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(Final version)

Child-friendly age assessment for unaccompanied migrant children

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A. Draft Resolution

1. More and more unaccompanied children are travelling to Europe, fleeing conflicts, seeking protection or looking 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 2015-2016. These children often do not have identity documents, which poses a real challenge for the authorities tasked with identifying, protecting and supporting them. For children to obtain 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 established a number of safeguards pertaining to age assessment, emphasising that age assessment should only be carried out if there are reasonable doubts about a person being underage 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-friendly 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 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

Amendment 1

Tabled by Mr Killion MUNYAMA, Mr Jokin BILDARRATZ, Mr Pierre-Alain FRIDEZ, Mr Roland Rino BÜCHEL, Mr Raphaël COMTE, Mr Michael Aastrup JENSEN

In the draft resolution, paragraph 4, replace the words "child-friendly" with the words "child-sensitive".

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 and 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;
- 6.2. provide unaccompanied migrant children with reliable information about age-assessment procedures in their own language, 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 x-ray examinations in the form of dental or wrist x-rays 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 ethnic specific;
- 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 and separated children who are awaiting or undergoing age assessment, and prohibit the detention of young migrants whose age has been determined as 18 years or more but within a two to three-year margin of error;

Amendment 2

Tabled by Mr Killion MUNYAMA, Mr Jokin BILDARRATZ, Mr Pierre-Alain FRIDEZ, Mr Roland Rino BÜCHEL, Mr Raphaël COMTE, Mr Michael Aastrup JENSEN

In the draft resolution, paragraph 6.2, replace the words "in their own language" with the following words: "in a language that they understand."

Amendment 3

Tabled by Mr Killion MUNYAMA, Mr Jokin BILDARRATZ, Mr Pierre-Alain FRIDEZ, Mr Roland Rino BÜCHEL, Mr Raphaël COMTE, Mr Michael Aastrup JENSEN

In the draft resolution, replace paragraph 6.6 with the following paragraph:

"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 origin as well as previous experiences;"

Amendment 4

Tabled by Mr Killion MUNYAMA, Mr Jokin BILDARRATZ, Mr Pierre-Alain FRIDEZ, Mr Roland Rino BÜCHEL, Mr Raphaël COMTE, Mr Michael Aastrup JENSEN

In the draft resolution, paragraph 6.8, replace the words "prohibit the detention of young migrants whose age has been determined as 18 years or

more but within a two to three-year margin of error" with the following words: "prohibit the detention of unaccompanied and separated children who are awaiting or undergoing age assessment, and applying always the margin of error in favour of the person to the effect that the lowest age in the margin determined by the assessment should be 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 of minor age;
- 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.

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution ... (2017) on child-friendly age assessment for unaccompanied migrant children.
2. The Assembly welcomes the work of the Ad hoc Committee on the Rights of the Child (CAHENF), with the support of its Drafting Group of Experts on Children's Rights and Safeguards in the context of Migration (CAHENF-Safeguards) to develop guidelines on guardianship and age assessment, in order to provide appropriate safeguards for children in the context of migration.
3. The Assembly calls on the Committee of Ministers to:
 - 3.1. adopt the guidelines for guardianship and child-friendly age assessment as soon as they have been elaborated by the CAHENF, taking into account the Assembly's relevant recommendations;
 - 3.2. ensure, through the relevant intergovernmental body, the follow-up to the implementation of these standards in the member States.