



# Convention on the Rights of the Child

Distr.: General  
2 June 2023

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. 194/2022\*\* \* \*\*

<i>Communication submitted by:</i>	F.A.M. (represented by counsel, Valtteri Matilainen)
<i>Alleged victims:</i>	The author's children, U.M., U.K.M. and H.M.
<i>State party:</i>	Finland
<i>Date of communication:</i>	17 August 2022 (initial submission)
<i>Subject matter:</i>	Return of three Somali children to Greece, where they were granted international protection
<i>Articles of the Convention:</i>	3, 4, 6, 12, 22, 24, 26, 27, 31, 36, 37 (a) and 39

1. The author of the communication is F.A.M., a national of Somalia born on 5 June 1992. She submits the communication on behalf of her children, U.M., born on 25 May 2011; U.K.M., born on 1 November 2012; and H.M., born on 5 May 2013, all nationals of Somalia. The family is facing deportation to Greece, where they were granted international protection in 2021. The author claims that by deporting the family back to Greece, the State party would violate the rights of the children under articles 3, 4, 6, 12, 22, 24, 26, 27, 31, 36 and 39 of the Convention. The author is represented by counsel. The Optional Protocol entered into force for the State party on 12 February 2016.

2. In 2018, the family fled from Somalia to Greece, where they were granted international protection. For three years, they lived in inadequate and unsafe conditions in Greece without access to housing, education or social services. They arrived in the State party on 23 August 2021 and applied for asylum on 10 November 2021. During the application process, the Finnish immigration authorities took into account the serious problems they had faced during their stay in Greece, but denied that they would be in a vulnerable position if they returned there. In the State party, doctors confirmed that the author needed psychiatric help due to the sexual violence she had endured in the past. Experts also advised that the children needed special protection.

3. On 10 May 2022, their application for asylum was rejected by the Finish immigration authorities. On 14 July 2022, their request for interim measures was rejected by the Helsinki

\* Reissued for technical reasons on 20 June 2023.

\*\* 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, Aïssatou Alassane Moulaye, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Bragi Gudbrandsson, Philip Jaffé, Sopio Kiladze, Faith Marshall-Harris, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.



Administrative Court. The Court's decision has been shared with the local police department. The deportation orders are therefore directly enforceable, notwithstanding the ongoing appeal procedure before the Helsinki Administrative Court. The police informed the author that on 19 August 2022, preparations for deportation had begun.

4. The author claims a violation by the State party of the children's rights under articles 3, 4, 6, 12, 22, 24, 26, 27, 31, 36, 37 (a) and 39 of the Convention. She argues that their deportation from the State party to Greece would constitute a violation of the non-refoulment principle and a violation of article 37 (a) of the Convention. She also claims that, from her experience, there are no safeguards in place to ensure that the children would have access to proper housing services and education in Greece, nor that they would have stable conditions in which to grow up. There are also no legal safeguards to ensure that she or her children could access their basic economic and social rights and their right to physical integrity in Greece. She alleges that her mental health is already poor and that her condition is likely to deteriorate if they are removed to Greece, which would also affect her ability to take care of them. In addition, she claims that the State party has not fulfilled its duty to assess the best interests of the child, in violation of article 3 of the Convention. She claims that the State party authorities analysed the application solely from her point of view and only after a decision had been taken against her was her children's situation assessed, contrary to the Convention (art. 3).

5. Pursuant to article 6 of the Optional Protocol, on 18 August 2022, the Committee, acting through its Working Group on communications, requested the State party to refrain from deporting the children and their mother to Greece while the case was under consideration by the Committee.

6. On 15 October 2022, the State party submitted its observations on the admissibility of the communication and requested the Committee to examine the admissibility of the complaint separately from the merits.

7. On 1 December 2022, the author informed the Committee that the Helsinki Administrative Court had overruled the disputed decision by the Finnish Immigration Service, and that therefore the matter of their request for asylum had been returned to the Immigration Service, which had initiated a new asylum process. She therefore withdrew her complaint.

8. On 11 January 2023, the State party confirmed that information submitted by the author and informed the Committee that on 5 January 2023, the Finnish Immigration Service had granted the children and their mother continuous residence permits on a discretionary basis on humanitarian grounds, under section 52 of the Aliens Act, valid for one year as of the date of the decision. It noted that in reaching its decision, the Finnish Immigration Service had considered it to be unreasonable to require the children and their mother to return to Greece, taking into account the best interests of the child and the mother's support network in Finland. The State party also affirmed that the author had an unrestricted right to work. The State party therefore requested the Committee to discontinue consideration of the communication.

9. At a meeting on 19 May 2023, the Committee, having considered that the children no longer risked being returned to Greece and concluding that the subject of the communication had therefore become moot, decided to discontinue consideration of communication No. 194/2022 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.