



# 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. 231/2023\*, \*\*

<i>Communication submitted by:</i>	V.Q. and E.Q. (represented by counsel, Immacolata Iglio Rezzonico)
<i>Alleged victims:</i>	E.Q. and L.Q.
<i>State party:</i>	Switzerland
<i>Date of communication:</i>	30 June 2023 (initial submission)
<i>Subject matter:</i>	Expulsion to Kosovo
<i>Substantive issues:</i>	Non-refoulement; right to life; best interests of the child; torture and ill-treatment; standard of living
<i>Articles of the Convention:</i>	2, 3, 4, 12, 22 and 24

1. The authors of the communication are V.Q. and her adult son E.Q., both nationals of Kosovo. They are acting on behalf of E.Q. and L.Q., also Kosovar nationals, who are the children of V.Q. and the brothers of E.Q., and were 11 years old at the time of submission of the communication. V.Q. claims that her children's rights under articles 2, 3, 4, 12, 22 and 24 of the Convention would be violated if they were returned to Kosovo. The authors are represented by counsel. The Optional Protocol entered into force for the State party on 24 July 2017.

2. On 11 November 2020, V.Q. and her three children arrived in Switzerland and filed an application for asylum. They had originally arrived in Germany to join the children's father but were transferred to Switzerland under the Dublin III Regulation.<sup>1</sup> In support of

\* Adopted by the Committee at its ninety-eighth session (13–31 January 2019).

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

Pursuant to rule 8 (1) (a) of the Committee's rules of procedure under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Philip Jaffé did not participate in the examination of the communication.

<sup>1</sup> Regulation (EU) 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.



their asylum application, the mother and children stated that they had been subjected to physical and mental abuse and death threats by V.Q.'s in-laws in Kosovo.

3. On 17 February 2021, the State Secretariat for Migration rejected the authors' asylum application and ordered their return to Kosovo, on the grounds that the mother had never reported her domestic violence problems to the local authorities in her country. The authors filed an application for review on the basis of the family members' medical and psychological condition, seeking the suspension of the expulsion order, free legal aid and recognition of their refugee status. On 23 June 2022, the Federal Administrative Court dismissed the appeal and upheld the decision of the State Secretariat for Migration.

4. On 26 July 2023, the Committee, acting through its working group on communications, decided not to request the State party to take interim measures under article 6 of the Optional Protocol and rule 7 of the Committee's rules of procedure under the Optional Protocol, on the grounds that the authors did not appear to have demonstrated that the children's change of school and return to Kosovo would cause them irreparable harm and that the local authorities would fail to protect them from possible harm by their father's family.

5. On 22 January 2024, the State party submitted its observations in which it noted that the authors never sought legal aid or psychological support in Kosovo in connection with family problems. The alleged risks were they returned to Kosovo were not sufficiently substantiated. As the mother and her three children were returned to Kosovo on 18 August 2023, the State party requested that the present communication be declared inadmissible on the grounds that it is manifestly unfounded.

6. On 31 July 2024, the authors' counsel requested the Committee to discontinue the consideration of the communication.

7. At its meeting on 27 January 2025, the Committee, having considered the request of the authors' counsel, decided to discontinue the consideration of communication No. 231/2023 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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