIS. The amounts of women being subject to these violations are debatable and cannot be confirmed, but according to estimates by officials and the UN, by 2016 the amount was as high as 3500.⁴⁰ The exact amount by now (end of 2020) is not stated and possibly will never be known for certain.

Among with Yezidi men, women and children had to witness executions of the men of their community, after they had been separated from men of their family. Damage was caused to many, including women and children, in cities where ISIS members cut off electricity and water and caused illness of vulnerable people and even death of a woman and her newborn baby as a result of lack of medical services. Of course, any human rights violations towards the men or homes of a certain group of people caused damages to the well-being of women and children so it can not be underestimated that if only men are directly violated by ISIS members, women and children are often indirectly affected. It has been reported that Yezidi women have faced gender-based violence and violations of their rights. Women and children were taken as swag in the war ISIS was fighting. Violations of rights of females included enslavement and inhuman treatment. Sexual violence by ISIS fighters, including beatings and repeated rapes, was ongoing and it was targeted towards girls as young as six. Women and girls were sold to different cities and young children were separated from their parents and

³⁸ UNODC (reference 33), pp. 11.

³⁹ L. Dietrich and S. E. Carter. Gender and Conflict Analysis in ISIS Affected Communities of Iraq. May 2017. pp. 16. Available online: <https://reliefweb.int/sites/reliefweb.int/files/resources/rr-gender-conflict-isis-affected-iraq-300517-en.pdf> (22.12.2020).

⁴⁰ Human Rights Watch. Iraq: Women Suffer Under ISIS. 5.4.2016. Available online: <https://www.hrw.org/news/2016/04/05/iraq-women-suffer-under-isis> (22.12.2020).

sold around Iraq. The consequences of the acts by ISIS fighters include different signs of trauma, depression and suicides or attempted suicides. Children from as young as the age of eight were recruited as ISIS fighters. This breaks international human rights law, international criminal law and customary international humanitarian law.⁴¹

2.3.1 Violations towards women

In Islamic religion, women, as the offspring of Eve, are seen as 'vessels of sinful sexual power' which is the basis for ISIS's patriarchal regulations which control and restrict women. ISIS selectively uses statements of the Koran to support their ideology on the modesty of women and the requirement of women to wear covering clothes, such as scarves covering their heads.⁴²

According to UNICEF, domestic violence is present in almost every country and it is a very under-reported and under-recorded crime. The main problem is that domestic violence often stays hidden due to the fact that it happens in homes and in close relationships and therefore the reporting of a crime is hard and often seen shameful.⁴³

Domestic violence is hardly talked about but it exists and is a big issue in gender inequality. Forms of domestic violence are, for example, beatings, murder, marital rape and forced marriage. The intervening of the state differs and depends on the willingness and capability of the state in question to change the existing laws and habits.⁴⁴

The reason why domestic violence is largely present in Islamic states is because in those states the role of women is more under the influence of a man than in Western countries. Women are seen to be under the guardianship of men their entire lives and they have to be obedient towards their guardians, under the writings of Quran. The core issue of marital rape is that it is only recently recognized in Western countries and not at all in sharia countries. Since sexual intercourse is prohibited outside a marriage, rape is therefore also prohibited under sharia. However, when married, women are seen to be obligated to have sex with their husbands and that is why marital rape is not seen as a crime or a punishable act in sharia. If a

⁴¹ HRC (reference 18), pp. 6-11.

⁴² H. Khelghat-Doost (reference 23), pp. 21.

⁴³ L. Welchman (reference 29), pp. 241-242.

⁴⁴ *Ibid.*, pp. 236.

wife refuses to have sex with her husband, this is seen as punishable act for the woman and can cause beatings or other forms of domestic violence.⁴⁵ Women have also faced severe punishments from religious police forces consisted of women for behavior that is not accepted in the views of ISIS.⁴⁶

The results of the Oxfam study present witness stories about how ISIS forced women to wear Niqabs with cloves, even if their husbands did not demand such a dress code. Women were also restricted from entering public places alone, even going to a supermarket alone was not allowed. More serious violations include restricting or even forbidding women to engage in decision-making. As obtaining an income is endangered by women having to stay at home, the humanitarian and recovery 'key' is not accessible for women.⁴⁷

HRW has through interviews reported systematic rapes towards women and girls and restrictions on their freedom of movement⁴⁸, a basic fundamental right guaranteed in several international treaties, one of which is the UDHR by the UN.⁴⁹

2.3.2 Violations towards children

According to international law, children are to be treated primarily as victims in all cases of armed conflict. In a handbook by the UNCCT, it is made clear that the rights of children have been violated numerously in ISIS-related armed conflict: their right to education and growth has been under attack, they have been used as fighters and kids being under ISIS may face discrimination long after they get free of ISIS.⁵⁰

Witnesses have reported that children as young as six have been raped violently by ISIS-fighters and children have been sold to ISIS-fighters which is clearly illegal as human

⁴⁵ *Ibid.* (reference 43), pp. 243, 245.

⁴⁶ UNODC (reference 33), pp. 9.

⁴⁷ L. Dietrich and S. E. Carter (reference 39), pp. 21.

⁴⁸ HRW (reference 40).

⁴⁹ Universal Declaration of Human Rights. Article 13(a). Available online: <https://www.un.org/en/universal-declaration-human-rights/> (22.12.2020).

⁵⁰ United Nations Office of Counter-Terrorism. United Nations Counter-Terrorism Centre (UNCCT). Children affected by the foreign-fighter phenomenon: ensuring a child rights-based approach. pp. 11-13, pp. 35. Available online: https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/0918_ftf_handbook_web_reduced.pdf (22.12.2020).

trafficking is illegal. This report talks about numerous human rights violations, targeted towards men and women of certain groups, such as different religious groups.⁵¹

Children, after being separated from their mothers, were taken to 'camps' around Iraq and Syria to train them to shoot, use guns and force other military training as well as religious training on them. If children would not agree to participate in the trainings or watch videos of executions, they would be severely beaten. Military training was given to children from the age of 12 and this alone violates international laws. The amounts of children who had been subject to this remains unclear.⁵²

Armed groups have for a long time been recruiting children but the recruitment of children by terrorist groups is a more recent phenomenon. Children are used for a number of reasons, including propaganda, the easy access to children (the use of their vulnerability) and economic benefits. Special concern is had towards young girls being taken advantage of. Girls have better 'propaganda value', at least that is how ISIS sees it.⁵³

Crimes against children in armed conflicts include acts such as recruitment, sexual violence, killing and attacks on schools. As the report of the Secretary General lists the violations done during 2015, it is stated that those violations are related to disrespect of international humanitarian and human rights law.⁵⁴ Girls have been forbidden to attend school⁵⁵, which violates Article 28 of the UNCRC⁵⁶, a declaration which has been ratified by both Iraq and Syrian Arab Republic.

ISIS-affiliated groups have resulted in attacks on schools which influences the rights of children in that they cannot attend school and receive the education they are entitled to, according to several international treaties. Furthermore, as many as 68 schools have been closed due to ISIS-affiliated groups and more than 48,000 children in Nangarhar Province area in Afghanistan alone have been affected by this. This is only one example of the numbers

⁵¹ HRC (reference 18), pp. 10.

⁵² *Ibid.*, pp. 11.

⁵³ UNODC (reference 20), pp. 10-14.

⁵⁴ General Assembly Security Council. Promotion and protection of the rights of children. Children and armed conflict. Report of the Secretary General. A/70/836-S/2016/360. 20.4.2016. pp. 2. Available online: <https://reliefweb.int/sites/reliefweb.int/files/resources/N1611119.pdf> (22.12.2020).

⁵⁵ HRW (reference 40).

⁵⁶ Convention on the Rights of the Child. Article 28. Available online: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (22.12.2020).

of children being affected by ISIS and affiliated groups and of the ways children have been affected.

Over 400 children have been reported to the UN to have been subject to recruitment by ISIS in Iraq and Syrian Arab Republic, some of which have not been verified. Included in that number were children from the age of 7-9 up. Furthermore, the UN has knowledge of almost 270 incidents where over 800 children had been either killed or injured, in Iraq alone. 63 % of casualties appeared related to acts of ISIS. Reports of sexual violence and rape have been received by the UN but they are hard to verify and therefore exact numbers are missing. Also reports of abduction of over 1000 children were made to the UN.⁵⁷

Children facing violence or sexual abuse are known to have increased risk of long-lasting trauma or other issues years after the experience took place. For example, violence experienced at a young age, can lead to difficulties in learning, future relationships with other people and other social issues.⁵⁸ Therefore it is seen vital to protect children from conflict-related, and other, violence and have international treaties and instruments ensuring that the rights of children are commonly known and written down.

2.4 What has been done to stop these violations?

Existing international instruments aiming for the protection of women and children will be fully discussed in chapter IV. Now I will shortly examine precise actions that have been done in order to ensure the respect for the rights of women and children which are granted and to be protected. I will, too, shortly mention some relevant international instruments applicable and mention the laws that apply.

International humanitarian law that applies to armed conflict of non-international character (this is the situation in Iraq and Syria) is applicable, related to issues with ISIS. The Geneva Convention's Article 3 bounds all parties, and in addition State Parties are bound by customary law norms in the additional protocols to the Geneva Conventions on 1949 (those related to protection of victims of non-international armed conflicts).⁵⁹

⁵⁷ GASC (reference 54), pp. 12.

⁵⁸ RIKU-lehti. 3/2014. Available online: https://www.riku.fi/content/uploads/su_file/1657_RIKU-lehti-3-2014.pdf (22.12.2020).

⁵⁹ HRC (reference 9), pp. 7.

The UN Special Rapporteur highlights that human rights exceed state limits, which means that they apply to all individuals at all times. Under international law ISIS is bound to respect the basic human rights, those being, for example, the absolute prohibition of torture and slavery, cruel and inhuman treatment and the right to life and freedom of thought, religion and conscience. To conclude, the governing law is international human rights law. In addition to the rights and prohibitions mentioned above, which ISIS should respect, the right to free trial should be guaranteed.⁶⁰

The resolution 1325 by the UN Security Council given in 2000 highlights the importance of having women in different decision-making levels and making certain that women and girls are heard and represented by other women. It states that all concerned actors should take women into account in decision-making and in situations where decisions are made. Special guidance is given to parties to armed conflicts in that they must respect international laws, in particular those regulating on the rights of women, children and other civilians. The different needs of women compared to men are to be respected, too.⁶¹

Even though various UN Security Council resolutions have been given and many international instrument legislating on the matter exist, the suppression of the rights of women and children on ISIS-related areas seems to be an ongoing issue. The respect for the rights guaranteed by international human rights laws is not overseen carefully enough.

Several military strikes have been made to Middle East in order to stop ISIS from operating there and even though many of them have been successful, the existence of ISIS is still present there. Further challenges exist with regard to international laws and legal system and its effectivity over ISIS.⁶²

⁶⁰ *Ibid.*, pp. 10-11.

⁶¹ UN Security Council. Resolution 1325 (2000). 31.10.2000. Available online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement> (22.12.2020).

⁶² D. E. W. Johnson (reference 2), pp. 26-27.

III. PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN

Trying to offer help for women under ISIS, whether voluntarily or not, is challenging or even impossible since they are outside the scope of international laws, and diplomatic support hardly exists, usually not at all. Girls and women can have a different view on the situation existing and once they realize where they ended up, leaving is made difficult or impossible.⁶³ Leaving the Islamic State is very difficult and often those trying to flee are captured and killed. Even if one was able to escape, after the return home they could be charged with various crimes for being a part of ISIS.⁶⁴

If the women fleeing from Syria are able to reach their homeland again, they are considered a national threat in many countries due to their diverse way of seeing the world and the training they have received. Even children who have lived in a war zone, seen violence and perhaps even used weapons are seen a security threat in many Western countries upon return.⁶⁵

One of the acts included in the crimes against humanity-portion of international crimes is the sexual violence towards women and children, forced marriages and rape. The Iraqi Government is responsible to hold any persons liable and accountable for any violations of human rights accountable and ensure they are brought to justice. The international community, including all member states of the United Nations, is called to assist Iraq to protect those vulnerable under existing circumstances.⁶⁶

The Government of Iraq is deemed to have failed to protect people under its jurisdiction and its own nationals from ISIS and its members. It is found that Iraq has the primary legal responsibility in addressing international crimes and it has the obligation under international law to investigate all accusations related to ISIS. Any other states that have assisted any parties of the conflict shall determine whether the particular support lies within the obligations they have according to international law.⁶⁷

⁶³ T. A. Jacoby (reference 32).

⁶⁴ E. Canal (reference 17).

⁶⁵ A. Perešin (reference 27), pp. 21-38.

⁶⁶ United Nations General Assembly. Human Rights Council. S-22/1. The human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups. A/HRC/RES/S-22/1. 3.9.2014. https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_res_s22_1.pdf (22.12.2020).

⁶⁷ HRC (reference 18), pp. 14-15.

A. Clapham suggests that international human rights obligations apply to non-state actors (ISIS being among them) and that there are ways of holding them accountable for violations. Human rights violations by non-state actors being acknowledged and them having an effect on the general enjoyment of human rights, it has been a quite a recent task by the UN HRC to confront and address any violations arising.⁶⁸

Special Rapporteur Ben Emmerson has stated that human rights apply to all individuals and at all times. As a conclusion, ISIS is said to be obligated under international law to at least respect certain basic human rights, such as the right to life and the prohibition of torture. International human rights law is governing law.⁶⁹

Even with current international laws and legal framework, ISIS has committed numerous human rights violations, many of which women and children have been subjected to. Enforcing human rights laws against a non-state actor which constantly violates them has been noted to be a serious issue of the existing legal framework. States that have signed the UN Charter are bound to 'respect and promote human rights'⁷⁰, yet the fulfillment of this statement and obligation is problematic. Both Iraq and Syria are party to a number of other international treaties, too, but the lack of enforcement of those treaties upon ISIS endanger the fulfillment of the obligations of Iraq and Syria.⁷¹

3.1 Applicable international instruments

As both Iraq and Syrian Arab Republic are members of the UN and have thus ratified the UDHR, the Declaration has been a starting point for research of this thesis. The basis for its applicability is that because ISIS operated on the territory of Syria and Iraq and their nationals were subject to human rights violations, it should have been the obligation of those two states to protect their citizens and the rights belonging to them.

⁶⁸ A. Clapham. Human Rights Obligations for Non-State Actors: Where are We Now? 12.8.2015. pp.1. Available online:

<https://poseidon01.ssrn.com/delivery.php?ID=685005098086024113121115118020100065050036005007020023098100017075025124018021112006057031008034110026040021098113021127086099051020003005085069102117002124126007118021010085091064112084070120007102126064084127077080114029106079001091089095065091093069&EXT=pdf&INDEX=TRUE> (22.12.2020).

⁶⁹ HRC (reference 9), pp. 10-11.

⁷⁰ Charter of the United Nations. Available online: <https://www.un.org/en/sections/un-charter/chapter-vii/index.html> (22.12.2020).

⁷¹ D. E. W. Johnson (reference 2), pp. 3.

The HRC in its report establishes that both human rights laws and international humanitarian law are applicable in Iraq. International humanitarian law that is applicable in non-international armed conflicts and international human rights law applies as well. Iraq is a party of the main international human rights treaties and all parties of the conflict are bound by international humanitarian law rules.⁷² Both Iraq and Syria are parties to all Conventions discussed in more detail in subchapters below.

International law offers children a wide range of protections against violence. The instruments ensuring rights to children include UNCRC (particularly mentioned Articles 19, 32, 34 and 36), United Nations Global Counter-Terrorism Strategy and United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.⁷³

The Protocol aims to protect women and children, but not merely them, from trafficking in an illegal sense. For adults, a 'means' element is required, meaning that threat of force or other forms of coercion is needed to be present in order for the action to be deemed trafficking. However, for children this is not needed but ISIS and other terrorist groups use threat of force, for example, in the trafficking of children, too.⁷⁴

3.1.1 Universal Declaration of Human Rights

The UDHR is the first UN instrument which recognized the most fundamental principles of international human rights.⁷⁵ Article 16(1) states on establishing a family and on marriage that everyone is entitled to equal rights in marriage and at the dissolution of marriage.⁷⁶ This is violated by ISIS since women do not have an equal opportunity to get a divorce as men do.

The right to education⁷⁷, granted in Article 26(1), is violated by ISIS since it has closed schools or forced children to work as soldiers instead of letting them attend school. As well

⁷² HRC (reference 18), pp. 5.

⁷³ UNODC (reference 20), pp. 16-18.

⁷⁴ *Ibid.*, pp. 17.

⁷⁵ International Justice Resource Center. Human Rights Day 2018: Universal Declaration of Human Rights at 70. 10.12.2018. Available online: <https://ijrcenter.org/2018/12/10/human-rights-day-2018-universal-declaration-of-human-rights-at-70/> (22.12.2020).

⁷⁶ UDHR (reference 49), Article 16(1).

⁷⁷ *Ibid.*, Article 26(1).

Article 5⁷⁸ has constantly been violated by ISIS: directly in the ISIS propaganda videos and pictures the use of torture is present.

3.1.2 Convention on the Elimination of All Forms of Discrimination against Women

ISIS, in its different forms, operated from 2006 to January 2019 on the area of Syria and Iraq, and it is important to note that Iraq is a party to the CEDAW since 1.12.1999. Syria, on the other hand, has not yet ratified the Convention but is a party of the United Nations.⁷⁹

The aim of the CEDAW is to pay attention to inequality between men and women and in particular to highlight the problematic areas within our societies in order to attack them explicitly. It is noted that discrimination violates principles of equality of rights and respect for human dignity.⁸⁰

It is reasonable to discuss Articles 5(a), 6, 16 and 24 in further detail. They are closely linked to the subject of this thesis because the obligations they set on States Parties are continuously violated by ISIS. ISIS's use of women as sex slaves and other forms of sexual violence can be interpreted as prostitution, which is to be surpassed according to Article 6. The entire Article 16 focuses on the family life and marriage and women's role in it: women are to be treated equally in the marriage and family⁸¹, which is not the case in ISIS.

Article 24 is not directly violated by ISIS but it is violated by Iraq and Syria, States Parties, which have continuously failed to 'adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.'⁸² That links this Article to my thesis topic.

The CEDAW is a general convention and its focus is on minimizing every form of discrimination women face on the basis of gender. Even the mere existence of such a

⁷⁸ *Ibid.* (reference 76), Article 5.

⁷⁹ United Nations Department of Public Information. Convention on the Elimination of All Forms of Discrimination against Women. Available online: <https://www.un.org/womenwatch/daw/cedaw/cedaw20/list.htm> (22.12.2020).

⁸⁰ Convention on the Elimination of All Forms of Discrimination against Women. Available online: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx> (22.12.2020).

⁸¹ *Ibid.*, Articles 5(a), 6 and 16.

⁸² *Ibid.* (reference 80), Article 24.

convention, and the need for such, highlights the issue within our society at large: it is widely known and even acceptable that women are treated differently than men.

3.1.3 United Nations Convention on the Rights of the Child

Article 3(1) of the UNCRC highlights one of the main principles of international law with regard to children, which is that the best interests of the child should always be of primary consideration.⁸³ This principle is referred to in many other Articles of the Convention. According to the UNCRC, States Parties are the ones responsible to ensure the fulfillment of the Articles of the Convention.⁸⁴ The question arises, however, when is the State aware enough to get involved with the omission of protection of the rights of the child.

Article 19 is important to mention because it includes a general definition of the forms of violence against children.⁸⁵ Article 19 is used in whenever it needs to be determined whether violence has occurred: namely Article 19(1) is the starting point for drawing a baseline of what is considered as violence towards children.

Article 34 of the UNCRC relates to the topic of this thesis because ISIS uses children as sex slaves and children under the general age of majority, which is 18 in most international instruments, are subject to sexual violence and abuse.⁸⁶

The role of this Convention is that it specifically lists various measures to be taken in protection of children in all circumstances and focuses on the rights of the child. It can be interpreted from the wording that children are considered a vulnerable group and therefore they need special protection and a separate Convention to ensure that the listed rights are protected. It can be used in determining whether ISIS has violated the rights in this Convention because the countries ISIS operated in were parties to the Convention and they should have ensured the protection of the rights of their children.

3.1.4 Worst Forms of Child Labour Convention

⁸³ UNCRC (reference 56), Article 3(1).

⁸⁴ *Ibidem*.

⁸⁵ *Ibid.* (reference 83), Article 19.

⁸⁶ *Ibid.* (reference 83), Article 34.

This Convention, formally known as the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour or Convention no. 182, is one of the fundamental conventions of ILO.⁸⁷ ISIS is not a party to the Convention and hence it cannot violate this Convention. The countries in which ISIS operates in, Syria and Iraq, are parties of the Convention and by not acting in order to end the acts of ISIS they are not honoring the Convention.

ISIS by using children as soldiers violates Article 3(a) of this Convention:

*'The worst forms of child labour are listed and included is trafficking of children and 'forced or compulsory recruitment of children for use in armed conflict.'*⁸⁸

Accordingly, children under the age of fifteen shall not be used in hostilities and children under the age of eighteen are also under protection. In Protocol II, several articles protect children in conflict and are also applicable to non-international armed conflicts.

3.2 A comparison of the applicable instruments

Most of the below-mentioned instruments specifically forbid discrimination. This includes discrimination based on age, gender, color, race, language, religion, political or other opinion or other status.⁸⁹ The UDHR offers a general prohibition of discrimination under the law.⁹⁰

The UDHR and the ICCPR are rather general instruments, regulating on and creating obligations to Member States with regards to respect of human rights. Other applicable instruments focus more specifically either on the rights of children or women and the protection of their rights.

One division of different rights is to split them in two separate groups for examination and comparison: civil and political rights as one group, and economic, social and cultural rights as

⁸⁷ International Labour Organization. Conventions and Recommendations. Available online: <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm> (22.12.2020).

⁸⁸ Worst Forms of Child Labour Convention. Available online: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (22.12.2020).

⁸⁹ See for example: UDHR (reference 49), Article 2.

⁹⁰ *Ibid.*, Article 7.

another. Civil and political rights set negative obligations on states, meaning they have to refrain from doing something, whereas the other set of rights obliges states to act, that is they set positive obligations on states.^{91 92}

The CEDAW is the central instrument for aiming to advance the inequality between the two genders. It brings the focus to the rights of women and tries to overcome the ongoing problem related to inequality of women in comparison to men. The Convention was adopted in 1979 and as problems with inequality still exists, the effectivity of the Convention is questionable: yet its existence is important.⁹³

The level of protection varies between the Conventions: for example, the CEDAW ensures rather precise and detailed rights for women whereas the UNCRC and the Convention no. 182 similarly grant specific rights to children. The UDHR creates a basis for fundamental human rights and does not focus on women or children explicitly.

3.3 The effectivity and bindingness of the relevant instruments

The current understanding and commonly accepted take on the bindingness of international instruments is that non-state actors are bound by international law if the non-state actor includes an international element.⁹⁴ In the case of ISIS the international element does exist, because there have been terrorist attacks done in the name of ISIS all over the world and ISIS also has so-called foreign fighters from different countries.

The existence of the instruments is not enough, work still remains in enforcing the rights set by the instruments and already work between Member States and different organizations, including UN women, is taking place. The instruments rely heavily on the Member States to

⁹¹ UNODC. The Doha Declaration: Promoting a Culture of Lawfulness. Positive and negative obligations of the State. Available online: <https://www.unodc.org/e4j/en/tip-and-som/module-2/key-issues/positive-and-negative-obligations-of-the-state.html> (22.12.2020).

⁹² United Nations. Office of the High Commissioner for Human Rights in Cooperation with the International Bar Association. Human Rights in the Administration of Justice: A Manual on Human Rights for Judges, Prosecutors and Lawyers. New York and Geneva. 2003. Chapter 2, pp. 30. Available online: <https://www.ohchr.org/Documents/Publications/training9chapter2en.pdf> (22.12.2020).

⁹³ CEDAW (reference 80).

⁹⁴ A. Kleczkowska. Non-State Actors and International Obligations. In: Armed Non-State Actors and Customary International Law. Brill. 5.7.2018. pp. 60. Available online: <https://brill.com/view/book/edcoll/9789004340251/BP000005.xml> (22.12.2020).

comply with the set obligations and rules.⁹⁵ However, in the event of non-compliance, there is little the international community can do to fulfill the rights to those whose rights have been violated.

The scope of international crimes as such exceeds to non-state actors because they are punishable at all times, irrelevant of whom has committed them. The goal of human rights laws and international instruments granting human rights is to ensure that everyone is entitled to the same rights, without discrimination or limitation to nationality, gender, status or other personal features.⁹⁶

It has previously been seen, for example in the case of Sierra Leone, that armed groups have been internationally deemed to be responsible for human rights violations. Earlier the common view was that merely states could bear the responsibility of violating international human rights but the current understanding is that also non-state actors can be held liable for any actions which violate human rights, even though they have not ratified any international human rights conventions as such.⁹⁷

A lot of the effectivity of international humanitarian law and conventions securing international human rights has to do with the reputations and willingness to cooperate of each state. This is why the issue with non-state actors and holding them responsible cannot be over-highlighted. International humanitarian law is also binding to all non-state actors (including ISIS) and international organizations.⁹⁸ International law directly touches individuals, rather than merely involving states, and thus non-state actors can also be regarded as subjects of international law, as non-state actors often violate human rights of individuals, not states.⁹⁹

⁹⁵ A. J. Bellamy. UN. Human Rights and the UN: Progress and Challenges. Available online: <https://www.un.org/en/chronicle/article/human-rights-and-un-progress-and-challenges> (22.12.2020).

⁹⁶ A. Clapham. Human Rights Obligations of Non-State Actors. XV/1. Academy of European Law, European University Institute. Oxford University Press. 2006. pp. 30. Available online: <https://www.corteidh.or.cr/tablas/24296.pdf> (22.12.2020).

⁹⁷ *Ibid.*, pp. 36-38.

⁹⁸ Global Justice Center. How can international humanitarian law bind non-state actors? 10.7.2012. Available online: <https://globaljusticecenter.net/blog/441-how-can-international-humanitarian-law-bind-non-state-actors> (22.12.2020).

⁹⁹ M. H. Zarei and A. Safai. The Status of Non-State Actors under the International Rule of Law: A Search for Global Justice. 2015. pp. 3-4. Available online: http://www.culturaldiplomacy.org/academy/content/pdf/participant-papers/2014-04-lhrs/Dr_Zarei_and_Azar_Safari_-_The_Status_of_Non-State_Actors_under_the_International_Rule_of_Law_-_A_Search_for_Global_Justice.pdf (22.12.2020).

Simply having instruments which guarantee certain rights does not ensure they are fulfilled. A majority of the mentioned instruments are overseen by the UN. However, the UN has few options when violations occur. If States parties to a Convention are not parties of the Rome Statute, their violations cannot be upheld in front of the ICJ or the ICC. Additionally, even though ISIS is subject to the obligations stemmed from any international conventions or treaties, it cannot be held liable for its human rights violations. There is an absence of an enforcement mechanisms because the courts lack jurisdiction and ISIS has no incentive to follow international human rights obligations. This weakens the effectivity of the Conventions.

IV. WHAT MORE SHOULD BE DONE?

The UN has made numerous suggestions and recommendations to solve the issue related to ISIS and its human rights violations. Primary emphasis has been on international cooperation and offering resources to Iraq and Syria hold trials against any members of ISIS who have violated the human rights in their area. To begin with, evidence gathering has to be started and help is needed from the UN to gather evidence and trial suspects. It is vital to act immediately, before ISIS gets an opportunity to create another Caliphate.¹⁰⁰ Yet, simply stating the issue and encouraging members of the UN to act seems not be working. The UN should create incentives for actions, not merely state recommendations.

It is clear that prioritizing the protection of the women and children under the control of ISIS is the first step to reaching a situation when the applicable and existing international instruments are utilized in their full potential. It is of primary importance that women and children currently held in camps across Syria are offered better conditions and after that, the focus should be on the people who have violated their rights and hold them liable for their actions. In this chapter I offer proposals to solve the remaining issue and evaluate and discuss approaches from various sources, including the UN Security Council's opinions and suggestions.

4.1 Suggestions offered to solve the represented issues

As Article 38 of the UNCRC limits the use of children in armed conflicts, the limitations should be extended to recruitment by any group, not merely states. The prohibition should be clear and stated in binding international documents.¹⁰¹ Additionally, the UNODC suggest that national laws should include a section where recruitment is prohibited, since states carry the primary responsibility.¹⁰² International cooperation is needed, as the UN conventions and protocols and the Security Council resolutions (those that are binding) oblige, to ensure that justice is brought upon those responsible for any acts related to terrorism or severe human rights violations.¹⁰³

¹⁰⁰ Human Rights first. UN Security Council Should Hold ISIS Accountable for its Crimes in Iraq. 18.8.2017. Available online: <https://www.humanrightsfirst.org/press-release/un-security-council-should-hold-isis-accountable-its-crimes-iraq> (22.12.2020).

¹⁰¹ UNODC (reference 20), pp. 28.

¹⁰² *Ibid.*, pp. 36.

¹⁰³ *Ibid.* (reference 101), pp. 57.

In order to fully help the children who have suffered from ISIS, they should be offered help for curing any trauma arising from the experienced violence. It is important to note that experiences of conflict-related violence obviously vary between children but also between genders. Sexual violence is often even justified in certain terrorist groups in their ideological publications. Boys also experience sexual violence, and this should not be underrated or forgotten.¹⁰⁴

The member states of the UN are encouraged to ratify the Trafficking Protocol. Furthermore, member states are in other ways advised to work in cooperation with various national organizations as well as international organizations to fully protect children and women from getting trafficked.¹⁰⁵ These recommendations come from the UN Security Council.

In its Resolution 2427 (2018) the Security Council further states:

‘Member States are advised to offer justice to victims by bringing perpetrators to justice and by investigating thoroughly all cases related to sexual violence. Further cooperation is suggested between all relevant parties to ensure the possibility of victims of sexual violence to be granted the justice they deserve.’¹⁰⁶

In a report by the UN Secretary General, it is emphasized that governments have great responsibility to protect civilians of their state from conflict-related sexual violence, in particular. Sexual crimes are highly underreported because the victims coming forward face severe trauma, threats and risks if they decide to come forward with such crimes. Sexual violence includes in this context rape, forced marriage and sexual slavery.¹⁰⁷ The Secretary General is suggesting, alongside with other suggestion to solve the existing issue, further training for security forces of Iraq to ensure the fulfillment of the right of women under ISIS.¹⁰⁸

The Secretary General concludes in his recommendations of this report, that it should be widely by the Security Council that sexual violence is both a tactic of war and a tactic of terror. Further recommendations are given to member states and organizations, including

¹⁰⁴ *Ibid.* (reference 101), pp. 107-108.

¹⁰⁵ UNSC. Resolution 2331 (2016). Available online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/451/58/PDF/N1645158.pdf?OpenElement> (22.12.2020).

¹⁰⁶ UNSC. Resolution 2427 (2018). Available online: [https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2427%20\(2018\)&Lang=E&Area=UNDOC](https://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2427%20(2018)&Lang=E&Area=UNDOC) (22.12.2020).

¹⁰⁷ UNSC (reference 8), pp. 3

¹⁰⁸ *Ibid.*, pp. 10.

assistance to survivors of sexual violence, to implement all resolutions of the UN and more precise monitoring of any form of sexual violence.¹⁰⁹

In another report, the Secretary General emphasizes that the international community should aim to prevent conflicts and reach sustainable peace. The children who are or have been subject to armed conflicts should be provided with support and the best interests of the child should be born in mind.¹¹⁰

The Security Council has denounced violations of children's rights by armed groups but also gone further in that it has threatened sanctions towards any organs or governments that do not cooperate in ending these types of human rights violations.¹¹¹

The UN Special Rapporteur has stated that in order to protect individuals and end human rights violations for good, it is essential to ensure that any party, in this case ISIS, being guilty of violating any rights is held accountable for its actions, including actions by individuals under the name of ISIS. The primary responsibility for protection of any individuals under the influence of ISIS is Iraq and Syria. This responsibility includes taking action to stop any violating actions, preventing any further infractions and fully and thoroughly all violations. The jurisdiction of any violations taking place on the territory of Iraq or Syria lays in that state's courts.

The involvement of the ICC has been found necessary on the basis that the effectiveness of the judicial systems of Iraq and Syria can not be counted on. Both the United Nations High Commissioner for Human Rights and the Independent International Commission of Inquiry on the Syrian Arab Republic have suggested that the ICC intervenes with the situation taking place in Iraq and in Syria. However, the issue becomes that since neither of the two countries involved are party to the Rome Statute, the ICC does not have territorial jurisdiction.¹¹²

The HRW emphasizes in an article related to the violations by ISIS, that governments must protect the rights of their people by all necessary measures. However, the measures against ISIS cannot violate the rights of people affected. Fair trials should be kept, and it should be ensured, when bringing ISIS members to court, that the children and the wives of the fighters

¹⁰⁹ *Ibid.*, pp. 28-30.

¹¹⁰ GASC (reference 54), pp. 5.

¹¹¹ A. Clapham (reference 68), pp. 8.

¹¹² HRC (reference 9), pp. 12.

are not trialed merely on the basis that they were or have been in close contact with a fighter.¹¹³

4.2 An evaluation of the presented suggestions

The reason an ad hoc tribunal has been suggested to be established is that neither Iraq nor Syria are parties of the Rome Statute of the ICC.¹¹⁴ Since ICC does not have jurisdiction in cases of human rights violations by ISIS, an ad hoc tribunal would be a considerable solution. If a tribunal was to be established, few more issues arise: who would have the jurisdiction, under which laws would the convicted be ruled, where would the ones declared guilty do their sentence and how would the alleged acts be testified for. Many of the acts done rely heavily on witnesses who have managed to flee ISIS and their willingness to testify and their liability can become problems. It is clear that wide international cooperation is needed, and exchange of information is vital.

Establishing an ad hoc tribunal is not very realistic because it would take up a lot of resources. The international community has previously held two commonly known ad hoc tribunals: the ICTY and the ICTR which were established by the UN Security Council in the 1990s¹¹⁵ to rule on the core international crimes: genocide, war crimes and crimes against humanity. As national authorities have the responsibility to investigate and prosecute war criminals, also Eurojust and all EU member states have to deal with international crimes, even if they are committed in a third country.¹¹⁶ The jurisdiction lies in Syria and Iraq, but international cooperation is important to manage to hold individuals of ISIS liable in front of a court.

Further training for Iraqi security forces and enhanced international cooperation are ways of ending the constant human rights violations. However, both require resources and the need of setting the situation created by ISIS a priority by the international community, including the EU, the UN and other such organizations. Sharing further knowledge of the ongoing situation is vital to reach lasting peace and solutions for the victims of the human rights violations committed by ISIS.

¹¹³ HRW. ISIS. Available online: <https://www.hrw.org/tag/isis> (22.12.2020).

¹¹⁴ D. E. W. Johnson (reference 2), pp. 41.

¹¹⁵ International committee of the red cross. Ad hoc tribunals. 29.10.2010. Available online: <https://www.icrc.org/en/document/ad-hoc-tribunals> (22.12.2020).

¹¹⁶ European Union Agency for Criminal Justice Cooperation. Core international crimes. Available online: <https://www.eurojust.europa.eu/crime-types-and-casework/crime-types/core-international-crimes> (22.12.2020).

The geopolitical situation and image in the Middle East have changed due to ISIS governing areas in Syria and Iraq.¹¹⁷ ISIS has spreader terror and fear all across the Middle East and in Western countries, too, due to terrorist attacks done in Europe in the name of ISIS. ISIS uses religion and violence in the name of religion to gain political power. The location of the former ISIS governed areas is of importance since the location is close to Europe as well as central in the Middle East.¹¹⁸ Therefore the tension ISIS has created worldwide has had wide and serious consequences. Another reason why the geopolitical aspect should be considered is that ISIS has taken terrorist attacks under its name all across the world and this has caused other countries to act in the area, including the US.

Iraq's attempts on convicting ISIS members has violated human rights and standards of due process. The political culture and history of Iraq is shaped by terror, fear and instability. Therefore, Iraq does not have knowledge, resources or experience of fair trials or a democratic system of law and politics, which leads to unfair trials.¹¹⁹ This is why international cooperation and resources are desperately needed.

¹¹⁷ H. Khelghat-Doost (reference 23), pp. 18.

¹¹⁸ H. Amirahmadi. Dark Geopolitics of the Middle East. The Cairo Review of Global Affairs. 2015. Available online: <https://www.thecaireview.com/essays/dark-geopolitics-of-the-middle-east/> (22.12.2020).

¹¹⁹ M. Both. Holding ISIS Accountable in Iraq and Beyond. The Mantle. 11.7.2018. Available online: <https://www.themantle.com/international-affairs/holding-isis-accountable-iraq-and-beyond> (22.12.2020).

V. CONCLUSION

Since the focus of this thesis is Islamic terrorism, or to be more exact, the terrorism done behind the disguise of Islamism, the term 'religious terrorism' is used when referring to Islamic terrorism. The goal of this type of terrorism is emphasized in ISIS and it is: 'uniting all Muslims into one state and dominating the world'. Despite this, some attacks made by a terrorist group are not done in order to reach a specific aim but merely to cause fear and terror in people.¹²⁰

As noted above, many Conventions do exist and a number of UN Resolutions and other documents have been assessing and discussing the issue raised in this thesis: the rights of women and children under ISIS, how their rights are violated and who is in control of ensuring the fulfillment and protecting of their rights.

However, the problem is not solved even though ISIS no longer holds areas in the Middle East: transferring women and children to camps around Syria is not an answer to stop the ongoing violence and disrespecting of rights of women and children still being under the influence of ISIS. Wide and systematic political collaboration is key in order to reach a lasting solution to the problems discussed in this thesis.

The UNODC has stated some measures to be taken to ensure further protection of children and women by international cooperation. All forms of violence should be criminalized, awareness should be raised by different campaigns and media (because of cultural differences related to acceptance of certain violence as a way of raising children), intersectional cooperation must be improved, to name a few necessary measures.¹²¹ Merely prohibiting violence by law is not enough since it has been proved not to end violence entirely. Resources must be used in supervising the obedience of states and other actors in respect of the given laws and regulations, either of international kind or at a state level.

All UN member states are reminded in the conclusions of Mr. Emmerson and in the recommendations-section that they have an obligation to protect civilians. Iraq and Syrian

¹²⁰ J. Gunning and R. Jackson. What's So 'Religious' About 'Religious Terrorism'? Taylor & Grancis Online. 16.12.2011. Available online: <https://www-tandfonline-com.libproxy.tuni.fi/doi/full/10.1080/17539153.2011.623405> (22.12.2020).

¹²¹ UNODC (reference 20), pp. 18-21.

Arab Republic are encouraged to join the Rome Statute in order to grant the ICC the jurisdiction in cases related to crimes committed by ISIS.¹²²

It seems that my hypotheses were proved to be accurate in the sense that it indeed is deep in the ideology of ISIS that women and children are 'minor' to men and can therefore be restricted and their rights are not equivalent to those of men. As for the second hypotheses, as stated in the introduction part of this thesis, a number of various treaties and legislation exist but it is yet to be fully enforced in the protection of these groups of people. The main issue is that ISIS is not a state but a non-governmental armed group and in that it is not liable for its actions, at least not in the Western way and under the international instruments now existing. The main problem seems to be the failure to enforce the rights stated in international conventions, treaties and other instruments.

As multiple Security Council resolutions have stated and suggested, women are in need of the protection of their rights from the outside. It is vital to ensure the tools for women to leave ISIS, if they wish to, and to conquer ISIS to make women free to move and dress again. Children should be entitled to live a life which is the rights of every child, worldwide. The use of children as soldiers or child brides has to be stopped entirely by international cooperation.

The Oxfam study, discussed earlier in detail, suggests that women should be encouraged to obtain their own income which would in turn offer them options for a more independent life. The access to humanitarian assistance is to be supported and made more available, especially for unmarried women who are overall more vulnerable in the ISIS controlled area. The most basic opportunity which should be offered for women is that they have activities outside their homes and possibilities to attend them. For children, it is considered important in the Oxfam study that boys in particular are offered different role models than the traditional male role.¹²³

Some scholars have suggested for UN to make a resolution that would make groups like ISIS subject to international laws and human rights obligations. Furthermore, talk of an ad hoc-tribunal for ISIS members only has been present after the defeat of the Caliphate in 2019. Further cooperation between different states has been mentioned as a vital step for the total defeat of ISIS.¹²⁴

¹²² HRC (reference 9), pp. 19-20.

¹²³ L. Dietrich and S. E. Carter (reference 39), pp. 6.

¹²⁴ D. E. W. Johnson (reference 2), pp. 3.

One of the main issues related to ISIS remains holding the guilty or suspected accountable for their actions. ISIS is a non-state actor, and they can not be charged¹²⁵ with violations of Article 51 of the UN charter, that is, the crime of aggression: an armed attack.¹²⁶

An answer to the hypothesis has become clear as the research process has been going on. Firstly, I assumed that the restriction and violation of fundamental rights of women and children is part of ISIS ideology. Various sources used in this thesis support my assumption¹²⁷, both those with witness interviews from people who have direct knowledge about the day-to-day life under the control of ISIS, and sources including studied material about how the women and children are treated in ISIS. My second hypothesis was that international legislation has had minor effect in protecting the rights of women and children in ISIS. This was proved by research on the existing legislation and further supported by the numerous UN Security Council resolutions from different years since 2014, containing suggestions to solve the issue of ISIS human rights violations. It is clear that those suggestions would not be stated year after year if a solution did exist. As well many scholars have written on the matter of how to ensure the human rights protection towards the women and children under ISIS' power and influence.

To solve the issue related to the rights of women and children in ISIS, my solution is to first make it a priority to solve the issue. All UN states should focus on those women and children and together establish an ad hoc tribunal in which anyone found guilty of human rights violations in relation to ISIS should be sentenced according to international laws. An alternative proposition is that all ISIS foreign fighters are brought back for trial to their countries of origin, and trials are held under the laws of each state separately. The women and children who have lived under ISIS rule, many of which are currently held on camps with unhealthy and unstable living conditions, should be brought back to where they have left. Finland, as well as other European countries, has recently brought women and children from former ISIS areas back to their country of origin.¹²⁸ I find it vital to save the women and children in particular and, if it is established that they are a risk to national security or have

¹²⁵ R. Müllerson. Self-Defence against Armed Attacks by Non-State Actors. Oxford Academic. 21.1.2020. Available online: <https://academic.oup.com/chinesejil/article/18/4/751/5712968> (22.12.2020).

¹²⁶ UNCH (reference 70).

¹²⁷ Council of Europe. Committee of Experts on Terrorism. The Roles of Women in Daesh. Strasbourg. 26.10.2016. Available online: <https://rm.coe.int/16806b33a7> (22.12.2020).

¹²⁸ Ulkoministeriö. Tiedotteet. 20.12.2020. Suomi ja Saksa kotiuttivat kansalaisiaan Koillis-Syyriasta. Available online: https://um.fi/ajankohtaista/-/asset_publisher/gc654PySnjTX/content/suomi-ja-saksa-kotiuttivat-kansalaisiaan-koillis-syyriasta (22.12.2020).

committed any crimes under the name of ISIS, they will be offered a fair trial in their home country.

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ANNEXES

Annex 2.

Thesis supervisor's opinion

Tallinn University
School of Governance, Law and Society Law Study Area

Thesis author: Pihla Petriina Perttunen

Thesis title: The Rights of Women and Children in ISIS

Supervisor's name, personal identification code (necessary for entering into ÕIS), research degree and position: Mart Susi, dr. iur, Head of legal studies, Professor of Human Rights Law

Thesis supervisor's opinion

1. Mark the suitable option with X

Actuality of the topic

very current	relatively current	ordinary	no actuality
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Author's ability to express the research problem

excellent	good	satisfactory	poor	unsatisfactory
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Expediency of used research method(s)

very expedient	appropriate	questionable	unsuitable
----------------	-------------	--------------	------------

Appropriateness of used literature

very appropriate	suitable	somewhat questionable	unsuitable
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Credibility of research outcome(s) (consider the used academic literature, number of cases, etc.)

very credible	above average credibility	average credibility	below average credibility	not credible
---------------	---------------------------	---------------------	---------------------------	--------------

Strength of analytic skills

very strong	above average	average	below average	very weak
-------------	---------------	---------	---------------	-----------

Balance and connection of the structural parts of the work

very current	relatively current	ordinary	no actuality
--------------	--------------------	----------	--------------

Compliance with the *Guide to preparing, formatting and defending student works*

complies fully	mostly complies	average	mostly does not comply	does not comply at all
----------------	-----------------	---------	------------------------	------------------------

Proposal to grade the work as:

2. SUPERVISOR'S ASSESSMENT OF THE THESIS

The supervisor will highlight the strengths and weaknesses of the work, incl. actuality, purpose, research questions, comparison states, connection with practice, author's contribution and suggestions, incl. especially *de lege ferenda*, etc.

3. SUPERVISOR'S ASSESSMENT TO COOPERATION WITH THE STUDENT

.....

supervisor's signature

.....

date

Annex 3. Thesis review

Tallinn University
School of Governance, Law and Society Law

Review of a student's thesis

defence will take place 22.1.2021.

Thesis author: Pihla Petriina Perttunen

Thesis title: The Rights of Women and Children in ISIS

Reviewer's name, personal identification code (necessary for entering into ÕIS), research degree and position: Mart Susi, dr. iur, Head of legal studies, Professor of Human Rights Law

1. We ask for a short reasoning for the chosen assessment

Actuality of the topic

very current	somewhat current	ordinary	no actuality
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Author's ability to determine the research problem

very good	good	satisfactory	poor	unsatisfactory
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Expediency of used research method(s)

very expedient	appropriate	questionable	unsuitable
----------------	-------------	--------------	------------

Appropriateness of used literature

very appropriate	suitable	somewhat questionable	unsuitable
------------------	----------	-----------------------	------------

Credibility of research outcome(s) (consider the used academic literature, number of cases, etc.)

very credible	above average credibility	average credibility	below average credibility	not credible
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Strength of analytic skills

very strong	above average	average	below average	very weak
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Balance and connection of the structural parts of the work

optimum	acceptable	sometimes problematic	unclear
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Compliance with the *Guide to preparing, formatting and defending student works*

complies fully	mostly complies	average	mostly does not comply	does not comply at all
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Reviewer's general assessment of the thesis

excellent	good	satisfactory	poor	unsatisfactory
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2. Strengths and weaknesses of the work to highlight specifically:

3. Questions to the author of the work:

1.

2.

3.

reviewer's signature

date