



# 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. 46/2018\*, \*\*

*Communication submitted by:* A.G. et al. (represented by counsel)

*Alleged victims:* The authors

*State party:* Switzerland

*Date of communication:* 30 May 2018 (initial submission)

*Subject matter:* Deportation of children to Greece

1. The authors of the communication, who are Syrian nationals, are A.G. and C.G., and their children H.G., C.G., D.G., R.G. and C.G., born in 1975, 1978, 1998, 1999, 2003, 2004 and 2012, respectively. In 2015, they left the Syrian Arab Republic for Greece, where they stayed for around two months. They then travelled to Switzerland, where they submitted an asylum application, which was rejected in 2016 on the grounds that the authors had already obtained refugee status in Greece in July 2015 and that Greece was considered a safe country. In 2016, the Federal Administrative Court upheld that decision on appeal. In 2017, the State Secretariat for Migration rejected the authors' second asylum application, in which they had cited a risk of ill-treatment in Greece on account of refugees' living conditions in that country and their being unable to gain access to the medical and psychiatric treatment that they required. In 2018, the Federal Administrative Court upheld that decision on appeal. The authors claimed that their removal to Greece would violate their rights under articles 2, 3, 6, 12, 22 to 29, 31, 32 and 37 of the Convention. The Optional Protocol entered into force for the State party on 24 July 2017.

2. On 5 June 2018, the Committee, acting through its working group on communications, decided to register the communication and to request the State party to refrain from deporting the authors to Greece while their communication was pending before the Committee.

3. On 2 April 2019, the authors' counsel requested that the consideration of the communication be suspended, since, following a request for reconsideration by the authors, the State Secretariat for Migration had decided to reopen the asylum proceedings. Accordingly, the procedure before the Committee was suspended. On 17 November 2020, the authors' counsel informed the Committee that Switzerland had granted the authors temporary residence permits (type F) and that they were therefore no longer at risk of being

\* Adopted by the Committee at its eighty-sixth session (18 January–5 February 2021).

\*\* The following members of the Committee participated in the consideration of the communication:  
Suzanne Aho Assouma, Amal Salman Aldoseri, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffé, Olga A. Khazova, Gehad Madi, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, Ann Marie Skelton, Velina Todorova and Renate Winter.



returned to Greece. The State party requested that the communication be discontinued. The authors have not raised any objections in relation to that request.

4. At its meeting on 28 January 2021, the Committee, having considered the State party's request, decided to discontinue the consideration of communication No. 46/2018 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.

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