



Convention on the Rights of the Child

Distr.: General
13 July 2022

Original: English

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. 93/2019*, **

<i>Communication submitted by:</i>	F.A. (represented by Human Rights League)
<i>Alleged victims:</i>	A.R.A., S.A., M.A. and A.S.A.
<i>State party:</i>	Slovakia
<i>Date of communication:</i>	14 August 2019 (initial submission)
<i>Subject matter:</i>	Deportation to the Netherlands under the Dublin III Regulation
<i>Substantive issues:</i>	Non refoulement; right to life; best interests of the child; torture and ill-treatment; interference in family life; separation of children from parents; standard of living
<i>Articles of the Convention:</i>	3, 6, 9, 16, 18, 27 (1), 28 and 37

1. The author of the communication is F.A., a national of Afghanistan acting on behalf of her children, A.R.A., S.A., M.A. and A.S.A., also nationals of Afghanistan, who were 16, 14, 9 and 2 years of age at the time of submission of the communication. F.A. claims that her daughter A.S.A. would be a victim of a violation of article 3, read in conjunction with articles 6, 9, 16, 18, 27 (1), 28 and 37, of the Convention and that her three sons, A.R.A., S.A. and M.A., would be victims of a violation of article 4 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Optional Protocol to the Convention on the Rights of the Child on a communications procedure entered into force for the State party on 3 March 2014.

2. The children's father has been a legal resident in the State party since 2010 and, at the time of submission of the communication, had a residence permit valid until 2020. In 2016, F.A., A.R.A., S.A., M.A. and A.S.A. left Afghanistan, because the Taliban had enquired repeatedly as to the whereabouts of their father and threatened the family with death. The oldest boy, A.R.A., also feared being kidnapped and forcibly recruited by the Taliban or other terrorist groups.

* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Aïssatou Alassane Moulaye Sidikou, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffé, Sopio 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.



3. On 6 September 2018, F.A., A.R.A., S.A., M.A. and A.S.A. applied for asylum in the State party. On 24 October 2018, the Migration Office rejected their asylum application as being inadmissible under the Dublin III Regulation and ordered their deportation to the Netherlands. F.A. appealed the decision to the Regional Court in Košice, which, on 14 February 2019, overturned the decision of the Migration Office. On 14 June 2019, the Migration Office rejected their application again. They submitted a request for suspensive effect of the deportation orders to the Regional Court in Bratislava, which rejected their request on 1 August 2019, with respect to A.R.A., and on 7 August 2019, with respect to F.A., S.A., M.A. and A.S.A.

4. In case of deportation to the Netherlands, the author claims that A.R.A., S.A., M.A. and A.S.A. would be at risk of being separated from their father and of being subjected to a chain refoulement to Afghanistan, given that the Netherlands has already rejected their and their mother's asylum applications.

5. Pursuant to article 6 of the Optional Protocol, on 19 August 2019, the Working Group on Communications, acting on behalf of the Committee, requested the State party to adopt interim measures consisting of refraining from deporting F.A., A.R.A., S.A., M.A. and A.S.A. to the Netherlands pending the consideration of their case by the Committee.

6. On 18 October 2019, the State party filed its observations on the admissibility of the communication, which included a request for a consideration of the admissibility of the communication separately from the merits. On 17 November 2019, the author filed her comments on the State party's observations. On 25 November 2019, the Committee denied the State party's request to examine the admissibility of the communication separately from the merits. On 19 May 2020, the State party indicated that asylum proceedings had been initiated in favour of F.A., A.R.A., S.A., M.A. and A.S.A. On 8 December 2021, the State party indicated that international protection had been granted to them, and it therefore requested the discontinuance of the communication. On 12 January 2022, the author agreed to the proposal that the Committee should discontinue its consideration of the case.

7. In the light of the information received by the Committee that the State party has granted international protection to F.A., A.R.A., S.A., M.A. and A.S.A., the Committee decides to discontinue the consideration of communication No. 93/2019, on the grounds that it has become moot, in accordance with rule 26 of its rules of procedure under the Optional Protocol on a communications procedure.
