



Ministry for Foreign Affairs
Director-General for Legal Affairs

The Special Rapporteurs,
Independent Expert and Working
Group signatories to the Joint
Communication
UA SWE 1/2024

Office of the High Commissioner
for Human Rights
Palace of Nations
CH-1211 GENEVA 10
Switzerland

Communication from Special Procedures

Reference: UA SWE 1/2024

Dear Special Rapporteurs, Independent Expert and Chair of Working Group,

1. I have the honour of referring to your letter of 10 October 2024 in which the Swedish Government is invited to submit certain observations regarding the situation of a woman and her children at al-Roj Camp in the northeast of Syria. In response to the invitation, I have the privilege, on behalf of the Swedish Government, to submit the following.

2. Initially, the Government wishes to clarify that the situation in Syria, including in the northeast of the country, remains an issue of grave concern and a high priority for the Government. Since 2011, Sweden has contributed more than 500 MUSD in support of the Syrian people, including in the northeast. In June 2024, the Government approved a new resilience strategy for Syria (2024-2026) aiming to increase livelihood opportunities for Syrians in all of Syria as well as in neighbouring countries. Sweden continues to support a political solution to the situation in Syria in line with UNSCR 2254.

3. The Government notes that communications by Special Rapporteurs and Working Groups on the situation in northeast Syria have been submitted to Sweden on two previous occasions, in Januari 2021 and in February 2022. Unlike the earlier two communications, the present one refers to specific individuals – a woman and three children – currently detained in a camp in northeast Syria. In

line with official government policy and in the interest of safeguarding the safety and integrity of the individuals concerned, their names will not be disclosed in this response. Instead, the woman will be referred to as N.N. in the following.

1. General position of the Government

4. In its responses to the previous communications from 2021 and 2022, the Government found it important to address the issue of jurisdiction under international human rights law. The arguments made in this regard are equally relevant in connection with the present communication. Thus, with reference to what has been stated in its previous responses, the Government maintains its position that Sweden cannot be attributed jurisdiction under international human rights law in relation to individuals linked to Sweden in northeast Syria.

5. This position is also supported by a subsequent judgment from the European Court of Human Rights from September 2022, which concerned individuals linked to France who were being held in camps in northeast Syria (*H.F. and Others v. France* [GC], nos. 24384/19 and 44234/02). In this case, the Court held that the treatment of the individuals was not within France's jurisdiction. Furthermore, the Court concluded that there is no general obligation for States parties under the European Convention on Human Rights to repatriate mothers and children in the situation at hand.

2. Questions raised in the Communication

6. As for the questions posed with regard to N.N., the Government would like to provide the following information.

7. A delegation from the Swedish Ministry of Foreign Affairs was in contact with N.N. in al-Roj Camp for the first time in 2021. At that time, N.N. presented herself as a Swedish citizen. However, after further investigations, it became clear that N.N. was not a Swedish citizen and that her residence permit in Sweden had been revoked.

8. When the delegation from Sweden visited al-Roj Camp again, in 2022, discussions were held with persons with links to Sweden, based on the policy at the time of the local authorities that certain foreigners might be expelled from the area. N.N. was informed that she would not be repatriated due to the fact that her residence permit in Sweden had been revoked. On the same occasion, the Swedish

delegation informed N.N. that an investigation could be made to clarify whether it would be possible for her children to be repatriated to Sweden, based on their presumed Swedish citizenship through their father. N.N. made it clear to the delegation that she was not interested in such an investigation, and that she did not want her children to be repatriated to Sweden without her.

9. As mentioned, N.N. is not a Swedish citizen and her residence permit in Sweden has been revoked. As a consequence, she has no legal right to enter Sweden. There are no measures being undertaken to repatriate her to Sweden. Several women in camps in northeast Syria, who held Swedish citizenship, were previously offered help to leave. Some of them declined. Given the current situation, there is no possibility of taking further action to bring them to Sweden.

10. With regard to the questions posed regarding N.N.'s children, the Government would like to provide the following information. In October 2023, the Swedish Migration Agency received applications for Swedish citizenship concerning N.N.'s three children. These applications were rejected on formal grounds on 28 August 2024. Under the circumstances at hand it is not feasible for the Swedish Migration Agency to examine whether the three children are Swedish citizens.

11. The Government takes note of the argument made in the Communication to urgently recognise the citizenship of the children. However, under the Swedish constitution, Government agencies are autonomous. The Government and other public authorities are prohibited from trying to influence how an administrative authority decides in a particular case relating to the exercise of public authority vis-à-vis an individual. The Government is therefore precluded from acting to influence the outcome in individual cases pending before administrative authorities, such as the Swedish Migration Agency.

3. Summary

12. The Swedish Government is not taking action to bring Swedish citizens and persons with ties to Sweden who are in camps or detention centres in northeast Syria to Sweden. The Government maintains that there is no legal obligation under international law for Sweden to do so.

13. The humanitarian situation in the camps in northeast Syria is very serious. Sweden is a major donor to humanitarian organisations in Syria, some of which

operate in and around the camps in northeast Syria. Humanitarian aid from Sweden is allocated based on needs and in line with humanitarian principles.

14. Finally, the Government wishes to reiterate that it remains at the disposal of the Special Rapporteurs, Independent Expert and relevant Working Group, should any further information be requested.

Please accept the assurances of my highest consideration.



Elinor Hammar skjöld
Ambassador, Director-General for Legal Affairs