

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. 198/2022*, **

<i>Communication submitted by:</i>	S.M. and A.M. (represented by counsel, Vellamo Jutila)
<i>Alleged victims:</i>	S.M. and A.M.
<i>State party:</i>	Finland
<i>Date of communication:</i>	4 October 2022
<i>Subject matter:</i>	Return to Greece under the Dublin III Regulation
<i>Articles of the Convention:</i>	3 (1), 12 (1), 22 (1), 23, 24, 27, 28, 37 and 39

1. The authors of the communication are S.M. and A.M., nationals of Somalia born in 2011 and 2010, respectively. The authors allege that the State Party has violated their rights under articles 3 (1), 12 (1), 22 (1), 23, 24, 27, 28, 37 and 39 of the Convention by deciding to return them to Greece, together with their mother. The authors are represented by counsel. The Optional Protocol entered into force for the State party on 12 November 2015.

2. In 2018, the authors arrived in Greece, where they were granted asylum by decisions of 19 September 2019. They applied for asylum in Finland on 10 November 2021. On 2 September 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 16 September 2022, the authors filed an appeal to the Helsinki Administrative Court and requested for prohibition of enforcement of the refusal of entry. On 16 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 request to suspend the execution of the decision was also dismissed by the same court.

3. On 5 October 2022, 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 S.M. and A.M. to Greece while the case was pending before the Committee.

4. On 4 December 2022, the State party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the

* 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, Sopio Kiladze, Cephas Lumina, Benyam Dawit Mezmur, Aissatou Alassane Sidikou, Juliana Scerri Ferrante, Zeinebou Taleb Moussa, and Benoit Van Keirsbilck.

merits. The State party noted that the Helsinki Administrative Court had not yet rendered its decision, and the matter was still pending before the Court.

5. On 23 January 2023, the authors provided their comments on the State Party's observations. On 5 July 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 30 November 2023, the Supreme Administrative Court had overturned the decisions of the Helsinki Administrative Court and of the Finnish Immigration Service and referred the matter back to the Finnish Immigration Service for processing. On 16 October 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 9 April 2025, the authors informed the Committee that they disagreed with the State party's request and explained that the negative decision made in 2021 led to unjust and prolonged process that caused severe health issues for S.M.

7. On 30 January 2026, the Committee, taking into account that the authors had been granted residence permits and were therefore no longer at risk of being returned to Greece, considered that the case had become moot and decided to discontinue its consideration of communication No. 198/2022, 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.
