



**Date**  
17-02-2025

**Case**  
25/01939

**Enclosure(s)**  
1

### NOTE VERBALE

The Permanent Mission of Denmark to the United Nations Office at Geneva presents its compliments to the Special Procedures Branch of the Office of the High Commissioner for Human Rights (OHCHR) and has the honour to submit hereby Denmark's response dated 8 January 2025 to the communication titled "Joint Urgent Appeal from Special Procedures" (ref. UA DNK 1/2024).

The Permanent Mission of Denmark avails itself of this opportunity to reiterate to the Special Procedures Branch of the Office of the High Commissioner for Human Rights the assurances of its highest consideration.





**Date**  
08-01-2025

**Enclosure(s)**

**Case/ID No.**  
25/01939  
25/01939-1

**Department**  
BORGER

## **Response to the Joint Urgent Appeal from special procedures Ref.: UA DNK 1/2024**

The Danish Government would like to express our respect and gratitude for your important work. The Danish Government shares your commitment to the protection and promotion of international human rights.

The issues you raise concerning the situation in North East Syria are indeed worrying. The Danish Government has studied your Joint Urgent Appeal and would like to provide you with the following information in order to answer the questions raised in your letter.

In this regard, it must be noted that the Danish authorities cannot confirm nor deny the information provided by you in the specific cases, including sensitive and confidential personal information, along with health-related information about specific individuals. This information is confidential according to Danish law and the General Data Protection Regulation (GDPR). Consequently, there are aspects of your letter that cannot be answered here. However, within these limitations, the Government has provided as thorough a response as possible to your questions addressed below.

### 1. Additional information

No further information is deemed necessary regarding these matters.

### 2. Scope of the right to consular assistance

In accordance with the Act on the Danish Foreign Service dated 13 April 1983 with subsequent amendments, the Danish Foreign Service provides consular assistance to Danish nationals abroad, foreigners

with permanent residency in Denmark, unrepresented Nordic citizens and unrepresented Union citizens in third countries.

In exceptional cases, the assistance can be extended to immediate family members to a person, who has a right to consular assistance. Immediate family members include primary carer of a child, spouse, cohabiting partner and children.

The right to consular assistance can be suspended or restricted if there is reason to believe that the individual in question has i) entered a conflict zone in violation of the Danish Criminal Code section 114 j, subsection (3) without prior permission or ii) has participated in activities abroad that may pose or increase a threat to the national security of Denmark or other states.

The Supreme Court ruled on 29 August 2024 that the Danish Ministry of Foreign Affairs was obliged to offer assistance to a child with Danish citizenship and his mother, who was his primary carer. The judgement exclusively concerns a child and the child's mother's derivative right to assistance under the European Convention on Human Rights, based on the specific circumstances of the case. The judgement is not considered to have implications for any persons other than the specific child and the child's mother. Therefore, it is the interpretation that the judgement does not grant others a legal entitlement to consular assistance – particularly not adults without Danish citizenship who are not accompanying a person with a right to assistance under the European Convention on Human Rights.

### 3. The Danish authorities' repatriation of Danish nationals

On 30 March 2021, an inter-ministerial task force was established to examine, *inter alia*, the factual circumstances of the Danish children in the camps in North East Syria as well as Denmark's legal options and obligations. On this basis, the Danish Government repatriated 14 children and their three mothers on October 2021. Hereafter, *five Danish children and their three foreign mothers* remained in the Roj camp. The status of these children and their mothers is explained in the following.

In March 2023, ■■■ *Danish children and their mother* were offered repatriation. This offer followed a judgement by the Danish Supreme Court, which annulled the administrative deprivation of the mother's Danish citizenship. However, this mother has declined the offer of repatriation of herself and her ■■■ children on several occasions. The Danish Government's offer to repatriate them remains in force.

In May 2023, the Danish Government decided to offer repatriation to the other family of [REDACTED] *Danish children and their mother*. The decision was based on a renewed, overall assessment, with emphasis on *inter alia* the mother's connection to Denmark. In June 2023, the Danish Government repatriated the [REDACTED] children and their mother to Denmark.

In August 2024, the remaining *one Danish child and his mother* were offered repatriation. The offer followed a Danish Supreme Court judgement that compelled the Ministry of Foreign Affairs to offer repatriation. The mother and child were evacuated in October 2024.

*Other adults*, who remain in North East Syria and have sought consular assistance, will not be offered repatriation, as they either have no right to consular assistance or this right has been suspended.

#### 4. Domestic mechanisms to repatriate Danish nationals, review of requests for repatriation and measures to avoid taking arbitrary decision-making

Danish authorities are obligated to comply with Danish and international law, including Danish administrative law and the European Convention on Human Rights. Danish administrative law contains a number of general principles that safeguard a good and sound public administration. These include the principle against misuse of power, the principle of equality before the law, and the principle of investigation.

Decisions made by Danish authorities are subject to *judicial review* by the national courts – if brought before these – and the Danish Parliamentary Ombudsman. This allows for an independent review to ensure that decisions made by Danish authorities are in accordance with applicable law, including international law.

Lastly, the Ministry of Foreign Affairs would like to point out, that the Ministry has prioritised a continuous dialogue with the parties' representative regarding the cases and has been as transparent as possible with regards to sharing relevant information.

#### 5. Measures to ensure access to an effective remedy

Decisions made by Danish authorities are subject to *judicial review* by the national courts – if brought before these – and the Danish Parliamentary Ombudsman. This allows for an independent review to ensure that decisions made by Danish authorities are in accordance with applicable law, including international law.

## 6. Protection of the physical and mental integrity and health

As outlined initially, it is not possible for the Ministry of Foreign Affairs to share sensitive and confidential personal information, including health-related information about specific individuals. However, it should be noted that the Danish authorities have assisted and, in accordance with this practice, will continue to assist children with Danish citizenship in the camps where possible and relevant, based on specific requests. Such assistance includes follow-up on inquiries regarding the state of health of the children which are addressed in close cooperation with the Danish Health Authority and relevant humanitarian organisations with local presence in North East Syria.

The Ministry of Foreign Affairs does not offer medical assistance to citizens who do not meet the criteria for receiving consular assistance.

The Danish Ministry of Social Affairs and Housing does not make decisions in specific cases regarding children placed in care or instruct other Danish authorities to make such decisions.

However, the Ministry of Social Affairs and Housing can provide general information about the provision of social services in Denmark.

In Denmark, the municipalities are responsible for the provision of special social support to children under the age of 18, who are lawfully residing in Denmark pursuant to the Danish Child's Act. Such special social support must be provided in accordance with the best interests of the child when the municipality considers the child to have special social needs.

In special circumstances, it may be relevant for the municipal council to consider removing the child from the home to ensure the health and development of the child. A decision by the municipal council to place a child in care outside the home is subject to the consent of the custodial parent(-s).

In the absence of consent from the custodial parent, the Children and Young Persons Committee may decide on placement in care outside the home without consent, but only if there is an obvious risk that the health or development of the child will suffer major harm. Also, there must be a reasonable presumption that the problems cannot be resolved while the child remains in the home.

Decisions by the Children and Young Persons Committee may be brought before the National Social Appeals Board by the custodial parent(s). Also, the custodial parent(-s) may appeal the decision of National Social Appeals Board to the district court. The custodial parent(-s) is entitled to free legal aid and to be assisted by a third party when a case is being handled by the Children and Young Persons Committee.

The Danish Ministry of Social Affairs and Housing is unable to share information about specific social support measures provided to the child upon arrival due to the sensitive and private nature of such information.

However, with regards to the evacuation and arrival in Denmark of the mother and child in [REDACTED], the Danish Ministry of Social Affairs and Housing can inform you that the Danish Authority of Social Services and Housing assisted in the coordination between involved authorities, experts etc. and provided specialist guidance to the local municipality in order to facilitate the preparation and reception of the family in Denmark.

The legal representative of the mother received information from the Ministry about the Danish Child's Act in Danish and English prior to the evacuation of the mother and child in order to provide information to legal representative and the mother about the Danish Social system.

The Ministry of the Interior and Health of Denmark does not make decisions in specific cases regarding healthcare. The Danish healthcare system is universal and based on the principles of free and equal access to healthcare for all citizens. The repatriated individuals therefore have the same access to health care as other persons with the same legal status.

#### 7. Administrative deprivation of Danish citizenship

According to Section 8 B, subsection 3, of the Danish Nationality Act, anyone who has acted in a manner seriously prejudicial to the vital interests of the country may be deprived of their Danish citizenship by the Minister of Immigration and Integration, unless the person concerned thereby becomes stateless.

#### 8. Detention and imprisonment

After arriving in Denmark, the repatriated woman was arrested by Danish Police and charged with several violations of the provision in the Danish Criminal Code regarding terrorism. She was subsequently placed on remand in accordance with the court's ruling.