



Convention on the Rights of the Child

Distr.: General
28 October 2024
English
Original: Spanish

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. 175/2022* **

<i>Communication submitted by:</i>	M.E.A.K. (represented by counsel from the non-governmental organization Algeciras Acoge)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Spain
<i>Date of communication:</i>	18 February 2022 (initial submission)
<i>Subject matter:</i>	Deportation of a child to Algeria
<i>Substantive issues:</i>	Non-discrimination; best interests of the child; right to preserve identity; right to be heard; privacy; right to development
<i>Articles of the Convention:</i>	2 (1) and (2); 3 (1)–(3); 8 (1) and (2); 12 (1) and (2); 16 (1) and (2); 18 (2); 20 (1); 27 (1) and (3); and 29

1. The complainant is M.E.A.K., a citizen of Algeria born on 23 May 2005. On an unknown date, M.E.A.K. travelled to Spain on a migrant boat. He claims that the State party has violated his rights under articles 2 (1) and (2), 3 (1)–(3), 8 (1) and (2), 12 (1) and (2), 16 (1) and (2), 18 (2), 20 (1), 27 (1) and (3) and 29 of the Convention. The complainant is represented by counsel from the non-governmental organization (NGO) Algeciras Acoge. The Optional Protocol entered into force for the State party on 14 April 2014.

2. Upon arrival in Almería, Spain, on 11 February 2022, the complainant was detained by the Spanish maritime police. M.E.A.K. stated that he was 16 years old. The following day, the complainant was transferred to Torrecárdenas University Hospital, where an X-ray of his left hand was performed to determine his age (Greulich and Pyle test), which showed him to be 19 years old. The complainant was not assisted by a guardian, lawyer or interpreter. During the test, he reiterated that he was a minor.

3. On 13 February 2022, Almería Court of Investigation No. 5 issued a warrant for the arrest and deportation of M.E.A.K. The complainant was placed in an adult migrant holding centre in Algeciras, Spain. On 15 February 2022, the complainant was interviewed by the

* Adopted by the Committee at its ninety-seventh session (26 August–13 September 2024).

** The following members of the Committee participated in the examination of the communication: Suzanne Aho, Aïssatou Alassane Moulaye Sidikou, Thuwayba Al Barwani, Hynd Ayoubi Idrissi, Mary Beloff, Rinchen Chopel, Rosaria Correa, Bragi Gudbrandsson, Philip Jaffé, Sopio Kiladze, Faith Marshall-Harris, Benyam Dawit Mezmur, Otani Mikiko, Luis Ernesto Pedernera Reyna, Ann Skelton, Velina Todorova, Benoit Van Keirsbilck and Ratou Zara.



NGO Algeciras Acoge and presented a copy of his passport and birth certificate, which indicate his date of birth as 23 May 2005.

4. On 16 February 2022, the complainant's representative filed appeals with the Juvenile Prosecutor's Office of Algeciras, the Procedural Court with jurisdiction over the migrant holding centre in Algeciras, and the Ombudsman's Office, providing a copy of the complainant's passport and birth certificate. However, none of the avenues pursued provided the possibility of suspending the deportation.

5. On 18 February 2022, pursuant to article 6 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and rule 7 of its rules of procedure under the Optional Protocol, the Committee, acting through its working group on communications, decided to register the communication and request the State party to take interim measures consisting in refraining from returning the complainant to Algeria and in transferring him to a child protection centre.

6. On 19 and 21 July 2022, the State party reiterated its observations on admissibility. The State party informed the Committee that the complainant had been transferred the juvenile centre in Bahía de Cádiz and that family reunification had taken place on 8 April 2022, when the author was taken in by his brother who lives in France. Accordingly, the State party requested the Committee to consider the admissibility and merits separately, to find the communication inadmissible and to lift the request for interim measures, which had become devoid of purpose.

7. The State party's observations were transmitted to the complainant for comment. In the absence of a response from the complainant, the secretariat sent reminders asking if he had lost interest in the communication. The secretariat received no response from the complainant.

8. At a meeting on 2 September 2024, the Committee noted that the State party could no longer deport the complainant to Algeria. The Committee therefore considers that the fact that the complainant has been reunited with his brother in France renders communication No. 175/2022 devoid of purpose and decides 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.
