Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2195 (2017)[1]

Child-friendly age assessment for unaccompanied migrant children

Parliamentary Assembly

1. More and more unaccompanied children are travelling to Europe as they flee conflicts, seek protection or look for a better life. Many of them are seeking reunification with their families in Europe. The United Nations Children's Emergency Fund (UNICEF) reported that 170 000 unaccompanied minors travelled to Europe in 2015 and 2016. These children often do not have identity documents, which poses a real challenge for the authorities tasked with identifying, protecting and supporting them. In order to provide children the necessary protection and assistance to which they are entitled, it is necessary to determine the age of any undocumented young migrant who may be a child.

2. Age assessment is a process by which authorities seek to establish the chronological age, or age range, of a person, or determine whether an individual is an adult or a child. Currently there is no process of assessment, medical or otherwise, which can determine the exact age of an individual with 100% accuracy. There is also considerable variation in the methods and quality of age assessments undertaken in European States.

3. The Parliamentary Assembly has raised the issue of age assessment of unaccompanied children in several resolutions, in particular Resolution 2136 (2016) on harmonising the protection of unaccompanied minors in Europe, Resolution 1810 (2011) "Unaccompanied children in Europe: issues of arrival, stay and return", Resolution 1996 (2014) "Migrant children: what rights at 18?" and Resolution 2020 (2014) on the alternatives to immigration detention of children, in which it establishes a number of safeguards pertaining to age assessment, emphasising that these procedures should only be carried out if there are reasonable doubts about a person's age and should always be conducted in the best interests of the child.

4. The Assembly welcomes and supports the Parliamentary Campaign to End Immigration Detention of Children and in particular its action to promote child-sensitive age assessment of migrant children.

5. The Assembly is particularly concerned that certain age-assessment methods can be frightening and traumatising for children and may involve inhuman and degrading treatment. In addition, the age-determination process can be negatively life-changing: if a child's age is disputed or if he or she is pronounced an adult, immigration detention and removal are likely to become a reality. In cases of detention, the negative physical and psychological effects on children's health and development are far-reaching and lasting.

6. The many methods of age assessment used in Europe reflect the lack of a harmonised approach and agreed method. The Assembly believes that the development of a child-sensitive, holistic model of age assessment would enable European States to meet the needs of unaccompanied or separated children. It therefore calls on member States to:

6.1. conduct case-by-case, reliable age assessment of unaccompanied migrant children only in cases of serious doubt about the child's age and as a last resort, in the best interests of the child;

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 24 November 2017 (see Doc. 14434, report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Doris Fiala).
See also Recommendation 2117 (2017).

6.2. provide unaccompanied migrant children with reliable information about age-assessment procedures in a language that they understand, so that they can fully understand the different stages of the process they are undergoing and its consequences;

6.3. appoint a guardian to support each unaccompanied migrant child individually during the age-assessment procedure;

6.4. ensure that an unaccompanied migrant child or his or her representative can challenge the age-assessment decision through appropriate administrative or judicial appeal channels;

6.5. use only as a last resort dental or wrist x-ray examinations and all other invasive medical procedures for the purpose of determining the age of unaccompanied or separated migrant children;

6.6. ensure that all medical examinations are sensitive to the child's gender, culture and vulnerabilities and that the interpretation of results takes into account the child's national and social background as well as previous experiences;

6.7. prohibit, in all situations, the use of physical sexual maturity examinations for the purpose of determining the age of unaccompanied and separated migrant children;

6.8. prohibit the detention of unaccompanied or separated children who are awaiting or undergoing age assessment, and always apply the margin of error in favour of the person so that the lowest age in the margin determined by the assessment is recorded as the person’s age;

6.9. identify and provide alternative accommodation options for children awaiting or undergoing age assessment, with a view to avoiding the detention of children during disputes about age, including by temporary placement in centres for children where appropriate safeguards should be in place to protect them and other children in the centres;

6.10. support and promote the development of a single, holistic model of age assessment in Europe, based on the presumption that the person is a minor;

6.11. whenever possible, ensure that the procedure of age assessment is carried out by professionals acquainted with the children’s ethnic, cultural and developmental characteristics.