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Convention on the Rights of the Child

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Committee on the Rights of the Child

Follow-up progress report on individual communications*

I. Introduction

1. The present report is a compilation of information received from States parties and complainants on measures taken to implement the Views and recommendations on individual communications submitted under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The information has been processed in the framework of the follow-up procedure established under article 11 of the Optional Protocol and rule 28 of the rules of procedure under the Optional Protocol. The assessment criteria were as follows:

Assessment criteria	
A	Compliance: Measures taken are satisfactory or largely satisfactory
B	Partial compliance: Measures taken are partially satisfactory, but additional information or action is required
C	Non-compliance: Reply received but measures taken are not satisfactory or do not implement the Views or are irrelevant to the Views
D	No reply: No cooperation or no reply received

* Adopted by the Committee at its ninety-eighth session (13–31 January 2025).

II. Communications

A. *X.C. et al. v. Denmark* (CRC/C/85/D/31/2017)

Date of adoption of Views:	28 September 2022
Subject matter:	Deportation of three children and their mother to China, with a risk that the children would be removed from the custody of the unmarried mother and that they would not be registered in the *hukou* (household register), which is necessary to obtain access to health, education and social services
Articles violated:	3, 6 and 8 of the Convention

1. Remedy

2. The State party is under an obligation to refrain from deporting the author and her children to China and to take all steps necessary to prevent similar violations from occurring in the future. It was requested to publish the Committee's Views and disseminate them widely.

2. Previous follow-up decision

3. In the follow-up progress report on individual communications adopted at its ninety-second session, the Committee decided to maintain the follow-up dialogue open and to request further information from the State party on the implementation of the Views, in particular concerning the outcome of the author's pending residence applications for her and her children.[1] The State party had explained that the author's asylum case had been reopened on 4 November 2020, an oral hearing held on 19 March 2021 before a new panel and a new request for information sent to the Ministry of Foreign Affairs on the potential obstacles that the author's children would face in China regarding their registration in the *hukou*. On 17 August 2021, the Board had issued a new decision confirming the rejection of the author's asylum request. The State party had also noted that the author and her children had applied for residence in the State party under section 9 of the Aliens Act, and the Danish Immigration Service had granted them residence in Denmark for the duration of the proceedings. In her comments dated 9 June 2022, the author had claimed that the State party had not fulfilled its obligation to refrain from deporting her and her children. She had argued that the information presented to the Board had clearly shown a real risk of a violation of her children's rights, irrespective of whether their registration in the *hukou* was successful. She had stressed that the uncertainty of the timeframe for registering the children and the uncertainty surrounding what rights would be afforded to them during that time had suggested that the State party could not in good faith rely on the Chinese authorities to uphold her children's rights. The author had argued that the State party had not taken any steps to prevent similar violations in the future.

3. State party's response

4. In its submissions dated 5 April and 4 December 2023, the State party explains that on 6 January 2022, the Danish Immigration Service rejected the residence permit application under section 9 (c) (1) of the Danish Aliens Act on the grounds that the author and her children have never held a residence permit and have not established a connection in Denmark that would enable them to obtain one. In its decision, the Immigration Service set 25 January 2022 as the deadline for their departure.

5. The State party notes that no additional information was available regarding the personal circumstances of the author and her children, including their health status, and there were no humanitarian considerations that would justify granting them a residence permit. Moreover, the author and her husband have a stronger connection with China than with

[1] CRC/C/92/2, paras. 18–38.

Denmark. While the children were considered to have a degree of attachment to Denmark, they have never held a residence permit and they were still in their formative years. The author did not submit a request to the Refugee Appeals Board to reopen their case. Consequently, the State party was preparing the family's return. It has placed them in the Avnstrup Centre, which is an open return centre for families. Children at the Centre have access to nursery care, a specialized kindergarten, children's clubs and schools and there are small houses for the most vulnerable families.

4. Author's comments

6. In her comments of 24 May 2023, the author notes that on 12 May 2023, she met with representatives of the State party and the Embassy of China to investigate whether her children would be recognized as nationals of China if returned. The Embassy has not yet given a final reply.

7. The author highlights that her children are forced to live in the Avnstrup Centre in the absence of any legal residence status and given that the domestic authorities have been unable to deport them to date.

5. Decision of the Committee

8. The Committee notes that, while the author and her children have not been removed by the State party, which has reopened their asylum case, they still face a risk of being returned. The Committee regrets that the State party has not provided information on measures taken to prevent similar violations from occurring in the future. It therefore decides to maintain the follow-up dialogue open and to request the State party to provide updated follow-up information.

B. *A.M.K. and S.K. v. Belgium* (CRC/C/89/D/73/2019)

Date of adoption of Views:	4 February 2022
Subject matter:	Administrative detention of children in the context of migration
Articles violated:	37, read alone and in conjunction with article 3, of the Convention

1. Remedy

9. The State party should provide A.M.K. and S.K. with adequate compensation for the violations of their rights. It is also obliged to ensure that such violations do not recur, by ensuring that the best interests of the child in decisions concerning their detention are a primary consideration. It is also requested to include in its forthcoming report to the Committee under article 44 of the Convention information about the measures it has taken to that effect, to publish the Committee's Views and disseminate them widely.

2. State party's response

10. In its submission dated 6 September 2022, the State party notes that, following the issuance of the Committee's Views, it authorized the temporary residency of A.M.K. and S.K. and their parents. As the authorization is renewable, it could be considered adequate compensation. The State party also responded to the Views by updating its policies to prohibit the detention of children in closed detention centres. It published the Views in French and Dutch on the website of the Foreigners' Office and disseminated them within its administration.

3. Authors' comments

11. In their submission dated 22 December 2023, the authors challenge the contention that the authorization to reside in Belgium constitutes adequate compensation. The arbitrary detention caused harm to A.M.K.'s and S.K.'s physical and mental health, since they could

not understand the reasons for the detention and experienced fear and suffering as a result of it. Given that they were authorized to remain in Belgium only on 21 September 2020, 18 months after the residency application was filed, the State party failed for a long time to end the stress to which they were exposed. The authors invite the Committee to request the State party to pay €10,000 to each of the children in compensation.

4. Decision of the Committee

12. The Committee notes that the State party has authorized A.M.K. and S.K. and the authors to reside in Belgium, although it has not provided them with financial compensation. The Committee also notes that the State party's policy now prohibits the detention of children in closed detention centres, and that the State party has translated, published and disseminated the Committee's Views. In view of the foregoing, the Committee decides to close the follow-up procedure, with an A assessment (largely satisfactory).

C. *K.S. and M.S. v. Switzerland* (CRC/C/89/D/74/2019)

Date of adoption of Views:	10 February 2022
Subject matter:	Deportation to the Russian Federation; access to medical care (cochlear implant)
Articles violated:	3, 12 and 24, read in conjunction with articles 3 and 6 (2), of the Convention

1. Remedy

13. The State party is under an obligation to provide M.S. with effective reparation, including adequate compensation, and to take all steps necessary to prevent any further violations of the rights provided for in articles 3, 12 and 24 of the Convention. It should, in that regard, ensure that children are routinely given the opportunity to be heard in connection with any decision concerning them, that they receive information, in a language they understand, about that opportunity, the relevant context, and the consequences of the hearing in connection with asylum proceedings, and that national protocols for the removal of children are in line with the Convention. It should also ensure that consideration of children's asylum applications based on the need for medical treatment necessary for a child's development includes an assessment of the availability and practical accessibility of such treatment in the State to which the child is returned. The State party is requested to publish the Committee's Views and to have them widely disseminated in its official languages.

2. Previous follow-up decision

14. In the follow-up progress report on individual communications adopted at its ninety-second session, the Committee decided to maintain the follow-up dialogue open and to request a meeting with the State party in order to discuss the prompt implementation of the Committee's Views.[2] The State party had pointed out that, following the Committee's first decision on the merits concerning, inter alia, the failure to hear an accompanied minor asylum-seeker under the age of 14,[3] the State Secretariat for Migration had adapted its practice regarding the hearing of accompanied children under 14 years of age. The new practice provided for the systematic hearing of the parents and the personal hearing of accompanied children aged under 14 if necessary. The State Secretariat had organized training for its staff and legal representatives from various federal asylum centres on hearing children aged between 6 to 13, with two child psychology experts present. On 22 September 2002, the National Council had requested the Federal Council and the Swiss Centre of Expertise in Human Rights to analyse how well children's best interests were safeguarded by the asylum and immigration regulations. The resulting report was due to be issued in 2024. With regard to individual measures of reparation, the State party had noted that the authors

[2] CRC/C/92/2, paras. 39–65.

[3] *E.A. and U.A. v. Switzerland* (CRC/C/85/D/56/2018).

had left Switzerland in March 2018 without providing the Swiss authorities with their contact details and had not filed any new applications in Switzerland since then. With regard to the Committee's findings on effective access to medical care, the State party had noted that in recent years, the State Secretariat had made various efforts to improve its skills and optimize the processes in the federal centres for asylum-seekers when examining medical applications for adults and children. That had included gathering a team comprising internal specialists responsible for obtaining medical information on countries of origin who could use the MedCOI database and the transnational network of medical experts of the European Union Agency for Asylum. The State party had also noted that neither the Convention nor the Optional Protocol provided for an obligation for States parties to compensate victims of violations of their rights. The authors had contested in October 2022 that the State Secretariat had not yet updated its manual entitled "Asylum and return" and that only children aged 14 and above were examined without further requirements. The authors had alleged that over the past 30 years, the State party had refused to incorporate children's rights into the Asylum Act, the Federal Act on Foreign Nationals and Integration and the Federal Act on Administrative Procedure.

3. State party's response

15. In its submission dated 4 December 2023, the State party informs the Committee that the State Secretariat for Migration has amended its guidelines on asylum and return, which now require that children's right to be heard must be respected. In the case of a family with children under the age of 14, the parents are systematically asked about their personal fears and those of their children. Based on the parents' replies, accompanied children under the age of 14 will be heard in an interview if that is necessary to establish the facts. Through a circular dated 3 June 2021, the State Secretariat reminded its staff working on children's asylum applications that, when taking a decision, the information gathered from parents, legal representatives and during interviews with children must be assessed from the point of view of the child's best interests. According to the State party, no legislative changes are required in that respect. The State Secretariat has also amended the guidelines relating to unaccompanied asylum-seeking children and the enforcement of the removal decision, incorporating in the decision-making process consideration of asylum-seekers' health status and the best interests of the child.

4. Authors' comments

16. In their comments dated 20 May 2024, the authors argue that the State party had failed over the past five and a half years to incorporate into domestic legislation the provisions of the Convention regarding the right to be heard, protection of the rights of the child and human dignity in asylum procedures and individual asylum decisions.

5. Decision of the Committee

17. The Committee welcomes the measures taken by the State party to improve the handling of asylum claims based on a need for medical treatment and the publication and dissemination of the Views. However, it regrets that the State party has not changed its practice to ensure that accompanied children under the age of 14 who are capable of forming their own views can be heard, directly or indirectly. The Committee also regrets that M.S. has not received compensation. In the light of the foregoing, the Committee decides to close the follow-up procedure with a B assessment. The Committee wishes to remind the State party that the purpose of the remedies is to provide victims with reparation for the harm suffered. Reparation may include financial compensation.

D. *N.B. v. Georgia* (CRC/C/90/D/84/2019)

Date of adoption of Views:	1 June 2022
Subject matter:	Protection of the child from corporal punishment at school
Articles violated:	19 of the Convention

1. Remedy

18. The State party is under an obligation to provide effective reparation to the author and to take all steps necessary to prevent similar violations from occurring in the future, in particular by ensuring that cases of corporal punishment are promptly and effectively investigated. It is requested to publish the Committee's Views and to disseminate them widely in its official language.

2. Previous follow-up decision

19. In the follow-up progress report on individual communications adopted at its ninety-fifth session, the Committee decided to maintain the follow-up dialogue open and to request further information from the State party on the prompt implementation of the Committee's Views, including reparation provided to the author.[4]

3. State party's response

20. In its submissions dated 8 December 2022 and 8 April 2024, the State party reported on actions taken to investigate N.B.'s case, including interviews with staff from the kindergarten management agency, medical staff, parents of children at the nursery and individuals close to N.B., including his caregiver and psychologists from the kindergarten. A social worker would also make a visit, there would be a review of the evidence, including archived records and the civil case concerning the dismissal of the teacher and her reinstatement, and a psychological assessment. The investigation remained ongoing, and no final decision had been made to date.

21. The State party informed the Committee that N.B. was awarded 15,000 lari (approximately $5,500) by a decision of the Administrative Court issued on 26 January 2024.

22. In order to prevent similar violations from occurring in the future, the State party has taken several measures aimed at strengthening child protection. They include the adoption of a 24-hour emergency response mechanism and of updated juvenile justice guidelines, the establishment of the office of the Witness and Victim Coordinator and the introduction of psychosocial services for child victims of violence. Moreover, in 2023 the Code on the Rights of the Child and the Law on Personal Data Protection were amended in order to enhance coordination between State agencies on child-related cases and to increase efficiency.

23. On 28 December 2023, the Human Rights Action Plan 2024–2026 was approved, focusing inter alia on eradicating violence against children. The Permanent Parliamentary Council for the Protection of the Rights of the Child has also updated its action plan to include key indicators for monitoring child welfare. In addition, the Centre for Psychological and Social Services for Child Victims of Violence was established in Tbilisi. Furthermore, under Decree No. 437, referral procedures have been established to identify, protect and assist child victims of violence.

24. The Ministry of Internal Affairs monitors crimes against children, coordinates responses and provides referrals for cases of violence against children. The 2022–2027 strategy of the Office of the Prosecutor General tasks the State with monitoring cases involving child victims to ensure that victim-centred proceedings are initiated promptly.

4. Author's comments

25. In his submission dated 23 October 2024, the author notes that on 28 May 2024, Parliament enacted the Law on Transparency of Foreign Influence (a so-called foreign agents law). In his opinion, that law threatens the existence of all non-governmental organizations, as it allows for potential restrictions on their activities, including the seizure of their bank accounts and the obligation to disclose sensitive personal information of child beneficiaries of their work. The staff of non-governmental organizations are also victims of intimidation by Members of Parliament. He calls for State party officials to be required to ensure that the staff of non-governmental organizations working for children's rights have dignified working

[4] CRC/C/95/2, paras. 23–45.

conditions and are protected from intimidation and for children's personal information to be safeguarded.

26. The author argues that the compensation he was awarded is the result of his vigorous litigation. He and his family also need additional remedies, such as rehabilitation services.

27. While recognizing that progress has been made in the investigation, the author stresses that access to justice is illusory since, according to the Criminal Code, the violation is time-barred. In addition, there is a risk that other children will become victims of violence committed by the kindergarten teacher.

28. The author contends that the replacement of a dedicated national action plan to address child abuse with a section within the Human Rights Action Plan 2024–2026 is insufficient. The result has been inadequate budget allocations, indicators that are neither relevant or comprehensive, the absence of measures based on monitoring or assessments, and a lack of child participation.

29. The author argues that the State party's implementation of the Code on the Rights of the Child has been compromised by the exclusion of non-governmental organizations working on children's rights from the development and implementation of the corresponding action plan and monitoring framework.

30. Lastly, the author argues that the State party's referral procedures for child protection adopted in 2016 are outdated and lack provisions for data collection and monitoring.

5. Decision of the Committee

31. The Committee welcomes the fact that the author has been provided with monetary compensation and encourages the State party to ensure the prompt conclusion of the criminal investigation, which was launched in 2017. The Committee takes note of the detailed information provided by the parties with regard to the general measures or reparation. Given the broad scope of such measures, pursuant to article 11.2 of the Optional Protocol, the Committee invites the State party to submit further information in its forthcoming report under article 44 of the Convention. In view of the foregoing, the Committee decides to close the follow-up procedure with an A assessment (largely compliant).

E. *E.A. and U.A. v. Switzerland* (CRC/C/85/D/56/2018)

Date of adoption of Views:	28 September 2020
Subject matter:	Deportation of children, nationals of Azerbaijan, from Switzerland to Italy
Articles violated:	3 and 12 of the Convention

1. Remedy

32. The State party is under an obligation to reconsider the author's request to apply article 17 of Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 (Dublin III Regulation) in order to process E.A. and U.A.'s asylum application as a matter of urgency, ensuring that the best interests of the children are a primary consideration and that E.A. and U.A. are heard. In considering the best interests of the children, the State party should take account of the social ties that have been forged by E.A. and U.A. in Ticino since their arrival and the possible trauma they have experienced due to the multiple changes in their environment, in Azerbaijan and in Switzerland. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. In this regard, the Committee recommends that the State party ensure that children are systematically heard in the context of asylum procedures and that national protocols applicable to the return of children are in line with the Convention. The State party is requested to publish the Committee's Views and to have them widely disseminated in the official languages of the State party.

2. Previous follow-up decision

33. In the follow-up progress report on individual communications adopted at its ninetieth session, the Committee observed that the State party had partially complied with the remedy requested in the Views. To fully comply with its recommendations, the State party would need to explain in detail how it would proceed to publish the Views and widely disseminate them. Therefore, the Committee decided that the State party's compliance with the Views would be assessed in the light of future information from the State party and the author's comments in that regard.[5]

3. State party's response

34. In its submissions dated 15 March 2021 and 29 August 2022, the State party noted that E.A. and U.A. had been granted refugee status and outlined measures that had been taken to ensure that children's voices were heard in asylum procedures. It stated that the Committee's Views had been brought to the attention of the relevant authorities: the State Secretariat for Migration, the Federal Administrative Court, the Federal Social Security Office and the Federal Tribunal. Furthermore, the Views were accessible online, notably through the website of the Federal Office for Justice. The State party was exploring the involvement of the new national human rights institution, which would begin operating in January 2023, in disseminating the Committee's Views.

4. Author's comments

35. In her comments dated 17 May 2021 and 17 March 2023, the author disputed that the State party's measures had fully remedied the violations of the Convention, as the measures taken had failed to ensure that E.A. and U.A. were heard in the context of the asylum procedure, either directly or through their legal guardian.

36. The author submitted that, despite the State party's assertions: (a) children are not always heard in asylum procedures; (b) the questions that parents, as their representatives, are asked are always succinct; and (c) hearing parents instead of children prevents children from expressing themselves.

37. The author pointed out that the staff of the State Secretariat for Migration lacked the knowledge required to deal with children and that disseminating the Committee's Views online did not adequately address that issue.

38. The author requested that the illicit act be recognized and that the State party be required to modify the interview procedure for children in asylum cases, particularly by ensuring that qualified staff are deployed.

5. Decision of the Committee

39. The Committee notes that, while the State party granted E.A. and U.A. refugee status in 2021, the other measures it has taken still fail to ensure that children are systematically heard in the context of asylum procedures. The Committee notes that the State party has published and disseminated its Views. In the light of this, the Committee decides to close the follow-up dialogue with a B assessment (partial compliance).

[5] CRC/C/90/2, pp. 11 and 12.

F. *M.K.A.H. v. Switzerland* (CRC/C/88/D/95/2019)

Date of adoption of Views:	22 September 2021
Subject matter:	Deportation of a child and his mother to Bulgaria
Articles violated:	3 (1) and 12; and the deportation would violate articles 6 (2), 7, 16, 22, 27, 28, 37 and 39 of the Convention

1. Remedy

40. The State party is obligated to: (a) reconsider the decision to deport M.K.A.H. and his mother to Bulgaria under the Agreement between the Swiss Federal Council and the Government of the Republic of Bulgaria on the readmission of persons staying without authorization; (b) urgently review the author's and M.K.A.H.'s asylum application, ensuring that the best interests of the child are a primary consideration and that M.K.A.H. is duly heard, while taking into account the particular circumstances of the case, including, on one hand, the mental health problems the author and her child are dealing with as a result of the many traumatic events they have experienced as victims of armed conflict and asylum-seekers, and their need for specific treatment, as well as the accessibility of such treatment in Bulgaria, and, on the other hand, the conditions in which M.K.A.H., a child accompanied only by his mother, who does not speak Bulgarian, would be received in Bulgaria; (c) take into account, when it reviews the asylum application, the risk of M.K.A.H.'s remaining stateless in Bulgaria; (d) ensure that M.K.A.H. receives qualified psychosocial assistance to facilitate his rehabilitation; and (e) take all necessary measures to ensure that such violations do not recur, including by: (i) removing all legal, administrative and financial obstacles with a view to ensuring that all children have access to appropriate means of challenging decisions affecting them; (ii) ensuring that children are systematically heard in the context of asylum procedures; and (iii) ensuring that national protocols for the return and readmission of children to third countries are in compliance with the Convention. The State party is requested to publish the Committee's Views and have them widely disseminated in its official language.

2. State party's response

41. In its submissions dated 14 March and 5 October 2022, the State party notes that on 8 February 2022, the State Secretariat for Migration annulled its decision of 25 September 2018 by which it had refused to examine the asylum request of the victim and his mother on the merits. It re-examined their asylum request and granted them provisional admission.

42. With regard to the general measures requested by the Committee, the State party underlines that the State Secretariat for Migration had already adopted the practice of hearing children during the asylum procedure after examining the asylum request of M.K.A.H. and the author, following its receipt of the Committee's Views. It has begun systematically hearing the parents in families with children under 14, and the children where necessary. The State party considers that the Committee's conclusion that the return of M.K.A.H. and his mother to Bulgaria would constitute a violation of articles 6 (2), 7, 16, 22, 27, 28, 37 and 39 of the Convention does not require a change in the practice of assessing removals to Bulgaria, as they are examined on a case-by-case basis. The State party has published the Committee's Views online and informed the State Secretary of Migration and judicial authorities about them.

3. Author's comments

43. In her submission dated 30 November 2023, the author submits that on 25 July 2022, the State Secretariat for Migration granted M.K.A.H. and her provisional, renewable admission. On 19 September 2023, it recognized M.K.A.H.'s status as a stateless person with all the rights inherent to such a status.

44. The author argues that according to its circular, the State Secretariat for Migration has discretion to decide whether to interview children separately. The State party refers only to asylum and Dublin III Regulation proceedings, not to expulsion proceedings under the

Federal Act on Foreign Nationals and Integration. Such cases concern situations where the children's parents are to be expelled since the State party refused to renew the residence permit, and children face de facto expulsion as they must accompany the custodial parent. In other cases, children may face undefined separation from the parent who is subject to expulsion. In a significant proportion of these cases, children were not heard, in violation of their rights.

45. The author disputes the State party's observation that it respects the right of children to be heard in the context of Dublin III Regulation and readmission proceedings. In most cases, parents are not systematically questioned "explicitly" or in a "differentiated manner" regarding their children, nor are children interviewed separately. Therefore, the practice of the State party leads to systemic violations of the right of children to be heard.

46. The author emphasizes that the availability of the Committee's Views online does not amount to wide dissemination. Moreover, the State party has not translated the Views into two of its official languages: German and Italian.

4. Decision of the Committee

47. The Committee welcomes the fact that the State party has reopened the case and granted M.K.A.H. and the author provisional admission in Switzerland, although it has not provided information on the provision of qualified psychosocial assistance to M.K.A.H. In relation to its general recommendations, the Committee takes note of the State party's information that it systematically hears parents of children under 14 years of age. Nevertheless, it regrets that the State party has not provided information on the removal of obstacles for children to challenging decisions affecting them, on ensuring that children are systematically heard in asylum procedures or on ensuring that protocols for the removal of children to third countries comply with the Convention. In view of the foregoing, the Committee decides to close the follow-up procedure with a B assessment (partial compliance).

G. *S.E.M.A. v. France* (CRC/C/92/D/130/2020)

Date of adoption of Views:	25 January 2023
Subject matter:	Lack of access by an unaccompanied migrant child in a street situation to the child protection system because he was considered an adult; age determination
Articles violated:	3, 8, 12, 20 (1) and 37 (a) of the Convention and article 6 of the Optional Protocol

1. Remedy

48. The State party should provide the author with effective reparation for the violations suffered, including by giving him the opportunity to regularize his administrative status in the State party and to benefit from the protection provided for under domestic law, taking due account of the fact that he was an unaccompanied child upon his arrival in France. The State party is also under an obligation to prevent similar violations in the future. In that regard, the Committee requests the State party to: (a) ensure that any procedure for determining the age of young persons claiming to be minors is in conformity with the Convention and, in particular, that: (i) documents submitted by such persons are taken into account and their authenticity is recognized when they have been issued, or their validity has been confirmed, by States or their embassies; (ii) the young persons concerned are assigned a qualified legal representative or other representatives without delay and free of charge, and all legal and other representatives are allowed to assist such persons throughout the procedure; and (iii) initial assessments are conducted in a manner consistent with the Convention and with the Committee's general comment No. 6 (2005) and joint general comment No. 23 (2017); (b) ensure that all young persons claiming to be minors are provided with information in a manner that is appropriate to the maturity and level of understanding of each child, in a language and format that he or she understands; (c) ensure that the age determination procedure is carried out with due dispatch and adopt measures of protection for young

persons claiming to be minors from the moment they enter the territory of the State party and throughout the procedure, treating them as children and recognizing all their rights under the Convention; (d) ensure that unaccompanied young persons claiming to be under 18 years of age are assigned a competent guardian as soon as possible, even if the age determination procedure is still ongoing; (e) provide, for cases where a child's age is in dispute, an effective and accessible remedy leading to a prompt decision, ensure that children are fully aware of such remedies and the related procedures, and ensure that young persons claiming to be under 18 years of age are considered to be children and are afforded the protection to which children are entitled throughout the procedure; and (f) provide training to immigration officers, police officers, members of the Public Prosecution Service, judges and other relevant professionals on the rights of asylum-seeking and other migrant children and, in particular, on the Committee's general comment No. 6 (2005) and joint general comments No. 22 (2017) and No. 23 (2017). The State party is also requested to publish the Committee's Views and to disseminate them widely.

2. State party's response

49. In its submission dated 9 August 2023, the State party notes that law No. 2022-140 of 7 February 2022 introduced article L.221-2-4 of the Social Welfare and Family Code, establishing the competence of the departmental council to conduct the assessment of minority and provide temporary shelter during that assessment. The provision established a protocol for assessing minority status, pursuant to which the authorities of the prefectures collect the minor's personal data using a dedicated database. It also provides the children with a respite period before their assessment, to ensure their protection and improve their physical and psychological state. Their health needs are assessed independently.

50. The decree of 20 November 2019 pursuant to article R.211-11 of the Social Welfare and Family Code establishes the criteria for assessing the minority status of persons temporarily or permanently deprived of family protection and specifies the qualifications or experience required to carry out the assessment. It specifies the multidisciplinary nature of the assessment and what topics should be covered. The entry into force of the decree strengthened the procedure. The system of automated personal data processing reduces the burden on child welfare services. The State party also drew up practical guides to assessing minority status and isolation (2019) and initial health needs (2022). The Directorate for the Protection of Young People in the Judicial System within the Ministry of Justice promotes such practices and organizes training programmes. Bone age assessments may be used to determine minority, with the judicial authorization and informed consent of the person concerned. Owing to the margin of error, such assessments are only one of the elements used to determine age. Refusal to undergo the examination cannot be presumed to imply that the individual is an adult.

51. The State party submits that in all procedures, children capable of discernment must be informed about their right to be heard and their right to legal assistance. The judge must appoint a legal representative for minors capable of discernment or an ad hoc administrator for minors not capable of discernment. During the first hearing, a children's judge reminds all concerned about the right to legal assistance. The parties have the right to choose the legal assistant. Judges may appoint interpreters if relevant. During the hearing, the judge hears both the representatives and the child.

52. The State party notes that children have access to medical assistance regardless of the duration of their stay, from the moment they are admitted. Unaccompanied children have access to academic centres for recently arrived students, regardless of their status. They are not subject to administrative detention or obliged to leave France. The duration of placement cannot exceed 20 days. Article L. 221-5 of the Code on the Entry and Stay of Aliens and on the Right of Asylum requires the immediate appointment of an ad hoc administrator to represent the child. Child welfare services that have been authorized or appointed by governmental bodies can exercise guardianship over unaccompanied minors. The State party also conducted outreach programmes to inform children about shelter and support options and to protect them from human trafficking.

53. The Ministry of the Interior and Overseas Territories organized training courses on access to the asylum procedure for unaccompanied children and on access to justice for

children and young people. A group of experts on the situation of unaccompanied minors has been established at the Office for the Protection of Refugees and Stateless Persons to identify vulnerabilities in asylum proceedings.

3. Author's comments

54. In his submission dated 18 December 2023, the author states that the legislation referred to in the State party's submission had been adopted before the adoption of the Committee's Views and that, at the time of assessment of his situation, the law of 7 February 2022 had not yet entered into force. After the adoption of the Views, access to temporary emergency shelter worsened.

55. The author underlines the fact that the State party fails to properly verify the validity of identity documents. The State party proposed amending article L. 811-2 of the Code on the Entry and Stay of Aliens and on the Right of Asylum on the compulsory authentication of identity documents. The author argues that the State party is confusing two procedures: on the one hand, the authentication in order to verify the signature and on the other hand, the identification of validity in order to verify the credibility of facts in the documents. Presumption of invalidity leads to deprivation of access to social welfare for asylum-seeking minors. The burden of proof should not be put solely on the children.

56. The author submits that document verification has become systemic. During the procedure, minors are denied access to the documents that are being verified. The authorities have admitted that the database used as reference is incomplete. Most of the decisions of the Border Police authorities on the authenticity of documents are unfavourable.

57. The author claims that some of the databases used for verification of minority status are unsuitable, inter alia because the staff dealing with unaccompanied minors are not trained to identify indicators of human trafficking. Bone age assessments are conducted even when the documents are valid and despite the finding of the Constitutional Court that such tests are not decisive.

58. The author submits that the State party does not comply with domestic legislation obliging it to contact the State that issued the document.

59. The author also submits that children do not benefit from legal representation and that procedural challenges to the assessment can be made only before the juvenile judge. The child cannot review the assessment report. The author argues for new legislation on that matter.

60. The author submits that children do not benefit from access to appropriate information in a language that they understand. At best, they can access interpreters over the phone, and they are unable to review the assessment report with the aid of an interpreter.

61. The author emphasizes that despite the legal requirements in place, in practice the State party fails to provide minors with shelter from their moment of arrival and during the assessment procedure. In 2023, some departments took measures to restrict or suspend the reception of unaccompanied children. The author notes that, in practice, unaccompanied minors face obstacles to accessing both the right to education and the right to health.

62. The author submits that children do not have administrators appointed to them during the age assessment stage. This leads to a conflict of interests, since the department acts both as an evaluator and potential provider of protection. In practice, ad hoc administrators are sometimes not appointed by prosecutors even when it is mandatory in case of doubt about the person's age. Minors are not assigned legal representatives unless there is a decision taken to that effect by a guardianship judge. In practice, guardians are not systematically appointed.

63. The author states that children do not have access to appeal with suspensive effect, so in case of their non-recognition as minors, they lose access to temporary urgent shelter. When the courts order investigative actions, such as a bone age assessment or a document verification, the children are often not provided with provisional shelter. Since the juvenile judge is not bound to examine the request within a specific period, children can reach the age of majority, after which their status as unaccompanied minors cannot be retroactively

recognized. Furthermore, the author submits that the State party has not disseminated the Views.

4. Decision of the Committee

64. The Committee notes that the State party has not provided S.E.M.A. with reparation. The Committee takes note of the legislation described by the State party. Nevertheless, it regrets the failure to apply that legislation in practice and the fact that the proposed amendments may hinder compliance with the Views. The Committee notes that the State party has not taken sufficient steps to implement the present Views. In view of the foregoing, the Committee decides to keep the follow-up dialogue open and requests the State party to provide additional information on the measures taken to comply with the Committee's Views.

H. *H.M. v. Spain* (CRC/C/87/D/115/2020 and CRC/C/87/D/115/2020/Corr.1)

Date of adoption of Views:	31 May 2020
Subject matter:	Right to education of a Moroccan child born and raised in Spain
Articles violated:	28; 2, read in conjunction with article 28; 3 (1), read in conjunction with article 28, of the Convention; and article 6 of the Optional Protocol

1. Remedy

65. The State party should provide A.E.A with effective reparation for the violations suffered, which include adequate compensation, and take proactive steps to help him to catch up at school and reach the same level as his peers as soon as possible. The State party is also under an obligation to prevent similar violations in the future. In this regard, the Committee recommends that the State party: (a) ensure that, when the local administrative and judicial authorities receive documentation indicating that a child requesting to be enrolled in school in Melilla actually resides in the city, they take effective and expeditious steps to confirm the child's residence; (b) ensure that, if the actual residence of a child requesting to be enrolled is confirmed, the local administrative and judicial authorities enrol him or her immediately; (c) ensure that, when there is a dispute over a child's right to education, there is an effective and accessible remedy that may be provided promptly and expeditiously, and that both the children and their parents or guardians have full knowledge of this remedy and the related procedures; and (d) provide specialized training for judges and administrative staff on the implementation of the Convention and, in particular, on the best interests of the child. The State party is also requested to publish the Committee's Views and to disseminate them widely.

2. State party's response

66. In its observations dated 15 March 2022, the State party indicates that the Committee's Views have been disseminated publicly by posting them on the website of the Ministry of Justice.

67. The State party notes that A.E.A. has been enrolled in school in Melilla since 13 April 2021 and has demonstrated satisfactory academic progress. Since enrolment, he has received targeted support to address educational gaps and align his academic level with that of his age group. The State party highlights the implementation of the educational guidance, advancement and enrichment programme for facilities catering for particularly complex educational needs (PROA+ programme) at A.E.A.'s school, aimed at improving educational outcomes for all students, particularly the most vulnerable, and increasing retention rates in the system.

68. The State party indicates that it does not consider the provision of compensation as a measure for effective reparation to be warranted.

69. Regarding the need to ensure that local administrative and judicial authorities take effective and expeditious steps to confirm the residence of a child requesting to be enrolled in school in Melilla, the State party highlights the resolution of 11 February 2022 of the State Secretariat for Education, addressing admissions to public and publicly subsidized private schools in Ceuta and Melilla. The resolution provides for a broader range of methods for establishing actual residence than solely by means of municipal registration. Residence can now be validated by a certificate from social services or a public official, or any other form of evidence recognized by law. In practice, children requesting enrolment in school present a certificate from the Department of Social Welfare. If that is unavailable, the educational authorities assist families in obtaining it or verify residency by cross-checking with other administrations. Furthermore, the 2022 annual legislative plan of the Ministry of Education and Vocational Training includes a draft royal decree on the admission system in Ceuta and Melilla, broadening the criteria to establish actual residence.

70. Regarding the need to ensure that, when a child's residence is confirmed, local administrative and judicial authorities immediately enrol the child in school, the State party reports that this is currently being implemented when the child's actual residence is verified. Moreover, as soon as the child is enrolled, targeted measures are taken to address the child's linguistic needs.

71. The State party notes that the domestic system provides effective and accessible mechanisms to address instances of denial of access to schooling, through various administrative and judicial channels. In order to ensure that families are informed of their appeal options, a resolution of the Secretary of State for Education requires that provisional allocation lists specify the grounds for appeal and the deadline for submission. It also requires admission authorities to provide adequate information throughout the process, including reasons for denials and how to remedy incomplete applications.

72. The State party notes that various training programmes have been delivered to administrative and judicial authorities, including specialized courses on juvenile justice and the treatment of children in criminal proceedings. Notably, a course on access to justice for vulnerable persons and the 2030 Agenda has been offered, alongside initiatives to raise awareness of the Committee's recommendations. Furthermore, the 2022 in-service training plan for the Public Prosecution Service includes courses on children's rights. In Melilla, the Admissions Oversight Commission holds preparatory meetings with the heads, secretaries and administrators of publicly funded schools before the start of the annual admission process.

3. Author's comments

73. In her comments dated 23 June 2022, the author emphasizes that, while the text of the Committee's Views is available on the website of the Ministry of Justice, reference is made solely to the communication number, without any mention of the specific issue or the articles of the instruments concerned. The Committee's Views should ideally be made available in the Bulletin of the Ministry of Justice as well.

74. The author notes that A.E.A.'s late enrolment in school has caused delays in his education and his academic performance shows he has not met the goals in the curriculum. Despite his good attendance, behaviour and interest, he requires after-school support, which has not been provided. The current level of support he is receiving is insufficient; additional programmes outside school hours should be offered.

75. The author argues that the State's refusal to provide compensation for the two years A.E.A. was deprived of education and discriminated against is unjustified. The author proposes that €6,000 would constitute appropriate compensation.

76. The author notes that significant progress has been made in addressing school enrolment for the 2022/23 academic year. The nineteenth provision in the resolution of 11 February 2022 of the State Secretariat for Education responds to families' demands for the enrolment of children whose parents or guardians cannot be registered. The author suggests that those requirements should be included in the draft royal decree on the admission system in Ceuta and Melilla to ensure greater stability and legal certainty. There is also the need for a public consultation on that regulation, as the royal decree should address the ongoing issue of admission criteria.

77. The author notes that the collaboration with other authorities involves the national police, who visit the applicants' family home and issue the necessary certificate for the child's enrolment. However, the child's parents are also summoned to the police station for deportation proceedings resulting from an irregular stay. That not only discourages school enrolment applications but also constitutes an abuse of power, using the exercise of a fundamental right for immigration control purposes.

78. The author points out that, during the previous school year, children under 16 were enrolled in compulsory education, while those who turned 16 during the school year were excluded. The lists provided by the Provincial Director show that those children, although still under 18, were denied enrolment. Furthermore, the Court of Administrative Litigation in Melilla refused to grant enrolment to children aged over 16.

79. The author notes that while the right to appeal is established, the Provincial Directorate of Education in Melilla has not resolved any appeals regarding children's schooling, and there has been no legislative improvement in the appeal process.

80. The author notes that since the adoption of the Committee's Views, only one training course has been held, in 2022. That course focused on a new law on protecting children from violence.

81. The author notes that the State has not taken measures to prevent discrimination against children of North African origin in Melilla. Instead, it punishes their parents by initiating expulsion proceedings for advocating for their children's education. That is aimed at discouraging access to the courts and the Committee, and it threatens to undermine children's right to education, as parents in an irregular situation may fear reprisals. The author also highlights with concern a circular issued by the Government of Spain that denies the binding legal effect of the Committee's Views and its competence to adopt provisional measures.

4. Decision of the Committee

82. The Committee decides to close the follow-up dialogue with an A assessment (compliance), given that the measures adopted by the State party are largely satisfactory. Nonetheless, the Committee regrets that the State party has failed to provide A.E.A. with compensation for the two years during which he was excluded from the education system.

I. *A.B.A. and F.Z.A. v. Spain* (CRC/C/91/D/114/2020), *F.E.M. and S.E.M. v. Spain* (CRC/C/91/D/116/2020), *S.E.Y. and M.E.Y. v. Spain* (CRC/C/91/D/117/2020) and *N.L., R.A. and M.A.A. v. Spain* (CRC/C/91/D/118/2020)

Date of adoption of Views:	12 September 2022
Subject matter:	Right to education of Moroccan children born and raised in Spain
Articles violated:	28; 2, read in conjunction with article 28, of the Convention; and article 6 of the Optional Protocol

1. Remedy

83. The State party should provide the authors with effective reparation for the violations suffered, including by providing adequate compensation, and take proactive steps to help them to catch up at school and reach the same level as their peers as soon as possible. The State party is also under an obligation to prevent similar violations in the future. In this regard, the Committee recommends that the State party: (a) ensure that, when the local administrative and judicial authorities receive a request for the enrolment in Melilla of a child who claims to reside in the city, they take effective and expeditious steps to confirm the child's residence; (b) ensure that, in cases where the actual residence in Melilla of a child requesting enrolment is confirmed, the local administrative and judicial authorities enrol him or her immediately;

(c) ensure that, when there is a dispute over a child's right to education, there is an effective and accessible remedy that may be provided promptly and expeditiously, and that both the children and their parents or guardians have full knowledge of this remedy and the related procedures; and (d) provide specialized training for judges and administrative staff on the implementation of the Convention.

2. State party's response

84. In its observations dated 15 March 2022, the State party notes that A.B.A. and F.Z.A. were enrolled in first grade from September 2021 to 8 March 2022, when their family withdrew them as the family relocated to Almería.

85. F.E.M. and S.E.M. were enrolled in school in Melilla in April 2021 and placed one year below their respective grade levels. In early November, their family informed the school of their intended relocation to mainland Spain. S.E.M. withdrew on 30 November 2021 and her records were transferred to her new school in Barcelona. F.E.M. withdrew on the same date, but no record of her transfer exists as she was beyond the compulsory schooling age. The limited time both spent at the school in Melilla hindered the continuity and effectiveness of the support measures that were provided. S.E.Y. and M.E.Y. were enrolled in school in Melilla from September 2021 until 30 May 2022, when their family withdrew them as the family planned to relocate to mainland Spain. Both students showed excellent behaviour and integrated well in their classes. Although the withdrawal form was completed, the new school was not specified and, despite several attempts, the family could not be reached. Consequently, their current school placements remain unknown. R.A. and M.A.A. were enrolled in school in Melilla from 9 July to 13 October 2021, before transferring to Barcelona. Both students demonstrated good behaviour and a positive attitude towards learning, but their short time at the school and minimal family involvement hindered the effective implementation of the support measures that were provided.

86. The State party makes the points summarized in paragraphs 68 to 71 above.

87. The State party notes that, for students with late integration into the Spanish education system in Ceuta and Melilla, enrolment was based on the students' circumstances, knowledge, age and academic history. Students may be placed in a lower grade if there is a significant gap, as that enabled the student to achieve the educational objectives of the relevant grade or level. Students with insufficient Spanish language skills receive specialized educational support to acquire the necessary linguistic competence for personal development, social integration and participation in learning with their peer group. The students' needs are addressed through activities and teaching materials designed to facilitate the analysis, understanding and interaction of various languages and cultures, tailored to their educational requirements.

88. The State party indicates that, for students who are at a social and educational disadvantage, educational support is generally provided within regular groups. Support is offered through the class teacher with curricular adaptations, or with additional teacher assistance and split groups.

3. Authors' comments

89. On 30 November 2023, the authors submitted a document dated 27 August 2020 that appeared to contain comments on the State party's observations. However, it was unclear whether the authors were referring only to communication No. 118/2020 or to all four communications. The secretariat requested clarification, but received no reply.

4. Decision of the Committee

90. The Committee notes that the victims of communications No. 114/2020, No. 116/2020 and No. 117/2020 have now been admitted to school. The Committee nonetheless regrets that the State party has failed to provide them with compensation for the time during which they were excluded from the education system. The Committee therefore decides to close the follow-up dialogue with a B assessment (partial compliance).

J. *B.J. and P.J. v. Czechia* (CRC/C/93/D/139/2021)

Date of adoption of Views:	15 May 2023
Subject matter:	Placement in institutional care of two siblings to allegedly ensure their rights to health and education
Articles violated:	3 (1), 9 (1–3), 12 and 37 (b) of the Convention

1. Remedy

91. The State party is under an obligation to provide the authors with effective reparation for the violations suffered and to prevent similar violations in the future. In that regard, the Committee requests the State party to: (a) ensure that all proceedings aiming at removing children from their parents, including decisions on interim measures, are in conformity with the Convention and the findings contained in the Views and, in particular: (i) that a best-interests assessment is conducted; (ii) that the children's views are considered and given due weight, including in relation to the type of placement under consideration, to the medical treatments and access to education to be provided, and to contact with their parents during their placement; and (iii) that procedural safeguards are established to ensure the protection of the rights of the children under the Convention; (b) ensure that the removal orders are a measure of last resort after having tried other child-friendly, less invasive measures, in consultation with the children and their parents, on the advice of a multidisciplinary team of professionals. They should be issued for the shortest period of time, should be subject to regular review and appeal and should be discontinued as soon as possible. Regular contact between the children and their parents during the placement should be ensured. The State party should take measures to ensure the reunification of the child with his or her family as soon as it is deemed in their best interests; (c) ensure that the child always has appropriate legal representation during the proceedings. The child should be provided with a legal representative, in addition to a guardian or representative of his or her views, when there is a potential conflict between the parties in the decision; and (d) provide training to staff of social service entities, members of the public prosecution service, judges and other relevant professionals on the rights of the children subjected to a removal order from their parents, including on the grounds of access to health services, in particular, on the Committee's general comments No. 12 (2009), No. 14 (2013), No. 15 (2013) and No. 20 (2016).

2. State party's response

92. In its submission dated 15 December 2023, the State party notes that according to article 12 of a government statute on the representation of Czechia before international human rights bodies, approved on 14 June 2023, it is possible to provide monetary compensation to an individual if a treaty body of the United Nations finds a violation of his or her rights and freedoms. However, the compensation can be granted only if the decision of the relevant body was issued after the entry into force of the statute, on 14 June 2023. Thus, it cannot be applied in communication No. 139/2021.

93. The State party reports that the Ministry of Justice has translated the Views into Czech and made them available on its website. Furthermore, summaries of the views were disseminated in a government newsletter and the original text, the translation and the summaries were all transmitted to the Constitutional Court and other relevant authorities involved in the case. The Government spearheaded an international conference on making human rights a reality, at which a representative addressed the implementation of the Views, among other topics. Moreover, the implementation of the Views was further deliberated at the ninth meeting of the Committee of Experts for the Execution of Judgments of the Court and the Implementation of the Convention, convened on 5 September 2023. That Committee of Experts decided that it was necessary to take general measures for the effective legal representation of the children throughout the proceedings, consequently leading to the establishment of an expert group with the objective of resolving the matter. The expert group convened for the first time on 23 October 2023.

94. In October 2023, the Government, in collaboration with the Judicial Academy, convened a round-table discussion on the rationale behind the removal of children from their families.

95. The State party argues that the case law of the Constitutional Court has made it evident that the right of the child to be heard must be upheld. Furthermore, the State party highlights that section 867 of the Civil Code establishes an obligation to ascertain and give due consideration to the interests of children.

96. The State party argues that, as part of the remedial measures, the Government organized an expert round table on the effectiveness of the legal representation of the child. The findings of the round table will be followed up in the forthcoming year. Further analysis will be carried out and more discussions will be held with the competent domestic authorities to propose changes to the current system. In addition, the Ministry of Labour and Social Affairs, in cooperation with experts, is preparing a new law on child protection.

97. Regarding the training of professionals, the State party submits that the family law judges were informed of the Views at a Judicial Academy seminar in June 2023. The Government is planning further training sessions for relevant professionals, including family law judges. In conclusion, the State party highlights the role of the recently launched "mezisoudy.ch" website in disseminating information about the Views.

3. Authors' comments

98. In comments dated 21 May 2024, the authors submit that the State party should provide them with effective reparation by identifying an alternative means of redress.

99. The authors submit that there have already been several important Constitutional Court decisions concerning the rights of children who have been removed from their families which are not widely accepted by lower courts. Furthermore, counsel submits that, in the light of the Constitutional Court's established jurisprudence, there is no need for comprehensive measures to be taken pertaining to the removal of children from their parents.

100. The authors note that the number of children who have been removed from their families has actually increased. Moreover, interim measures are still much more common in Czechia than removals based on court decisions issued after standard legal proceedings. There is a problem of adequate representation of children in proceedings on their forced removal from their families.

101. The authors contend that the child protection authorities do not usually have appropriate legal knowledge to represent children in judicial proceedings, as most of the staff are social workers, not lawyers.

4. Decision of the Committee

102. The Committee decides to maintain the follow-up dialogue open and to request further information from the State party on the steps it has taken to comply with the general measures of reparation, particularly regarding guarantees of placement procedures and legal representation of children.

K. *C.C.O.U., C.C.A.M. and A.C.C. v. Denmark* (CRC/C/94/D/145/2021)

Date of adoption of Views:	19 September 2023
Subject matter:	Separation of children from their father due to his deportation to Nigeria
Articles violated:	3 and 9 of the Convention

1. Remedy

103. The State party is under an obligation to refrain from returning the author to Nigeria and to ensure a reassessment of his claim, making the best interests of C.C.O.U., C.C.A.M.

and A.C.C. a primary consideration. It is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. In that regard, it is requested, in particular, to ensure that asylum or other proceedings directly or indirectly affecting children ensure an assessment of the best interests of the child as a primary consideration. Decisions involving the separation of children from one of their parents or caregivers should, in particular, ensure a careful consideration of the impact of the separation on the children in the light of their specific circumstances, and consider all possible alternatives to such a separation.

2. State party's response

104. In its submission dated 12 April 2024, the State party indicates that on 1 November 2023, the Immigration Appeal Board decided to reopen the author's case. On 27 November 2023, the Board referred the case to the Danish Immigration Service. On 26 March 2024, that Service rejected the author's application for a residence permit. The author may pursue financial compensation.

105. The State party submits that, in cases of family reunification pursuant to the Danish Aliens Act as well as European Union regulations, the consideration of the best interests of the child is subject to a thorough assessment by the Immigration Appeals Board. Cases involving children from a previous marriage or relationship who are not a direct part of the immigration case would also require an assessment of that child's best interests if that child resided in Denmark. When determining whether to grant a residence permit for the purpose of family reunification in Denmark, the best interests of the child are taken into account. When conducting an assessment of the best interests of the child in cases pertaining to residence permits, the Immigration Appeals Board must consider multiple factors related to the life of the family, including the individual circumstances of the children, the strength of the relationship between the child and the parent and the potential impact on the existing family life if reunification is denied. Furthermore, the establishment, nature and extent of the visitation rights of the parent legally residing in Denmark must be evaluated. The parent's efforts to reunite with the child and the timeframe for applying for family reunification following the granting of the parent's own residence in Denmark must be assessed.

106. The State party asserts that the Views adopted by the Committee have been forwarded to the Danish Immigration Service, the Immigration Appeals Board, the Refugee Appeals Board, the Ministry of Immigration and Integration, the Ministry of Social Affairs, Housing and Senior Citizens, the Director of Public Prosecutions, the Danish Court Administration and Parliament.

3. Author's comments

107. In his comments dated 23 August 2024, the author argues that the measures taken appear to constitute a list of international obligations in decisions from the immigration authorities and a list of the criteria for assessing the best interests of the child, which does not constitute a comprehensive solution.

108. The author submits that the Immigration Service has not undertaken an assessment of the best interests of the children, nor have they considered that the children will be left without a caretaker if their mother succumbs to her illness. They have advised the children to maintain contact with their father through electronic media.

109. The author notes that the Immigration Service cites rulings from the Herning District Court and the Western High Court from 2019 and 2021. Both rulings were taken into consideration by the Committee when it examined the case, and the Committee concluded that the Danish authorities had violated articles 3 and 9 of the Convention. The Committee also rejected the notion that the author's two youngest children should be able to maintain contact with him solely through electronic media.

4. Decision of the Committee

110. The Committee decides to maintain the follow-up dialogue open and request that the State party provide specific updated information.