

Mandates of 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

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(Please use this reference in your reply)

8 January 2025

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 rights of persons with disabilities; Special Rapporteur on the right to education; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; 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 the promotion of a democratic and equitable international order; Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the human rights to safe drinking water and sanitation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 49/10, 53/14, 53/7, 49/13, 51/21, 52/10, 57/7, 50/7, 51/19 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 deteriorating health of a British mother and her child at al-Roj camp in the North-East of the Syrian Arab Republic**. We previously expressed our concern for the health and safety of these individuals in [GBR 13/2022](#) and [GBR 18/2023](#) and regret that we did not receive a reply to the most recent communication.

According to the information received:

Ms. [REDACTED] was born on [REDACTED] [REDACTED] in the United Kingdom. In [REDACTED] she was reportedly coerced by her husband to travel to Syria. Ms. [REDACTED] has a male child, [REDACTED] who is a British citizen and was born on [REDACTED] [REDACTED] in Syria. Ms. [REDACTED] British citizenship was stripped in [REDACTED] by the UK Home Office. Ms. [REDACTED] became aware of this decision in 2020.

In 2019, Ms. [REDACTED] and her son were arrested and detained by the Syrian Democratic Forces (SDF) in the Northeast of the Syrian Arab Republic. They were taken to al-Hol camp and later transferred to al-Roj Camp, where they are currently detained.

Prior to her arrest, Ms. [REDACTED] was seriously injured by a bomb blast. As a result of injuries sustained, mainly by two pieces of shrapnel lodged in her neck, Ms. [REDACTED] acquired physical disabilities and suffers from severe physical and neurological health conditions. Ms. [REDACTED] sustains neurological issues potentially caused by: (i) cerebral haemorrhage; (ii) subdural haematoma; and (iii) shrapnel damage to the [REDACTED] producing a [REDACTED]. In addition, she suffered an [REDACTED] and a [REDACTED]. These health conditions have been identified through remote medical assessments carried out by eminent British medical professionals, who advised that Ms. [REDACTED] condition requires access to a [REDACTED] and [REDACTED].

In 2023, the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism met with Ms. [REDACTED] during her technical visit to North-East Syria. The Special Rapporteur observed that Ms. [REDACTED] relied on her [REDACTED] son for support and that the rapid deterioration of her health without support from the camp administration, and in inhuman conditions of detention, may pose a risk to her life. The Special Rapporteur further identified that Ms. [REDACTED] that she has very limited mobility, and [REDACTED] walk with crutches. Furthermore, she speaks very slowly, has difficulty finding her words, and appears to suffer from [REDACTED]. Ms. [REDACTED] reported having [REDACTED] and suffering from [REDACTED] as well as a [REDACTED]. Ms. [REDACTED] impairments prevent her from being able to collect and cook food on her own, and when cooked food is given to her by other women in the camp, she regularly forgoes her meal to provide larger portions to her son. The limited access to food in the camp and Ms. [REDACTED] means that she and her son sometimes go without food for three or four days per week. The Special Rapporteur concluded that Ms. [REDACTED] and [REDACTED] looked “desperate, extremely powerless and vulnerable, due to the absence of any prospect to leave”.

Medical developments

On [REDACTED] Ms. [REDACTED] was informed by the *de facto* authority that she would be taken to the hospital in [REDACTED] for a consultation with a surgeon on [REDACTED]. Her treatment was facilitated through an agreement between the hospital and an international organization. On [REDACTED] Ms. [REDACTED] underwent surgery to remove one piece of shrapnel from her neck; it was determined during the surgery that [REDACTED]. Ms. [REDACTED] was not provided with meaningful information regarding the nature, effects, or risks of the surgery. Ms. [REDACTED] was also unable to adequately communicate with her family during this period to seek their advice on the proposed surgery.

Ms. [REDACTED] health has rapidly deteriorated following the surgery. She continues to suffer from [REDACTED] has difficulty sleeping due to severe pain, finds it difficult to [REDACTED] and is unable to access physiotherapy services despite medical advice that it would significantly improve her condition.

Ms. [REDACTED] is concerned that her deteriorating health is due to the movement of [REDACTED] [REDACTED] [REDACTED] in her neck. Furthermore, the medical aftercare advised by the hospital is not available due to the non-renewal of the contract between the hospital and the international organization.

Ms. [REDACTED] and [REDACTED] mental health has also significantly deteriorated while in detention in al-Roj camp due to their exposure to trauma and their inhuman conditions of detention. In particular, [REDACTED] has witnessed the death of a child and the forcible removal and assault of children by camp guards. [REDACTED] regularly screams during his sleep and his mother is increasingly worried about the inability to raise [REDACTED] in a safe environment.

Security concerns

On [REDACTED] Ms. [REDACTED] tent was allegedly [REDACTED] [REDACTED] and [REDACTED] while [REDACTED] was inside the tent. All of Ms. [REDACTED] and [REDACTED] possessions were destroyed, including recent x-ray and CT scans and [REDACTED]. On [REDACTED], the UK Foreign, Commonwealth and Development Office (FCDO) informed Ms. R [REDACTED] family that the *de facto* authority had reported that [REDACTED]

[REDACTED] The [REDACTED] led Ms. [REDACTED] to withdraw [REDACTED] from school and confine him to her tent for the majority of the day. [REDACTED] briefly returned to school following reassurance from the school authority that [REDACTED] would be supervised. However, upon his return to school, [REDACTED] was hit with a rock and beaten in the schoolyard. Ms. [REDACTED] fears for [REDACTED] safety outside her supervision and is concerned that he is unable to receive an education due to the concern for his safety.

Application to re-enter the UK on humanitarian grounds

On [REDACTED], an application to repatriate [REDACTED] and her son was rejected by the FCDO on the basis that Ms. [REDACTED] is no longer a British national. The FCDO indicated that Ms. [REDACTED] may apply for "Leave to Enter" on humanitarian grounds, which would be considered expeditiously by the Home Office, and which would permit Ms. [REDACTED] to enter the United Kingdom as a foreigner. The FCDO also stated that it would consider repatriating [REDACTED] alongside Ms. [REDACTED] if the application were accepted. However, Ms. [REDACTED] application for Leave to Enter was ultimately rejected by the former Home Secretary.

While we do not wish to pre-judge the accuracy of these allegations, we express our deep concern for the situation of Ms. [REDACTED] and her son. We urge your Excellency's Government to reinstate Ms. [REDACTED] citizenship, and in the interim, to grant her "Leave to Enter" the United Kingdom on humanitarian grounds and to facilitate her repatriation alongside her son, [REDACTED]

Arbitrary and inhuman conditions of detention

We reiterate our concerns expressed in [GBR 18/2023](#) regarding Ms. [REDACTED] and [REDACTED] arbitrary and inhuman conditions of detention, which may amount to violations of the right to humane and dignified treatment (common article 3, Geneva Conventions (1949) and article 10, International Covenant on Civil and Political Rights (ICCPR)), the right to life (article 6, ICCPR), the right to health (article 12, International Covenant on Economic, Social and Cultural Rights (ICESCR)), the right to an adequate standard of living, including the right to food, the right to adequate housing (article 11, ICESCR and article 25, UDHR), the right to safe drinking water and sanitation (article 12.1 and general comment no. 15, ICESCR), the right to liberty and security of person and to not be subjected to arbitrary detention (article 9, ICCPR), the right to freedom from torture or cruel, inhuman or degrading treatment or punishment (article 7, ICCPR and articles 1 and 16, Convention against Torture), the relevant rights in articles 3, 9, 16, 19, 20, 24, 34, 37 and 40 of the Convention on the Rights of the Child (CRC), and the relevant rights in articles 10, 11, 14, 15, 18, 20, 25, 26, and 28 of the Convention on the Rights of Persons with Disabilities.

Access to healthcare, education, and food and safety concerns

We are particularly concerned that Ms. [REDACTED] health has rapidly deteriorated following the surgery to remove shrapnel from her neck, and that her recent medical developments pose a risk to her life that can be significantly mitigated through her repatriation. Ms. [REDACTED] inability to access the aftercare advised by the hospital and the inhuman conditions of her detention in al-Roj camp have increased her suffering and inability to properly care for [REDACTED]. We are deeply concerned that Ms. [REDACTED] health status is life-threatening. We previously indicated in [GBR 18/2023](#) that the risk of irreparable harm to her health without proper medical treatment may amount to cruel, inhuman or degrading treatment or punishment.

We are also concerned that Ms. [REDACTED] ill-health has been a point of extreme distress and suffering for [REDACTED] who heavily depends on his mother for the basic necessities of life within the camp. [REDACTED] is at risk of developing health conditions that are widespread in the child population within the camp, including skin rashes, anaemia, malnutrition due to his mother's difficulty in cooking and sourcing goods because of her impairments, severe dental problems, joint pain, eye irritation, and extensive asthma related to the inhalation of dust from nearby oilfields. We refer your Excellency's Government to 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. In its general comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) reiterates that "States are obliged to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees, to preventive, curative and palliative health services." The Committee has further interpreted the "right to health" in general comment No. 14 to include "the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food [and] nutrition" (para. 11). The fact that Ms. [REDACTED] and [REDACTED] access to food is further limited by Ms. [REDACTED] impairments is particularly concerning given that the lack of adequate nutrition is particularly detrimental to the health of children and someone as medically vulnerable as Ms. [REDACTED].

We are also deeply concerned for [REDACTED] safety following several reports, including from the camp administration, that he has been [REDACTED] [REDACTED] [REDACTED]. The [REDACTED] [REDACTED] have led to his withdrawal from school, and hence, impacted his right to education guaranteed by article 13 of the ICESCR and articles 28 and 29 of the CRC. We further note that the Committee on the Rights of the Child concluded that the physical and mental suffering occasioned by the conditions of detention at camps in North-East Syria presents an “imminent and foreseeable threat to the lives of the child victims” (L.H. et al v. France, communications No. 79/2019 and No. 109/2019, para. 3.5). We emphasise that children who are detained for association with armed groups or the alleged criminality of family members should first and foremost be recognised as victims of grave abuses of human rights and humanitarian law (article 2(2) of the Convention on the Rights of the Child (CRC); general comment No. 35, para. 16).

We are also concerned for the safety of Ms. [REDACTED] in relation to gender-based harms that are prevalent in the camp. Following her technical visit to North-East Syria, the former Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, noted that incidents of violence, including murder, physical harm, intimidation and sexual assault, occur regularly in the camps, and that there is an absence of measures to protect the life and the physical integrity of the detained population. In this respect, we recall that the Committee on the Elimination of All Forms of Discrimination against Women, in its general recommendations No. 19, 28, 30 and 35, has found that conflict-related violence occurs everywhere, and detention centres are places where women and girls face a significant risk of being exposed to gender-based harms. These acts constitute a violation of the Convention on the Elimination of All Forms of Discrimination against Women, which sets out the obligation to prevent, investigate, prosecute and punish such acts of gender-based violence. We further recall the conclusion of the Working Group on discrimination against women and girls that deprivation of liberty puts women and girls at risk of torture, violence and abuse, and further marginalization (A/HRC/41/33, para. 74), and that the authorities have an obligation to exercise due diligence to prevent acts of violence against women in accordance with national legislation, and to investigate, prosecute and punish such acts of gender-based violence under article 4 of the United Nations Declaration on the Elimination of Violence Against Women. As highlighted in its thematic report on health and safety (A/HRC/32/44), the Working Group stresses that women’s safety should be addressed as an integral aspect of women’s health. Women’s exposure to gender-based violence in both the public and private spheres, including conflict situations, is a major component of women’s physical and mental ill health and the destruction of their wellbeing, and constitutes a violation of their human rights.

We equally recall that, in line with article 11 of the CRPD, States must take the necessary measures to ensure the protection and safety of persons with disabilities in situations of risk. Moreover, women with disabilities are at an increased risk of risk of violence, exploitation and abuse, including in situations of risk and humanitarian emergencies, as observed by the Committee on the rights of persons with disabilities in its General Comment No. 3 on women and girls with disabilities.

Deprivation of citizenship

We also raise our concerns about the revocation of Ms. ██████ citizenship. While we acknowledge the critical importance of protecting national security and the community from terrorism, we emphasise that international human rights law requires that any limitation on human rights must be necessary and proportionate to the achievement of a legitimate objective. The right to nationality, enshrined in article 15(1) of the Universal Declaration of Human Rights (UDHR), has been recognised as a “fundamental principle of international law”¹ and international courts and tribunals have consistently held that customary international law and treaty obligations expressly limit States’ powers in nationality matters.² The right to nationality is a gateway right that enables the “right to have rights” and to secure those rights in national legal systems. The prohibition on the arbitrary deprivation of nationality under article 15(2) of the UDHR, which is also implicitly recognised by all the principal international and regional human rights treaties³ through the proscription of discrimination on various grounds in respect of the right to nationality, has also likely risen to the status of custom in international law.⁴

We consider that the deprivation of nationality of individuals detained in North-East Syria is presumptively arbitrary given the absence of any meaningful capacity for detainees to access adequate legal advice and representation and participate in legal proceedings in a legal process that affects their fundamental human rights. Special procedures mandate holders have also previously expressed concern about the adverse impacts of detention (including extortion, torture, threats and violence) on due process and revocation by association with terrorist groups rather than due to the commission of specific terrorist crimes. In this regard, we note that Ms. ██████ citizenship was revoked in ██████ and that she only became aware of this decision in 2020.

Given the deprivation of the right to nationality has serious and intersectional consequences, we believe that less intrusive alternatives such as domestic immigration or criminal law proceedings and measures must be favoured and exhausted before deprivation occurs. As noted in the report of the Secretary-General on human rights and arbitrary deprivation of nationality, the proportionality assessment requires the consequences of any withdrawal of nationality to be carefully weighed against the gravity of the behaviour or offence for which denationalization is prescribed (A/HRC/25/28, para. 4). The deprivation of nationality prolongs the detention of individuals under conditions which may amount to cruel, degrading, and inhuman treatment and leave them exposed to the risks of sexual violence, exploitation, trafficking, and enforced disappearance. In this regard, we urge your Excellency’s Government to consider Ms. ██████ significant disability as a factor that increases her experience of suffering in the camp and may pose a risk to her life.

¹ UN General Assembly resolution 50/152 (9 February 1996), para. 16.

² UN Human Rights Special Procedures, “Position of the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights consequences of citizenship stripping in the context of counter-terrorism with a particular application to North-East Syria” (2022), p. 5.

³ Ibid.

⁴ Ibid, p. 6.

The proportionality assessment must also be read in conjunction with the right to a family life, as protected by article 17 ICCPR and article 8 of the European Convention on Human Rights, as well as with article 3(1) of the CRC, which enshrines the principle that in all actions concerning children, the best interest of the child shall be a primary consideration. Indeed, while citizenship formally functions as an independent right, there is a co-dependency between the exercise of children's citizenship rights and those of their parents. In assessing what is in the best interests of the child, the potential negative long-term consequences of losing contact with the child's parents and the positive duty to take measures to facilitate family reunification as soon as reasonably feasible have to be sufficiently weighed in the balance. In this regard, we urge your Excellency's Government to reconsider the stripping of Ms. ██████ citizenship and, in doing so, to consider the best interest of her child, including ██████ significant emotional attachment to his mother due to the violence perpetrated against them by other detainees, her increasing dependence on him to assist with daily tasks, and his understanding of the immense pain she endures as a result of her medical condition.

We further recall that the arbitrary deprivation of nationality of women and children associated with suspected terrorists can itself constitute a form of punishment and violence against women and is not human rights compliant (A/78/256, para. 45 from the Special Rapporteur on Violence Against Women and Girls). In this regard, we emphasise that the fact Ms. ██████ was coerced into travelling into Syria must factor into the proportionality assessment. To the extent that any individual's actions in Syria may constitute a criminal offence under the domestic law of the United Kingdom, repatriation followed by prosecution would be a less intrusive means of addressing her past conduct. The United Kingdom has a robust criminal justice system that is capable of fairly and effectively investigating and prosecuting those against whom there is sufficient evidence of criminal conduct.

We emphasise States' specific obligations, consistent with Security Council Resolutions 1373, 2178, 2396, to bring suspected terrorists to justice and to develop and implement comprehensive prosecution, rehabilitation, and reintegration strategies, including with respect to spouses and children accompanying returning foreign terrorist fighters. States may not circumvent or be relieved of this responsibility through the deprivation of nationality in contravention of international law.

Duty to repatriate nationals at serious risk

It is our view that States have positive obligations to take reasonable steps to intervene in order to prevent serious violations of international law committed against their nationals. This obligation extends to acts or threats of violence and ill-treatment perpetrated by armed groups and other private actors or individuals, and in our assessment, applies in the context of ██████ detention at al-Roj camp. In this regard, we draw your attention to the recent decision of the Committee against Torture in *P.D. v France*, which likewise concerned the prolonged detention of mothers and children and the conditions of detention, in particular the lack of health care, food, safe drinking water and sanitation facilities. In its decision, the Committee found that such treatment and detention conditions amounted to inhuman and degrading treatment, prohibited by article 6 of the Convention against Torture. 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 requires, 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 through repatriation and ensuring access to necessary medical care. Similarly, the Committee on the Rights of the Child concluded that a State that is aware of the prolonged detention of children in a life-threatening situation and that is capable of taking action, has a positive obligation to protect those children from the imminent risk of the violation of their right to life and the actual violation of the right to not be subjected to cruel, inhuman, or degrading treatment (views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communications Nos. 77/2019, 79/2019 and 109/2019, para. 6.9). We note that despite the recent change of government in Syria, the security situation in north-east Syria remains highly precarious, including due to increased foreign state military attacks on territory held by the *de facto* authorities.

Maintaining the family unit

We also remind your Excellency's Government of its obligations to ██████ as a British citizen and, reiterating our previous concerns regarding the deprivation of Ms. ██████ citizenship, we urge for her application for "Leave to Enter" to be granted on humanitarian grounds in order to maintain the family unit. We stress that preventing family separation and preserving family unity are key components of the child protection system. Separation from parents should not occur unless it is considered to be in the best interest of the child, subject to judicial review, and in accordance with applicable law and procedures (article 9(1), CRC). We further recall that the ICCPR prohibits arbitrary or unlawful interference with the family under article 17(1) and entitles the family to protection under article 23. The European Convention on Human Rights, which is implemented in the United Kingdom's domestic law through the Human Rights Act 1998, further recognizes this aspect within the right to family life at article 8 and has been supported by jurisprudence of the European Court of Human Rights (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)). We encourage your Excellency's Government to give due consideration to the child's "best interest" in all cases of repatriation by maintaining the family unit.

We encourage your Excellency's Government to urgently repatriate Ms. ██████ and her son, ██████ 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.

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 as soon as possible 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 also be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the factual and legal basis underlining the decision to reject Ms. [REDACTED] application for “Leave to Enter”.
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.
4. Please provide information on the measures taken by your Excellency’s Government to protect the physical and mental integrity and health of Ms. [REDACTED] and her son, as well as their right to food and [REDACTED] right to education, particularly in light of the aforementioned medical developments and safety concerns.
5. Please provide details on steps taken or foreseen to repatriate Ms. [REDACTED] and her son, 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.
6. Please indicate whether the revocation of Ms. [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.
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.

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.

A copy of this communication has been sent to the Syrian Arab Republic.

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

Heba Hagrass

Special Rapporteur on the rights of persons with disabilities

Farida Shaheed

Special Rapporteur on the right to education

Michael Fakhri

Special Rapporteur on the right to food

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

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

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Independent expert on the promotion of a democratic and equitable international order

Reem Alsalem

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

Pedro Arrojo-Agudo

Special Rapporteur on the human rights to safe drinking water and sanitation

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