



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. 43/2018*, **

<i>Communication submitted by:</i>	Z.R. and Q.S. (represented by the Danish Refugee Council)
<i>Alleged victims:</i>	The authors' four children
<i>State party:</i>	Denmark
<i>Date of communication:</i>	16 February 2018
<i>Subject matter:</i>	Deportation of Iranian refugee family with four children to Italy

1. The authors are nationals of the Islamic Republic of Iran. They submit the communication on behalf of their four children, who were aged between 1 and 11 years at the time of submission of the communication. The authors arrived in Italy in October 2012, where they sought asylum. In April 2013, immediately after they were granted asylum, they were evicted from their temporary shelter and forced to live on the streets. As a result, they left Italy for Denmark 15 days later.

2. In December 2015, the authors and their children were returned to Italy under Regulation No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin III Regulation). For five months, they again lived on the streets and received no assistance from social services. The children were denied access to school and the then pregnant mother was denied access to medical care. As a result, they travelled back to Denmark.

3. In May 2017, the father locked himself in the asylum centre in Denmark with the mother and the younger children and threatened to kill them with a knife unless the authorities granted them residence permits in Denmark. As a result, the father served three months in prison. In July 2017, the father attempted suicide. In August 2017, he was diagnosed with severe depression and held in a Danish psychiatric institution until December 2017.

* Adopted by the Committee at its eighty-second session (9–27 September 2019).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho Assouma, Amal Salman Aldoseri, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffe, Olga A. Khazova, Cephas Lumina, Gehad Madi, Faith Marshall-Harris, Benyam Dawit Mezmur, Mikiko Otani, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Aissatou Alassane Sidikou, Ann Marie Skelton, Velina Todorova and Renate Winter.



4. In December 2017, the family was flown back to Italy for the second time. During the flight, the authors were handcuffed and each family member was seated in a different row of the aeroplane, next to a police officer. Upon arrival, the Italian police refused to receive the family, as the Danish authorities had failed to notify the Italian authorities of the family's arrival. As a consequence, the family was flown back to Denmark. At the time of submitting the communication, the family was waiting to be deported back to Italy. The mother and children were at an asylum centre and the father was in prison. The children were attending school and were receiving psychological therapy and social support.

5. On 20 February 2018, the Committee registered the communication and requested the State party to refrain from deporting the authors to Italy while the case was pending before the Committee.

6. On 23 May 2018, the State party informed the Committee that on 8 February 2018, the authors had requested the Danish Refugee Appeals Board to reopen the asylum proceedings and that on 23 May 2018, the Board had decided to grant the authors residence permits under section 7 (1) of the Danish Aliens Act. Therefore, the State party requested that the communication be discontinued.

7. The State party's discontinuance request was transmitted to the authors' counsel on 29 May 2018 for comments. Thereafter, three reminders were sent. However, no comments have been received to date.

8. At its meeting on 27 September 2019, the Committee, having considered the State party's request for discontinuance, decided to discontinue the consideration of communication No. 43/2018, 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.
