



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. 151/2021^{*}, ^{**}

<i>Communication submitted by:</i>	B.Z., L.Z. and E.Z. (represented by counsel, Felix Schöpfer)
<i>Alleged victims:</i>	The authors
<i>State Party:</i>	Switzerland
<i>Date of communication:</i>	25 June 2021 (initial submission)
<i>Subject matter:</i>	Expulsion to Kosovo
<i>Substantive issues:</i>	Non-refoulement; best interests of the child; health; torture and ill-treatment
<i>Articles of the Convention:</i>	3, 6, 12, 19 and 24

1. The authors of the communication are B.Z., L.Z. and E.Z., nationals of Kosovo¹ born in 2005, 2006 and 2008, respectively. They claim that, if returned to Kosovo, they would be victims of a violation by Switzerland of their rights under articles 3, 6, 12, 19 and 24 of the Convention. The authors, who live in Switzerland with their parents and adult sister, are represented by counsel. The Optional Protocol entered into force for the State Party on 24 July 2017.

2. On 22 September 2015, the family arrived in Switzerland, where they applied for asylum, citing a blood feud in Kosovo. On 25 August 2016, the State Secretariat for Migration rejected the application. On 7 December 2017, the Federal Administrative Court rejected the family's appeal against that decision. On 15 February 2018, following a rapid deterioration in the mental health of all family members, the family submitted a request for review. On 9 April 2018, the State Secretariat for Migration rejected the request. On 24 June 2019, the Federal Administrative Court rejected the family's appeal against that decision. On

* Adopted by the Committee at its ninety-ninth session (12–30 May 2025).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Timothy Ekesa, Bragi Gudbrandsson, Mariana Ianachevici, Sophie Kiladze, Cephas Lumina, Faith Marshall-Harris, Benyam Dawit Mezmur, Aïssatou Alassane Sidikou, Zeinebou Taleb Moussa and Benoit Van Keirsbilck. 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 consideration of the communication. Juliana Scerri Ferrante also did not participate in the consideration of the communication.

¹ References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).



20 March 2020, the State Secretariat for Migration rejected a second request for review. On 29 March 2021, the Federal Administrative Court rejected an appeal against that decision.

3. On 1 July 2021, pursuant to article 6 of the Optional Protocol and rule 7 of the Committee's rules of procedure under the Optional Protocol, the Committee, acting through its Working Group on Communications, requested the State Party not to expel B.Z, L.Z., E.Z. and their parents to Kosovo while the communication was under consideration by the Committee.

4. On 4 March 2022, the State Party submitted its observations, in which it requested the Committee to declare the communication inadmissible on the grounds that it was manifestly ill-founded and not sufficiently substantiated, and *ratione temporis*, insofar as it concerned facts that had occurred prior to the entry into force of the Optional Protocol, and, in the alternative, to find no violation of the Convention. The State Party pointed out that its authorities did not consider the evidence of the cited blood feud to have been established, and that the authors had not demonstrated that there were substantial grounds for believing that, in the event of their being returned to Kosovo, they would be exposed to a foreseeable, present, personal and real risk of irreparable harm.

5. On 24 July and 6 September 2022, the authors submitted comments on the State Party's observations. On 13 December 2024, the authors informed the Committee that they had obtained residence permits in Switzerland.

6. At a meeting on 19 May 2025, the Committee noted that the authors had obtained residence permits in Switzerland and were therefore no longer liable to be returned to Kosovo. Considering that their admission to Switzerland rendered the communication moot, the Committee decided to discontinue its consideration of communication No. 151/2021, 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.
