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## **Ad hoc Committee for the Rights of the Child (CAHENF)**

### **Drafting Group of Experts on Children's Rights and Safeguards in the context of migration (CAHENF- Safeguards)**

**Working title: Draft Recommendation CM/Rec(2019)... of the Committee of Ministers to member states on Human Rights Principles and Guidelines on age assessment for children in the context of migration (sixth working version, 14 April 2019)**

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**Working title: Draft Recommendation CM/Rec(2019)... of the Committee of Ministers to member states on Human Rights Principles and Guidelines on age assessment for children in the context of migration (sixth working version, 14 April 2019)**

[1] The Committee of Ministers, under the terms of article 15.b of the Statute of the Council of Europe;

[2] Considering that the aim of the Council of Europe is to achieve greater unity between its members, *inter alia*, by promoting common standards and co-operation in the field of human rights;

[3] Reaffirming the principle of equal dignity of all human beings and the principle of full and equal enjoyment of human rights and fundamental freedoms of any child within the state's jurisdiction, regardless of his or her nationality, migration, residence or other status;

[4] Having regard to states' obligations and commitments towards children as undertaken in international legal instruments, notably the United Nations Convention on the Rights of the Child (1989) and its optional protocols, the United Nations Convention Relating to the Status of Refugees (1951) and its Protocol (1967), the UN Convention on the Rights of Persons with Disabilities (2006), the Convention for the Protection of Minors (1961), and its Recommendation concerning the application to Refugee Children and other Internationally Displaced Children (1994), the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996), as well as the provisions under international humanitarian law instruments and instruments covering refugee and stateless persons;

[5] Considering the necessity of ensuring the effective implementation of existing European standards protecting and promoting children's rights in general, as well as those covering aspects specific to children in migration, in particular the European Convention on Human Rights (ETS No. 5) and the Protocols thereto, the European Social Charter (ETS No. 35 and its revised version, ETS No. 163), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and the Modernised Convention (CETS No. 223), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), the Council of Europe Convention on Human Rights and Biomedicine (ETS No. 164), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);

[6] Mindful of the Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (16 November 2017);

[7] Taking into account the relevant decisions on individual communications of the United Nations Convention on the Rights of the Child, as well as other relevant decisions and recommendations of international monitoring bodies and committees;

[8] Taking into account the relevant case law of the European Court of Human Rights, and the relevant recommendations, resolutions and declarations of the Committee of Ministers and of the

Parliamentary Assembly of the Council of Europe in this field, as well as relevant decisions and recommendations of Council of Europe monitoring bodies and committees;

*[8]Or alternatively [9-10]*

[9] Bearing in mind the Council of Europe Parliamentary Assembly Resolutions, notably Resolution 2020 (2014) on the alternatives to immigration detention of children, Resolution 2136 (2016) on Harmonising the protection of unaccompanied minors in Europe, and Resolution 2195 (2017) on child-friendly age assessment for unaccompanied migrant children;

[10] Noting the relevant Committee of Ministers' Recommendations to member states in the area of children's rights, including Recommendation Rec(2003)5 on measures of detention of asylum seekers, Recommendation Rec(2005)5 on the rights of children living in residential institutions, Recommendation Rec(2011)12 on children's rights and social services friendly to children and families, Recommendation Rec(2012)2 on the participation of children and young people under the age of 18, as well as the Committee of Ministers' Guidelines on child-friendly justice (2010) and on child-friendly health care (2011) and the Recommendation Rec(2019)4 of the Committee of Ministers to member states on supporting young refugees in transition to adulthood;

[11] Referring to the Council of Europe Programme "Building a Europe for and with children", the Council of Europe Strategy on the Rights of the Child (2016-2021), and the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019);

[12] Recognising that states should respect, protect and fulfil the rights of the child, and that children in migration should be treated first and foremost as children;

[13] Deeply concerned that children in migration are in particularly vulnerable situations, irrespective of whether they are accompanied, unaccompanied or separated from their parents, and as such are at increased risk of violation of their fundamental rights and freedoms;

[14] Bearing in mind the different circumstances in which the necessity to conduct an age assessment could arise;

[15] Acknowledging that the current limitations of scientific methods and capabilities only enable states to estimate the range of age of a person and that legislation and practices on age assessment vary, including within the territory of the same state, thereby creating legal uncertainty and risks of discrimination;

[16] Recalling the right of the child to have their best interests taken as a primary consideration in all matters concerning them and that any legitimate interest of the state to determine the age of a child must respect the rights of the child;

[17] Considering that guidelines based on the fundamental principles in the field of human rights should inspire the practices of member states and contribute to the further development of legislation, policies and practices in member states that uphold the rights of the child in the context of age assessment;

*Recommends* that the governments of member states take or reinforce in their legislation and practice, all measures they consider necessary with a view to implementing the following principles and guidelines:

1. **In relation to age assessment in the context of migration, the fundamental principle underlying all other principles, is respect for the dignity of each child as a human being and rights holder. The laws, procedures and practices relating to age assessment shall be based on respect for their human rights and fundamental freedoms.**
2. **States should ensure that a person who undergoes an age assessment is presumed to be a child unless and until determined otherwise through an age assessment.**
3. **States should have in place a clearly established process for age assessment, which uses a multi-disciplinary approach grounded in evidence-based knowledge, methods and practice and which is child-centred.**
4. **Recourse to medical examination for age assessment purposes should be a matter of last resort and should only be undertaken with the person's informed consent and with due respect for the principles of proportionality and the best interests of the child.**
5. **A clear framework should be in place which sets out the referral to age assessment, the implementation process and procedures, and the decision-making process, complemented where necessary by additional instructions and guidance.**
6. **Age assessment should be carried out by designated professionals, in accordance with relevant professional obligations and standards, and appropriate professional training should be provided for all those responsible for intervening in age assessment and related proceedings.**
7. **The decision on age assessment should be notified to the person in a child-friendly manner and includes details of the legal and evidence-based factual reasons for the decision and on effective remedies available. The decision should be subject to review or appeal before an independent authority.**
8. **The child's right to private and family life should be guaranteed in the context of the processing of personal data for the purpose of age assessment.**
9. **States are encouraged to develop research and co-operation for the purpose of age assessment.**

*Invites* governments of member states to translate and disseminate the text of this recommendation, the appendix and the explanatory report as widely as possible amongst all competent national authorities, officials and professionals, including non-governmental actors.

*Recommends* making use of existing mechanisms or where appropriate establish new ones, both nationally and at European level, to promote, review and share progress on the implementation of these guidelines, with the involvement of relevant stakeholders.

## **Appendix to Recommendation (2019)xx - Human Rights Principles and Guidelines on age assessment for children in the context of migration**

### **I. Purpose**

1. The present Principles and Guidelines are intended to support states to ensure that any age assessment of a person within their jurisdiction upholds their human rights and dignity and their right to protection from all forms of violence or exploitation, in line with international and European standards.
2. Taking into account the relevant international and European legal instruments, as well as guidance and experience in this area, these Human Rights Principles and Guidelines seek to:
  - a) provide guidance on the development and implementation of human rights-based age assessment that safeguards and respects the rights of the child;
  - b) encourage states to facilitate and promote the exchange of human rights-based, child-centred age assessment practices, as well as to consider mechanisms to enable that decisions concerning age assessment taken in other member states can be taken into consideration by relevant authorities in order to provide greater protection of the welfare of children.

### **II. Scope and Definitions**

3. The Human Rights Principles and Guidelines should apply to any age assessment in the context of immigration and asylum procedures. These principles and guidelines may also be of assistance to authorities when undertaking age assessment in other situations.
4. For the purposes of this recommendation:
  - a) "*child*" shall mean any person under the age of 18 years;
  - b) "*Unaccompanied child*" refers to a child who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so;
  - c) "*Age assessment*" refers to any process carried out by a competent authority to estimate a person's age;
  - d) "*Guardian*" refers to a person who is appointed or designated to support and assist unaccompanied and separated children in processes concerning them, and where necessary and provided by law, to complement their limited legal capacity. Where an institution or organisation is appointed or designated as a guardian to support, assist and exercise legal capacity for a child, it should designate a natural person to carry out the duties of a guardian. The guardian acts independently to ensure that the child's rights, best interests and well-being are guaranteed. The guardian acts as a link between the child and all other stakeholders with responsibilities for them. This operational definition takes into account that the term used, as well as the function and manner of appointment of a guardian vary from jurisdiction to jurisdiction;

- e) “*identity document*” means any document that is issued by a competent authority according to national law, or international law where appropriate, in order to confirm the identity of the document holder;
- f) “*medical examination*” refers to an examination conducted by a qualified medical practitioner based on established scientific methods and protocols;
- g) “*child-friendly information*” is information that is adapted to a child’s age, maturity, language, sex, and culture. This will require the information provider to adjust the information and complexity of their communication according to each individual child’s situation right up to the age of 18. These elements should be taken into account cumulatively.

### III. Guidelines on age assessment for children in the context of migration

#### Principle 1 – Respect for human rights and fundamental freedoms and principles

1. In relation to age assessment in the context of migration, the fundamental principle underlying all other principles, is respect for the dignity of each person as a human being and rights holder. The laws, procedures and practices relating to age assessment shall be based on respect for their human rights and fundamental freedoms.

##### *Human dignity and right to freedom from torture, or inhuman or degrading treatment*

2. States shall ensure age assessment is carried out in conditions which are compatible with the respect for human dignity and safety. The manner and methods of execution of age assessment shall not subject any person to torture, or inhuman or degrading treatment, or affect their health, their physical or psychological integrity.

3. No one shall be subjected to invasive medical procedures for age assessment. Any examination involving nudity or examinations of the genitalia for age assessment purposes should be prohibited.

##### *Legality*

4. Age assessment should take place in accordance with the law.

##### *Best interests of the child*

5. States shall require the competent authorities responsible for age assessment to ensure that the best interests of the child are a primary consideration in all actions concerning the child.

##### *Necessity*

6. In accordance with the principle of necessity, the use of age assessment should be limited to situations where it is necessary to ensure the appropriate treatment of children, and when conducted, it should be carried out in the least invasive manner to achieve this aim.

7. Age assessment should not take place as a matter of routine but only when a competent authority has reasonable doubts about the age of a person and the assessment of their age is necessary to determine their rights and applicable procedures.

8. States should obtain the informed consent of the person before proceeding with an age assessment. Where, according to law, a child does not have the capacity to consent to the age assessment, the age assessment may only proceed with the authorisation of his or her legal representative or an authority or a person or body provided for by law.

9. A person should have the right to refuse to participate in the age assessment. Refusal should not give rise to any adverse inferences on their asylum, immigration or other application.

#### *Provision of a guardian*

10. When there is uncertainty as to whether a person is a child, and unless and until determined otherwise, States should ensure that he or she has a guardian without delay or that follow-up of his or her rights is guaranteed by the guardianship authority in the context of age assessment.

#### *Protection, assistance and safety measures*

11. Age assessment should not take place until the person's safety and immediate protection needs have been met. Appropriate protection measures may include provision of:

- a) counselling and information, in a language that they understand, in particular as regards their legal rights and the services available to them, including legal advice on participation in an age assessment procedure;
- b) material assistance;
- c) medical treatment;
- d) translation and interpretation services, where appropriate.

12. Additional care and assistance shall be provided to vulnerable persons, including presumed victims of trafficking in human beings and victims of violence, before proceeding with the age assessment procedure and during the age assessment.

13. The competent authorities should provide information in a child-friendly manner about the person's rights, the reasons for the referral to age assessment, the procedure, the likely duration of the procedure, the possible outcomes and consequences of any decision and the remedies available to challenge the decision and how to exercise their rights. The guardian should also receive information about the referral for age assessment and throughout the procedure.

14. States should ensure that a person is protected from all forms of violence and exploitation, in particular sexual abuse and exploitation, throughout the age assessment procedure. Any suspicion or allegation of sexual abuse or exploitation shall be promptly investigated.

15. Accommodation placement should take into account a child's immediate safety and well-being. States should ensure the safety and best interests of children whose age is not disputed when accommodating persons undergoing age assessment, and where necessary and appropriate, accommodate the latter separately.

16. The person undergoing age assessment should have access to accommodation which is adapted to their specific needs, taking into account their claimed age, their sex, their cultural background and any particular vulnerabilities such as if they have been a victim of violence, if they are a victim of trafficking in human beings or other form of exploitation and abuse and any form of disability whether

physical or mental. The person undergoing age assessment should be accommodated separately from adults who are unrelated to them.

17. When considering contacting the authorities of the country of origin or former residence of a person involved in an age assessment procedure, the competent authorities shall act in accordance with their obligations under international law, to ensure the safety of the person or his/ her family.

#### *Healthcare, education and welfare*

18. The person undergoing age assessment should have access to education, healthcare and welfare support throughout the age assessment procedure without discrimination.

#### *Interpretation*

19. The person undergoing an age assessment should be assisted by a qualified and impartial interpreter throughout the procedure, where it is carried out in a language other than their mother tongue.

#### *Access to independent legal advice*

20. States should ensure that the person has access to independent legal advice and representation from a qualified professional about the age assessment, including whether they should exercise their right to refuse to participate, the consequences of the refusal and how to proceed with any connected procedures such as asylum, immigration and family reunification applications.

#### *Right to liberty and protection from use of force or restraint*

21. A child has a fundamental right to liberty, as such he or she should not be deprived of their liberty for age assessment purposes. The use of force or restraint, or deprivation of liberty cannot be justified for age assessment purposes, taking into account that a person cannot be expected to give freely informed consent, in view of their vulnerability at the hands of the authorities that exercise control.

### **Principle 2. Presumption of minority**

1. States should ensure that a person who undergoes an age assessment is presumed to be a child unless and until determined otherwise through an age assessment.

2. In application of the presumption of minority, states should treat the person as a child, and uphold his or her rights from the moment of referral and throughout the procedure of age assessment and ensure that the person is referred to and has effective access to appropriate child-protection services without discrimination or delay.

3. Where there are doubts about the age of a person claiming to be an adult and there are reasons to believe the person may be a child, the protection and assistance measures provided to children should apply.

#### *Benefit of the doubt*



4. If doubts remain after completion of the age assessment procedure, the person should be considered a child.
5. The margin of error applicable to each element of the age assessment procedure should be recorded and each element given due weight according to the scientific validity of the results, the margin of error should be applied in favour of the child.

### **Principle 3. Age assessment involving an evidence-based multi-disciplinary approach**

#### *Age assessment process*

1. States should have in place a clearly established process to assess and make an authoritative decision on a reasoned estimate of age, which is child-centered.
2. States should consider carrying out age assessment through a multi-disciplinary approach, whereby a range of professionals co-operate to make an estimation of a person's age with due consideration of physical, psychological, developmental, environmental and socio-cultural factors, and which is grounded in evidence-based knowledge, methods and practice.
3. This approach should include:
  - i. an examination of the documentation available to the competent authorities or provided by the person;
  - ii. an interview by qualified professionals with the person undergoing age assessment with due consideration of physical, psychological, developmental, environmental and cultural factors.

If reasonable doubts persist, states could resort to a medical examination, in accordance with Principle 4.

4. Identity documents should be considered determinative of age, unless considered invalid in line with procedures set out in law for verification of a person's identity documents.
5. The age assessment should be adequate and thorough; the authorities should reach a decision based on the evidence and information provided by the person, and where necessary the interview and other available evidence.
6. The person should be given the opportunity to clarify any inconsistencies arising during the interview and reasonable time to provide evidence of identity which is not in their possession.
7. The professionals responsible for each part of the age assessment should act promptly, impartially and independently.
8. National authorities should co-operate and coordinate in planning, undertaking and completing the assessment, in accordance with information-sharing and data protection standards.

#### *Child-friendly procedures and safeguards*

9. Interviews for age assessment should take place in a child-friendly setting, and under the most suitable conditions, in accordance with the child-friendly justice guidelines.

10. The rights to be heard and to participate should be guaranteed from the moment of referral and throughout the age assessment, including during any procedure to challenge the age assessment decision. The views of the person should be given due weight in accordance with their evolving capacities and maturity.

11. The person undergoing an age assessment should be able to be accompanied through the procedure by a person of trust of their choice, unless this would be contrary to the best interests of the child. The legal representative or guardian should be present to support the person throughout the procedure of age assessment.

#### **Principle 4. Principles applicable to medical examination in the context of age assessment**

1. Medical examination for age assessment purposes should be carried out as a matter of last resort and should only be undertaken with the person's informed consent, and with due respect for the principles of proportionality and of the best interests of the child.

2. Medical examination for age assessment purposes should only take place:

- following a best interest assessment, if a medical examination of the person claiming to be a child complies with the principle of the best interests of the child;
- with the informed consent of the person claiming to be a child, or where a child does not have the capacity to consent, with the authorisation of his or her parent, guardian or legal representative, and
- where persistent doubts remain about the estimated age of the person once all other elements of the multi-disciplinary approach have been exhausted.

##### *Principle of proportionality*

3. The competent authorities should act proportionately and use the least invasive method available, considering that as a general rule, children should not be exposed to radiation for non-medical imaging purposes or to any medical method which entails risks or detrimental effects for their health.

4. States should ensure that evidence-based methods and practices are adopted, excluding inaccurate medical methods.

##### *Best interests*

5. The best interests of the child shall be a primary consideration in all decisions concerning the use of medical examination for age assessment.

6. States should take measures to ensure that qualified professionals assess the best interests of the child and in particular whether any vulnerabilities of the person would make medical age assessment or the use of a specific method, inappropriate for that person.

7. The best interests assessment should take into account any vulnerability characteristics and the physical and mental well-being of the person. Particular attention should be given to children suffering from post-traumatic stress disorder, pregnant girls, victims of trafficking in human beings, of violence including sexual violence and exploitation. Professionals should have specific skills and training to conduct the assessment.

8. When it is assessed appropriate, the person should be able to choose the sex of the professional conducting the medical examination.

9. In accordance with the principle of the best interests of the child, when interpreting the results of a medical examination for age assessment purposes, states should apply any margin of error in favour of the person undergoing age assessment.

#### *Informed consent for a medical examination*

10. The person undergoing age assessment should be informed by a professional in a child-friendly manner about the method to be used and the duration of the examination.

11. The medical practitioner should ensure that a valid informed consent to the medical examination has been obtained from the person before proceeding with an examination. Where, according to law, a child does not have the capacity to consent to the medical examination, it may only proceed with the authorisation of his or her parent, guardian or under the authority of a person or body provided for by law.

12. The informed consent should be given expressly and be documented; such consent may be freely withdrawn at any time.

#### **Principle 5. Legal and policy frameworks**

1. States should have in place a clear framework setting out the conditions for referral, the implementation of the age assessment process and procedures, and the decision-making process, and should ensure that the framework covers, inter alia, the following elements:

- i) requirements for authorities to ensure that the best interests of the child shall be a primary consideration in all actions implemented in this context, emphasising the need to take into consideration the individual situation of the person, including any specific needs and vulnerabilities;
- ii) referral to age assessment should only take place following a reasoned decision;
- iii) the age assessment procedure should result in a separate decision based on a written report documenting age assessment methods used and the reasons for the decision;
- iv) effective complaints mechanisms and access to effective remedies before a higher administrative authority or a court of law.

2. The framework should provide guidance to the authorities and professionals responsible for age assessment on how to apply the principle of the best interests of the child at the various stages in the age assessment and the modalities of seeking and obtaining a valid informed consent.

3. The age assessment framework should provide for specific safeguards to take into account the specific needs and vulnerabilities of persons undergoing age assessment.

4. Age assessment frameworks should set time limits for referral to age assessment, for the duration of the procedure and of the decision-making process, and the time limit to lodge a complaint, and an application for review or appeal as appropriate.
5. The age assessment framework should identify the authorities and professionals responsible for referral to age assessment, for carrying out the age assessment, and for making age assessment decisions as well as the bodies responsible for their oversight, and their roles and responsibilities in this context.
6. Consideration should be given to the establishment of mechanisms for the resolution of any conflicts between persons or bodies authorised to consent or refuse consent to medical examination in relation to persons who are incapable of giving consent.
7. States should ensure that the age assessment decision is recognised by all relevant national authorities, to avoid multiple age assessments or conflicting decisions at national level.
8. The framework should set down the complaints mechanisms and effective remedies available, including administrative and judicial remedies or appeals.
9. The framework should set down specific rules and regulations for the selection, monitoring and accountability of private actors entrusted with implementing age assessment.

#### **Principle 6. Professional standards and training**

1. Age assessment should be carried out by designated professionals, in accordance with relevant professional obligations and standards, and appropriate professional training should be provided for all those responsible for intervening in age assessment and related proceedings.

##### *Professional standards and confidentiality*

2. States should ensure that rules of conduct are in place for professionals implementing age assessment, aimed at preventing the misuse of information collected in the course of age assessment and covering in particular the duty to observe confidentiality.
3. Professional standards should provide for the impartiality and accountability of competent authorities and professionals involved in age assessment.
4. States should ensure that all personnel working in contact with a child for the purposes of age assessment are subject to regular vetting.
5. Medical examinations should be carried out by qualified, registered medical practitioners in compliance with national standards on medical ethics.

##### *Training*

6. States should ensure that all professionals working with children and intervening in age assessment receive interdisciplinary initial and continuous training, including on promising practices and operational models.

7. Professionals should receive appropriate training on in safeguarding children and vulnerable adults, including how to identify victims of violence, victims of trafficking in human beings and other forms of exploitation and on related reporting mechanisms, as well as on protecting the dignity, human rights and fundamental freedoms of persons.

8. States should consider promoting practical measures to foster high quality of judicial decisions on age assessment, notably through legal education and training of judges and other legal professionals.

### **Principle 7. Outcome of the age assessment, reasoned decision and remedies available**

#### *Expert or professional evidence*

1. A written report should include a clear statement on the age assessment reliability, to allow the decision-making body to consider any doubt such that it leads to the more favourable legal outcome for the person undergoing age assessment.

#### *Duty to give reasons*

2. The age assessment decision should be given in writing and include details of the reasons for the referral and for the decision, the methods used, the specific margin of error applicable to the method used and the scientific reliability of any medical examination used.

#### *Decision on minority*

3. If the decision confirms the minority of the child, states should ensure the continuity of the rights of the child including access to appropriate accommodation, healthcare and education.

4. The child should continue to be supported by a guardian. If the appointment of the guardian was on a temporary basis for the duration of the age assessment, a guardian should be appointed without delay.

#### *Decision on majority*

5. A person who is assessed to be over the age of eighteen should be referred to relevant adult services, where they have been identified as having particular vulnerabilities they should be referred to services for the protection of vulnerable adults.

#### *Notification*

6. The person should be notified immediately, in a language and manner that the person understands, of the legal and evidence-based factual reasons for the age assessment decision and on the effective remedies available. All supporting documentation should promptly be made available to the person and his/her guardian or legal representative.

#### *Effective remedies*

7. The age assessment decision should outline the remedies available to challenge the decision, any time limits applicable and how to exercise those remedies.

8. The age assessment decision determining the subject of age assessment to be over the age of 18 should be subject to review or to administrative or judicial appeal before a separate independent authority. Such mechanisms should not impose any financial burden on the person concerned and his/her parent, guardian or legal representative.

9. States should take all appropriate measures to establish accessible and effective mechanisms which ensure that a child receives prompt and adequate reparation for any harm suffered as a result of age assessment.

#### **Principle 8. Privacy and personal data**

1. States shall take measures which safeguard the child's right to private and family life in the context of the processing of personal data for the purpose of age assessment.

2. States should take measures to ensure that in the context of an age assessment procedure, a person's personal data is processed in accordance with the law for specific purposes and with the free, explicit, informed consent of the person. Where, according to law, a child does not have the capacity to consent to the sharing of personal data, the authorisation of his or her guardian or another person or body provided for by law must be given in accordance with appropriate safeguards, and due respect for the data minimisation principle.

3. National law must afford adequate guarantees against the risk of unlawful access, misuse and abuse of data processed, in particular special categories of data, may present higher risks for the interests, rights and fundamental freedoms of the data subject.

4. The child should be informed in a child-friendly manner about the data that will be held on record, about available mechanisms through which they can access their records, and the procedures available to apply for rectification of data held on record by the competent authorities.

5. States shall not share any personal data of a child asylum-seeker or refugee with their country of origin.

#### **Principle 9. Research and co-operation for the purpose of age assessment**

1. States are encouraged to improve their age assessment procedures by promoting research into all aspects of age assessment, exchanging on practices and dissemination of information and training on methods, techniques and developments in this field.

2. States should seek opportunities, whenever possible, to co-operate for the purpose of age assessment and to consider mechanisms to enable that decisions concerning age assessment from other member states can be taken into consideration by relevant authorities in order to provide greater protection of children.