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1.5 The child’s best interests and the right to be heard

The child’s views should be heard and taken into account according to their age and maturity. Any decision-making process which takes the BIC as a primary consideration must include respect for the child’s right to express their views freely. Member States have to put mechanisms in place to solicit the views of the child capable of forming their own views, i.e. to make it possible for the child to express their wish to be heard. When the child decides they want to be heard, they can decide how, whether that be directly or through a representative (guardian/parent). If the child has expressed their views, directly or indirectly, due weight must be given to said views in accordance to age and maturity.

The child should also be informed as to how the information given/provided is used. Hearing the child also means involving the child. Again, this requires providing the information in a child-sensitive manner, thereby helping the child make sense of the situation they are in (i.e. asylum procedure). The responsible officials must ensure that hearing the child is done in a non-harmful way.

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(50) See also UN Committee on Economic, Social and Cultural Rights, General Comment No 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999.

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