



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. 88/2019*, **

<i>Communication submitted by:</i>	A.E.A. (represented by counsel, Albert Parés Casanova)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Spain
<i>Date of communication:</i>	20 June 2019 (initial submission)
<i>Subject matter:</i>	Determination of the age of an unaccompanied minor
<i>Substantive issues:</i>	Best interests of the child, right to an 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; 18 (2); 20 (1); 27; and 29

1. The author of the communication is A.E.A., a Moroccan national born on 7 November 2002. He claims that the State party has violated 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. He is represented by counsel. The Optional Protocol entered into force for the State party on 14 April 2014.

2. On 8 March 2019, the author was intercepted while trying to reach the coast of Algeciras in a small boat. Upon arrival, the author, who was undocumented, claimed to be under 18 years of age. On an unspecified date, Barcelona Court of Investigation No. 30 ordered that the author be placed in a holding centre for adult foreign nationals.

* Adopted by the Committee at its eighty-seventh session (17 May–4 June 2021).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho Assouma, Hynd Ayoubi Idrissi, Rinchen Chopel, Bragi Gudbrandsson, Philip Jaffé, Sopio Kiladze, Gehad Madi, Faith Marshall-Harris, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, Zara Ratou, Aïssatou Alassane Sidikou, Ann Marie Skelton, Velina Todorova and Benoît Van Keirsbilck.



3. On 28 May 2019, the author underwent medical tests to determine his age. The result of the X-ray of his wrist determined that the author was 19 years old and the result of the full dental X-ray indicated that the author was 18 years old. It was concluded that the author was over 18 years of age.
 4. Pursuant to article 6 of the Optional Protocol, on 25 June 2019 the working group on communications, acting on behalf of the Committee, decided to register the communication and to request the adoption of interim measures consisting of a stay in the execution of the order for the author's deportation, pending consideration of his case by the Committee, and his transfer to a child protection centre.
 5. On 2 January 2020, the State party submitted its observations on the admissibility and the merits of the communication. On 6 March 2019, the author's lawyer submitted comments on the State party's observations on admissibility and the merits.
 6. On 3 November 2020, the author's lawyer notified the Committee that he had lost contact with the author and was unaware of his whereabouts.
 7. Meeting on 31 May 2021, the Committee on the Rights of the Child, having considered the information provided by the author's lawyer, indicating that he had lost contact with the author, decided to discontinue the consideration of the communication, 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.
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