



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Communication No. 27/2010

**Decision adopted by the Committee at its fiftieth session,
3 to 21 October 2011**

<i>Submitted by:</i>	Zhanna Mukhina
<i>Alleged victim:</i>	The author
<i>State party:</i>	Italy
<i>Date of communication:</i>	5 March 2010 (initial submission)
<i>Date of the decision:</i>	18 October 2011

Annex

Decision of the Committee on the Elimination of Discrimination against Women under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (fiftieth session)

concerning

Communication No. 27/2010*

Submitted by: Zhanna Mukhina**
Alleged victim: The author
State party: Italy
Date of communication: 5 March 2010 (initial submission)

The Committee on the Elimination of Discrimination against women, established under article 17 of the Convention on the Elimination of All Forms of Discrimination against Women,

Meeting on 18 October 2011,

Adopts the following:

Decision on admissibility

1. The author of the communication, dated 5 March 2011, is Ms. Zhanna Mukhina, a Russian national born in 1965 and currently residing in Italy. She claims to be the victim of a violation by Italy of her rights under article 16 (f) of the Convention on the Elimination of All Forms of Discrimination against Women. The Convention and the Optional Protocol thereto entered into force for the State party on 10 June 1985 and 22 September 2000, respectively.

The facts as presented by the author

2.1 The author worked as a domestic worker in Italy for an Italian national.¹ On 28 November 2001, she gave birth to a child; the father of the child was the author's employer. The father refused to recognize the child's parenthood and passed away shortly after the birth.

* The following members of the Committee participated in the examination of the present communication: Ms. Ayse Feride Acar, Ms. Magalys Arocha Domínguez, Ms. Violet Awori, Ms. Barbara Bailey, Ms. Olinda Bareiro Bobadilla, Ms. Meriem Belmihoub Zerdani, Mr. Niklas Bruun, Ms. Náela Gabr, Ms. Ruth Halperin-Kaddari, Ms. Yoko Hayashi, Ms. Ismat Jahan, Ms. Soledad Murillo de la Vega, Ms. Violeta Neubauer, Ms. Silvia Pimentel, Ms. Maria Helena Pires, Ms. Victoria Popescu, Ms. Zohra Rasekh, Ms. Patricia Schulz, Ms. Dubravka Šimonović and Ms. Zou Xiaoqiao.

** Full name of the author included in the public document upon her request.

¹ No specific dates on the arrival in Italy of the author are provided.

2.2 On 29 November 2005, the author's custody over her son was revoked by the Rome Tribunal for Minors, owing to the deterioration of her mental state and her inability to support the child. The author appealed against this decision on an unspecified date. On 8 May 2007, the Tribunal for Minors refused to restore the author's parental authority. The author appealed against this decision (no exact date is provided). On 12 February 2008, the Rome Court of Appeals (minors' section) upheld the decision of the first instance court. The author appealed further to the Supreme Court of Cassation of Italy on 28 April 2009, without success.²

2.3 The author further submitted a complaint to the European Court of Human Rights, and her application was declared inadmissible on 1 December 2009.

The complaint

3. The author claims, without further substantiation, to be a victim of a violation by the State party of her rights under article 16 (f) of the Convention.

Issues and proceedings before the Committee concerning admissibility

4.1 In accordance with rule 64 of its rules of procedure, the Committee shall decide whether the communication is admissible or inadmissible under the Optional Protocol. Pursuant to rule 66 of its rules of procedure, the Committee may decide to consider the question of admissibility and the merits of a communication separately.

4.2 The Committee has noted the author's claim that her rights under article 16 of the Convention have been violated. The Committee has taken note of all materials submitted by the author in support of her claim. The Committee notes however that the author has not provided any specific explanation on why and how she considers that her rights under the above-mentioned provision have been violated by the State party's authorities. In the absence of any other pertinent information on file, the Committee considers that the author has failed to sufficiently substantiate her claims for purposes of admissibility. The Committee notes that under article 4, paragraph 2 (c), of the Optional Protocol, it must declare a communication inadmissible where it is manifestly ill-founded or not sufficiently substantiated. Accordingly, the Committee concludes that the communication is inadmissible under article 4, paragraph 2 (c), of the Optional Protocol. Given this conclusion, the Committee decides not to examine whether the communication is inadmissible under any other inadmissibility grounds, in particular those provided for in article 4, paragraph 2 (a), of the Optional Protocol in the light of the fact that the author's complaint to the European Court of Human Rights had been declared inadmissible.

4.3 The Committee therefore decides:

- (a) That the communication is inadmissible under article 4, paragraph 2 (c), of the Optional Protocol;
- (b) That this decision shall be communicated to the State party and to the author.

² The author explains that she is unaware of her son's whereabouts.