



PERMANENT MISSION OF FINLAND
Geneva

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VERBAL NOTE

The Permanent Mission of Finland to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to communicate the latter the reply of the Government of Finland to the Joint Communication from Special Procedures, Reference AL FIN 1/2021.

The Permanent Mission of Finland to the United Nations and Other International Organisations avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurance of its highest consideration.

Geneva, 26.3.2021

Special Procedures
The Office of the High Commissioner for Human Rights
Geneva

Joint communication by the Special Procedures' mandate holders on the registration and verification exercise in al-Hol and Roj camps

Response by the Government of Finland

26 March 2021

With reference to the joint communication of 26 January 2021 by the Special Procedures' mandate holders on the registration and verification exercise in al-Hol and Roj camps located in North-East Syria, the Government of Finland submits the following response to the mandate holders' communication.

In order to ensure the privacy and security of the individuals involved, the Government cannot disclose any personal data concerning the children or adults, or all details of the Government's activities. The Government requests that this fact will be duly taken into account in the proceedings before the Special Procedures.

1. Finland's policy on repatriations

The Government of Finland's policy on Finnish children and their family members detained in the camps in North East Syria is based on obligations imposed by the Constitution of Finland, international conventions binding on Finland, and on other applicable national legislation.

Under Section 22 of the [Constitution of Finland](#), *the public authorities shall guarantee the observance of basic rights and liberties and human rights*. Thus, the Constitution of Finland requires active measures from the authorities for the protection and promotion of basic rights and human rights. In addition, given that the rights of the child require special protection, the prevailing interpretation is that the public authorities have an obligation to guarantee the rights of Finnish children in the camps, insofar as this is possible.

On 16 December 2019, the [Government issued guidelines](#) for the repatriation of Finnish nationals from the refugee camp in al-Hol in Syria. Based on these guidelines, a Government resolution (UM/2019/203) was drawn up and adopted on 19 December 2019. According to the resolution, *it is the Government's unequivocal and common resolve to repatriate the children from the camp[s] as soon as possible*.

According to the Government resolution, *in all situations, the authorities will actively seek to ensure compliance with the rule of law, the Constitution, other Finnish legislation and international law, including human rights treaties, agreements on the rights of the child and other applicable international law*.

The Government Ministers will not discuss nor take decisions on individual citizens. Instead, and in accordance with the Government resolution, the designated competent authority is a Foreign Service official titled Special Envoy, appointed by the Minister for Foreign Affairs. The Special Envoy will direct the activities of the authorities and make the repatriation decisions in compliance with the Constitution of Finland, international treaty obligations and applicable national legislation, on a case by case basis.

Furthermore, according to the Government resolution, *the competent authority will use all available information and measures to ensure that the repatriated individuals do not pose a security threat to people living in Finland.*

Based on case by case assessments, with the best interest of the child as a primary consideration, and using all available information to evaluate the possible risks for national security, the competent authority has taken decisions to repatriate a number of Finnish children together with their mothers.

To date, the authorities have repatriated approximately 20 children¹ and 6 women previously detained in the camps in North-East Syria. Of these, 8 children and 2 women have been repatriated directly from North East Syria. The objective of the authorities is to continue repatriations.

Thus far, it has not been possible to repatriate more individuals. As communicated to the Government of Finland, the position of the local administration in control of the camps in North-East Syria is to hand over only orphans and special humanitarian cases for repatriation. As for the overwhelming majority of European nationals, the primary objective of the local administration is to put the adults on trial locally and not to facilitate repatriations for the moment.

2. The registration exercise in al-Hol camp on 10 – 12 June 2020

The Government is aware of a registration exercise that took place in al-Hol camp in North East Syria on 10 – 12 June 2020. The Government notes the concerns raised in the Special Procedures' letter on denial of humanitarian access, on handling of biometric data, and on other aspects of the exercise.

At the same time, Finland recognizes the challenges arising from the fact that the camp administration has had limited knowledge of the identities or locations of the persons detained in the camp Annex.

Finnish authorities were informed of the registration exercise on 10 June 2020. According to information available to the Government, it was the second and more comprehensive attempt of its kind. It is the understanding of the Finnish authorities that the registration exercise of June 2020 did not result in a comprehensive knowledge of the identities nor locations of the persons detained in the al-Hol Annex.

¹ In order to protect the identity of children, the exact number has not been made public.

The registration exercise did not involve relocation of Finnish individuals from al-Hol to Roj camp at the time. The transfers began before the registration exercise of June 2020, and they have continued in a gradual and sporadic manner after that.

The transferred individuals have included Finnish nationals, of which the Finnish authorities have received information from the local administration in North East Syria and the Syrian Democratic Forces. The selection of individuals for transfers has sometimes been said to be made on the basis of their level of radicalization (either 'more radical' or 'less radical'). However, it seems that in practice, many transfers have been more or less arbitrary. The conditions of detention during transfers are a cause for concern.

Representatives of the Finnish authorities have had some access to the Finnish individuals that have been transferred to Roj camp. Moreover, the Finnish authorities have specifically requested that the right of these persons to contact the Finnish authorities be ensured, as stipulated in the Vienna Convention on Consular Relations of 1963.

The primary objective of the Finnish authorities has been – and remains – to repatriate the Finnish children as quickly as possible. As mentioned above, Finland has to date repatriated approximately 20 children and 6 mothers that were detained in the al-Hol camp. Work for repatriating the remaining children is ongoing.

When it has not been possible to repatriate, the Finnish authorities have tried to safeguard the rights of these children by other available means, to the extent it has been possible.

All children are in a highly vulnerable position in the camps. However, in terms of gender-based threats, it is the understanding of the Finnish authorities that adolescent boys face very specific threats placing them in an exceptionally vulnerable position in the camp. They face the threat, among other things, of being forcibly separated from their families and detained elsewhere. The Finnish authorities have tried to take this particular vulnerability into consideration.

Upon their return to Finland, each child will receive systematic long-term support for rehabilitation and reintegration. In Finland, children under the age of 15 years cannot be held criminally liable for any offence. With regard to all other repatriated individuals, the competent authorities in Finland will investigate and assess any criminal liability.

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