
Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration

*(Adopted by the Committee of Ministers on 14 December 2022
at the 1452nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

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;

Reaffirming that the principles of the equal dignity of all human beings and the full and equal enjoyment of human rights and fundamental freedoms apply to any child within a State's jurisdiction, regardless of their nationality, migration status, residence status or any other status;

Having regard to States' obligations and commitments towards children as undertaken in international legal instruments, notably the United Nations Convention Relating to the Status of Refugees (1951) and its protocol (1967), the Hague Convention concerning the powers of authorities and the law applicable in respect of the protection of infants (1961), the United Nations Convention on the Rights of the Child (1989) and its optional protocols, the Recommendation Concerning the Application to Refugee Children and other Internationally Displaced Children of the Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (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), the United Nations Convention on the Rights of Persons with Disabilities (2006), and the provisions under international humanitarian law instruments and instruments covering refugee and stateless persons;

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 its amending protocol (CETS No. 223), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), the 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);

Taking into account the relevant general comments and decisions on individual communications of the United Nations Committee on the Rights of the Child, as well as other relevant decisions and recommendations of international monitoring bodies and committees;

Taking into account the relevant case law of the European Court of Human Rights and the relevant recommendations, guidelines, 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;

Referring to the Council of Europe programme “Building a Europe for and with Children”, the Council of Europe Strategy for the Rights of the Child (2022-2027) and the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025);

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;

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

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

Acknowledging that the current limitations of scientific methods and capabilities enable States only to estimate the age range of a person and that legislation on and practices of age assessment vary, including within the territory of the same State, thereby creating legal uncertainty and a risk of discrimination;

Recalling the right of the child to have their best interests given 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 that child;

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 or practice, all measures they consider necessary with a view to the implementation of the following principles and guidelines:

1. In relation to age assessment in the context of migration, the fundamental principle underlying all others is respect for the dignity of each child as a human being and rights holder. The laws, procedures and practices relating to age assessment should be based on respect for 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 procedure;
3. States should have in place a clearly established process for age assessment which uses a multidisciplinary approach, grounded in evidence-based knowledge, methods and practice, and which is child-centred;
4. a medical examination for age assessment purposes should only be undertaken when reasonable doubts remain about the person’s estimated age once the other measures of the multidisciplinary approach have been exhausted, 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 age assessment and related procedures;
7. the age assessment decision resulting from the multidisciplinary procedure should be notified to the person in a child-friendly manner and, where appropriate, to the parent, guardian or legal representative, and include details of the legal and evidence-based factual reasons for the decision, and information on effective remedies available. The decision should be open for 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 promote research, exchange of good practice and co-operation for the purpose of ensuring human rights-compliant age assessment procedures;

Invites the governments of member States to translate and disseminate the text of this recommendation, the appendix and the explanatory report as widely as possible among all their competent authorities and officials and among professionals, including non-governmental actors;

Recommends making use of existing mechanisms or, where appropriate, establishing 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 CM/Rec(2022)22 – Human rights principles and guidelines on age assessment in the context of migration

I. Purpose and scope

1. These principles and guidelines are intended to support States in ensuring that any age assessment of a person within their jurisdiction respects that person's human rights and dignity, and the 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 respects and safeguards 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 implementing mechanisms to enable relevant authorities to take into consideration decisions concerning age assessment made in other member States in order to provide greater protection of the welfare of children.

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.

II. Definitions

4. For the purposes of this recommendation:

a. "child" means 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. "separated child" refers to a child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. This may, therefore, include children accompanied by other adult family members;

d. "age assessment" refers to any process carried out by a competent authority to estimate a person's age;

e. “guardian” refers to a person who is appointed or designated to support, assist and, where provided by law, represent unaccompanied or separated children in processes concerning them. Where an institution or organisation is appointed or designated as a guardian to support, assist and exercise the legal capacity for a child, it should designate a natural person to carry out the duties of guardian as set out in these guidelines. 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 towards 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;

f. “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;

g. “medical examination” refers to an examination conducted by a qualified medical practitioner based on established scientific methods and protocols;

h. “child-friendly information” is information that is “adapted to a child’s age, maturity, language, gender and culture”.¹ This will require the information provider to adjust the information and complexity of their communication according to each individual child’s situation and specific needs up to the age of 18.

III. Guidelines on age assessment in the context of migration

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

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

Human dignity and the right to freedom from torture or inhuman or degrading treatment

1. States should ensure that age assessment is carried out in conditions which are compatible with respect for human dignity and safety. The manner and methods of carrying out age assessment should not subject any person to torture or inhuman or degrading treatment, or affect their health or their physical or psychological integrity.
2. Any method involving nudity or the examination, observation or measurement of the genitalia or intimate parts should be prohibited during the process of age assessment.

Legality

3. Age assessment should be conducted in accordance with the law.

Best interests of the child

4. States should 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.

Proportionality and necessity

5. In accordance with the principle of proportionality, the use of age assessment should be limited to situations where it is necessary to ensure the appropriate treatment of the child; when conducted, it should be carried out with the minimum interference to achieve this aim.
6. Age assessment should not take place as a matter of routine but only following a referral by a competent authority, when there are reasonable doubts about the age of a person and the assessment of their age is necessary to determine the person’s rights and the applicable procedures.

¹ See *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice* (adopted on 17 November 2010, Chapter IV.A. 1(1 and2)), Council of Europe Publishing, 2011, and Council of Europe, “How to convey child-friendly information to children in migration – A handbook for frontline professionals”, Strasbourg, 2018.

7. States should obtain the informed consent of the person before proceeding with an age assessment. Where, according to law, a person does not have the capacity to consent to the age assessment, the age assessment may only proceed with the authorisation of their parent, guardian or representative.

8. A person should have the right to refuse to participate in an age assessment.²

Provision of a guardian

9. When there is uncertainty as to whether a person is a child, and even after the national age assessment procedures have been conducted, States should ensure that, if they do not have a parent or carer, a guardian is provided, or that a guarantee of respect for their rights is upheld by a competent authority.

Protection, assistance and safety measures

10. 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 child-friendly language, in particular as regards a person's rights and the services available to them, including the right of access to legal advice and assistance when participating in an age assessment procedure;
- b. legal representation/guardianship;
- c. material assistance;
- d. medical treatment;
- e. translation and interpretation services, where appropriate.

11. Additional care and assistance should be provided to persons with additional vulnerabilities, including presumed victims of trafficking in human beings and victims of violence, before proceeding with the age assessment and during the age assessment procedure.

12. States should ensure that information is provided in a child-friendly manner about the person's rights, the reasons for the referral to age assessment, the procedure, the roles of the various professionals and authorities involved, the likely duration of the procedure, the possible outcomes and consequences of the decision, the remedies available to challenge the decision and how to exercise their rights. Such information should be provided individually and, where appropriate, in collective settings, on a regular basis to ensure that all children receive consistent information in an accessible manner. The guardian should also receive information about any referral for age assessment and be kept informed throughout the procedure.

13. States should ensure that a person is protected from all forms of violence and exploitation, in particular sexual exploitation and abuse, throughout the age assessment procedure. Any suspicion or allegation of any form of violence or exploitation should be promptly investigated by a separate independent authority.

14. 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 from children.

15. Accommodation placement should take into account a child's immediate safety and well-being. The person undergoing age assessment should have access to accommodation which is adapted to their specific needs, taking into account their presumed minority, their sex, their cultural background and any particular vulnerabilities, such as when they have been a victim of violence, are a victim of trafficking in human beings or other form of exploitation and abuse, or have any form of disability, whether physical or mental. The person undergoing age assessment should be accommodated separately from adults who are unrelated to them.

16. Information should be provided to the person undergoing age assessment and their guardian regarding any change of accommodation; the views of the person on such changes should be taken into account where possible and given due weight in accordance with the child's evolving capacities and maturity.

² In line with paragraph 55 of the Explanatory Memorandum.

17. When considering making contact with the authorities of the country of origin or former residence of a person involved in an age assessment procedure, the competent authorities should act in accordance with their obligations under international law to ensure the safety of the person or their family and should take into account possible consular delays. Where a person may be in need of international protection, no contact should be made with the authorities of the country of origin unless and until the person's application for international protection has been individually assessed by the asylum authorities.

Healthcare, education and welfare

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

Interpretation

19. The person undergoing an age assessment should be assisted by a qualified and impartial interpreter throughout the procedure, when it is carried out in a language other than their native language. The interpretation provided should be culturally sensitive and of a quality sufficient to ensure efficient and effective communication and to safeguard the fairness of the procedure.

Access to independent and free legal advice and representation

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

Right to liberty and protection from the use of coercion, force or restraint

21. A child has a fundamental right to liberty; as a consequence, they should not be deprived of their liberty for age assessment purposes. The purpose of age assessment cannot justify the use of coercion, force or restraint, or deprivation of liberty, since a person cannot be expected to give free and informed consent when they are in a vulnerable position in relation to the authorities exercising control.

Principle 2 – Presumption of minority

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 procedure.

22. In application of the presumption of minority, States should treat a person as a child and uphold their 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.

23. Where there are doubts about the age of a person claiming to be an adult, such as in the absence of an identifying document considered to be valid, and there are reasons to believe that the person may be a child, the protection and assistance measures provided to children should apply.

Benefit of the doubt

24. If reasonable doubts remain after completion of the age assessment procedure, the person should be considered to be a child.

25. 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 multidisciplinary approach

Multidisciplinary approach

States should have in place a clearly established process for age assessment, which uses a multidisciplinary approach grounded in evidence-based knowledge, methods and practice and which is child-centred.

26. States should consider carrying out age assessment through a multidisciplinary approach, whereby a range of professionals co-operate to make an estimation of a person's age, giving due consideration to physical, psychological, developmental, environmental and socio-cultural factors, and which is grounded in evidence-based knowledge, methods and practice.

27. This approach should include:

- a. an examination of the documentation available to the competent authorities or provided by the person undergoing age assessment;
- b. without prejudice to the above, an interview by qualified professionals with the person undergoing age assessment, giving due consideration to physical, psychological, developmental, environmental and socio-cultural factors.

28. Identity documents, where available, should be systematically checked and considered to be determinative of age, unless considered invalid in line with procedures set out in law for verification of a person's identity documents.

29. The age assessment procedure should be transparent, thorough and scientifically reliable; the authorities should reach a decision based on the evidence and information provided by the person undergoing age assessment and, where necessary, on the interview and other available documentary evidence and information.

30. 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.

31. The professionals responsible for each part of the age assessment should act promptly, impartially and independently.

32. National authorities should co-operate and co-ordinate in planning, undertaking and completing the assessment, in accordance with standards for information sharing and data protection.

Child-friendly procedures and safeguards

33. Interviews for age assessment should take place in a child-friendly setting, and under the most suitable conditions, in accordance with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.

34. 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 undergoing age assessment should be given due weight in accordance with their evolving capacities and maturity.

35. The person undergoing an age assessment should be able to be accompanied throughout 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 examinations in the context of age assessment

A medical examination for age assessment purposes should only be undertaken when reasonable doubts remain about the person's estimated age once the other measures of the multidisciplinary approach have been exhausted, with the person's informed consent and with due respect for the principles of proportionality and the best interests of the child.

36. A medical examination for age assessment purposes should only take place:

- if it complies with the principle of the best interests of the child, following a best interest assessment;
- with the informed consent of the person to undergo age assessment or, where a child does not have the capacity to consent, with the authorisation of their parent, guardian or legal representative; and
- where reasonable doubts remain about the estimated age of the person once all other elements of the multidisciplinary approach have been exhausted.

Principle of proportionality

37. The competent authorities should act proportionately and use the least invasive methods available, considering that children should not be exposed to unnecessary radiation or to any medical method which entails risks or detrimental effects for their physical and mental health.

38. States should ensure the adoption of evidence-based methods and practices and exclude inaccurate medical methods.

Best interests of the child in relation to medical examinations

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

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

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

42. Where it is deemed to be appropriate and possible, the person should be able to choose the sex of the professional conducting the medical examination, and of the interpreter.

43. 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

44. The person undergoing age assessment should be informed by a professional in a child-friendly manner about the method to be used, the duration of the examination, the possible consequences and about their right to refuse the examination or to withdraw consent.

45. The medical practitioner should ensure that valid informed consent to the medical examination has been obtained from the person before proceeding with an examination. Where a child does not have the capacity to consent, the examination may only proceed with the authorisation of their parent, guardian or legal representative.

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

47. When the person's situation requires it, and in particular in cases of disability, an interpreter or specialised carer should be present to help inform the person and convey their concerns, consent or withdrawal thereof.

Principle 5 – Legal and policy framework

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.

48. The framework should include, *inter alia*, the following elements:

- a. requirements for authorities to ensure that the best interests of the child should be a primary consideration in all actions undertaken in this context, emphasising the need to take into consideration the individual situation of the person, including any specific needs and vulnerabilities;
- b. referral to age assessment should only take place following a reasoned decision statement by a competent authority that explains any reasonable doubts about the individual's age;
- c. the age assessment procedure should result in a separate decision based on a written report documenting the age assessment;
- d. effective complaint mechanisms and access to effective remedies available, including access to a review or an administrative or judicial appeal before a separate independent authority.

49. 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 process and the modalities for seeking and obtaining valid informed consent.

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

51. Age assessment frameworks should set time limits for referral to age assessment, the duration of the procedure and the decision-making process, and the time limit within which to lodge a complaint or an application for an independent review or appeal, as appropriate.

52. 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 respective roles and responsibilities in this context.

53. Consideration should be given to the establishment of mechanisms for the resolution of any conflict between persons or bodies authorised to consent or refuse consent to a medical examination in relation to persons who are incapable of giving consent.

54. States should ensure that the age assessment decision is recognised by all relevant national authorities in order to avoid multiple age assessments or conflicting decisions at national level. Subsequent age assessment procedures may only be exceptionally undertaken if new significant documentation comes to light. New assessments in such cases should exclude any further medical examination of the person.

55. The framework should set out accessible, independent and effective complaint mechanisms.

56. The framework should lay down specific rules and regulations for the selection, monitoring and accountability of any private actors entrusted with implementing age assessment.

Principle 6 – Professional standards and training

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 age assessment and related procedures.

Professional standards and confidentiality

57. States should ensure that rules of conduct are in place for professionals involved in 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.

58. Professional standards should provide for the impartiality and accountability of competent authorities and professionals involved in age assessment and cover principles of medical ethics.

59. States should ensure that all professionals working in contact with children for the purposes of age assessment are subject to regular vetting.

60. Medical examinations should be carried out by qualified, registered medical practitioners in compliance with national medical ethical standards.

Training

61. States should ensure that all professionals working with children and taking part in age assessment receive interdisciplinary initial and continuous training, including on children's rights, promising practices and operational models.

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

63. States should consider promoting practical measures to foster high-quality 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 available remedies

The age assessment decision resulting from the multidisciplinary procedure should be notified to the person in a child-friendly manner and, where appropriate, to the parent, guardian or legal representative, and include details of the legal and evidence-based factual reasons for the decision and information on effective remedies available. The decision should be open for review or appeal before an independent authority.

Expert or professional evidence

64. A written report should include a clear statement on the reliability of the age assessment to allow the decision-making body to consider any doubts, in such a way that would lead to the more favourable legal outcome for the person undergoing age assessment.

Duty to give reasons

65. 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, the application of the "benefit of the doubt" principle and the scientific reliability of any medical examination used.

Decision on minority

66. 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, child protection services, and education.

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

Decision on majority

68. A person who is assessed to be over the age of 18 should be referred to appropriate adult services. Where they have been identified as being in a particular situation of vulnerability, they should be referred to services for the protection of vulnerable adults.

Notification

69. The person assessed should be notified as soon as possible, in a child-friendly manner, of the legal and evidence-based factual reasons for the age assessment decision and of the effective remedies available. All supporting documentation should be made available promptly to the person concerned and their parent, guardian or legal representative.

Effective remedies

70. The age assessment decision may be submitted for review or administrative or judicial appeal before a separate independent authority. Such mechanisms should not impose any financial burden on the person concerned or their parent, guardian or legal representative.

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

72. 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

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.

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

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

75. 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.

76. States should not share any personal data of an asylum seeker or refugee with their country of origin.

Principle 9 – Research and co-operation for the purpose of age assessment

States are encouraged to promote research, exchange of good practice and co-operation for the purpose of ensuring human rights-compliant age assessment procedures.

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