

Mandates of the Special Rapporteur on the situation of human rights in Belarus; the Working Group of Experts on People of African Descent; the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of migrants and the Working Group on discrimination against women and girls

Ref.: AL BLR 6/2025
(Please use this reference in your reply)

27 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Belarus; Working Group of Experts on People of African Descent; Working Group on Arbitrary Detention; Special Rapporteur on the human rights of migrants and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 58/19, 45/24, 51/8, 52/20 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the forced and arbitrary separation of Ms. Mariam Soumah from her child, through the child's placement in state custody and Ms. Soumah's removal to Somalia.**

According to the information received:

Ms. Mariam Soumah is a Guinean woman born in 2002. In early August 2025, she was expelled from Belarus to Somalia, while her child remained in Belarus. Ms. Soumah's relation to Somalia is unknown.

Ms. Soumah arrived in Belarus to pursue studies in Belarusian National Technical University and obtained a temporary residence permit, valid until September 2024.

In November 2024, she gave birth prematurely in a hospital in Minsk. Her newborn child was transferred to the City Children's Hospital No. 3 in Minsk for intensive medical care. Hospital staff were informed by the authorities that the child's mother had relinquished parental rights. Ms. Soumah denies having made such a statement.

Simultaneously, migration authorities initiated removal proceedings against Ms. Soumah on the grounds that she had remained in the country beyond the expiration of her residence permit. Migration authorities withheld her passport and instructed her to purchase a ticket and leave the country. In January 2025, Ms. Soumah obtained a temporary residence permit. She maintained communication with the authorities, who visited her at her place of residence.

Ms. Soumah was allowed to visit her child until May 2025, when the hospital demanded payment in full for the child's treatment, an amount totaling 104,000 BYN (approximately 28,000 EUR). The authorities indicated that the child would only be returned to her upon the payment. She has not seen her child

since May 2025.

In June 2025, Ms. Soumah received a letter from Orphanage No. 1 in Minsk informing her that her child had been transferred from the hospital to their premises. Placement of a child in an orphanage may lead to termination of parental rights under article 4 of the law of 21 December 2005 No. 73-Z 'On guarantees for the social protection of orphans, children left without parental care, as well as persons from among orphans and children left without parental care'. The orphanage summoned Mariam to discuss the child's future.

On 8 July 2025, Ms. Soumah was detained and placed in a temporary, penal detention facility in Minsk awaiting her deportation since there are no dedicated migrant detention facilities in Belarus. Given her placement in a penal detention facility, the conditions of detention were harsh. She had not attempted to elude immigration authorities. She was unable to access any judicial remedies because the authorities withheld her passport, access to legal counsel and to interpretation or translation services.

In early August 2025, she was expelled to Somalia, while her child remained in Belarus.

Without prejudging the accuracy of these allegations, we are concerned about the alleged forced and arbitrary separation of Ms. Mariam Soumah from her child, through the child's placement in state custody and Ms. Soumah's forcible removal to Somalia. We are also concerned about the alleged arbitrary detention of Ms. Soumah in a penal detention centre ahead of her removal and the reported denial of access to legal services and effective remedies to challenge her forcible removal and forced separation from her child. We express overarching concerns related to Ms. Soumah's rights as a migrant worker and the corresponding risks to her rights in the context of her pregnancy and delivery and access to medical care and custody of her child.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please explain what remedies are available to Ms. Soumah in order to reunite with her child, in Belarus or in her home country. Please explain what remedies were available to her to challenge her expulsion and her forced separation from her child while she was still in Belarus.
3. Please clarify the legal and factual grounds for placing Ms. Mariam Soumah's child under state custody, preventing mother-child contact

and further separating Ms. Soumah from her child through expulsion. Please explain how this separation is compatible with the best interests of the child.

4. Please explain whether Ms. Soumah maintains her parental rights and, if not, what are the legal and factual grounds for their termination. Please explain whether Ms. Soumah is in possession of the birth certificate of her child and, if not, how she can obtain it.
5. Please provide information on the legal grounds for Ms. Soumah's detention and the reasons for her expulsion to Somalia, despite allegedly being a Guinean citizen.
6. Please provide information on the legal grounds for Ms. Soumah's detention and her removal from Belarus if she had a temporary residence permit. Kindly also explain how the deprivation of liberty of Ms. Mariam Soumah in a penal detention centre ahead of her deportation was compatible with the requirements of article 9 of ICCPR, including the requirements of reasonableness, necessity and proportionality.

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.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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(s) responsible for the alleged violations.

Please be informed that a copy of this letter has also been sent to the Republic of Guinea and Somalia.

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

Nils Muižnieks
Special Rapporteur on the situation of human rights in Belarus

Bina D'Costa
Chair-Rapporteur of the Working Group of Experts on People of African Descent

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Gehad Madi
Special Rapporteur on the human rights of migrants

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights (ICCPR), ratified by Belarus on 12 November 1973; the International Covenant of Economic, Social and Cultural Rights (ICESCR), ratified by Belarus on 12 November 1973; and the Convention on the Rights of the Child, ratified by Belarus on 1 October 1990.

Under article 9 of ICCPR, everyone has **the right to liberty and security of person**. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. According to the Human Rights Committee, *'[d]etention in the course of proceedings for the control of immigration is not per se arbitrary, but the detention must be justified as reasonable, necessary and proportionate in the light of the circumstances and reassessed as it extends in time. (...) The decision must consider relevant factors case by case and not be based on a mandatory rule for a broad category; must take into account less invasive means of achieving the same ends, such as reporting obligations, sureties or other conditions to prevent absconding; and must be subject to periodic re-evaluation and judicial review. Decisions regarding the detention of migrants must also take into account the effect of the detention on their physical or mental health. Any necessary detention should take place in appropriate, sanitary, non-punitive facilities and should not take place in prisons.'* ([CCPR/C/GC/35](#), para. 18).

Article 13 of the ICCPR provides that aliens lawfully present in a State can be expelled only in pursuance of a decision reached in accordance with law and are entitled to procedural protections prior to being expelled, including having their case reviewed by a competent authority and being allowed to submit reasons against their expulsion.

Under article 14(1) of ICCPR, in the determination of his rights and obligations in a suit at law, everyone shall be entitled **to a fair and public hearing by a competent, independent and impartial tribunal established by law**. According to the Human Rights Committee, *'[t]he right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all individuals, regardless of nationality or statelessness, or whatever their status, whether asylum seekers, refugees, migrant workers, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State party'* ([CCPR/C/GC/32](#), para. 9).

Under article 16(3) of the Universal Declaration of Human Right, article 23(1) of ICCPR, article 10(1) of ICESCR and the Preamble of the Convention on the Rights of the Child, **the widest possible protection and assistance must be accorded to the family**, particularly in cases while the family is responsible for the care and education of dependent children.

Under article 3(1) of the Convention on the Rights of the Child, ratified by Belarus on 1 October 1990, in all actions concerning children, **the best interests of the child** shall be a primary consideration. Under article 7(1) of the Convention, the child shall have, as far as possible, the right to know and be cared for by his or her parents. Under its article 8, States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations. Under its article 9, States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. Under article 18, States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. Under article 27, the parents or others responsible for the child have the primary responsibility to secure the conditions of living necessary for the child's development. States Parties shall take appropriate measures to assist parents and others responsible for the child to implement this right.

According to the Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return ([CMW/C/GC/4-CRC/C/GC/23](#)), States should ensure that their legislation, policies, measures and practices guarantee child-sensitive due process in all migration administrative and judicial proceedings affecting the rights of children and/or those of their parents (para. 15). States should comply with their international legal obligations in terms of maintaining family unity, and preventing separation, which should be a primary focus, in accordance with the [Guidelines for the Alternative Care of Children](#). Protection of the right to a family environment frequently requires that States not only refrain from actions which could result in family separation or other arbitrary interference in the right to family life, but also take positive measures to maintain the family unit, including the reunion of separated family member (para. 27). Children in the context of international migration and families should not be subjected to arbitrary or unlawful interference with their privacy and family life. Separating a family by deporting or removing a family member from a State party's territory may amount to arbitrary or unlawful interference with family life (para. 28). The rupture of the family unit by the expulsion of one or both parents based on a breach of immigration laws related to entry or stay is disproportionate, as the sacrifice inherent in the restriction of family life and the impact on the life and development of the child is not outweighed by the advantages obtained by forcing the parent to leave the territory because of an immigration-related offence. The Committees recommend that States provide avenues for status regularization for migrants in an irregular situation residing with their children, particularly when a child has been born or has lived in the country of destination for an extended period of time,

or when return to the parent's country of origin would be against the child's best interests (para. 29). The Committees are concerned about cases where children are separated from parents and placed in alternative care by child protection systems when there are no concerns related to parental abuse and neglect. States should provide appropriate assistance to parents and legal guardians in the performance of their childrearing responsibilities, including by providing social benefits and child allowances and other social support services regardless of the migration status of the parents or the child. Based on article 18 of the Convention on the Rights of the Child, a comprehensive approach to the child's right to a family environment in the context of migration should contemplate measures directed at enabling parents to fulfil their duties with regard to child development. Considering that irregular migration status of children and/or their parents may obstruct such goals, States should make available regular and non-discriminatory migration channels, as well as provide permanent and accessible mechanisms for children and their families to access long-term regular migration status or residency permits based on grounds such as family unity, labour relations, social integration and others (para. 30).

According to the Special Rapporteur on migration, 'to protect children's survival and development rights and right to family unity, the focus must be on preventing family separation by permitting families to move together, and ensuring fast reunification if families are separated' ([A/79/213](#), para. 25). Following his visit to Belarus in 2022, aimed at assessing the situation of human rights of migrants at the border between Belarus and Poland, the predecessor of the current mandate holder expressed concerns about instances of family separations ([A/HRC/53/26/Add.2](#), para. 7).

According to CEDAW's general recommendation No. 26 on women migrant workers, "all categories of women migrants fall within the scope of the obligations of States parties to the Convention and must be protected against all forms of discrimination by the Convention" (CEDAW /C/2009/WP.1/R). The general recommendation emphasizes the vulnerability of undocumented women migrant workers and pregnant women migrant workers and provides recommendations to States to take all appropriate measures to ensure non-discrimination and the equal rights, including legal protections, access to remedies, non-discriminatory family reunification schemes, and access to services (CEDAW /C/2009/WP.1/R, paras. 26(a)-(l)).

We would also like to recall to your Excellency's Government that the Working Group on Discrimination against Women and Girls, in its 2019 thematic report (A/HRC/41/33) noted that women are deprived of their liberty, mostly arbitrarily and in a discriminatory fashion, in violation of the law and human rights standards. Not only the causes but also the consequences of deprivation of liberty are gendered, and women and girls experience their confinement in specific ways and are often at risk of heightened gender-based discrimination, stigma and violence. The Working Group further found that "[d]iscrimination and stereotyping may also lead to the denial of the asylum claims of migrant women and thus increase their risk of migration-related detention or incarceration for immigration-related offences" (para. 26). Furthermore, "in States that are seeking to stem migration flows, there is a tendency to believe that because women are viewed as weak and in need of protection, subjecting them to migration detention will be viewed as more shocking and thus have a greater deterrent effect" (para. 46). The Working Group has recommended states to re-evaluate and

reform laws and practices that tend to disproportionately or differently target, police and criminalize any particular group of women, and create accountability mechanisms to prevent, mitigate and remedy the discriminatory application of the law.