



# 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. 188/2022<sup>\*</sup>, <sup>\*\*</sup>

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|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Communication submitted by:</i> | A.O. and N.H. (represented by counsel, Elle Friberg)                                                                                                                                                |
| <i>Alleged victims:</i>            | J.O. and E.O.                                                                                                                                                                                       |
| <i>State Party:</i>                | Finland                                                                                                                                                                                             |
| <i>Date of communication:</i>      | 22 June 2022 (initial submission)                                                                                                                                                                   |
| <i>Subject matter:</i>             | Return of a family of refugees from the Syrian Arab Republic to Greece under Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 (the Dublin III Regulation) |
| <i>Substantive issues:</i>         | Non-refoulement; best interests of the child; health; social security rights; torture and ill-treatment                                                                                             |
| <i>Articles of the Convention:</i> | 3 (1), 22 (1), 24, 26, 27 (1), 37 and 39                                                                                                                                                            |

1. The authors of the communication are A.O. and N.H., nationals of the Syrian Arab Republic born in 1967 and 1976, respectively. They submit the communication on behalf of their children, J.O. and E.O., nationals of the Syrian Arab Republic born in 2007 and 2010, respectively. The authors allege that the State Party has violated the rights of J.O. and E.O. under articles 3 (1), 22 (1), 24, 26, 27 (1), 37 and 39 of the Convention by deciding to return them to Greece. The authors are represented by counsel. The Optional Protocol entered into force for the State Party on 12 February 2016.

2. In 2020, the authors and their children fled the civil war in the Syrian Arab Republic and arrived in Greece, where they were granted asylum in decisions taken in 2020 and 2021. They left Greece for Finland after J.O. was kidnapped in Greece by members of the Kurdistan Workers' Party (PKK). They applied for asylum in Finland on 30 December 2021. On 12 April 2022, the Immigration Service declared their asylum application inadmissible and

<sup>\*</sup> Adopted by the Committee at its ninety-ninth session (12–30 May 2025).

<sup>\*\*</sup> The following members of the Committee participated in the examination of the communication: Suzanne Aho, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chophel, Rosaria Correa, Timothy Ekesa, Bragi Gudbrandsson, Mariana Ianachevici, Philip Jaffé, Sophie Kiladze, Cephass Lumina, Faith Marshall-Harris, Benyam Dawit Mezmur, Juliana Scerri Ferrante, Aïssatou Alassane Sidikou, Zeinebou Taleb Moussa and Benoît Van Keirsbilck.



ordered their return to Greece. On 24 May 2022, Helsinki Administrative Court rejected the family's request for interim measures, thereby rendering the return order enforceable.

3. On 23 June 2022, the Committee, acting through its working group on communications, registered the communication and requested interim measures under article 6 of the Optional Protocol, requesting the suspension of the return of J.O. and E.O. and their parents to Greece while the case was pending before the Committee.

4. On 23 August 2022, the State Party submitted its observations on the admissibility of the communication and requested that the Committee examine the admissibility separately from the merits.

5. On 7 September 2022, the authors submitted a new request for interim measures. On 16 September 2022, the Committee, acting through its working group on communications, decided not to do so. On 10 November 2022, the authors provided their comments on the State Party's observations. On 12 December 2022, the Committee decided to examine the admissibility of the communication together with the merits.

6. On 2 September 2024, the State Party informed the Committee that, on 29 November 2023, the Supreme Administrative Court had overturned the decision of the Helsinki Administrative Court dated 19 January 2023 with regard to a residence permit issued under section 52 (1) of the Aliens Act and referred the matter back to the Immigration Service for processing. On 7 August 2024, the Immigration Service granted the authors and their children continuous residence permits on a discretionary basis on humanitarian grounds under section 52 of the Aliens Act, valid for one year from the date of the decision. The State Party therefore requested that the Committee discontinue its consideration of the communication and to withdraw its request for interim measures. On 20 December 2024, the authors informed the Committee that they did not object to the State Party's request.

7. At a meeting on 19 May 2025, the Committee, taking into account that the authors and their children had been granted residence permits and were therefore no longer at risk of being returned to Greece, considered that the case had become moot and decided to discontinue the consideration of communication No. 188/2022, 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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