
Unedited version

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Committee on the Rights of the Child

Decision adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 225/2023*, **

<i>Communication submitted by:</i>	Z.B. and H.B. (represented by counsel, Emmi Wehka-aho)
<i>Alleged victims:</i>	Z.B. and H.B.
<i>State party:</i>	Finland
<i>Date of communication:</i>	31 May 2023
<i>Subject matter:</i>	Deportation to Greece under the Dublin III Regulation
<i>Articles of the Convention:</i>	3, 4, 6, 12, 22, 24, 26, 27, 28, 31, 34, 36, and 37

* Adopted by the Committee at its one-hundredth session (12-30 January 2026).

** The following members of the Committee participated in the consideration of the communication: Suzanne Aho, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rosaria Correa, Timothy Ekesa, Bragi Gudbrandsson, Mariana Ianachevici, Philip Jaffe, Soppio Kiladze, Cephass Lumina, Benyam Dawit Mezmur, Aissatou Alassane Sidikou, Juliana Scerri Ferrante, Zeinebou Taleb Moussa, and Benoit Van Keirsbilck.

1. The authors of the communication are Z.B. and H.B., nationals of Afghanistan born in 2007 and 2008, respectively. The authors allege that the State Party has violated their rights under articles 3, 4, 6, 12, 22, 24, 26, 27, 28, 31, 34, 36, and 37 of the Convention by deciding to deport them, together with their mother D.S. and their older sister S.B. to Greece. The authors are represented by counsel. The Optional Protocol entered into force for the State Party on 12 November 2015.
2. On an unspecified date, the authors arrived in Greece, where they were granted asylum by decisions of 24 January 2020. In early 2022, they left Greece for Finland. They applied for asylum in Finland on 29 March 2022. On 29 July 2022, the Finnish Immigration Service decided not to examine the asylum application on the basis of the Dublin III Regulation and ordered the authors to be returned to Greece, where they had been granted asylum. On 20 September 2022, the authors filed an appeal to the Administrative Court of Helsinki. On 21 September 2022, the Helsinki Administrative Court, with an interim decision, rejected the authors' request to suspend the execution of the return decision.. The authors' subsequent requests to suspend the execution of the decision were also dismissed by the same court. On 12 April 2023, the Helsinki Administrative Court rejected the authors' appeal. On 12 May 2023, the authors requested the Supreme Court of Finland to grant permission to appeal and to suspend the execution of the decision under appeal.
3. On 2 June 2023, the Committee, acting through its Working group on communications, registered the communication and granted interim measures under article 6 of the Optional Protocol requesting the suspension of the return of Z.B. and H.B., their mother D.S. and their oldest sister S.B. to Greece while the case was pending before the Committee.
4. On 2 August 2023, the State Party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the merits. The State Party noted that the Supreme Administrative Court had not yet rendered its decision, and the matter was still pending before the Court.
5. On 4 December 2023, the authors provided their comments on the State Party's observations and requested to suspend the examination of the communication. On 19 December 2023, the Committee, acting through its Working Group on Communications, decided to suspend the consideration of the communication.
6. On 18 December 2024, the State Party informed the Committee that on 4 December 2023, the Supreme Administrative Court had overturned the decision of the Helsinki Administrative Court dated 12 April 2023 with regard to the authors' request for a residence permit under section 52 (1) of the Aliens Act and referred the matter back to the Finnish Immigration Service for processing. On 19 September 2024, the Finnish Immigration Service granted the authors and their mother continuous residence permits on a discretionary basis on humanitarian grounds under section 52 of the Aliens Act, valid for one year from the date of the decision. The State Party therefore requested the Committee to discontinue its consideration of the communication and to lift its request interim measures. On 14 April 2025, the authors informed the Committee that they partially agreed to the State Party's request as their adult sister S.B. had not received a permit to remain in Finland. Her deportation continued to pose a real risk to the rights of the authors.
7. At its meeting on 30 January 2026, the Committee, taking into account that the authors -who had now become adults- and their mother had been granted residence permits and were therefore no longer at risk of being returned to Greece, and while noting that their older sister S.B. was still subjected to a return order, considered that the case had become moot and decided to discontinue its consideration of communication No. 225/2023, in accordance with rule 26 of its rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.