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## **Methods for assessing the age of migrant children must be improved**

Strasbourg, 9 August 2011 - Age can determine the future for a migrant. If recognised as a child, he or she might be granted the right to stay. If considered an adult, the migrant could quickly end up in detention and be deported. The crucial dividing line is at 18 years of age, says Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest [Human Rights Comment](#) published today.

There are certainly strong reasons for the special care of children in migration policy. This is also established in international children's rights standards and accepted by most governments. However, this has raised a particular issue: how should authorities assess whether a migrant is below or above 18?

Many young migrants arrive without passports, personal identity papers or birth certificates. There is a suspicion among migration authorities that some of them may present themselves as younger than they actually are in order to benefit from treatment in accordance with children's rights. Authorities in some countries have therefore sought to find scientific means of establishing the precise age of young persons arriving from other countries. It is time to discuss these methods more critically.

Several European states - including Sweden, the Netherlands and Germany - have used X-ray tests to determine if a person is a minor or not. X-ray pictures are taken of the hand, wrist or teeth and these are then compared with standardised tables to determine the "bone age" of an individual.

This method has been presented as swift and relatively easy to use. However, more and more medical specialists are contesting this approach. It is not sufficiently precise for age assessment and it subjects the individuals to unnecessary radiation.

### **X-rays can never determine exact age**

Bone development varies drastically from one adolescent to another. Physical development nowadays depends on numerous factors including ethnic and geographical descent, nutrition and socio-economic situation, and previous and current illnesses.

Associations of paediatricians across Europe including in the [United Kingdom](#) state clearly that dental and skeleton maturity cannot be used in assessing the exact age of a child - all that can be achieved is an estimate with a margin of 2-3 years. The European Migration Network [study on unaccompanied minors](#) highlighted that the interpretation of data may also vary from country to country. It may even vary from one specialist to another.

The X-ray method also raises serious questions regarding medical ethics. In 1996, the Royal College of Radiologists in London stated that it is "unjustified" to undertake a radiograph examination for age estimation purposes. It is not acceptable to expose children to ionizing radiation for an examination which has no therapeutic benefit and is purely for administrative purposes.

## **Multidisciplinary assessments necessary**

Ombudsmen for children at European level have adopted a joint [position](#) on the treatment of unaccompanied children. They make clear that any additional review of the age of the young migrant should only take place in cases of serious doubt – if, for example, the documents provided or statements are clearly unreliable. Quasi-automatic or routine medical screening of migrant children should therefore not be used.

Techniques for age assessment should respect the child's culture, dignity and physical integrity. The concluding age evaluation should be done by a multidisciplinary panel. Composed of independent experts, the panel should combine physical, social and psychological maturity assessments. The members should take into account that some physical assessments might be particularly stressful or traumatic for children who may have suffered physical or sexual abuse before. The possibility of appealing against the decision of the panel or seeking a revision of the assessment should be provided.

## **Children should be respected and trusted**

The Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child, [has stated](#) that "if there is a possibility that the individual is a child, she or he should be treated as such". If there is no serious doubt, authorities should trust the documents provided or the statement made by the child.

Incorrect age assessments may result in dramatic consequences including the wrongful detention of a separated or unaccompanied child. Governments have the responsibility to develop child-sensitive methods. As a basic rule, migrant children should be received with respect and empathy, instead of mistrust and unnecessary examinations.

[Further readings: the Commissioner's positions on the rights of minor migrants in an irregular situation](#)

## **Press contact in the Commissioner's Office:**

Stefano Montanari, + 33 (0)6 61 14 70 37 [stefano.montanari@coe.int](mailto:stefano.montanari@coe.int);  
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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Thomas Hammarberg, took up his function on 1 April 2006