



# 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. 85/2019\* \*\*

<i>Communication submitted by:</i>	A.S.A.M.
<i>Alleged victim:</i>	A.S.
<i>State party:</i>	Denmark
<i>Date of communication:</i>	12 May 2019
<i>Subject matter:</i>	Deportation of a girl to Somalia where she faces a risk of female genital mutilation
<i>Articles of the Convention:</i>	3, 19, 24 and 37

1. The author of the communication is A.S.A.M., who submits the communication on behalf of his daughter, A.S., a national of Somalia born on 9 September 2001. A.S. belongs to the Hawiye clan and is a Muslim. The author claims that A.S.'s deportation to Somalia would amount to a violation of her rights under articles 3, 19, 24 and 37 of the Convention. The Optional Protocol entered into force for the State party on 7 January 2016.

2. A.S. entered Denmark on an unspecified date in 2013. On 4 July 2013, she received her Danish residence permit. On 11 July 2017, the Danish Immigration Service decided not to extend the author's or A.S.'s permits. On 14 July 2017, the author filed an appeal to the Refugee Appeals Board. In his appeal, the author claimed that, if returned to Somalia, A.S. would be at risk of being kidnapped and sexually assaulted by Al-Shabaab and subjected to female genital mutilation. The author submits that, on 7 February 2019, the Refugee Appeals Board rejected the appeal, finding it unlikely that A.S. would face a risk of forcible female genital mutilation, if returned to Somalia. It found that, during the time when both parents were outside Somalia and A.S. remained in Somalia with her aunt, she was not subjected to female genital mutilation and that it therefore appeared that neither parent had any family or relatives in Somalia who would exert pressure on the family to forcibly subject A.S. to that practice. It concluded that both of A.S.'s parents appeared sufficiently resourceful in being able to withstand any social pressure to subject A.S. to female genital mutilation.

3. Pursuant to article 6 of the Optional Protocol, on 16 May 2019, the working group on communications, acting on behalf of the Committee, requested that the State party adopt

\* Adopted by the Committee at its ninety-first session (29 August–23 September 2022).

\*\* The following members of the Committee participated in the examination of the communication: Suzanne Aho, Aïssatou Alassane Moulaye, Hynd Ayoubi Idrissi, Rinchen Chophel, Bragi Gudbrandsson, Philip Jaffé, Sopia Kiladze, Gehad Madi, Faith Marshall-Harris, Benyam Dawit Mezmur, Clarence Nelson, Otani Mikiko, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.



interim measures to suspend the deportation of A.S.A.M. and A.S. pending the consideration of the case by the Committee.

4. On 5 July 2019, the State party submitted its observations on the admissibility of the communication and requested that the Committee examine the admissibility of the complaint separately from the merits. The State party asserted that the communication should be considered inadmissible under article 7 (h) of the Optional Protocol, given that it had not been submitted within one year of the exhaustion of domestic remedies. The State party also requested the lifting of the interim measures.

5. On 15 August 2019, the author submitted his comments on the State party's observations on admissibility. The author explained that he had made an error in his initial complaint to the Committee, acknowledging that the correct date of the decision by the Refugee Appeals Board was 7 February 2018. On the same day, the working group on communications, acting on behalf of the Committee, decided to grant the State party's requests to examine the admissibility of the communication separately from the merits and to lift the interim measures.

6. On 21 November 2019, the State party requested the suspension of the case, given that domestic proceedings for asylum had been reopened.

7. On 27 January 2022, following several reminders from the secretariat, the author informed the Committee that his daughter had been granted asylum by the Refugee Appeals Board and was therefore no longer at risk of deportation to Somalia.

8. At its meeting on 12 September 2022, the Committee, having considered that the author's daughter no longer faced the risk of being deported to Somalia, and concluding that the subject matter of the communication had therefore become moot, decided to discontinue the consideration of communication No. 85/2019, 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.

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