

The right to effective participation of refugee children

A critical children's rights perspective

Dr. Stephanie Rap – Montreal, Canada

24 May 2019



Universiteit
Leiden
The Netherlands

Children on the move

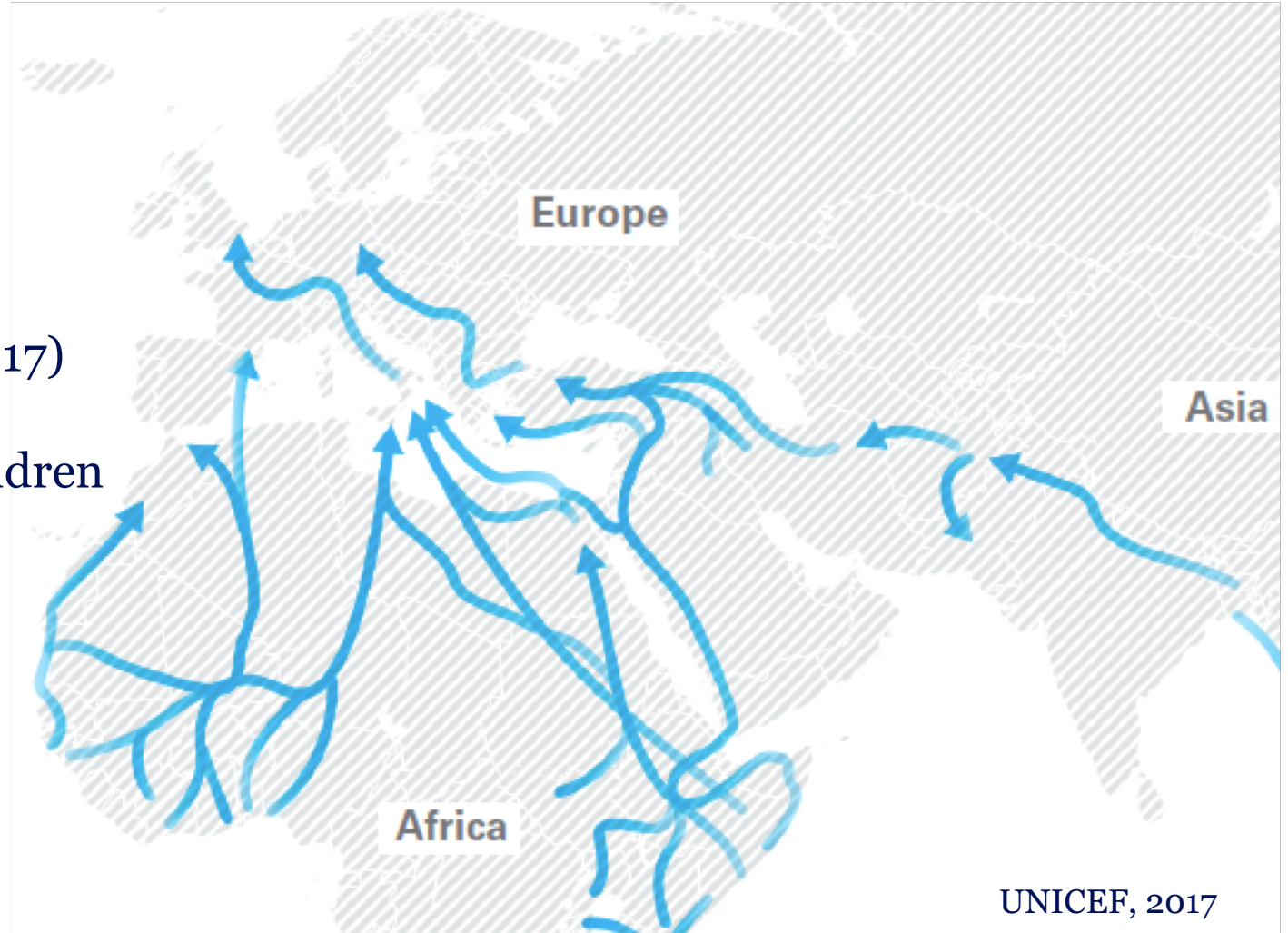


Number of refugee children

1 in 200 children worldwide is a child refugee (Unicef, 2016)

1 in 3 asylum seekers in Europe is a child (European Commission, 2017)

Around 20% are unaccompanied children



UNICEF, 2017

Right to participation

- The right to be heard
- The right to information
- The right to (legal) representation and guardianship



Relevance of participation

- Positive influence on self-confidence, self-esteem and certain other skills of children (Lundy, 2018; Collins, 2017; Saywitz et al., 2010; Lansdown, 2005; Fitzgerald et al., 2009).
- Positive influence on better understanding and accepting of decisions (Cashmore & Parkinson, 2007; Saywitz et al., 2010; Collins, 2017; Schofield, 2005; Van Bijleveld et al., 2015; Van Hoorde et al., 2018).
- Positive assessment of the professional and fair treatment (FRA, 2017; Cashmore, 2002).

Participation in asylum procedures

- Unaccompanied / separated children
 - Lack of information (Council of Europe, 2018; Chase, 2010)
 - Lack of trust (Kohli, 2006; Stalford, 2018)
- Accompanied children
 - Less information and attention for these children (Crock, 2015; Cederborg, 2015; Ottosson & Lundberg, 2013; Lidén & Rusten, 2007)
 - No separate interview and/or best interests assessment (Pobjoy, 2017)
 - Child-specific forms of persecution (Reneman, 2014; Crock, 2015; Pobjoy, 2017; Ottosson & Lundberg, 2013)

Preliminary results from the Netherlands

- 38 in-depth interviews with professionals
- Provision of information
- Purpose and aim of the child interview
 - Unaccompanied child is heard from age 6 / adapted hearing for children between 6-12 years.
 - Accompanied child is heard from age 15



Concluding

Meaning of the right to participation

- The right to be heard: hearing the true voice and opinion of the child, in a child-friendly environment
- Child interview in asylum procedure: aim is to collect facts and evidence, not to 'hear' the child (see Stalford, 2018)
- Giving due weight to the views of the child (see Smyth, 2014)
- Participation in the best interests of the child?

Dr. Stephanie Rap

Department of Child Law, Leiden Law School, the Netherlands

s.e.rap@law.leidenuniv.nl
[@RapStephanie](#)



Universiteit
Leiden
The Netherlands