

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the right to food; 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 human rights and international solidarity; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

18 December 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the right to food; 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; Independent Expert on human rights and international solidarity; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/10, 49/13, 52/10, 53/5, 52/26, 53/9, 50/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arbitrary detention and inadequate detention conditions of ██████████ ██████████ was formerly a citizen of Denmark. She was allegedly trafficked from Denmark to Syria as a minor, along with ██████████ sister. She is currently being held in Al Roj camp in the North-East of the Syrian Arab Republic. ██████████ was recently separated from her sister, ██████████ ██████████ and ██████████'s son, ██████████, both of whom had been held with her in the Al Roj camp until they were recently repatriated to Denmark.

According to the information received:

██████████ sisters ██████████ and ██████████ were born in Denmark ██████████. They were registered as ██████████ citizens at birth but believe that they subsequently lost such citizenship. They acquired Danish citizenship on ██████████ ██████████. They left Denmark ██████████ with their family when they were ██████████ years old, in ██████████

In ██████████, when they were ██████████ and ██████████ travelled from ██████████ to Syria. ██████████ sisters have been reportedly groomed ██████████ and trafficked to Syria for the purposes of sexual exploitation; their travel was organized by third parties, and the girls were given detailed instructions about what to do. When they landed in ██████████, they were taken to ██████████ and then ██████████ into Syria. Upon arrival, the sisters were put into a *mudafa* – a house for unmarried women and widows. A few days

later, ██████ was forcibly married to an adult man. Shortly thereafter, ██████ was also forcibly married to an adult man. Both of the men that ██████ and ██████ were forced to marry later died. ██████ and ██████ were then sent back into a *mudafa*.

Around ██████ when ██████ was ██████ she gave birth to a son. On ██████, when she was ██████ gave birth to a son, ██████.

In early ██████, the family were seriously injured in an explosion. ██████'s son was killed; ██████ sustained shrapnel injuries down the side of her body; and ██████ sustained shrapnel injuries to her wrist, which continue to give her pain to this day.

The day after, the family were detained by the *de facto* authorities in the North-East of the Syrian Arab Republic, first in Al Hol camp, before being moved to Al Roj camp around ██████. The conditions of detention include grossly inadequate medical care, clean water, shelter and education and recreation for children, and there are high risks to physical and psychological safety, particularly for women and children. None of the family members were subject to any individualized legal process to decide to detain them.

Since birth, ██████ has been cared for by his mother, ██████, as well as by his aunt, ██████. Particularly given the young age at which ██████ had ██████ – herself still a teenager – and the difficult circumstances in which she has had to raise him, ██████ has been an integral part of ██████'s upbringing. This has been especially so since the death of her son. The family is exceptionally close; they have been together since birth and have never been apart, so much so that ██████ considers ██████ to be his “second mother”. Until very recently, they lived together in the same small tent in Al Roj camp.

On ██████, the Danish Ministry of Immigration and Integration made the decision to deprive both ██████ and ██████ of their Danish citizenship under section 8B(3) of the Danish Nationality Act, in connection with their alleged activities in Syria concerning the Islamic State of Iraq and the Levant (ISIL). Subsequently, in ██████, the Danish Ministry of Foreign Affairs offered to repatriate ██████ without his mother, so long as she gave her consent. That decision was challenged in the Danish courts, and on ██████, the Danish Supreme Court held that the Danish Ministry of Foreign Affairs must offer assistance to ██████ currently ██████ years old, who is a Danish national, to be repatriated together with his mother, ██████. The Court held that a failure to do so would constitute a violation of article 3(2) of protocol No. 4 of the European Convention on Human Rights (ECHR), which provides that “[n]o one shall be deprived of the right to enter the territory of the state of which he is a national”.¹

¹ Denmark, acting on behalf of the B as guardian of A v Danish Foreign Ministry, Supreme Court Judgement, Case Number ██████, available at: ██████).

In reaching this decision, the Supreme Court noted a Danish Health Authority memorandum, dated [REDACTED], concerning [REDACTED]'s state of health. The Health Authority noted that "there was a worrying deterioration in his overall state of health, including a worsening of his ear, nose and throat problems. It also appears that there were suspicions of significant problems with sleep, hearing, language, cognitive and social development as well as general well-being, that his state of health appeared to have deteriorated significantly during the past year, and that his well-being and general development were still threatened."

The memorandum also contained a general description of the detention camps in North-East Syria and found that "the situation called for the evacuation of all the [Danish] children, who were closely attached to their mothers and who risked further deterioration of their mental health state, should a separation take place."

The Danish Supreme Court found that [REDACTED] was "in a particularly vulnerable situation that must be considered a health threat" and that repatriating [REDACTED] with his mother would not constitute a "disproportionately large burden" on the Government of Denmark.

On [REDACTED] [REDACTED] [REDACTED] was repatriated to Denmark, along with her son [REDACTED] (currently [REDACTED] years old). [REDACTED] was not included in this repatriation and remains in Al Roj camp.

Upon arrival in Denmark, after almost 24 hours of travel, [REDACTED] was forcibly removed from his mother [REDACTED] and taken to an unknown location. He has been denied any access to his Denmark-based and wider family, as well as his lawyer and the organisation supporting the family. [REDACTED] was arrested upon arrival and has also been denied access to her family. She appeared in court on [REDACTED].

Reportedly, no assessment of the "best interests" of the child has been conducted by any team of professionals with judicial involvement, as per the UN Convention on the Rights of the Child (CRC), concerning the effect on [REDACTED] of his separation from his mother upon his arrival to Denmark, or his separation from [REDACTED] his "second mother", left behind in Syria.

While we do not wish to pre-judge the accuracy of these allegations, we express our utmost concern at the situation of [REDACTED] in this complex, volatile and unsafe environment in North-East Syria. While we welcome the Danish Supreme Court's decision to repatriate [REDACTED] and [REDACTED] we are concerned that the denial of repatriation for [REDACTED] puts at risk her rights to life, health, an adequate standard of living, freedom from arbitrary detention and freedom from torture or cruel, inhuman or degrading treatment or punishment. Not repatriating [REDACTED] would also fail to adequately consider the best interests of the child, [REDACTED] as required under international law, and undermines the unity of this [REDACTED] family unit. We are also extremely concerned that both sisters may have been trafficked into Syria as minors and are not being recognized as victims but are being double victimized due to their past association with a designated terrorist group. We are concerned that selectively

repatriating █████ and █████ without █████ is not in the best interests of █████ is an abrogation of their right to family life and may hamper █████ ability to integrate into Danish society and recover physically and psychologically from the trauma of life in detention.

Arbitrary deprivation of liberty

The detention of █████ █████ and █████ occurred without any legal basis, individual determinations, judicial authorisation for or review of the legality of their detention, or due process. Such detention is accordingly an arbitrary, unlawful and indefinite deprivation of their liberty, contrary to article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Denmark on 6 January 1972.

Since she was first detained, █████ has been unable to access legal representation or challenge her detention. The UN Independent International Commission of Inquiry on the Syrian Arab Republic has found that “[d]epriving individuals, including children, with alleged links to Da’esh ... of liberty without criminal charge or any individual assessment by an impartial and independent body as to whether their internment is justified on grounds of imperative reasons of security is unlawful” and concluded that their “blanket internment” amounts to an “unlawful deprivation of liberty” (A/HRC/49/77, paras. 112 and 113). We recall that detention based on alleged criminality of family members is an “egregious” example of arbitrary detention (CCRP/C/GC/35, para. 16). We also note that there is no permissible human rights basis for States to sub-contract directly or indirectly administrative or security detention to non-State actors on the territory of third States. There is deep concern at the allegations of facilitation of mass arbitrary detention by States both directly and indirectly in these detention facilities in North-east Syria.

Inhuman detention conditions and lack of access to health care

We are concerned that █████ is being detained in inhuman, cruel, and degrading conditions that lack adequate medical facilities and which may amount to torture or other forms of cruel, inhuman, or degrading treatment, and present a risk to her life, contrary to articles 6 and 7 of the ICCPR and common article 3 of the Geneva Conventions (1949). The effects of insufficient food, unclean drinking water, poor sanitation and inadequate housing, which also violate the right to an adequate standard of living under article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), are compounded by the limited access to medical services at Al Roj Camp, infringing the right to health under article 12 of the ICESCR. Preventable and treatable health issues linked to malnutrition, poor water quality, and infectious diseases are common in the camps. The extreme difficulty of life in Al Hol and Al Roj camps has been recently addressed by the European Court of Human Rights (ECtHR) in the case of *H.F. and Others v France* as constituting “a real and immediate threat to [women and children’s] lives and physical well-being, on account both of the living conditions and safety concerns in the camps, which were regarded as incompatible with respect for human dignity, and of the health of those family members and the extreme vulnerability of the children, in particular, in view of their age.”

We commend the decision of the Danish Supreme Court to repatriate ██████ and ██████. However, we are concerned that by separating ██████ sisters and leaving ██████ in Al Roj camp, alone as a young woman with no family to support or protect her, this may have a deleterious effect on her mental health. The detainees at Al Roj camp experience extreme psychological suffering due to the conditions of internment, their exposure to violence, the prospect of an indefinite period of arbitrary detention, and the pervading risk of physical violence as a form of disciplinary punishment. The forms and symptoms of mental illness, including extreme anxiety, depression, and post-traumatic stress disorders, are aggravated by the conditions of detention. Signs of trauma, acute stress, and psychological and behavioural disorders also pervade the child population in the camps. It is worth reminding that ██████ was merely a child when she was coerced into travelling to Syria and forced into marriage. Not only did she then endure physical injury sustained in an explosion, but she also lost her son. Such psychological trauma would only be amplified by separating ██████ from her remaining family and ignoring the fact that from the beginning ██████ herself was a victim.

We emphasize articles 2(2) and 12 of the ICESCR, which enshrine the right of all persons, including those detained, to the enjoyment of the highest attainable standard of physical and mental health. The Committee on Economic, Social and Cultural Rights has interpreted the “right to health” as extending to timely and appropriate health care, including access to safe and potable water and adequate sanitation, an adequate supply of safe food nutrition (general comment No. 14, para. 11).

Moreover, the denial of medical care and the systematic lack of access to clean water and food constitutes, *inter alia*, a violation of the obligation of humane and dignified treatment under common article 3 of the Geneva Conventions (1949), the right to life in article 6 of the ICCPR, the rights to adequate standard of living and to health, in articles 11 and 12 of the ICESCR, and freedom from torture or cruel, inhuman or degrading treatment or punishment in articles 1 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; as well as the rights protected in articles 3, 9, 16, 19, 20, 24, 34, 37 and 40 of the CRC. We also stress that every child has the right to education, in accordance with article 13 of the ICESCR and articles 28 and 29 of the CRC.

Safety concerns and gender-based harms

We are concerned that the two sisters were subjected to years of sexual and gender-based violence. Both were married to adult men as children in violation of their rights as children. Forced and early marriage denies children their right to protection from harmful practices, abuse and exploitation, and their right to develop to their full potential (CRC, article 19(1)).

We are further concerned at the continuing risk of violence, including sexual violence, against ██████ in the camp, if she is not urgently repatriated. It is our understanding that sexual violence and exploitation perpetrated by camp personnel and other detainees is primarily directed against women and girls from third countries. We emphasize the findings of the mandate’s recent fact-finding investigation that “insecurity pervades daily life in the camp, and incidents of violence including

murder, physical harm, intimidation, and sexual assault occur with some regularity, with no investigation measures in place to prevent reoccurrence. This situation creates an environment of constant fear and extreme anxiety, in particular for women and children.”² The camps lack measures to protect the life and the physical integrity of the detained population, and systems to report harm, investigate claims, prevent the reoccurrence of violence, and provide redress to victims. The significant degree of violence that is perpetrated by, or carried out with the acquiescence of camp guards, further demonstrates that violence against women and children is an institutional practice within the camps.

In this respect, we wish to remind your Excellency’s Government that conflict-related violence occurs everywhere, including in detention centres where women and girls face a significant risk of being exposed to gender-based harms, as well as torture, violence and abuse, and further marginalization (CEDAW, general recommendations No. 19, 28, 30 and 35; A/HRC/41/33, para. 74). These acts constitute a violation of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Denmark on 21 April 1983.

We also direct your Excellency’s Government to article 4 (c) and (d) of the United Nations Declaration on the Elimination of Violence Against Women which outlines States’ responsibility to exercise due diligence in accordance with national law to prevent acts of violence against women, as defined under article 1 of the Declaration.

Trafficking and the specific impact on women and children

We are extremely concerned that both sisters may have been trafficked into Syria, when they were only █ years old. Their travel to the region was coordinated and organised by others, who, it appears, had a vested interest in trafficking █ █ to Syria. Given the specific facts of the case, including the girls’ young age and, therefore, lack of meaningful consent to entering North-East Syria, the subsequent swift arrangement of their marriages, the well-documented difficulties in escaping the region, and the fact that neither sister has been formally charged with any unlawful acts, we are particularly concerned that both █ and █ may have been trafficked and coerced to remain in Syria by a designated terrorist group. Your Excellency’s Government must be mindful that women’s and children’s association with terrorist groups is highly complex, and that there is great potential for coercion, co-option, trafficking, enslavement, sexual exploitation, threat and harm on joining or being associated with non-state armed groups, sexual or household services or labour for the organization.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol), highlights that trafficking can occur through an exploitative process or when an exploitative situation results or is maintained without a preceding exploitative process. For children, defined under international law as individuals below the age of 18, trafficking does not require a showing of any “means”, such as deception, use of force or coercion or “grooming”,

² <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/sr/statements/EoM-Visit-to-Syria-20230721.pdf>

as children cannot give informed consent to their own exploitation (Palermo Protocol, article 3; A/76/263, para. 27).³

Under article 8(1) of the Palermo Protocol, State Parties shall facilitate and accept, with due regard to the safety of the person, the return of their nationals when they were victims of human trafficking. The same duty is imposed for individuals who had only the permanent right of residence at the time of entry into the territory of the receiving State. States should take immediate action to repatriate victims of trafficking and children of victims, ensuring the best interests of the child as a priority and a protective environment for children (A/76/263, para. 68).

The positive obligations to identify, assist and protect victims of trafficking or persons at risk of trafficking, derive, inter alia, from the European Convention on Human Rights (article 4).⁴ The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking remind States that they have an international obligation to identify traffickers and their victims and to take positive action to protect the latter, including by conducting individual, case-by-case assessments of every suspected victim and take meaningful steps to offer any assistance or protection to their nationals who have been trafficked into North-East Syria, including by referring them to the appropriate services for early support and long-term assistance. Failure to protect a trafficked person correctly is likely to result in further abuse of that person's rights.

Instead of being treated as a victim of serious violations of human rights and humanitarian law, █████ continues to bear the consequences of alleged association with a designated terrorist group. We draw attention to the principle of non-punishment of victims of trafficking, as recognized in article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, ratified by your Excellency's Government in 2007.⁵ The ECtHR has recognized that the lack of application of the non-punishment principle may conflict with the State's duty to take operational measures to protect a victim, or potential victim, of trafficking, "where [State authorities] are aware, or ought to be aware, of circumstances giving rise to a credible suspicion that an individual has been trafficked."⁶ The Court further held that the failure to apply the principle would be injurious to a victim's "physical, psychological and social recovery and could potentially leave them vulnerable to being re-trafficked in future". We further note that principle 7 of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking provides that "trafficked persons shall not be detained, charged or prosecuted." It is imperative that State responses do not perpetuate or contribute further harm to those who have already experienced profound violence and trauma.⁷

³ See also article 2, EU Directive on preventing and combating trafficking in human beings and protecting its victims (2011).

⁴ See also e.g. *Rantsev v. Cyprus and Russia*, App. No. 25965/04 (ECtHR, 7 January 2010), *L.E. v. Greece*, App. No. 71545/12 (ECtHR, 21 January 2016); *Chowdury and Others v. Greece*, App. No. 21884/15 (ECtHR, 30 March 2017); *S.M. v. Croatia*, App. No. 60561/14 (ECtHR [GC], 25 June 2020); and *V.C.L. and A.N. v. United Kingdom*, Apps. No. 74603/12 and No. 77587/12 (ECtHR, 16 February 2021). See also CEDAW, article 6 and general recommendation No. 38, paras. 31, 38-42, 85, 89, 94, 98 and 100-101; ICCPR, article 8; CERD, articles 1, 2 and 5.

⁵ See also A/77/140.

⁶ See also *V.C.L. and A.N. v. United Kingdom*, Apps. No. 74603/12 and No. 77587/12 (ECtHR, 16 February 2021).

⁷ The UN Global Compact/CTITF Working Group on promoting and protecting human rights and the rule of law while countering terrorism, "[Guidance to States on Human Rights-Compliant Responses to the Threat Posed by](#)

The UN Security Council has highlighted the links between trafficking and sexual violence in armed conflict with terrorism and other transnational criminal activities (S/PRST/2015/25, resolutions 2331 (2016) and 2388 (2017)). Resolution 2242 (2015) emphasizes that acts of sexual and gender-based violence can be part of the strategic objectives and ideology of certain terrorist groups. As noted by the UN High Commissioner for Human Rights, “women, boys and girls have suffered sexual violence and/or have been trafficked or otherwise forced into marriage, sexual slavery and exploitation by UN-listed terrorist groups”.⁸

Children must be ensured a protective environment and must always be treated primarily as victims with their best interest being the primary consideration (CRC and its Optional Protocols, particularly articles 6, 7, 24(2) and 27). We recall that children on the move and those affected by conflict are at high risk of sale and sexual exploitation (A/77/140). Unaccompanied minors – which ██████ and ██████ were at the time they entered North-East Syria – are additionally rendered vulnerable owing to the risks being exacerbated by limited access to safe migration pathways, services and justice. Designated terrorist groups can exploit and coerce individuals into entering Syria and thereafter create conditions tantamount to an involuntary stay.

Security Council resolution 2196 (2018) stresses the importance of assisting children associated with “foreign terrorist fighters” who may have been victims of terrorism, taking into account gender and age sensitivities, and of providing them timely and appropriate reintegration and rehabilitation assistance for returning or relocating from conflict. It acknowledges that children may be especially vulnerable and in need of particular psychosocial support, such as post-trauma counselling. Children, including those associated or allegedly associated with armed groups who commit terrorist acts, need to be treated in a manner that respects their rights and protects their dignity in accordance with applicable international law (see, for example, Security Council resolution 2396 (2017) and General Assembly resolution 72/284 (2018)). States hold a fundamental duty to always take measures in the best interest of the child, and to respect, protect and fulfil the right to life, and the right to be free of inhumane and ill-treatment and all forms of physical and mental violence, neglect, and exploitation. Deprivation of liberty should always be used as a measure of last resort and for the shortest amount of time possible, in conformity with the best interest of the child. Further, States must treat children, including children related to or associated with designated terrorist groups, primarily as victims when devising responses, including counter-terrorism responses. All appropriate measures to ensure the protection and care of children affected by armed conflict, and to promote their physical and psychological recovery and social reintegration must be taken.

The best interests of the child and the importance of preserving the family unit

We remind your Excellency’s Government that in all actions concerning children, the best interests of the child must be the primary consideration (CRC/C/GC/14, para. 64; CRC, articles 3 and 9). Further, arbitrary or unlawful interference in the family is prohibited, the family is entitled to protection, and every

[Foreign Fighters](#)” (2018)

⁸ OHCHR, “[Bachelet urges States to help their nationals stranded in Syrian camps](#)”, 22 June 2020.

child has the right to protection (ICCPR, articles 17(1), 23 and 24(1); ECHR, article 8).⁹ As such, there is a strong presumption in favour of maintaining family unity under international law (see also general comment No. 19, para. 5). The UN Committee on the Rights of the Child has clarified that “[p]reservation of the family environment encompasses the preservation of the ties of the child in a wider sense. This applies to the extended family, such as grandparents, uncles and aunts.” (CRC/C/CG/14).

██████ was born into a conflict zone, to a teenage mother who was a victim of trafficking and sexual exploitation. His father died. He survived an explosion that killed his young cousin, the same age. He has spent most of his life in arbitrary detention in inhuman and degrading conditions. It is conceivable that he has witnessed much violence in the camps and he has received no formal education. As recognized by the Danish Supreme Court, he now suffers from serious physical and mental health conditions and is exceptionally vulnerable. ██████ has been cared for by his whole life by ██████ and ██████ virtually in equal measure; they have never been apart, and he considers them both to be his mother. In this context, repatriating ██████ and ██████ while excluding ██████ could constitute an arbitrary violation of ██████ right to family life. It fails to recognize the deep attachment ██████ has to ██████ and the ██████ circumstances of their family unit. We understand that on ██████ ██████ pursuant to the Danish Supreme Court decision and in preparation for travel back to Denmark, the authorities in Al Roj camp took photos of ██████ and ██████ presumably to prepare their travel documents. They separated ██████ and ██████ from ██████ and refused to take her photograph. ██████ subsequently became so distressed at the separation from his aunt that he suffered a panic attack and was hospitalized for breathing difficulties.

We stress that preventing family separation and preserving family unity are key components of the child protection system. Separation from parents should not happen unless such separation is considered to be in the best interest of the child, subject to judicial review and in accordance with applicable law and procedures (CRC, article 9(1)). According to the Committee on the Rights of the Child, separation from parents in general and from mothers in particular has potentially serious implications for children, including their right to development. It is especially so for young children, who are particularly vulnerable to adverse consequences because of their physical dependence on and attachment to these individuals. Their limited ability to comprehend the circumstances of any separation also increases their vulnerability. Given the gravity of the impact on the child, separation from parents should only occur as a last resort when there are no less intrusive measures to protect the child (CRC/C/CG/7, para. 36 and CRC/C/CG/14, paras. 60 and 61). When contemplating a separation, “the State must guarantee that the situation of the child and his or her family has been assessed, where possible, by a multidisciplinary team of well-trained professionals with appropriate judicial involvement...ensuring that no other option can fulfil the child’s best interests” (para. 64; CRC, article 9).

Concerning the separation of ██████ from ██████ to our knowledge no “best interest assessment” has been conducted by a “multidisciplinary team of well-trained professionals with judicial involvement”, as required by article 19(1) of the CRC.

⁹ See e.g. Case of Elsholz v. Germany (Application no. 25735/94), Judgement, 13 July 2000; Case of K.A. v. Finland (Application no. 27751/95), Judgement, 14 January 2003.

When assessing the best interests of a child, the Committee on the Rights of the Child has noted that the children's situation of vulnerability is an important element to consider. In this case, the Danish courts have recognized that [REDACTED] is in an extremely vulnerable situation, and the Danish Health Authority has found that the separation of children detained in Al Roj camp would impact their mental health. It is clear that given the situation in the camps, the repatriation of [REDACTED] together with [REDACTED] and [REDACTED] would have been in his best interests, however this did not occur; as explained above only [REDACTED] and [REDACTED] were repatriated, while [REDACTED] remains in Syria. This decision to separate the family unit, made without [REDACTED] best interests in mind, now risks causing him irreparable trauma. We also note his distressing separation from [REDACTED] in Denmark, resulting in a double separation from the closest care-giving members of his family.

Under the ICCPR, whether the separation of family members is objectively justified must weigh the significance of the state's reason for separation with "the degree of hardship the family and its members would encounter as a consequence."¹⁰ We remind your Excellency's Government of [REDACTED] in this case: [REDACTED]

Recognizing that arbitrary interference in the family is prohibited under the ICCPR, we request that your Excellency's Government take into consideration the [REDACTED] circumstances of [REDACTED] and urge thoughtfulness and flexibility, to ensure that to the maximum extent possible, this family unit remains intact.

Duty to repatriate nationals at serious risk

It is our view that States have positive obligations to take reasonable steps to prevent serious violations of non-derogable and *jus cogens* norms of international law committed against their nationals. This obligation extends to acts of violence and ill-treatment perpetrated by armed groups. We draw your attention to the recent decision of the Committee against Torture in *P.D. v France*, which concerned the prolonged detention of mothers and children and the conditions of detention, in particular the lack of health care, food, water and sanitation facilities, which amounted to inhuman and degrading treatment, prohibited by article 16 of the CAT. The State concerned had the capacity and power to prevent the victim from being subjected to ill-treatment by taking steps to repatriate her, provide her with the care she required, and institute other consular measures on her behalf, since the State had previously repatriated nationals from North-East Syria and the de facto authorities had indicated their cooperation in repatriations. The Committee found that States have a positive obligation to take all necessary and possible measures to protect nationals from the violation of their right not to be subjected to acts of cruel, inhuman or degrading treatment or punishment, including by repatriation and ensuring access to necessary medical care.

We encourage your Excellency's Government to urgently repatriate [REDACTED] and reunite [REDACTED] sister and nephew, as we are of the view that repatriation is the only response to the violations of their human rights that is compliant with international human rights law.

¹⁰ *Byahuranga v Denmark*, UNHRC Communication No. 1222/2003 (9 December 2004), para. 11.7.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide information regarding whether [REDACTED] will also be offered repatriation. Additionally, please clarify how your Excellency's Government intends to ensure the preservation of the family unit in all circumstances, considering that [REDACTED] sisters were trafficked as minors. Please indicate how these measures align with Denmark's obligations under international human rights law, in particular in relation to the best interests of the child, the preservation of the family unit, the right of women and children to be free from violence, and the rights specific to victims of trafficking.
3. Please provide details on steps taken or foreseen to repatriate all Danish nationals (not limited to [REDACTED]), in particular women and children, who are arbitrarily detained under inadequate conditions and may be at risk of torture and other ill-treatment in North-East Syria.
4. Please provide details on the domestic mechanism(s) in place in Denmark to repatriate all Danish nationals from detention in North-East Syria and review all requests for repatriation. In addition, please outline the measures taken to avoid arbitrary or discriminatory decision-making.
5. 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, including trafficking.
6. Please provide information on the measures taken by your Excellency's Government to protect the physical and mental integrity and health of [REDACTED] and [REDACTED] and to safeguard the rights of children as victims.
7. Please provide information on the legal grounds upon which the sisters' citizenship was revoked and whether an assessment was made of the possibility of such a revocation rendering them stateless.

8. Please provide information on whether and where [REDACTED] is currently being detained, and if so, please provide detail on the factual and legal grounds justifying her continued detention, and whether a “best interests of the child” assessment was undertaken in relation to the separation of her from her dependent child.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency’s Government to clarify the issue/s in question.

A copy of this communication has been sent to the Syrian Arab Republic and [REDACTED].

Please accept, Excellency, the assurances of our highest consideration.

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Michael Fakhri

Special Rapporteur on the right to food

Balakrishnan Rajagopal

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

Cecilia M. Bailliet

Independent Expert on human rights and international solidarity

Mama Fatima Singhateh

Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Siobhán Mullally

Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls