

2.1.3. Conditions to verify documents through an issuing authority or diplomatic channels

The presumption of authenticity of documentary evidence in age assessments may be rebutted through various means of proof, such as the commissioning of expert reports or, as recently recalled by the Italian Supreme Court of Cassation (8 October 2025), verification with the issuing authority or through diplomatic or consular channels.

Crucially, the CRC Committee's jurisprudence suggests that the verification is permissible only with the applicant's consent and if it does not expose them to risk. The CRC Committee has consistently held that documents submitted for the purpose of an age assessment must be treated as genuine unless proven otherwise. It has therefore found violations of Article 8 of the CRC when authorities failed to examine the validity of the documents, including by not contacting the issuing authority, even in cases involving applicants for international protection who had requested the verification (see *R.K.* v *Spain*, 18 September 2019, para 9(10); *A.D.* v *Spain*, 4 February 2020, para 10(17); and *M.B.* v *Spain*, 28 September 2020, para 9(15)).

At the same time, in cases such as *S.M.A.* v *Spain* (28 September 2020, para 7(15))19 and *C.O.C.* v *Spain* (29 January 2021, para 8(14)), the committee faulted authorities for failing to verify documents when such contact would not have exposed the applicants to danger precisely because they had not requested international protection. In addition, in *S.E.M.A.* v *France* (6 March 2023, para 7(15),20 the committee further reinforced that verification is conditional to the applicant's consent.

At the national level, a Slovenian Administrative Court ruling (16 October 2020) illustrates the importance of evaluating information obtained through diplomatic channels alongside other evidence, thus ensuring that presumptions of authenticity remain rebuttable. The case concerned an Afghan applicant who had entered the EU with the help of a smuggler who had arranged for a passport to be issued using false information, including the applicant's date of birth. The court found that the Slovenian authorities had unduly relied on a copy of the passport obtained through the Italian embassy in Afghanistan, which had issued a visa on Slovenia's behalf for attendance at a non-existent sporting event, while dismissing the applicant's *Tazkira* based on general concerns about the reliability of such documents. Although it ultimately upheld their decision to reject refugee status and grant subsidiary protection, the court noted that the authorities had failed to carry out an expert examination of the passport signature and a proper age assessment, as requested by the applicant.

Taken together, this jurisprudence indicates that authorities may verify documents with the issuing authority or through diplomatic channels in cases involving international protection, but only with the applicant's consent and if it does not expose them to risk.

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  UN Committee on the Rights of the Child, *S.M.A. v Spain*, CRC/C/85/D/40/2018, 28 September 2020, para 7(15).

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  UN Committee on the Rights of the Child, *S.E.M.A. v France*, CRC/C/92/D/130/2020, 6 March 2023, para 7(15).

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