



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Decision adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 29/2015*, **

<i>Communication submitted by:</i>	N.N.
<i>Alleged victims:</i>	The author and her daughter, N.L.
<i>State party:</i>	Germany
<i>Date of communication:</i>	1 June 2015 (initial submission)
<i>Substantive issue:</i>	Hospitalization in a psychiatric clinic

1. The author of the communication is N.N., a national of the Russian Federation, born in 1956. She submitted the communication on her own behalf, and on behalf of her daughter, N.L. The author's daughter, born in 1980, is also a national of the Russian Federation. In 2009, she was diagnosed with a "permanent disability" (categorized as group 2, level 3 in the disability classification). The Optional Protocol to the Convention entered into force in Germany on 26 March 2009.

2. On 22 October 2013, the author and her daughter applied for asylum in Germany. The Federal Office for Migration and Refugees rejected their request and the deportation order became final on 21 May 2014. On 26 February 2014, a court had appointed a guardian for the author's daughter. On 13 March 2014, the guardian had submitted the court's appointment decision to the author and requested a meeting with the author's daughter. Shortly afterwards, the author fled with her daughter to Switzerland. They were returned to Germany on 13 October 2014.

3. In February 2015, the author's daughter was hospitalized in a psychiatric clinic after an individual reported seeing her "alone and unwell in the street". Between then and July 2015, N.L. was repeatedly placed in and discharged from psychiatric clinics, in which she received various psychological and medical treatments. Different guardians were appointed. In her complaint to the Committee, the author claimed that her daughter was a victim of a violation, by Germany, of her rights under articles 5, 6, 12, 13, 14, 15, 16, 17, 22 and 25 of the Convention on the Rights of Persons with Disabilities. The author requested the Committee to invite the State party to discharge her daughter from hospital, and to discontinue any form of forced medication she may be subjected to.

4. On 15 December 2015, the State party submitted its observations to the Committee, informing it of the measures taken by the competent authorities in N.L.'s case. The State

* Adopted by the Committee at its twenty-third session (17 August–4 September 2020).

** The following members of the Committee participated in the examination of the communication:
Ahmad Alsaif, Danlami Umaru Basharu, Monthian Buntan, Imed Eddine Chaker, Gertrude Oforiwa Fefoame, Mara Cristina Gabrilli, Amalia Eva Gamio Ríos, Ishikawa Jun, Samuel Njuguna Kabue, Kim Mi Yeon, László Gábor Lovász, Robert George Martin, Dmitry Rebrov, Jonas Ruskus, Markus Schefer and Risnawati Utami.



party also informed the Committee that on 21 July 2015, the author and her daughter had left Germany for the Netherlands, and that prior to that trip and against her physician's advice, the author's daughter had been discharged from hospital, having been assessed as being "without any imminent acute risk".

5. The observations of the State party were sent to the author for her comments on 23 December 2015. On 8 March 2016, the author submitted additional information, stating that she had returned to Germany, but did not intend to remain there. In 2017, 2018 and 2019, messages were sent to the author inquiring about her whereabouts and current situation. On 11 January 2020, the author replied, informing the Committee that she and her daughter were currently in Paris.

6. The Committee, in view of the above elements, concluded that the subject matter of the communication had become moot and decided to discontinue the consideration of communication No. 29/2015.
