



# 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. 158/2021\* \*\*

<i>Communication submitted by:</i>	G.F. (represented by counsel, Frédéric Fabre)
<i>Alleged victim:</i>	The author's son, S.F.W.F.
<i>State party:</i>	Ireland
<i>Date of communication:</i>	5 May 2021
<i>Subject matter:</i>	Enforcement of parental visitation and custody rights during the coronavirus disease (COVID-19) pandemic of a parent residing in a different country
<i>Articles of the Convention:</i>	9 (3) and 10 (2)

1. The author of the communication is G.F., a national of France born on 21 February 1982. He submits the communication on behalf of his son, S.F.W.F., a national of France, Ireland and the United Kingdom of Great Britain and Northern Ireland, born on 6 February 2017. The author alleges that the State party has violated S.F.W.F.'s rights under articles 9 (3) and 10 (2) of the Convention. The author is represented by counsel. The Optional Protocol entered into force for the State party on 24 December 2014.

2. S.F.W.F.'s parents were married and lived together in the United Kingdom. On 23 May 2019, when S.F.W.F. was two years and three months old, the parents separated and obtained a child agreement order from the West London Family Court in London. The court granted the mother permission to leave the United Kingdom on 1 July 2019 and move to Ireland with the child, while allowing the father to live with the child during certain periods. Pursuant to the order, visitation rights were established for the father for three weekends out of every four. During one of those three weekends, the mother is required to bring S.F.W.F. to England to see the father. For the two remaining weekends, the father goes to Ireland to see his son. S.F.W.F.'s vacations are split equally between the two parents. The arrangements require the father to spend an average of 962 euros per month on travel. He participates in child-rearing costs, as he pays for S.F.W.F.'s clothes, kindergarten expenses and toys. He also pays £150 per month into a bank account opened in S.F.W.F.'s name towards the cost of his future higher education.

\* Adopted by the Committee at its ninety-third session (8–26 May 2023).

\*\* The following members of the Committee participated in the examination of the communication: Suzanne Aho, Thuwayba Al Barwani, Aïssatou Alassane Moulaye, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Bragi Gudbrandsson, Philip Jaffé, Sopia Kiladze, Faith Marshall-Harris, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.



3. During the six months following the issuance of the court order, the mother abided by its terms. However, on 10 January 2020, she failed to bring S.F.W.F. to London, as required. On 30 January 2020, the mother filed an application alleging that the father had failed to provide child support. The mother filed the application before the District Court of Cork, which issued a summons for the father to attend a court hearing on 23 March 2020. Due to the COVID-19 pandemic, the parents agreed to take a break from travelling between 20 March and 18 May 2020. Between 18 May and November 2020, the father only managed to see his son once a month. He was not able to have S.F.W.F. with him during the summer holidays.
4. On 15 October 2020, the father filed an appeal before the High Court of Dublin to obtain a court order to enforce the United Kingdom court order. On 17 December 2020, the High Court dismissed the father's claim on the ground that the matter was being considered by the District Court of Cork. However, the author notes that the case before the District Court of Cork is the child support request filed by the mother, but it does not have jurisdiction to examine claims relating to non-presentation of children. The author does not have the right to appeal the High Court decision.
5. On 29 January 2021, the author travelled to see S.F.W.F., but was only allowed to see him from a window. On 11 February 2021, the father applied to the High Court of Dublin to designate the appropriate chamber to hear his case. On 23 February 2021, he submitted the same request again. In the two months since lodging those requests, the father has not received a response.
6. The author asserts that since 18 May 2020, he has lost many of the visitation days to which he was entitled under the United Kingdom court order, in violation of S.F.W.F.'s right to have regular and personal direct contact with him under articles 9 (3) and 10 (2) of the Convention.
7. Pursuant to article 6 of the Optional Protocol, on 8 September 2021 the Committee, acting through its Working Group on communications, registered the communication.
8. On 22 April 2022, the State party requested an extension to the deadline to submit observations on the admissibility and merits of the communication since the authorities were conducting discussions with the author with a view to exploring the possibility of resolving the matter domestically.
9. On 27 April 2022, the author confirmed the information submitted by the State party and expressed conformity with the granting of an extension.
10. On 20 June 2022, the author informed the Committee that he had reached an agreement with the State party authorities and was awaiting its implementation. He therefore requested a four-month extension for the presentation of observations on the admissibility and merits by the State party.
11. On 10 October 2022, the State party requested a one-month extension on the same basis. On 11 November 2022, it requested another extension until 15 December 2022. On 14 December 2022, it requested another extension until 20 January 2023.
12. On 19 January 2023, the author communicated to the Committee that he had reached an agreement with the State party authorities that he deemed was in the best interests of S.F.W.F. and requested the discontinuance of the communication. On the same date, the State party confirmed the information submitted by the author and requested the discontinuance of the communication as well.
13. At its meeting on 19 May 2023, the Committee, having considered that the author had reached an agreement with the State party, which he considered to be in the best interests of S.F.W.F., and concluding that the object of the communication had therefore become moot, decided to discontinue consideration of communication No. 158/2021, 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.