

September 2011

It gives us great pleasure to share with you a **Report on Age Assessment** prepared by the Age Assessment Thematic Group of the Separated Children in Europe Programme.

The **Separated Children in Europe Programme (SCEP)** started as a joint initiative of some members of the International Save the Children Alliance and the United Nations High Commissioner for Refugees (UNHCR). It has grown and evolved and is now comprised of many non-governmental (NGO) partners throughout Europe who continue to work closely with UNHCR.

The programme aims to realise the rights and best interests of separated children who have come to, or across Europe, by establishing a shared policy and commitment to best practice at national and European levels. As part of this process the programme has an ongoing commitment to developing partnerships with organisations working with separated children in European countries.

The vision that drives the programme's work is that *'the rights of all separated children entering or travelling across Europe will be realised, in particular; they will be protected, their well-being and development will be promoted, they will have opportunities to develop their full potential and they will participate in a meaningful way in the development of policies and practices that impact upon their lives'*.

The **Age Assessment Thematic Group** is comprised of representatives from the SCEP NGO Network members particularly interested in this topic aimed on improving the procedures and safeguards for those whose age is disputed and assessed, in order to bring them in line with child rights principles all over Europe.

The Age Assessment Thematic Group has produced a report on age assessment which summarises current laws, policies and practices related to age assessment in 16 countries in Europe collected by SCEP partners between June and November 2010. The main purpose of the report is to give an overview of the various age assessment policies and methods implemented in selected European countries. It is also meant as a tool to stimulate further dialogue and research to improve current policies and practice and identify good practices. The report was endorsed by the SCEP Steering Committee in June 2011 and identifies several critical issues which were identified as common practice within the selected countries.

The report constitutes the first step in a process; the next step is to develop a position paper for further advocacy purposes.

Short summary of critical issues identified in the report:

Legal framework:

- Existing legal provisions are in most countries very general or limited and they are therefore often open to interpretation by the various relevant actors. There is a need for clearer, more detailed policies and guidelines.

Practice:

- In most countries age assessment has become a routine practice involving an increasing number of separated children. One of the reasons for this is that age assessment is mainly initiated in relation to asylum procedures and to determine whether someone claiming to be a child is actually under 18 years old, or in some cases whether the child is under or over the age of 15.
- The medical methods used (primarily hand, wrist and dental x-rays) are very uncertain and provide a considerable margin of uncertainty. They thus lack the accuracy to determine an exact age, which can have severe consequences for the child.
- Consent is generally obtained from the child and information given about why the age assessment is undertaken. However, the information is not always given in the child's native language or in a child friendly manner and this raises questions about the validity of the consent given by children and whether their decision was properly informed by accessible information. Pediatricians were involved in around 50% of the responding countries and practically no country uses Cultural Linguistic Mediators in the process.
- Professionals undertaking examinations are rarely specifically trained in conducting age assessments nor are they familiar with reasons why the child's age is being assessed. Many also lack specialist children's treatment competencies.
- In most countries a guardian is not appointed to represent the child throughout the age assessment process and, pending results of the assessment, children are in many cases placed in facilities with adults (especially if there is an initial perception that the child is over 18 years old).
- In most countries the possibility to appeal exists, but in practice there are often several constraints that hinder a child in being able to access appeal mechanisms. For example, children are not always sufficiently informed about their rights to appeal, or they lack adequate support to be able to lodge an appeal (for example if a guardian is not appointed at their arrival).
- In most countries refusal to undergo age assessments procedures can, in practice, have a negative impact on the child – often they are simply treated as an adult and the burden of proof is put entirely on the child to prove otherwise. Refusal may also undermine their asylum application, as it fosters doubt about their credibility.
- There is a general lack of data which makes it difficult to identify any trends or get information, for example, on percentages of cases assessed to be over 18 years old.

If you have some questions about the report you can contact the members of the Age Assessment Thematic group:

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On behalf of the Separated Children in Europe Programme Thematic Working Group
on Age Assessment

Yours sincerely

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