



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. 50/2018* **

<i>Communication submitted by:</i>	T.E.A. (represented by counsel, Mr. Albert Casanova Parés)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Spain
<i>Date of communication:</i>	3 August 2018 (initial submission)
<i>Subject matter:</i>	Age assessment procedure in respect of an unaccompanied minor
<i>Substantive issues:</i>	Best interests of the child; right to identity; right to be heard; right to a guardian; right to development; right to special protection and assistance from the State
<i>Articles of the Convention:</i>	3, 8, 12, 18 (2), 20, 27 and 29

1. The author of the communication is T.E.A., a Moroccan national aged 17 at the time of submission of the communication. He claims that the State party has violated his rights under article 3, read in conjunction with articles 18 (2) and 20 (1), and articles 8, 12, 20, 27 and 29 of the Convention. The Optional Protocol entered into force for the State party on 14 April 2014.

2. On 25 June 2018, the author was intercepted on a migrant boat by police officers from the State party. On the same day, the investigating judge in Algeciras ordered his detention in a centre for adult migrants in Barcelona in preparation for his removal to his country of origin. Upon arrival at the centre, the author claimed to be a minor. Since he had no identification documents at the time he was detained, on 16 July 2018 he was transferred to a facility where he underwent medical tests to determine his age. The tests, which consisted of reports and a dental X-ray, concluded that he was at least 18 years old. On that basis, he was declared to be of legal age. He was neither assisted nor represented during the proceedings. On an unknown date, the author received a birth certificate stating that he was born on 25 June 2001.

* Adopted by the Committee at its eighty-ninth session (31 January–11 February 2022).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Hynd Ayoubi Idrissi, Rinchen Chopel, Bragi Gudbrandsson, Philip Jaffé, Soppio Kiladze, Gehad Madi, Benyam Dawit Mezmur, Clarence Nelson, Otani Mikiko, Luis Ernesto Pedernera Reyna, Zara Ratou, José Ángel Rodríguez Reyes, Ann Marie Skelton, Velina Todorova and Benoit Van Keirsbilck.



3. Pursuant to article 6 of the Optional Protocol, on 6 August 2019, the working group on communications, acting on behalf of the Committee, requested the State party to adopt interim measures, namely, to stay the enforcement of the author's deportation order pending the Committee's consideration of his case and transfer him to a child protection centre.

4. On 11 February 2019, the State party submitted its observations on admissibility and the merits. On 28 June 2019, the author submitted his comments on the State party's observations on admissibility and the merits. Despite subsequent attempts by the secretariat to contact the author's counsel, no information has been received on the author's current whereabouts.

5. At a meeting on 8 February 2022, the Committee noted that the author's counsel had not responded to the secretariat's requests. The Committee considered that the author had lost interest in communication No. 50/2018 and therefore decided to discontinue its consideration thereof, 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.
