EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 6041/23
A.A.
against Denmark

The European Court of Human Rights (Fourth Section), sitting on 12 July 2023 as a Committee composed of:

Stéphanie Mourou-Vikström*, President*,
Lado Chanturia,
Mattias Guyomar*, judges*,
and Sophie Piquet, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 6041/23) against the Kingdom of Denmark lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 1 February 2023 by a Moroccan national, Ms A.A., who was born in 1989 and lives in Syria ("the applicant") who was represented by Mr K. Foldschack, a lawyer practising in Copenhagen;

the decision not to have the applicant's name disclosed;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant was born in Morocco in 1989 and entered Denmark in 1993. She had Moroccan and Danish citizenship. She is currently living in the al-Roj camp in Syria with her two children, Danish nationals born respectively in 2017 and 2019. The children's father is an Afghan national.

2. By a final judgment of 5 October 2022, the Supreme Court found it established that by travelling to Syria and joining the terrorist organisation Islamic State, the applicant had engaged in conduct so serious, as covered by Section 114e of the Penal Code, that it warranted revocation of her Danish nationality, and that the decision taken to this effect by the Ministry of Immigration and Integration on 26 November 2019 had been lawful. The Supreme Court found that the deprivation of the applicant's citizenship had

no bearing on her and the children's private and family life as it stood. It acknowledged that one of the consequences could be that the applicant would not be able to live with her children in Denmark unless she were granted a residence permit. Nevertheless, whether in the future the applicant would be granted a residence permit in Denmark was not part of the proceedings before the Supreme Court.

3. The applicant complained that the order to withdraw her Danish citizenship was in violation of Article 8 of the Convention.

THE COURT'S ASSESSMENT

4. The Court notes that the general principles applicable to cases involving deprivation of nationality are well-established in the Court's case-law (see, for example, *K2 v. the United Kingdom* (dec.), no. 42387/13, §§ 49-50, 7 February 2017; *Mansour Said Abdul Salam Mubarak v. Denmark* (dec.), no. 74411/16, §§ 62-63 22 January 2019; *Ghoumid and Others v. France,* no. 52273/16, §§ 43-44,25 June 2020; *Usmanov v. Russia*, no. 43936/18, §§ 52-54, 22 December 2020*; Adam Johansen v. Denmark* (dec.), no. 27801/19, §§ 44-45 and 52-55, 1 February 2022; and *Laraba v. Denmark* (dec.), no. 26781/19, § 15, 22 March 2022).

5. The Court is satisfied that the decision to deprive the applicant of her Danish citizenship was "in accordance with the law", namely section 8b of the Act on Danish Nationality, that the applicant was afforded the procedural safeguards required, that the authorities acted diligently and swiftly and that the revocation of the applicant's Danish citizenship was the consequence of her joining the terrorist organisation Islamic State, conduct covered by Section 114e of the Penal Code. The Court therefore concludes that the decision of the Danish courts to deprive the applicant of her Danish citizenship was not arbitrary.

6. The Court is also satisfied that the domestic courts diligently addressed the consequences of depriving the applicant of her Danish citizenship, including that she would not be rendered stateless (see, among others, *K2 v. United Kingdom*, cited above, § 62) and that the decision would not have any bearing on her and the children's private and family life as it stood.

7. In view of the above, the Court considers that the domestic courts' assessment of the decision to revoke the applicant's nationality was adequate and sufficient, and does not disclose any appearance of arbitrariness or omission with regard to the applicant's arguments. Consequently, the application must be rejected as manifestly ill-founded pursuant to Article 35 § 3 (a) and 4 of the Convention (see also *Ghoumid and Others v. France*, cited above, §§ 51-52; *K2 v. United Kingdom* (dec.), cited above, § 67; *Mansour Said Abdul Salam Mubarak v. Denmark* (dec.), cited above, § 71; and *Adam Johansen v. Denmark*, cited above, § 71).

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 14 September 2023.

Sophie Piquet Acting Deputy Section Registrar	Stéphanie Mourou-Vikström President