



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. 147/2021* **

<i>Communication submitted by:</i>	K.E.Y. (represented by counsel, Glenda Josefina Fermín Rodríguez)
<i>Alleged victim:</i>	M.Z.
<i>State party:</i>	Spain
<i>Date of communication:</i>	5 June 2021 (initial submission)
<i>Subject matter:</i>	Right to education of children of Moroccan nationality born in Melilla
<i>Substantive issues:</i>	Best interests of the child, rights of the child, education, discrimination on grounds of national, ethnic or social origin, discrimination on other grounds
<i>Articles of the Convention:</i>	2, 3, 28 and 29

1. The author of the communication is K.E.Y., a Moroccan national who lives in Melilla, Spain. The author submitted the communication on behalf of her son, M.Z., who was 4 years old at the time of submission. Although he was born and has lived all his life in Melilla, M.Z. is of Moroccan nationality. The author claims that the State party has violated her son's rights under articles 2, 3, 28 and 29 of the Convention. The author is represented by counsel. The Optional Protocol entered into force for the State party on 14 April 2014.

2. In May 2019, the author submitted an application to enrol her son in public primary education in Melilla for the 2019/20 academic year. The author enclosed her son's birth certificate, her health card, a request she had made to the health authorities to receive health-care services and a request she had made to social services to issue her with a certificate proving her residence in Melilla. The education authority published provisional lists in which M.Z. was listed as not having been admitted owing to lack of documents, without specifying which one. The author complained to the education authorities about the failure to specify which documents were lacking and submitted new documents to prove her residence in

* Adopted by the Committee at its ninety-second session (16 January–3 February 2023).

** The following members of the Committee participated in the consideration of the communication: Suzanne Aho, Aïssatou Alassane Moulaye, Hynd Ayoubi Idrissi, Rinchen Chophel, Bragi Gudbrandsson, Philip Jaffé, Sopio Kiladze, Gehad Madi, Faith Marshall-Harris, Benyam Dawit Mezmur, Clarence Nelson, Otani Mikiko, Luis Ernesto Pedernera Reyna, José Ángel Rodríguez Reyes, Ann Skelton, Velina Todorova, Benoît Van Keirsbilck and Ratou Zara.



Melilla. Subsequently, the definitive school admission lists were published, in which M.Z. did not appear.

3. In May 2020, the author submitted a new enrolment application for the 2020/21 academic year. As her application was again rejected, she filed an administrative complaint with the Melilla Provincial Director of Education. In the continued absence of a response from authorities, the author also filed a complaint and a request for interim measures with Administrative Court No. 2 of Melilla so that M.Z. would be immediately enrolled in school. On 26 February 2021, the Court dismissed her request for interim measures. No judicial decision on the school enrolment of M.Z. had been issued at the time the communication was submitted to the Committee.

4. On 8 June 2021, the Committee, acting through its Working Group on Communications, registered the individual communication and requested the State party to take interim measures in the form of the immediate enrolment of M.Z. in school while the case was under consideration by the Committee.

5. On 11 February 2022, the State party reported that, on 6 July 2021, M.Z. had been admitted to school for the 2021/22 academic year, which had begun in September 2021. The State party requested the Committee to discontinue the communication, as the continued schooling of M.Z. rendered the communication devoid of purpose.

6. On 11 September 2022, the author confirmed that her son was enrolled in school under the terms described by the State party. She added that, consequently, she had requested the discontinuance of the domestic judicial proceedings.

7. At its meeting of 25 January 2023, the Committee, having examined the State party's request for discontinuance, noted that the author's son had been enrolled in school. Although this fact does not in itself amount to full reparation for the alleged violations of the Convention, the Committee is of the view that the enrolment of M.Z. in school, shortly after the registration of the present communication, leaves the communication devoid of purpose. The Committee therefore decides to discontinue its consideration of communication No. 147/2021, 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.
