



**International Covenant on
Civil and Political Rights**

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Human Rights Committee

**Views adopted by the Committee under article 5(4) of the
Optional Protocol, concerning Communication No.
2594/2015** ****

<i>Submitted by:</i>	K.S. and M.S. (represented by counsel, Mr. J. Bruhn-Petersen)
<i>Alleged victim:</i>	The authors
<i>State Party:</i>	Denmark
<i>Date of communication:</i>	31 March 2015
<i>Document references:</i>	Special Rapporteur's rules 92 and 97 decision, transmitted to the State party on 7 April 2015 (not issued in document form)
<i>Date of adoption of Views:</i>	7 November 2017
<i>Subject matter:</i>	Deportation to Afghanistan
<i>Procedural issues:</i>	Insufficient substantiation of claims
<i>Substantive issues:</i>	Prohibition of torture or cruel, inhuman or degrading treatment or punishment
<i>Articles of the Covenant:</i>	7
<i>Articles of the Optional Protocol:</i>	2

* Adopted by the Committee at its 121st session (16 October to 10 November 2017).

** The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Ilze Brands Kehris, Sarah Cleveland, Olivier de Froyville, Christof Heyns, Yuji Iwasawa, Ivana Jelic, Marcia V.J. Kran, Photini Pazartzis, Mauro Politi, José Manuel Santos Pais, Anja Seibert-Fohr, Yuval Shany and Margo Waterval.

1.1 The authors of the communication are two Afghan nationals: M.S., born in 1949, and her son K.S., born in 1993. They are subject to a deportation order to Afghanistan. They claim that their forcible return to Afghanistan would violate their rights under article 7 of the Covenant. They are represented. The Optional Protocol entered into force for the State party on 23 March 1976.

1.2 On 7 April 2015, the Special Rapporteur on New Communications and Interim Measures, acting on behalf of the Committee, requested that the State party refrain from returning the authors to Afghanistan while their communication was pending before the Committee. On 7 October 2015, the State party requested that interim measures be lifted (see para. 4.8 below). On 24 April 2017, the Special Rapporteur on New Communications and Interim Measures denied the State party's request to lift interim measures.

The facts as presented by the authors

2.1 K.S.' father was a high-ranking police official in the Najibullah administration in Mazar-e Sharif, Afghanistan. After the fall of the Najibullah regime, K.S.' father and K.S.' older brother were executed by the Taliban¹. As a result, the authors fled to Pakistan on an unspecified date. After having spent 6 or 7 years in Pakistan, the authors returned to Afghanistan on an unspecified date in 2010 because of M.S.' poor health condition². A few months after their arrival, they were contacted by the Taliban, who ordered K.S. to travel to Waziristan and join the Jihad. On the following day, the authors left Afghanistan for Denmark.³

2.2 On 5 May 2010, the authors arrived in Denmark and applied for asylum on the same day. The authors note that they have about 30 family members living in Denmark, and they have no relatives left in Afghanistan.

2.3 Soon after their arrival in Denmark, M.S. abandoned K.S., who became an unaccompanied child.⁴ As a result, the consideration of K.S.'s asylum case was suspended for over three years. M.S. returned on an unspecified date and the consideration of both asylum cases was resumed.

2.4 On 19 December 2013, the authors held a first interview with the Danish Immigration Service (DIS). M.S. was unable to appear for the interview due to health problems but was represented by her eldest son, who resided in Denmark.

2.5 On 19 December 2013, the DIS rejected the authors' asylum application. Their case was referred to the Refugee Appeals Board (RAB). K.S. presented a new ground for asylum before the Board, namely that his family had been threatened by his sister's former husband in the United States, who belonged to the Afghan diaspora and claimed to have been dishonored by the divorce. K.S. claimed that his sister's former husband had sent an anonymous email to the DIS stating that the authors had given false testimony in their asylum claim. When asked about the reasons for not having mentioned to the DIS that he had a sister in the United States, K.S. stated that he did not consider it to be of any relevance and did not wish to involve her in his asylum case, and because he was unaware of his sister's divorce at the time.

2.6 On 19 June 2014, the RAB rejected the authors' asylum application on two grounds: Firstly, the authors' conflict with the Taliban originating from K.S.'s father and brother was

¹ No further details have been provided.

² No further information has been provided.

³ The information provided in this paragraph has been obtained from the RAB decision of 19 June 2014.

⁴ No further information has been provided.

too isolated and remote in time and the authors would therefore be considered of little importance to the Taliban. Secondly, the claim about the family conflict based on the sister's divorce was rejected for lack of credibility. The Board emphasized, in this regard, that the authors had intentionally given incorrect information as they had stated before the DIS that they had lost contact with K.S.' sister even though they had contacted her shortly after their arrival in Denmark, as stated before the RAB. The Board found K.S.'s statement that they had given incorrect information because they did not want to involve his sister in his case to be non credible.

2.7 On July 2014, the authors filed an application with the RAB to reopen the asylum process and submitted evidence of the alleged conflict between their family and the sister's former husband, consisting in a transcript of threats made by the former husband on the phone stating that he would "find a way to have them deported to Afghanistan, where he would deal with them the Afghan way" and a restraining order from a US court against him⁵. On August 2014, the authors provided additional information according to which the former husband's father was a high-ranking official in the security forces in Afghanistan. On November 2014, the authors presented new information arguing that K.S. would face an individual risk as a convinced agnostic upon return to Afghanistan, and that the sister's former husband "would expose K.S. as an apostate".

2.8 On March 2015, the RAB rejected the authors' request to reopen the asylum proceedings. The Board rejected the information about the sister's former husband on the grounds that it did not contain a credible explanation as to why this information had not been presented before. The Board concluded that no new important information had been provided to justify a reopening of the case. The Board also rejected the argument that K.S. would face an individual risk as an agnostic in Afghanistan by considering that, since the author had not been 'active about his views', he would not face persecution for this reason in Afghanistan, based on several reports according to which a non-believer would not face any problems or sanctions as long as they did not display any lack of respect for Islam⁶. In this regard, the RAB noted that K.S. "had never made any visible public expression of his views on religion or otherwise participated in the public debate, whether in Afghanistan or after his departure". The Board also noted that K.S. had not initially presented his lack of religious beliefs as a ground for asylum, either before the DIS or the RAB, but he had merely stated that he was a non-believer. Since the information about the sister's former husband was dismissed as lacking credibility, the Board did not examine the possibility that the former husband would expose K.S. as an apostate in Afghanistan.

2.9 K.S. notes that he is a member of several Facebook groups supporting free speech, human rights and the rights of atheists and agnostics. In that context, he has repeatedly posted material that could be perceived as insulting to Muslims. That material has received attention both from Afghans in Afghanistan and members of the Afghan diaspora in Denmark. For example, he received a Facebook message from a government official working in the Afghani president's office in response to a Facebook post.⁷

⁵ The authors attach a copy of a "temporary order of protection" of K.S.' sister against her husband, issued by the municipal court of Missoula country, [REDACTED]. In that order, she is considered "victim of stalking" and the husband is required to stay 1,500 feet from her.

⁶ The RAB relied on the following reports: Response, Afghanistan: Risk of abuse of atheists/individuals who have left Islam in case of return (published by Landinfo in April 2009); Afghanistan: The situation of Christians and Converts (September 2013); and Response, Afghanistan: How is the situation of Atheists in Afghanistan? (published by Landinfo in August 2014). In this latter report, it is stated that "As opposed to converts, who show their affiliation with another religion through religious practices, atheists/non-believers would not face sanctions as long as they did not display any lack of respect for Islam in public."

⁷ The author does not specify the context or content of the referred message.

2.10 M.S. has allegedly been diagnosed with severe mental health issues, including depression, post-traumatic stress disorder (PTSD) and personality change. The conclusion of her latest psychiatric report⁸ was that her current level of function was "that of a person suffering from chronic psychosis or dementia". She is under daily care from her family in Denmark. On 8 August 2014, M.S. applied for a residence permit on humanitarian grounds. Her application was rejected on 9 November 2014. She notes that, according to established practice, single Afghan women without support networks in Afghanistan are eligible for a residence permit on humanitarian grounds due to their extreme vulnerability. In the present case, M.S.' rejection was based on two main arguments: Firstly, she was not considered as a single woman without a network as she would be returned with her adult son, K.S., and secondly, her health condition was not considered to be so severe as to meet the Danish requirements for granting residence for health reasons. The RAB noted that M.S. suffered from unspecified depression, personality change caused by catastrophic experiences and PTSD. Yet, according to the information provided, her mental disorder did not require therapy. The authors note that the RAB did not take into account that K.S. had not been to Afghanistan since the age of 7⁹ and could therefore not be considered as a "network" as he himself had no network in Afghanistan and was in no condition to support his mother in the way a network is supposed to do, carrying for her needs and supporting her financially.

The complaint

3.1 The authors claim that their removal to Afghanistan would expose them to a risk of being subjected to torture or cruel, inhuman or degrading treatment or punishment in violation of article 7 of the Covenant.

3.2 K.S. could face death or torture due to his disaffiliation from Islam. He notes that he was raised in a secular family –although M.S. considers herself a Muslim- and that his father's and brother's execution and his own experience of having been beaten as a boy by the Taliban for not being able to recite the Quran reaffirmed his repudiation of Islam. He has rejected any religious affiliation and considers himself an agnostic. He is not an atheist and has no adversity to religion but to the way it influences politics and society. He notes that UNHCR eligibility guidelines (2013) consider that persons perceived as contravening Sharia law, including religious minorities, converts from Islam or persons accused of blasphemy may be in need for international protection. He notes that converting from Islam to another religion is deemed apostasy and those found guilty may be given three days to recant or face death. He claims that, by analogy, atheists fall under the same group of people who face persecution since atheism in Afghanistan equates to apostasy.¹⁰ He would therefore be at risk if he chose not to conceal his views and beliefs in Afghanistan.

3.3 With regard to M.S., she would face a risk of being subjected to torture or to cruel, inhuman or degrading treatment or punishment if returned due to her status as an extremely vulnerable individual (single woman with health issues). She explains that she will be left alone in an extremely unforgiving environment, if she is to be returned to Afghanistan, since her son will not be able to care for her and support her financially at the same time. In addition, her health has deteriorated during her stay in Denmark. She is 66 and is diagnosed with depression, PTSD, chronic psychosis, dementia and personality change after catastrophic experiences.

3.4 Finally, the authors claim that they both run a risk of their rights being violated if returned to Afghanistan due to general conditions for returnees in the country. They note that the general situation for Afghan returnees is precarious, in light of security issues and the

⁸ The authors attach a psychiatric report dated 8 July 2014, with the referred diagnosis for author M.S.

⁹ K.S.' age does not match with the dates provided by the authors. See footnote 4 above.

¹⁰ The author cites the Freedom of Thought Report (2014).

lack of basic services, together with the need for a well-established network in order to ensure security and integrity.¹¹

State party's observations on admissibility and merits

4.1 In its submissions dated 7 October 2015, the State party submits that the communication is inadmissible, or alternatively, without merit. The State party also describes the proceedings before the RAB.¹²

4.2 The State party informs that on 19 April 2015 the authors had again requested the RAB to reopen the asylum proceedings. By decision of 10 July 2015, the RAB rejected that request. The Board considered that no new substantial information on the authors' conflicts in their country of origin had been submitted to that already assessed by the Board. The RAB considered that K.S.' Facebook activities and posts had been limited and had not attracted any particular attention, and therefore did not render it probable that he would risk persecution if returned to Afghanistan. The RAB noted, in this regard, that K.S. had been contacted by one single person, whose position in Afghanistan and relation to K.S. seemed completely unsubstantiated, who asked him to withdraw some information and return to Islam or else he would report him. With regard to the authors' alleged threat originating from the sister's former husband, the RAB reached the same conclusion as before regarding the lack of credibility of such allegations. The RAB added that, according to new information, the son of K.S.' sister had been present during K.S.' interview with the DIS, rendering even more unlikely that K.S. had been unaware of his sister's situation. With regard to the situation of Afghan returnees, the RAB noted that several returns had taken place in collaboration with Afghan authorities since the issuance of the note verbale referred by the authors.¹³ Finally, with regard to M.S.' health situation, the RAB considered that such information was not independently relevant for the asylum process and fell outside the competence of the RAB as it had a humanitarian nature and should therefore be considered by the Ministry in the context of an H&C application.

4.3 The State party argues that the authors have failed to establish a prima facie case for the purpose of admissibility and that their allegations concerning an alleged risk of an article 7 violation are manifestly unfounded and therefore inadmissible.

4.4 On the merits, the State party contends that the authors' return to Afghanistan would not violate article 7 of the Covenant. The State party recalls that the risk of irreparable harm must be personal and that there is a high threshold for providing substantial grounds for establishing such a risk.¹⁴ The authors have not disputed the assessment made by the RAB of their grounds for asylum based on the authors' fear of the Taliban and have not included that information in their communication to the Committee. With regard to their other grounds, the authors have failed to provide any new and specific information about their situation to that already assessed by national authorities. The RAB thoroughly assessed the facts and evidence produced by the authors and the background information available on conditions in Afghanistan, and concluded that no humanitarian grounds contrary to Denmark's international obligations existed. The authors disagree with the RAB in its

¹¹ The authors note that, on 26 February 2015, the Afghan embassy in Oslo sent a note verbale to Norway calling for a halt in all deportations to Afghanistan "because the number of Afghan deportees had increased and considering the facilities and conditions of the country, it had caused them not to receive the required support and their human rights to be violated."

¹² Please see the Committee's Views on communication No. 2379/2014, *O.H.A. v Denmark*, adopted on 7 July 2016, paras. 4.1 to 4.3.

¹³ See footnote 14 above.

¹⁴ The State party cites the Committee's Views on communication No. 2007/2010, *JJM v Denmark*, adopted on 26 March 2014, para. 9.2.

assessment of evidence and background information, and purport to use the Committee as a fourth instance.

4.5 With regard to M.S.' health circumstances, the State party notes that the European Court of Human Rights has adopted a restrictive approach in cases in which it was submitted that article 3 of the European Convention of Human Rights would be violated in case of return of persons with health issues. The State party notes that a case must present exceptional circumstances and compelling humanitarian considerations for a return to be contrary to article 3 of the European Convention.¹⁵ The State party maintains that the case at hand presents no such exceptional circumstances and compelling humanitarian considerations as to render the refusal of residence on humanitarian grounds contrary to Denmark's international obligations, as considered by the Ministry of Immigration, Integration and Housing in its decision of 11 November 2014. M.S. does not suffer from very serious physical or mental disorder requiring therapy and, consequently, she fails to meet the criterion for being granted discretionary leave to remain on medical grounds. Also, the State party's practice to grant residence to Afghan women who have no male family members or social network in Afghanistan due to the very harsh living conditions and limited possibility of survival of single women is not applicable to M.S. since she would be returned together with her adult son, who has lived in Afghanistan for many years.

4.6 With regard to K.S.' religious stance, the State party contends that, as concluded by the RAB, K.S. would not risk abuse contrary to article 7 of the Covenant in Afghanistan due to his agnostic persuasion and based on the background information and on K.S.' activities before and after his departure from Afghanistan. This is particularly true when considering that K.S. originated from the city of Mazar-e-Sharif - the third largest city in the country - and appears to be a very low-profile individual who has never actively participated in any public debate apart from sharing a few posts on Facebook. The State party adds that, although K.S. gave a detailed account of his situation in the asylum proceedings, he did not claim a fear of persecution due to his agnostic persuasion until 11 November 2014, in the context of his request for a reopening of his asylum proceedings. According to the background information available, he will not be at risk either by failing to take part in religious Islamic traditions and rites.¹⁶

4.7 Finally, with regard to the authors' allegations concerning the threats received from the former husband of K.S.' sister, the State party notes that the RAB considered these allegations non credible since the authors had not proved that they had received any specific and serious threats, and since this ground of asylum had not been raised by K.S. before in the context of the DIS interviews or the RAB hearing. Also, the State party notes that the existence of a restraining order against the former spouse of K.S.' sister due to the conflict between spouses does not render probable that the authors would be at risk of an article 7 violation if returned to Afghanistan.

4.8 The State party requests that interim measures be lifted in light of the inexistence of irreparable harm to the authors in case of deportation.

Authors' comments on the State party's observations

5.1 In their submissions of 11 November 2015, the authors claim that the State party has made an erroneous assessment of the evidence of the case both to determine the authors' lack of credibility as well as the inexistence of a risk of an article 7 violation.

¹⁵ The State party cites the European Court of Human Rights' decisions in *D v United Kingdom* (application No. 30240/96, adopted on 2 May 1997, and *Bensaid v United Kingdom* (application No. 44599/98), adopted on 6 February 2001.

¹⁶ The State party cites the three reports relied upon by the RAB (see footnote 7 above).

5.2 The authors contend that, in its decision of June 2014, the RAB relied primarily on an anonymous email to the DIS to justify the authors' alleged lack of credibility with regard to the family conflict.

5.3 With regard to the K.S.' religious stance, the author has consistently stated this conviction since his first interview and Danish authorities have acknowledged his disaffiliation from Islam. He is likely to express his conviction if returned to Afghanistan. This can be expressed implicitly, for eg. by failing to participate in religious events and practices, and he may face persecution as a result. The authors note that, according to the British Home Office (Note on Afghanistan issued in February 2015), converts from Islam are in general at a real risk of persecution in Afghanistan and should therefore be granted asylum unless there is clear evidence that a particular individual would not be at risk. The authors note that atheists will face a stronger condemnation than converts. The male author entered Denmark at age 17 and has become more aware of his agnostic conviction since then, including by posting antireligious content on Facebook.

5.4 As to the M.S., she will be without any network if returned to Afghanistan, which will put her at risk in light of her age and her mental health condition.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 93 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

6.2 As required under article 5, paragraph 2 (a), the Committee has ascertained that the same matter is not being examined under another procedure of international investigation or settlement.

6.3 The Committee takes note of the authors' claim that their removal from Denmark to Afghanistan would expose them to a risk of a violation of their rights under article 7 of the Covenant based on K.S.' religious disaffiliation, on M.S.' health condition and on the general conditions for Afghan returnees in the country or origin.

6.4 The Committee notes K.S.' arguments that he would face persecution in Afghanistan because atheism is equated with apostasy, which may entail death for those who chose not to recant. The State party has stated that K.S.' allegations regarding a fear of religious persecution were assessed by the RAB but found non-credible due to the author's low profile, as he had not actively participated in any public debate other than sharing a few Facebook posts, which had gathered very limited attention. Also, the author had only raised his fear of persecution due to his agnostic persuasion on November 2014, when he requested the reopening of his asylum proceedings. The Committee notes, in this regard, that while the author had stated that he was a non-believer at his interviews with the DIS and at the hearing before the RAB, he had failed to allege a fear of persecution based on his religious disbeliefs. The Committee further notes that the author, who presents himself as an agnostic and not an atheist, bases his fear of an article 7 violation on the general situation of atheists in Afghanistan, without relating this situation to his personal context, and in particular, to his lack of anti-religious activism either in Afghanistan or in Denmark. The Committee therefore considers that the author K.S. has failed to sufficiently substantiate his claim of a risk of a violation of article 7 of the Covenant based on his agnostic convictions, and declares this part of the communication inadmissible in accordance with article 2 of the Optional Protocol.

6.5 The Committee notes the authors' allegations based on the general situation of Afghan returnees, including the security situation and the lack of basic services, The Committee, however, considers that these allegations are general in nature and do not establish a personal risk under article 7 of the Covenant. The Committee is also aware of

reports about the deteriorating situation in Afghanistan. The obligation not to remove an individual contrary to a State party's obligations under the Covenant applies at the time of removal. The Committee recalls that, in cases of imminent deportation, the material point in time for assessing this issue must be that of its own consideration of the case. Accordingly, in the context of the communications procedure under the Optional Protocol, in assessing the facts submitted to its consideration by the parties, the Committee must also take into account new developments brought to its attention by the parties that may have an impact on the risks that an author subject to removal may face. In the present case, the information in the public domain has signalled a significant deterioration of the situation in Kabul in recent times.¹⁷ However, on the basis of the information in the case file, the Committee is not in a position to assess the extent to which the current changed situation in his country of origin may impact the author's personal risk. In this context, the Committee recalls that it remains the responsibility of the State party to continuously assess the risk that any person would face in case of return to another country before the State takes any final action regarding his or her deportation or removal.¹⁸

6.6 Without prejudice to the continuing responsibility of the State party to take into account the present situation of the country to which the author would be deported, and based on the information provided by the parties, the Committee considers this part of the communication to be insufficiently substantiated and inadmissible pursuant to article 2 of the Optional Protocol.

6.7 The Committee notes, however, that the authors' allegations regarding a risk of an article 7 violation based on M.S.' health condition have been sufficiently substantiated, are intimately linked to the merits and should be considered at that stage.

6.8 The Committee therefore declares the communication admissible insofar as it appears to raise issues under article 7 of the Covenant with regard to M.S.' health condition, and proceeds to its consideration on the merits.

Consideration of the merits

7.1 The Committee has considered the present communication in light of all the information made available to it by the parties, as required under article 5(1) of the Optional Protocol.

7.2 The Committee takes note of the authors' allegations that M.S., who is now 68 years old, suffers from diagnosed depression, post-traumatic stress disorder and personality change, and has no support network in Afghanistan, would be subjected to treatment contrary to article 7 of the Covenant if returned to Afghanistan.

7.3 The Committee recalls its General Comment No. 31¹⁹, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by article 7 of the Covenant, which prohibits cruel, inhuman or degrading treatment. The Committee has also indicated that the risk must

¹⁷ See for example the press release issued by the Secretary General of the United Nations on 31 May 2017: "UN condemns terrorist attack in Kabul, underscores need to protect civilians" available at www.un.org/victimsofterrorism/en/node/3466; and Amnesty International Report "Forced back to danger, asylum seekers returned from Europe to Afghanistan" (October 2017).

¹⁸ See Communication No. 2625/2015, *S.Z. v Denmark*, adopted on 21 July 2017, para. 7.9.

¹⁹ See the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 12.

be personal and that the threshold for providing substantial grounds to establish that a real risk of irreparable harm exists is high.²⁰

7.4 The Committee further recalls that it is within the jurisdiction of the States parties to examine the facts and evidence of the case in order to determine whether such a risk exists, unless it can be established that the assessment was clearly arbitrary or amounted to a manifest error or denial of justice²¹.

7.5 The Committee acknowledges M.S.' advanced age, her diagnosed medical condition and her need for daily care and support. However, the Committee notes that the RAB assessed thoroughly M.S.' grounds for asylum but considered that the author's mental disorder did not require therapy, and that she would be returning with her adult son K.S., who has lived in Afghanistan for many years, and therefore she could not be considered as not having a "support network". The author challenges the assessment of evidence and the factual conclusions reached by the RAB, but she does not provide convincing arguments for concluding that this assessment would be arbitrary or otherwise amount to a denial of justice.

7.6 The Committee notes, in particular, that the author was diagnosed in 2014 with an unspecified degree of depression, PTSD and personality change, for which she is receiving no medical treatment or therapy, and that she has only been prescribed vitamins. The Committee further notes that she would be returned together with her adult son K.S., who has lived in Afghanistan for a number of years. The Committee notes the authors' argument that K.S. would not be able to support M.S. financially and care for her at the same time, and that M.S. relies on the daily support of her extended family in Denmark, which she would presumably not have in Afghanistan. However, the Committee also considers that the authors have not provided any specific information or evidence suggesting that M.S.' medical condition does require specialized assistance and/or medical treatment that she would be unable to obtain in Afghanistan.

7.7 In light of the foregoing, the Committee considers that the authors have failed to show that M.S.' life or physical integrity would be at imminent and direct risk as a result of her removal to Afghanistan.²² The Committee therefore concludes that the author M.S.' removal to Afghanistan would not constitute a violation of her rights under article 7 of the Covenant.

8. The Human Rights Committee, acting under article 5 (4) of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the author's removal to Afghanistan does not violate her rights under the Covenant.

²⁰ See, *inter alia*, communications No. 2007/2010, *X v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 692/1996, *A.R.J. v. Australia*, Views adopted on 28 July 1997, para. 6.6; and No. 1833/2008, *X. v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

²¹ See Communications No. 2272/2013, *P.T. v Denmark*, Views adopted on 1 April 2015, para. 7; No. 2053/2011, *B.L. v Australia*, Views adopted on 16 October 2014; No. 2049/2011, *Z. Australia*, Views adopted on 18 July 2014, para 9.3; No. 1819/2008, *A.A. v Canada*, inadmissibility decision adopted on 31 October 2011; and No. 1763/2008, *Pillai et al. V Canada*, Views adopted on 25 March 2011, para. 11.4.

²² See Communication No. 2060/2011, *W.M.G. v Canada*, Views adopted on 11 March 2016, para. 7.4.