

### MIDTERM ASSIGNMENT AUTUMN 2021

The United Nations Committee on the Rights of the Child on 30 September 2020 adopted a decision in two cases filed against France by a number of French citizens. The decision is enclosed.

The complainants allege that France has breached the United Nations Convention on the Rights of the Child by not repatriating French children presently in the Roj, Ain Issa and Al-Hol camps in Syrian Kurdistan. The French Government asked the Committee to reject the complaint as inadmissible, meaning that the Committee should decide that it was not competent to consider the merits of the alleged violations. France amongst other things submitted that the alleged violations complained of were not within France's *jurisdiction*. The Committee on 30 September 2020 decided that it was indeed competent to consider the case and consequently found the complaint to be admissible. The Committee has not yet given its views as to whether France has violated the Convention.

Please read the following parts of the Committee's decision:

- sections 1.1—2.9 and 3.1—3.3 (the facts of the case and the complainants' reasons for why France has violated the Convention);
- sections 2.12—2.15 (the complainants' arguments in favour of jurisdiction);
- sections 4.3—4.8 (the government's arguments against jurisdiction);
- sections 8.5—8.8 (the third-party interveners' arguments in favour of jurisdiction); *and*
- sections 9.5—10 (the Committee's reasons for its finding that the matters complained of were within the jurisdiction of France).

In the light of what you have read, please answer the following two questions:

- 1) Give your evaluation of the Committee's reasons for its decision from the viewpoint of international human rights law and the principles of treaty interpretation. (50%)
  
- 2) Identify arguments in favour of and against the mechanism whereby non-governmental organisations and other private individuals as third-parties can influence the outcome of the Committee's decision in a case between the complainants and the respondent State. (50%)

You are to write a paper of no more than 2 500 words and submit it by 29 October 2021 at 13:00 (1:00 PM) local Oslo time at the latest.



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