



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. 29/2017* **

<i>Communication submitted by:</i>	K.L. (represented by counsel, Albert Parés Casanova)
<i>Alleged victim:</i>	K.L.
<i>State party:</i>	Spain
<i>Date of communication:</i>	5 July 2019
<i>Subject matter:</i>	Age assessment procedure in respect of an unaccompanied minor

1. On 13 March 2017, the author was intercepted while trying to reach Spain in a small boat. On arrival, he claimed to be a minor. On 6 April 2017, the author underwent medical age determination tests consisting of an X-ray of the left hand and a dental X-ray. The result of the test, which was not shared with the author, showed that he was probably at least 18 years old.

2. On 31 March 2017, the Algerian Consulate in Barcelona issued a letter of safe conduct recognizing the author as an Algerian citizen born on 10 September 1996. On 13 April 2017 the author was returned to Algeria.

3. On 15 May 2017, the author was intercepted off the coast of Palma de Mallorca while trying to reach Spain again on board a small boat. On 18 May 2017, Manacor Court of Investigation No. 2 ordered that the author be placed in a holding centre for foreign nationals in Barcelona. On 1 June 2017, the centre in Barcelona informed Manacor Court of Investigation No. 2, Barcelona Court of Investigation No. 1 and the Barcelona Juvenile Prosecution Service that the author claimed to be a minor. On 2 June 2017, the Barcelona Juvenile Prosecution Service issued an order that no further examinations should be carried out and discontinued the proceedings. On 9 June 2017, the author sent a copy of his identity card to Manacor Court of Investigation No. 2 but did not receive a reply.

4. On 15 June 2017, the Algerian Consulate in Barcelona issued a second safe conduct, again recognizing the author as an Algerian citizen born on 10 September 1996. On 20 June 2017, the author was again returned to Algeria.

* Adopted by the Committee at its eighty-fifth session (14 September–1 October 2020).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho Assouma, Hynd Ayoubi Idrissi, Bragi Gudbrandsson, Philip Jaffé, Olga A. Khazova, Gehad Madi, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Ann Marie Skelton, Velina Todorova and Renate Winter.



5. The author claims to be a victim of violations of his rights under articles 3, 8, 18 (2), 20 (1), 27 and 29 of the Convention. He claims, for example, that the Spanish authorities did not take into account the best interests of the child in their decisions and that he was not protected as a child deprived of his family environment.

6. On 15 July 2020, the author's representative confirmed that he had lost contact with the author since his deportation on 20 June 2017.

7. At its meeting on 28 September 2020, the Committee on the Rights of the Child, having noted that the author's representative had lost contact with the author since his deportation on 20 June 2017 and that his whereabouts were unknown, and without endorsing the age determination procedure followed by the State party, considered that the communication was without merit, and decided to discontinue consideration of communication No. 29/2017, 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.
