



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Decision adopted by the Committee under the Optional Protocol, concerning communication No. 168/2021^{*,**}

<i>Communication submitted by:</i>	Alina Khaleqi and Alihafez Khaleqi (represented by counsel, Stephanie Motz)
<i>Alleged victims:</i>	The authors and their minor children
<i>State Party:</i>	Switzerland
<i>Date of communication:</i>	18 March 2021
<i>Subject matter:</i>	Denial of asylum resulting in gender- based discrimination
<i>Articles of the Convention:</i>	1, 2 (b)–(g), 3, 5 and 12

1. The authors of the communication are Alina Khaleqi and Alihafez Khaleqi, both nationals of Afghanistan, born in 1995 and 1992, respectively. They act on their own behalf and on that of their children, Moharam Khaleqi and Elnay Khaleqi, also nationals of Afghanistan, born in 2017 and 2019, respectively. The family's applications for asylum have been denied by the State Party, and the family is facing removal to Croatia under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the member State responsible for examining an application for international protection lodged in one of the member States by a third-country national or a stateless person (the Dublin III Regulation). They claim that by removing them to Croatia the State Party will violate their rights under the Convention. The authors are represented by counsel. The Optional Protocol entered into force for the State Party on 29 December 2008.

2. In 2016, the authors fled persecution in Afghanistan and applied for asylum in Austria on 12 February. Under pressure from family members, they returned to Afghanistan before a decision on their application had been issued. Upon their return, they faced threats and were again forced to flee. Travelling via Iran (Islamic Republic

* Adopted by the Committee at its ninety-first session (16 June–4 July 2025).

** The following members of the Committee participated in the examination of the present communication: Brenda Akia, Hiroko Akizuki, Hamida Al-Shukairi, Violet Eudine Barriteau, Rangita de Silva de Alwis, Corinne Dettmeijer-Vermeulen, Nada Moustafa Fathi Draz, Esther Eghobamien-Mshelia, Yamila González Ferrer, Daphna Hacker, Madina Jarbussynova, Marianne Mikko, Mu Hong, Ana Peláez Narváez, Jelena Pia-Comella, Bandana Rana, Elgun Safarov, Erika Schläppi and Patsilí Toledo Vásquez.



of) and Türkiye, they reached Croatia in 2019, where they were pushed back at the border twice. On the third attempt, the first author was sexually assaulted by Croatian police officers. The family was later transferred to a refugee camp, where there was inadequate food and no access to medical or mental healthcare. On 29 August 2020, the authors applied for asylum in Switzerland. During her interview, the first author disclosed the sexual assault in Croatia. On 3 November, the Swiss State Secretariat for Migration decided to return the family to Croatia under the Dublin III Regulation.

3. On 9 January 2021, the decision was upheld by the Federal Administrative Court.

4. On 18 March 2021, the Committee, acting through its Working Group on Communications under the Optional Protocol, registered the communication and requested the State Party to suspend the family's removal while the case was before the Committee.

5. On 16 August 2022, the State Party submitted a request for discontinuance on the grounds that the authors had absconded from the immigration centre and their whereabouts were unknown.

6. On 15 May 2023, the authors' counsel confirmed that the authors' asylum applications would be examined in Germany and that they would not be removed under the Dublin III Regulation. Accordingly, their counsel agreed to the Committee's discontinuing its consideration of the communication.

7. At its meeting on 2 July 2025, the Committee, taking into account the State Party's request, considered that the case had become moot and decided to discontinue its consideration of communication No. 168/2021.
