

Participation of children in asylum procedures

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The right to be heard – art. 12 CRC

Article 12 UN Convention on the Rights of the Child (1989)

1. (...) *the right to express those views freely in **all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child.*
2. (...) *the child shall in particular be provided the opportunity to be heard in any judicial and **administrative proceedings** affecting the child (...).*

The right to be heard – art. 12 CRC

CRC Committee on the Rights of the Child

- General Comment No. 6, 2005, para. 25: “To allow for a well-informed expression of such views and wishes, it is imperative that such children are provided with all relevant information concerning, for example, their entitlements, services available including means of communication, the asylum process, family tracing and the situation in their country of origin (...)”
- General Comment No 12, 2009, para. 123: “ (...) it is urgent to fully implement their right to express their views on all aspects of the immigration and asylum proceedings. (...) In the case of an asylum claim, the child must additionally have the opportunity to present her or his reasons leading to the asylum claim”.

Child-friendly justice

The Council of Europe's Guidelines on Child-Friendly Justice (2010)

“Child-friendly justice means that decisions are made about children in a way that respects their rights. Decisions should be made quickly, taking the child's age and needs into account, taking the child's views seriously and respecting his or her privacy” (Kilkelly, 2010, Summary).

Child-friendly justice before, during and after judicial proceedings

Child-friendly justice

CoE Strategy for the Rights of the Child (2016-2021)

- Children on the move one of the most vulnerable groups
- Priorities:
 - Participation of all children
 - Child-friendly justice for all children

Turning law into practice

- *Children's involvement in criminal, civil and administrative judicial proceedings in the 28 Member States of the EU* (European commission, 2015).
- *Safety and fundamental rights at stake for children on the move* (ENOC Taskforce children on the move, 2016).

Key challenges for the future

- Involving children in asylum procedures
 - Unaccompanied minors / children travelling with family
 - First contact with authorities / subsequent procedures
 - Age of the child
 - Specialisation of professionals
 - Support for the child: legal assistance / guardianship

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