

**INTERNATIONAL FEDERATION OF SOCIAL WORKERS – EUROPE
Delegates Meeting – May 2017 – Reykjavík , Iceland
WORKING WITH YOUNG ASYLUM SEEKERS AND REFUGEES
SOURCES OF INFORMATION IN EUROPE ON AGE DETERMINATION**

These are selective references to relevant documents to assist the discussion and NOT a comprehensive bibliography of all relevant material.

Safeguarding the best interests of the child in age assessment procedures – EU guidance

An expert meeting on age assessment procedures took place in Malta on 27-30 September 2016 convened by the European Asylum Support Office (EASO). The [European Union Agency for Fundamental Rights](#) presented the links between fundamental rights and procedural safeguards on age assessments. This presentation and the follow-up discussions will feed into a revised edition of the 2013 EASO publication on age assessment, which will also include a number of recommendations for Member States and a checklist to ensure age assessment procedures are carried out in the best interest of the child. Member State representatives and NGOs also attended the event.

<http://fra.europa.eu/en/news/2016/expert-group-hears-fundamental-rights-implications-age-assessments>

The Heart of the Matter: Assessing Credibility when Children Apply for Asylum in the European Union

UN High Commission for Refugees & European Refugee Fund of the European Commission

A positive credibility finding is a prerequisite for being recognized as a refugee, whether the applicant is an adult or a child.¹ Nevertheless, how the credibility of children’s claims is assessed has rarely been studied, and international and domestic legal frameworks provide little guidance on this subject. Research in other areas of law suggests that assessing children’s credibility is especially difficult. This is because their memories are less developed than those of adults, they are more suggestible than adults, and they do not have the same communication skills.

Credibility assessment is of course not an exact science. It involves judging whether an individual is being deliberately deceptive, is simply mistaken about some of the information he or she conveys, or is unable to provide the necessary information.

The Heart of the Matter aims to help decision-makers assess the credibility of children’s claims in a fair, objective and consistent manner. It sets out a number of observations that could serve as the foundation for guidance on the subject. It is hoped that this research will contribute towards strengthening practice in the difficult area of child asylum claims, and towards UNHCR’s elaboration of globally applicable Guidelines on Credibility Assessment.

<http://www.refworld.org/pdfid/55014f434.pdf>

Asylum Information Database (AIDA)

AIDA is a database managed by the European Council on Refugees and Exiles (ECRE), containing information on asylum procedures, reception conditions, detention and content of international protection across 20 countries. This includes 17 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Sweden, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

<http://www.asylumineurope.org>

Review of current laws, policies and practices relating to age assessment in sixteen European Countries

A questionnaire was circulated among the SCEP Network and filled in between June and November 2010 by SCEP Members based in 16 European Countries.

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 it now comprises a Network of non-governmental organizations (NGOs) as partners throughout Europe who continue to work closely with UNHCR.

<http://www.separated-children-europe-programme.org/images/17/166.pdf> p7

Detriment of the Doubt: Age Assessment of Unaccompanied Asylum-Seeking Children

AIDA Legal Briefing No. 5 December 2015

In line with international and European standards, Member States are under an obligation to protect all children from violence, and hold primary responsibility to establish comprehensive child protection systems. The EU seeks to support Member States in this endeavour, as the promotion of the protection of the rights of the child is an explicit objective in Article 3(3) of the Treaty on European Union (TEU). Although all provisions of the Charter on Fundamental Rights of the EU (the Charter) equally apply to children, Article 24 on the rights of the child (based on the specific provisions of the UN Convention on the Rights of the Child) ensures visibility and respect for the rights of the child within EU law.

This briefing sets out the key legal principles that should guide EU Member States' practices in age assessment within the asylum procedure, drawing on both international and EU law. It then looks at examples of how these have been interpreted in different national procedures, assessing the priority and weight awarded to medical examinations, as well as the treatment of alleged child asylum seekers throughout the age determination procedure.

http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/AIDA%20Brief%205_AgeAssessment.pdf

Separated Children in Europe Programme, Position Paper on Age Assessment in the Context of Separated Children in Europe, 2012

This Paper represents the position of the SCEP on age assessment in the context of separated children in Europe. In particular, it aims to provide concrete recommendations to States and other relevant stakeholders on how to ensure full respect of the rights that separated children are entitled to, when doubts concerning their age may arise. This Paper represents the basis on which SCEP will pursue advocacy around age assessment in Europe. SCEP's positions presented in this Paper are based on the current situation concerning laws, policies and practices related to age assessment in Europe, primarily as it resulted from a review undertaken by SCEP in 16 European countries. The bibliography in this Paper identifies some further reports and studies that are relevant in the area and that have informed this document (Annex 2).

<http://www.scepnetwork.org/images/16/163.pdf>

Italy: Age assessment procedure for unaccompanied children victims of trafficking

The Italian Presidential Decree 234/2016, setting out a procedure for age assessment of unaccompanied children victims of trafficking, entered into force on 6 January 2017.

The decree clarifies the procedure for determining a child's age and sets out a number of important guarantees. Firstly, only where there are serious doubts can the police order a multidisciplinary age assessment. The assessment must be conducted by a multidisciplinary team at a public health facility and include social interaction, a paediatric evaluation and a psychological or neuropsychiatric evaluation, in the presence of a cultural mediator, in accordance with the best interests of the child principle. Secondly, the report of the age assessment procedure must specify the margin of error of the methods used and be shared with the individual and their guardian. A possibility to contest the age assessment is also foreseen in the decree.

<http://www.asylumineurope.org/news/28-02-2017/italy-age-assessment-procedure-unaccompanied-children-victims-trafficking>

Sweden: Proposal to introduce right to appeal age assessment

The Swedish Ministry of Justice has submitted a proposal establishing an age assessment procedure at an early stage in the asylum process. The bill amends the Swedish Aliens Act and Aliens Ordinance to that end.

The proposal comes against the backdrop of different methods of determining the age of asylum seekers in Sweden, at times through medical examinations and assessments by officials which have deprived children of much needed special protection. In its comments on the proposal, the Swedish Network of Refugee Support Groups (FARR) recalls that the age of asylum seekers cannot be determined by medical methods: these can only define an age range rather than an exact birth date. Despite their dubious reliability and interference with the best interests of the child, however,

medical examinations have been excessively relied upon as a means of age assessment by a number of European countries.

25 11 2016

<http://www.asylumineurope.org/news/28-02-2017/sweden-proposal-introduce-right-appeal-age-assessment>

Council of the European Union Resolution on unaccompanied minors who are nationals of third countries, 26 June 1997, 97/C 221/03

[http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31997Y0719\(02\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31997Y0719(02))

European Parliament resolution of 12 September 2013 on the situation of unaccompanied minors in the EU (2012/2263(INI))

15. Deplores the unsuitable and intrusive nature of the medical techniques used for **age assessment** in some Member States, which may cause trauma, and the controversial nature and large margins of error of some of the methods based on bone maturity or dental mineralisation; calls on the Commission to include, in the strategic guidelines, common standards based on best practices, concerning the age assessment method, which should consist of a multidimensional and multidisciplinary assessment, be conducted in a scientific, safe, child-sensitive, gender-sensitive and fair manner, with particular attention to girls, and be performed by independent, qualified practitioners and experts; recalls that age assessment must be conducted with due respect for the child's rights and physical integrity, and for human dignity, and that minors should always be given the benefit of the doubt; recalls also that medical examinations should only be conducted when other age assessment methods have been exhausted and that it should be possible to appeal against the results of this assessment; welcomes the work of EASO on this subject, which should be taken as a basis for dealing with all minors;

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0387+0+DOC+XML+V0//EN>

Treatment of unaccompanied and separated children outside their country of origin

UN Committee on the Rights of The Child 17 May - 3 June 2005 CRC/GC/2005/6

The best interests of the child must also be a guiding principle for determining the priority of protection needs and the chronology of measures to be applied in respect of unaccompanied and separated children. This necessary initial assessment process, in particular, entails the following:

(i) Prioritized identification of a child as separated or unaccompanied immediately upon arrival at ports of entry or as soon as their presence in the country becomes known to the authorities (art. 8). Such identification measures include **age assessment** and should not only take into account the physical appearance of the individual, but also his or her psychological maturity. Moreover, the assessment must be conducted in a scientific, safe, child and gender-sensitive and fair manner, avoiding any risk of violation of the physical integrity of the child; giving due respect to human

dignity; and, in the event of remaining uncertainty, should accord the individual the benefit of the doubt such that if there is a possibility that the individual is a child, she or he should be treated as such;

<http://www.refworld.org/docid/42dd174b4.html>

Guidance to assist social workers and their managers in undertaking age assessments in England

Association of Directors of Children's Services (ADCS)

http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

BASW Position Statement: Age Assessment/Age Determination

<https://www.basw.co.uk/resource/?id=4181>

Advice to BASW members on Age Determination

Criticises the guidance issued by ADCS that social workers SHOULD undertake age assessments (and should give the 'benefit of the doubt' in cases where the age is uncertain).

http://cdn.basw.co.uk/upload/basw_44342-5.pdf

BASW

19 May 2017