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Geneva

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Note Verbal No. 070

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit its response to communication UA GBR 16 2024, further to the letter dated 8 January 2025 from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 13 March 2025

Special Procedures Branch
Office of the High Commissioner for Human Rights



UK Mission
Geneva

United Kingdom of Great Britain and Northern Ireland

Response to Special Procedure communications UA GBR 16 2024 from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls.

Thank you for your letter of 8 January 2025 to the Foreign Secretary regarding your concerns about [REDACTED] [REDACTED], currently located in Al Roj internally displaced persons (IDP) camp in North East Syria.

Consular assistance

The UK Government has advised against all travel to Syria since 2011. The United Kingdom has no consular presence within Syria from which to provide assistance. This makes it difficult to provide direct help to British nationals located there, but we carefully consider how we can support every British national that asks for our help. We are committed to considering every request for consular assistance on a case-by-case basis, taking into account all relevant circumstances.

We do not routinely comment on individual consular cases. Where a British national in Syria has an authorised representative, we will engage with them on the specific case and any issues they raise.

The response below therefore responds to the issues and themes you raise in your letter rather than the specific circumstances of the named individuals.

UK support to Syria

This is a critical but fragile moment for Syria. After more than 13 years of conflict, the country faces significant challenges. The UK's overarching objective is to support a Syrian-led, inclusive political transition which leads to a stable Syria.

The situation in North East Syria remains complex and fast-moving. The UK is working through diplomatic, security and humanitarian channels to monitor and address the challenges. We are fully committed to promoting security and stability in this area.

The UK continues to support those in need across North East Syria. Our humanitarian assistance aims to improve humanitarian conditions in communities and IDP camps; help vulnerable women and children; and support early recovery and resilience building. Through INGOs and UN organisations, we provide multi-sector assistance - including water, hygiene and sanitation (WASH), health, nutrition, child protection, and education services - in IDP camps and communities; help vulnerable women and children, through mental health and psychosocial support and efforts to reduce gender-based violence; and support early recovery and resilience building, through providing agricultural and livelihoods opportunities.

Leave to Enter

We do not comment on individual immigration cases. More broadly it is open to anyone to make an application for entry clearance to the United Kingdom subject to eligibility as set out in the Immigration Rules.

Where the Immigration Rules are not met, an individual may still apply for Leave Outside of The Rules and/or on human rights grounds. Those applications, which will be assessed individually on the merits, are done so in accordance with Home Office policy, and ultimately at the discretion of the Home Secretary. There is a statutory mechanism under section 82 of the Nationality, Immigration and Asylum Act 2002 to challenge a refusal of entry clearance on human rights grounds.

Deprivation

The Government does not comment on individual cases to confirm whether an individual has been deprived of British citizenship. The British Nationality Act 1981 (BNA 81) provides the Secretary of State with powers to deprive a person of citizenship status. Section 40(2) allows the Secretary of State to deprive any person of British citizenship, should they deem it conducive to the public good to do so. Deprivation on the ground it is conducive to the public good can be used where individuals pose a threat to national security, or have been involved in war crimes, serious and organised crime, and unacceptable behaviours such as extremism or glorification of terrorism. Deprivation is not usually¹ permitted should it render the

¹ By means of the Immigration Act 2014, the UK Government introduced a power where the individual naturalised as British and conducted themselves in a manner seriously prejudicial to the vital interests of the UK - the Secretary of State may deprive, even if doing so would leave the person stateless, if the Secretary of State

individual stateless and so decisions are taken in accordance with the 1961 UN Convention on the Reduction of Statelessness. These decisions are not arbitrary nor are they taken lightly. They are taken in accordance with the BNA 1981 and are consistent with the requirements of UK domestic and international law.

The UK courts have examined whether there is evidence of the deprivation power being used arbitrarily.² There has been no finding that the deprivation power has been exercised arbitrarily in any case challenged before the courts.

Deprivation of British citizenship on conducive to the public good grounds is used sparingly and each case is assessed individually following careful consideration of advice from officials and lawyers and in accordance with international law. Consideration of each case also includes whether an individual's fundamental rights are engaged. This includes any impact on an individual's ECHR rights, which is taken into account when considering whether to deprive a person of their British citizenship.

As stated in our response to communication UA GBR 13/2022 of 26 October 2022, where a decision is made to deprive an individual of British citizenship on the basis that to do so is conducive to the public good, the best interests of any children, are taken into account in accordance with the duty under section 55 of the Borders, Citizenship and Immigration Act 2009 regarding the welfare of children, when the Home Secretary decides whether to deprive their parent. Where a child is outside the UK and beyond the UK's jurisdiction under section 55 of the 2009 Act, the Home Secretary nevertheless chooses to apply the spirit of that duty and still takes into account the best interests of the child when making her decision. Whilst Section 55 demands that the child's interests are of primary concern, national security implications are also taken into account. The Home Secretary will consider the best interests of the child as a primary consideration and whether the policy and public protection considerations outweigh any best interest considerations.

An individual who is deprived of British citizenship, has a right of appeal against the deprivation decision under section 40A(1) of the BNA 81 or under section 2B of the Special Immigration Appeals Commission (SIAC) Act 1997.

Please see the responses below to specific questions raised in your correspondence.

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

We do not routinely comment on individual consular cases.

The UK Government does not agree that it is subject to any positive obligation to act in this context and in particular notes that British nationals (and indeed other

has reasonable grounds for believing that the person is able, under the laws of another country, to become a national of that country

² The Special Immigration Appeals Commission (SIAC) concluded in the case of R3 v SSHD [SC/150/2018] that there was 'no evidence that the power to deprive [an individual of British citizenship] has been used arbitrarily'.

individuals) located in North East Syria are not within the UK's jurisdiction whether for the purposes of the European Convention on Human Rights or of any other instrument of international human rights law to which the UK is party mentioned in your communication.

- 2. Please provide the factual and legal basis underlining the decision to reject [REDACTED] application for "Leave to Enter".**

We do not routinely comment on individual immigration cases.

- 3. Please provide details on the domestic mechanism(s) in place in the United Kingdom to repatriate all nationals and review all requests for repatriation. In addition, please outline the measures taken to avoid arbitrary or discriminatory decision-making.**

The UK Government has advised against all travel to Syria since 2011. As our travel advice states, the United Kingdom has no consular presence within Syria from which to provide assistance. This makes it difficult to provide direct help to British nationals located there, but we carefully consider how we can support every British national that asks for our help. We are committed to considering every request for consular assistance on a case-by-case basis, taking into account all relevant circumstances.

- 4. Please provide information on the measures taken by your Excellency's Government to protect the physical and mental integrity and health of [REDACTED], as well as their right to food and [REDACTED] right to education, particularly in light of the aforementioned medical developments and safety concerns.**

We do not routinely comment on individual consular cases. Each request for consular assistance is considered on a case-by-case basis, taking into account all relevant circumstances.

The UK continues to support those in need across North East Syria. Our humanitarian assistance aims to improve humanitarian conditions in communities and IDP camps; help vulnerable women and children; and support early recovery and resilience building. Through INGOs and UN organisations, we provide multi-sector assistance - including water, hygiene and sanitation (WASH), health, nutrition, child protection, and education services - in IDP camps and communities; help vulnerable women and children, through mental health and psychosocial support and efforts to reduce gender-based violence; and support early recovery and resilience building, through providing agricultural and livelihoods opportunities.

- 5. Please provide details on steps taken or foreseen to repatriate [REDACTED] and [REDACTED], particularly in light of their deteriorating health, as well as all other nationals including men, women, and children, who are arbitrarily detained and subjected to torture and other ill-treatment in North-East Syria. Please explain how these are compatible with the obligations of your Excellency's Government under international human rights law to take all**

necessary and possible measures to protect its nationals from the violation of their right not to be subjected to acts of cruel, inhuman or degrading treatment or punishment.

We do not routinely comment on individual consular cases. Each request for consular assistance, including repatriation, is considered on a case-by-case basis, taking into account all relevant circumstances.

- 6. Please indicate whether the revocation of [REDACTED] citizenship will be reconsidered in light of proportionality considerations and due process concerns, as well as the fact that she was coerced into travelling to Syria.**

The UK Government does not comment on individual citizenship cases. As stated above, an individual who is deprived of British citizenship, has a right of appeal against the deprivation decision under section 40A(1) of the BNA 81 or under section 2B of the Special Immigration Appeals Commission (SIAC) Act 1997. As part of the appeal process, the appellant has the opportunity to make representations, and to put forward evidence to support their grounds of appeal.

- 7. Please indicate the steps that your Excellency's Government has taken, or is considering taking, to ensure access to an effective remedy, including through domestic judicial mechanisms, for your nationals being held in al-Hol and al-Roj camps who may be victims of human rights abuses.**

The UK is clear that all parties in Syria must respect their obligations and responsibilities towards civilians under applicable international law regimes, including international humanitarian law. Responsibility for camp facilities is ultimately a matter for the relevant authorities.