

Age assessment practices: a literature review & annotated bibliography

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Part I

Age Assessment Practices: A literature review

1. Context: the need for age assessment

Only half of the children under five years old in the developing world have their births registered. In sub-Saharan Africa 64% of births go unregistered, and in South Asia 65% of all births go unregistered (UNICEF, 2010:44). The implications for children can be monumental. Their official 'invisibility' increases their vulnerability and the risk that violations of their rights will go unnoticed. For example, without documents to prove their age, children are more vulnerable to underage recruitment into fighting forces, to being exposed to hazardous forms of work, to early marriages. They are also more vulnerable to being treated as an adult rather than a child or juvenile in criminal proceedings, and when seeking international protection as asylum seekers.

Children in conflict with the law have a right to be treated 'in a manner which takes into account the needs of persons of his or her age' (UNCRC, Article 37). Lack of birth registration and ID cards leads to greater opportunity for abuse of the system by law enforcement officials, plaintiffs and defendants either processing children as adults (to avoid complications or secure a conviction) or adults as children (to benefit from leniency in sentencing and improved conditions in juvenile rehabilitation centres). For a juvenile to be wrongly identified as an adult can have life-changing consequences when he or she should instead be afforded consideration of his/her maturity and capacity, guarantees of due process and support for reintegration. To be processed as an adult puts the child at increased risk of abuse in a system that makes no consideration for the child's situation, age or maturity. For a child below the age of criminal responsibility to be mistakenly identified as a juvenile means entry into the formal juvenile justice system when he or she should have been entitled to special care and protection. Therefore realistic determination of age is vital to ensuring that children and juveniles are identified and treated appropriately (UNICEF, 1995:20).

Unregistered, displaced and migrant children are vulnerable to a number of forms of discrimination and abuse. For example in Guinea, many unregistered refugee children have been arbitrarily detained by law enforcement officers. Unable to prove their age, many have been locked up as adults (UNICEF, 2007b). Separated refugee children who find themselves in Europe can find themselves in a similar situation (see for example Ruxton 2003). If their age is disputed they will often enter adult asylum determination processes

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