

5.2. Right to informed consent

Closely linked to the right to representation is the right of applicants claiming to be minors to receive age-appropriate information on age assessment, the international protection procedure and related proceedings. When authorities contest a claim to minority, applicants must also be informed of this fact and of the possibility of undergoing a medical age assessment. Under Article 25(4) of the APR, this information must be provided prior to a medical examination and in a language the applicant understands or may reasonably be presumed to understand. It must cover the details on the method of examination, the potential implications of the medical examination for the international protection procedure, as well as the consequences of refusing to undergo the examination.

The Children's Rights Division of the Council of Europe has emphasised the importance of providing unaccompanied migrant children with reliable and accurate information about age assessment procedures in a language they understand and giving them sufficient time to reflect on this information so that they can fully comprehend the different stages of the process and their consequences.52

The right to information is complemented by the requirement that a child's participation in a medical examination must be based on their consent and that of their representative, as set out in Article 25(5) and 25(6) of the APR. As emphasised by the CRC Committee, information and consent are intrinsic to a child's right to have their views heard under Article 12 of the CRC, since only when adequately informed can they agree to participate in proceedings, including medical examinations carried out for non-medical purposes.53 This view is shared by the Council of Europe's Commissioner for Human Rights, which found that "where there is a medical component to a multidisciplinary age assessment, examinations should only be carried out with the consent of the child or their guardian".54 Therefore, as recalled in the EUAA Practical Guide on Age Assessment (November 2025, pp. 30-32), the right to informed consent is founded on comprehensive information that is conveyed in an age-, culturally- and child-friendly manner, and must be exercised freely, without pressure.

Judicial interpretation of the right to informed consent has clarified that:

- Age assessments through medical methods require the applicant's genuine consent. Therefore, consent must be surrounded by safeguards ensuring that it is freely given, in line with the child's best interests and based on information that is complete and comprehensible, meaning delivered in a child-friendly manner and in a language the applicant understands. This includes clear explanations of the examination method, its implications and the right to give or withhold consent at any time.

- The CRC Committee has held that a refusal to undergo a medical age assessment cannot automatically result in an applicant being treated as an adult.
- Both the ECtHR and the CRC have emphasised the importance of access to information and documents on the outcome of the medical examination, including the procedures for challenging it. This right is now codified in Article 25(4) of the APR, while the ECtHR has recognised it under Article 8 and Article 13 of the ECHR.

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  Council of Europe, Children's Rights Division (September 2017). Age assessment: Council of Europe Member States' policies, procedures and practices respectful of children's rights in the context of migration, paras 86-91.

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  UN Committee on the Rights of the Child (20 July 2009). General comment No 12: The right of the child to be heard, CRC/C/GC/12, para 45 (views of the child in proceedings), paras 98-104 (views of the child in medical issues).

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  Council of Europe, Commissioner for Human Rights (15 April, 2011). Realising the right to family reunification of refugees in Europe, June 2017, para 10; Council of Europe, Parliamentary Assembly, Resolution 1810 on unaccompanied children in Europe: issues of arrival, stay and return, para 5(10).

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