

Convention on the Rights of the Child

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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. 188/2022*, **

<i>Communication submitted by:</i>	A.O. and N.H. (represented by counsel, Elle Friberg)
<i>Alleged victims:</i>	J.O. and E.O.
<i>State party:</i>	Finland
<i>Date of communication:</i>	22 June 2022
<i>Subject matter:</i>	Return of a Syrian refugee family to Greece under the Dublin Regulation
<i>Articles of the Convention:</i>	3(1), 22(1), 24, 26, 27(1), 37 and 39

1. The authors of the communication are A.O. and N.H., nationals of the Syrian Arab Republic born in 1967 and 1976, respectively. They submit the communication on behalf of their children, J.O. and E.O., also nationals of the Syrian Arab Republic born in 2007 and 2010, respectively. The authors allege that the State party has violated J.O.'s and E.O.'s rights under articles 3(1), 22(1), 24, 26, 27(1), 37 and 39 of the Convention by deciding to return them to Greece. The authors are represented by counsel. The Optional Protocol entered into force for the State party on 12 February 2016.

2. In 2020, the authors and the children fled the civil war in the Syrian Arab Republic and arrived in Greece, where they were granted asylum by decisions taken in 2020 and 2021. They left Greece for Finland after J.O. was kidnapped in Greece by members of the Kurdistan Workers' Party (PKK). They applied for asylum in Finland on 30 December 2021. On 12 April 2022, the Immigration Service declared their asylum application inadmissible and ordered their return to Greece, where they had been granted asylum in another Member State of the European Union. On 24 May 2022, the Helsinki Administrative Court rejected the family's request for interim measures, thereby rendering the return order enforceable.

3. On 23 June 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 J.O. and E.O. to Greece while the case was pending before the Committee.

* Adopted by the Committee at its ninety-ninth session (5-23 May 2025).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Tomothy P.T. Ekesa, Bragi Gudbrandsson, Mariana Ianachevici, Philip Jaffé, Sopia Kiladze, Cephas Lumina, Faith Marchall-Harris, Benyam Dawit Mezmur, Aissatou Alassane Sidikou, Juliana Scerri Ferrante, Zeinebou Taleb Moussa and Benoit Van Keirsbilck.

4. On 23 August 2022, the State party submitted its observations on the admissibility of the communication and requested that the admissibility be examined separately from the merits.

5. On 7 September 2022, the authors submitted a new request for interim measures. On 16 September 2022, the Committee, acting through its working group on communications, did not grant the request. On 10 November 2022, the authors provided their comments on the State party's observations. On 12 December 2022, the Committee decided to examine the admissibility of the communication together with the merits.

6. On 2 September 2024, the State party informed the Committee that on 29 November 2023, the Supreme Administrative Court overturned the decision of the Helsinki Administrative Court dated 19 January 2023 with regard to a residence permit issued under section 52 (1) of the Aliens Act and referred the matter back to the Finnish Immigration Service for processing. On 7 August 2024, the Finnish Immigration Service granted the authors and their parents 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 20 December 2024, the authors informed the Committee that they did not object to the State party's request.

7. At its meeting on 19 May 2025, 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 consideration of communication No. 188/2022, 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.
