



HOUSE OF LORDS

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Witnesses: Jean Lambert MEP, Julie Ward MEP and Timothy Kirkhope MEP

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Members present

Baroness Prashar (Chairman)
Lord Condon
Lord Soley

Examination of Witnesses

Jean Lambert MEP, Greens, **Julie Ward MEP**, S&D, and **Timothy Kirkhope MEP**, ECR

Q87 The Chairman: I think, in view of the time, we will start without Jean. Thank for you very much indeed for your time. Technically, this is a public evidence session. As you can see, it is being recorded. A transcript will be produced and you will get an opportunity to see it. You know what the rules of engagement are. I know that you have been heavily involved, and we have written evidence from you which we have studied with some interest. It would be useful to hear from your point of view what the key challenges are that unaccompanied minors face in the EU and how they differ according to age, gender and nationality. What are the issues in your particular constituencies? Who would like to start?

Julie Ward MEP: Okay. In the current crisis the police operations at the borders are bringing challenges in terms of a lot more family separations, so there is an increase in the number of unaccompanied minors, particularly those who are younger than 14, who are of particular concern to us. There is also an increase in the number going missing at an early age. In fact, a study by the German Government has shown such an increase. I went on a mission to Munich to talk to the state authorities about how they are welcoming refugees and dealing with people at the border, and the changes in the number and characteristics of the people coming. They have very good evidence which I can pass on to you.

The Chairman: This was done by the German Government?

Julie Ward MEP: Yes, it is how it is being enacted in the state of Bavaria. Obviously, there is a land border there, so people are coming across it—which is why I made two submissions to you, one from my official parliamentary email and another that was very specific about the missions that I had been on and the research I had done on field visits. I think that we can learn a lot from the German authorities and I wanted you to know about that.

The Chairman: If you could send us any information, it would be very useful.

Julie Ward MEP: Yes, okay. People are beginning the journey sometimes by themselves as unaccompanied minors but many are not. Many are being separated. That presents an enormous problem for children, who are not prepared to be alone—to be without their carers,

their parents, their responsible adults. They are naive and particularly vulnerable because they fall into that situation not having started out in it. Obviously, trafficking is a huge risk. I attended the CSW in New York, which is the UN Commission on the Status of Women—I was then the S&D representative there. As an additional side event, I presented some information about missing children. A key speaker at that event—again, I will give you the evidence that she provided—was Corinne Dettmeijer, the Dutch national rapporteur on trafficking in human beings and sexual violence against children. She presents some very stark information about children who go missing. There are some key questions that she asks in her evidence. What are they running from? Where are they running to? Who is making them run? She comes up with three important steps that are required: first, prevent and anticipate children going missing; secondly, find the children as soon as possible; and, thirdly, prevent them going missing again. She has written from a global perspective of missing children in all sorts of situations, so not necessarily just looking at the situation of refugees.

Those questions and answers are far more complicated for children who are refugees, because of the movement, the displacement and what they are running from. Looking at Mrs Dettmeijer's evidence, the job that she is doing, how she is doing it and what she has come up with would be really useful for you, but we have to acknowledge that for the unaccompanied minors who are part of the refugee population now things are 10 times worse. I can certainly give you that information.

The Chairman: Thank you very much.

Julie Ward MEP: I would like to say a few more things. There are challenges related to gender. Although a lot of the unaccompanied minors and migrants are male, most of the female unaccompanied minors have experienced sexual violence. That can be the case also for younger boys. LGBTI young people are particularly at risk, so gender is a very important factor in their safety and vulnerability. There is a huge cultural challenge, which is that young people do not have any trust in authorities and carers because of the situations that they fled and the things that have happened to them on the way. They will meet adults and they do not know who to trust, which is very difficult. So they are not necessarily trusting the authorities but sometimes trusting unscrupulous people.

There is one more thing about the specific challenges. When I went to Calais, I met a young deaf man. He might have been over 18, but he looked very young—one cannot tell and that is another issue. He was completely incapable of communicating with anybody because he is deaf. There are multiple challenges for some people which present enormous difficulties. I do not have any specific information from my constituency, although I would be pleased to do a

bit more research for you. However, I received specific information from one of my colleagues from Oxfordshire—I suspect that the situation there will be played out in many other constituencies. I could go through some of it, but a lot of it is about the pressure on local resources. Authorities just do not have the resources that they require to deal with the increase. The information contains the exact figures, so they know the increased numbers; they know where they are coming from; they know their ages.

The demand on budgets across foster care, residential care and supported housing provision is serious. Managing the Prevent programme as part of that is an additional problem for them. They need to provide supported housing pathways and keep on doing that. There have been situations of lack of joined-up thinking and information not all being in one place so that the different agencies can work together, and of young people being vulnerable whether or not they are in a community of their fellow country people. One might think that it is a really good thing being in their own community but, actually, sometimes it causes further difficulties and challenges.

The Chairman: And this is done by Oxford City Council?

Julie Ward MEP: This is Oxfordshire, yes. Again, I shall make sure that you have got that information, because it is very specific, and I might be able to find similar information from other colleagues.

The Chairman: Hello, Jean; welcome. We have already started, but that is not a problem. We are very much on the first question, which is on the key challenges facing minors and issues that might be in your constituency. Timothy.

Timothy Kirkhope MEP: Thank you very much. It is quite important to understand that the Convention on the Rights of the Child, particularly Article 3—that is where I start—states that in the handling of children, almost in any circumstances, but particularly the kind we are discussing, the best interests of the child must be the primary concern in any decisions that are made affecting them. That is where we start and finish on this. When we take a look at the current situation, there are a great number of matters of deep concern about the number of minors—that is another issue, about ages—or young people who are arriving unaccompanied in the EU. First, there are a lot of reasons why they are arriving in that way. Almost everybody to whom I have spoken around Europe concludes that, in almost all these cases, although the ages of the children vary, there is someone who is responsible for being in this situation. Sometimes that is to do with criminal activity; sometimes it is to do with families, who allow children to move in an unaccompanied manner; or sometimes there has been a genuine breaking up of a normal family or social relationship. But whatever the reason is, we

have an almost unparalleled situation. I was the Minister for Immigration in the UK in the mid-1990s, and I am quite sure that we did not have that problem then. It is partly to do with the way in which the world has gone.

There are certain things that I want to emphasise, if I may. First, it is important for us to recognise Article 3 and do things in the best interests of children, but that does not necessarily mean that we have to operate a kind of kid gloves situation here. We need information about those children; there are people who say that they should never be fingerprinted, but we need to have some kind of identification if we are going to deal with their issues and what has happened and have the redress that we need to have elsewhere.

In determining the age of a child, throughout Europe we talk about harmonising things; we do not even agree in Europe about what is the age of a child, or when a child ceases to be a child. Very few very young children are involved in this, although there are some. We have reports of children of six or seven—that sort of thing. Where we have the biggest difficulties is with the marginal ages. Just as it is important, sometimes, for someone to fall within the category of a minor or a child and therefore be treated in a particular way, the reverse is also true. There are people who do not want to be in that category and would rather be in the adult category. So we have a problem with determining the age of an individual. That is really important.

Secondly, in terms of the facilities available to deal with them, it is clear to me that organisations such as Europol, which have a lot of frontline responsibilities, or responsibilities in co-ordination at least, are not properly resourced. Europol has more and more been asked to do things to help out with extreme circumstances such as these, with large numbers of young people travelling and moving, and it does not have adequate resources. That is important.

The third thing is the co-ordination between agencies as to what happens with a child once the child is identified and is to be looked after in some way. We have a very patchy situation around Europe, to be blunt; in some places, children—and I suppose you could apply this more widely to migrants—are not being treated properly at all, nor are they being given the sort of facilities that would be enormously important to a child, such as some access to education, and to proper social care and understanding in what can be, particularly for a child, a most traumatic situation. Also, we are not doing nearly enough in terms of attention to those who are using children for criminal activity or associated purposes. A considerable number of these children are not, perhaps, of their own will, linked in some way to activities that are less than desirable for a productive and sensible future for them. It is absolutely unacceptable, and

those who smuggle or traffic in children—those are two different things, of course—must be dealt with adequately. I am afraid that I do not think that we are doing that.

Who has responsibility for those children has to be determined quite soon: whether it is the Governments in the country in which they have arrived or child protection agencies, which are more and more getting involved in all this. I mentioned the authorities, but there is a lack of clear responsibility around the place. We all talk in warm terms about how important it is for children to be looked after, but all this is no use whatever. Grand words do not do what we need to do, which is to offer necessary protection but also to determine what it is that has put the child in that situation in the first place. It is also questionable in my mind, due to our inability to deal with it on the basis of Dublin and try to make sure that people are identified at an early stage—whether they are children or what it is that has brought them to where they are—whether we have dealt with those cases, particularly when asylum is an issue, too. Because of that, we now have large numbers of children going missing. Thousands of children are arriving in Europe but, because they are not being properly assessed when they first arrive, they are then moving around Europe, and not like adults who may be able to look after themselves. I would like to know what happens to them. Some 10,000 children were recently reported missing by Eurostat. I am sorry, but as far as I am concerned a certain number of those will certainly have fallen into the hands of criminal gangs and been exploited. Goodness knows what has happened to the others.

The most important thing of all, on this starting point, is that if we are supposed to be a civilised society, it is absolutely unacceptable that we could allow a situation to exist whereby we simply discard consideration of large numbers of children who go missing and are not looked after as soon as it is possible to do so.

The Chairman: Thank you very much indeed. Jean.

Jean Lambert MEP: Obviously there will be a fair amount of overlap in a response about the key challenges. There are two main points within that. One is about the minors' arrival and status determination and what happens to them afterwards. We had a hearing last week in the civil liberties committee, where we were addressed by the European Union Agency for Fundamental Rights, Missing Children Europe and Europol. That is also part of the background to what I am saying. Some of the problem is the whole question of accurate information and age-appropriate or language-appropriate information going to children and minors. We need someone who is able to actively follow their case through, so that there is a trust relationship that can be developed and a consistency of information. Efforts on family reunification are seriously lacking in many ways; it is clear that there is a very slow follow-up

on that. Consequently, we see unaccompanied minors, people who believe what they are told and therefore will bypass the system. That is part of the issue about not registering.

We heard from colleagues in Malmo and the local authority in Sweden that people would actively say to young people, “Well, we can get you to your family much quicker than if you go through the system here”. Then, of course, there are also the issues around following through this end, with status determination, and how they are cared for—the appropriate housing. A lot of emphasis is on family care and foster care, but that is not a very strong system in a number of member states. Then there is access to education, particularly for older minors. That is something that we are well aware of in the UK.

There are also questions about age, gender and nationality. There is a growing prejudice about particular nationalities in a number of countries. There is the view that if you are Syrian, your case is clear—it is a fast ticket. Afghan boys are viewed with quite a lot of suspicion about why they are here and whether they really are asylum cases. Also, in some countries we are well aware that children and young people coming from Africa are also seen as somehow much more suspect within the whole process than even Afghans or Iraqis. We do not hear much on the gender difference, but there is the feeling that young men and teenage boys are seen as much more self-sufficient and therefore not vulnerable within the process. There is a lot of emphasis on girls being vulnerable, with a particular reference to sexual exploitation. But of course, that also applies to boys. That element is there, and you will see it if you track some of the debates in Parliament and in committees, and also what we hear from a number of NGOs.

As for constituency, it is a little more difficult to tell in London at the moment. One thing that happened under the Labour Administration was that there was a dedicated unit within the GLA that worked on issues around migration and asylum, did its own research and worked very closely with Members of the European Parliament. Certainly, some of the issues that come through to me are about disruption for unaccompanied minors within the process who may start in one part of London and then be at school in another part—then there is the travel, so we try to move them across to be nearer to school, and so on. At some point, a number of them just go missing from the system. Then, of course, there is the lack of certainty about what happens to them at 18. There are reports of young people coming up to 18 who disappear.

Q88 The Chairman: Can I move to the European Union itself? Given the massive migration crisis facing Europe, do you think that enough attention is being paid to unaccompanied

minors in that context? How effective has the European Union been in addressing the needs of unaccompanied minors?

Timothy Kirkhope MEP: Can I just say a very short word on that? The answer is clearly no. The three of us sitting here have taken a particular interest in children's rights and the fact that we want to see within the legislation or the legislative process, particularly through the LIBE committee, much more attention paid to the effects of what we are doing on children. That is on both sides—protecting children, and also the wider issue of criminality. Children are being used in a major way by criminals, and that that is unacceptable. But it would be fair to say that it has to be done this way. The attention of the authorities and the Commission has to be drawn constantly to this issue. There is a problem about identification and agreeing definitions, which is one reason why we do not always get an automatic inclusion of concern for children.

Lord Soley: When you say that, do you mean identifying by fingerprints?

Timothy Kirkhope MEP: No, I was not talking about the actual process of identifying—I mean in terms of legislation they are not being recognised.

Q89 The Chairman: You indicated that the three of you are interested in the rights of children and you are trying to highlight the issues, but do you think that the European Parliament should be monitoring the issue? What action can MEPs take? What role is the Parliament playing at the moment—what should it be doing?

Jean Lambert MEP: I think that there is increased attention on the issue. There is a running interest anyway, as you can see from the latest round of asylum legislation, with the recasting of the various directives. The rights of the child and protections for children were strengthened within that. We still had the ongoing impasse with the update of Dublin on transfers, with certain member states refusing to recognise the courts' decisions, which has not been particularly helpful.

As for what the Parliament has been doing, we have been trying to look at guardianship systems in different member states. That came up more in the context of disability, and we wanted to expand that; we have not managed the upgrade of the study on that. Certain political groups at the moment have also been trying to have oral questions in the plenary so that we can ask questions of the Commission and put forward a resolution on the Parliament's perspective on that. So far we have failed to get the agreement of all political groups to have that on the plenary; we have another opportunity—I think that the request runs out in May. So we may be able to get that in the plenary. Then, as I say, we had the hearing in the civil

liberties committee last week, which many of us see as being extremely useful in moving forward to something more significant in plenary.

Julie Ward MEP: Yes, but we in the European Parliament intergroup on children's rights are also seeking to get signatures for the institutions to renew their efforts in respect of missing children.

Jean Lambert MEP: You mean as a written declaration?

Julie Ward MEP: Yes. That is something that we are doing—the intergroup in Parliament is very active. If we get that, we can have a stronger voice about it for sure.

I just wanted to say something about best practice. There is best practice out there. It was quite clear to me when I went to Germany that, despite the enormous challenges that that country faces, it is taking its responsibility seriously. I heard from the police; we talked to the police and security authorities—and we talked to lots of NGOs, civil society organisations and charities, as well as to very specific organisations set up to look after women and children. We talked to both the city council and state authorities.

I made a particular point about the youth service, given our responsibility. Once initial reception has happened, an unaccompanied child will be put into the responsibility of the youth service. That looks quite effective to me, but that is because Germany has a really fantastic youth service that has really good investment in it and has not been broken apart and fragmented. It is a right for all young people in Germany to have a good-quality youth service, and if they do not get it they can sue. Germany has said, “Here are some more children who have come into our country. We need to give them the same kind of access, or even targeted access with specific support”. So the youth service has counsellors and people who do sex and health education.

I have been to Calais and Dunkirk, as Jean has, and there are a lot of British volunteers working there. The number of volunteers in those two ad hoc camps is astounding. The situation in Calais and Dunkirk is far worse than in any of the established camps, because they are not official. I have been very impressed with the number of British women volunteers who are there; many of them have voluntary youth work roles for some of the minors there. I have been in touch with them, because I wanted them to tell their own stories. They often try to take forward the case of the children.

Karen Moynihan, for example, works full time at the Calais camp—although when I say “works”, she is not paid. She talked about a couple of cases that she planned to take further. One involved a 12 year-old boy who had gone missing. When she reported it as a missing person case to the French police, they did not want to know about it and told her that it would

make no difference as he is one case of many. There was a second case of a 14 year-old boy who had decided to seek asylum in France but was moved to a place where the conditions were worse than in the jungle and where there was no translator and no phone credit. He was not provided with clothing and he was left scared and lonely.

Claire L, who is a youth worker, said that it was hard to believe that that was happening in France—but we should be ashamed that it is happening in any European country.

Q90 The Chairman: Can I come back to my question? We are doing this inquiry into unaccompanied minors. Is similar work being done by LIBE and other committees to raise the issue? Is the European Parliament doing any specific work to raise the profile?

Timothy Kirkhope MEP: No.

Jean Lambert MEP: Not in terms of a formal report, no. That is why the initiative on the oral question and the resolution will be important. If it something was to be done within the LIBE, it would be in the form of a report that would have to be agreed among all the co-ordinators and then put on to the committee work programme.

Timothy Kirkhope MEP: We have been pushing very hard to get something on this, although not quite on the same level as your inquiry. It is very difficult. I will just add a point to what has been said. While I am full of admiration for people who are helping, particularly those on their own who take the initiative and go to where refugees are based, this is not a substitute, in my view. It is almost worse, because they are putting this effort in, but it is not part of a structured approach. If you do not have that, sometimes it becomes even more difficult to handle what is going on. We are talking all the time about the European Union as a whole, which of course includes the UK. Kent County Council has 830 lone children who are seeking asylum. It is trying to deal with them and look after them, and it does not have the resources to do so. It is trying to find places for them to be and people to look after them—seeing how they can get any education, or anything at all. It is a huge and depressing matter that needs a proper structural approach. That is missing in France, in Calais and Dunkirk, and it is missing elsewhere. We do not agree necessarily on some of the ways in which we deal with these things, but we must get the formalised structure right.

The Chairman: Absolutely. We need to move on.

Q91 Lord Soley: You touched a little on how you take interviews of unaccompanied minors. Do you have any formal way in which you can bring them in and question them so that you can understand what they are saying directly? In other words, have you been able to talk to unaccompanied minors in any significant setting? Have you given them the opportunity to say what should be done and how it should be done?

Julie Ward MEP: Yes, and I have to say that the camps at Calais and Dunkirk provided community spaces. They provided a school, a playschool and a theatre space where those kinds of conversations could happen. They even provided a church; an Eritrean church was built. There was even a legal centre, which was burned down. So there were spaces where those kinds of conversations could happen with professionals who were working in a voluntary capacity. When I talk about volunteers at Calais and Dunkirk, I am talking about trained people. Teachers gave up their holiday in half term and went to give English lessons to the refugees at those camps. I have been able to talk to these people, and while language might be a problem for some, many refugees speak English. It is the lingua franca for people.

Lord Soley: Going wider than just the camps—although I understand that you have clearly made a major effort in those camps—what about more widely in Europe? These kids are everywhere, actually.

Jean Lambert MEP: From the Parliament itself, there is nothing structured. Certainly, when there are visits by parliamentary delegations and political groups, people will always make an effort to talk not only to those organising facilities but to those in them.

On the question of whether there is any sort of structured way of gathering that sort of information, no, there is not. Some of the all-party groups here will sometimes do that; some of us will have specialist meetings where we may well ask people with particular experience, but of course there is the issue of cross-border travel, so you can really only do that in situ. Travel for asylum seekers or refugees is always problematic. So it is fair to say that there is no systematic collection of information from individuals themselves.

That said, there are the various reference points that the Commission uses, including the AIDA project and various organisations such as ECRE, and those who work directly with asylum seekers, who then pass on what they have heard or the reports that they have done. We saw one in the UK recently on the experience of young people being returned to Kabul. So we get those, but in terms of having people in front of us as we are in front of you—no, not really.

Q92 Lord Soley: These people are homeless, so they are not constituents in the normal way, and I can understand the difficulties of trying to do this on a Europe-wide basis, but I wonder whether the Parliament itself should not be saying, “These are people who are now in Europe and we have a responsibility for them, as they are voiceless”.

Timothy Kirkhope MEP: In nearly all the legislation that we look at under which institutions or authorities are brought into contact with citizens, or indeed asylum seekers—whatever they may be—we pay particular notice to vulnerable people, including children, in the interface

between that person and, say, a police officer. We have passed quite a lot of legislation here to make sure that the proper facilities are available and that the dialogue is appropriate for the person concerned, whether that involves translation or treatment, and if detention is involved, it should be of a high standard. Those things are very important. The legislation is there, but the trouble is the practice and whether these things are carried out. As others may have done, I have criticised one or two countries in Europe, which admittedly are under real pressure but which nevertheless should, I think, look at the quality and the standards of the way in which people are received and dealt with. If the quality of the way in which they are dealt with can be standardised as far as possible, despite the current climate of separation and individual approaches, and if we can have some sort of clear inquiry that can be exchanged across Europe, I am convinced that that would make a big difference.

Lord Soley: It is hard to give them a voice, in a sense, as they are not adults. I think it was Jeff Rooker who arranged for homeless people to be able to lodge a park bench as a home, as that would enable them to vote, but you cannot do that with minors. I wonder whether we could have a guardian-type system, as some countries already have, so that they can have their voices heard in the Parliament more than they can through what you are doing now, albeit in an admirable way. I am in no way criticising what you are doing; I just wonder whether the institution itself should not be saying, “We can do more”.

Julie Ward MEP: Article 24 of the Charter of Fundamental Rights stipulates: “Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them”. It is written there.

Jean Lambert MEP: The institutional set-up for it has been an issue since the initial strategy on the rights of the child and Parliament’s view on that. The work was done by Roberta Angelilli a number of years ago. It is something that the children’s rights all-party group is aware of—we have promised a voice for those affected, but we have not really found a systematic way of achieving that. Obviously we will work with various organisations that are particularly engaged with children, whether it is UNICEF or Save the Children, but they will act more as agents than necessarily as a means of direct contact.

Timothy Kirkhope MEP: There is one problem with this, of course; we are talking about unaccompanied minors, but we have to be careful because sometimes there are reasons why we need to separate the minors from the adults they might be with—as I mentioned, the nature of the adults’ influence on the child and what they were planning for them. Therefore, on the question of getting someone speaking for the child, it is all the more important to try to ensure

that the authorities talk to the child rather than to someone who claims to be a spokesman for the child. That is a tricky, but it is an issue.

Q93 Lord Soley: How are the human rights of unaccompanied minors affected by member states' failure to implement the asylum acquis fully?

Jean Lambert MEP: I shall kick off on that. Obviously there is the work done by the Agency for Fundamental Rights, as was mentioned, which has been looking at this particularly in relation to unaccompanied minors. A key issue is clearly the efforts on family reunification and the ability to join family elsewhere, where that possibility exists. That is a clear issue in terms of the right to family life.

Also, as we mentioned earlier, we have very weak national systems of child guardianship in quite a number of member states anyway—that is for EU nationals, let alone unaccompanied minors. Having somebody whose duty it is to ensure that the child's rights are guaranteed, whether they are the rights to information or the rights to advice during the determination process, is in the legislation, but we know that it is weak in practice. Those are the key things in determining how the voice of the child or young person is heard.

Lord Soley: Is the failure to implement that a result of each state having a totally different interpretation of it, or is it just a reluctance to do it?

Jean Lambert MEP: It is a mix. Different member states have different views. Italy has a much stronger guardianship system, which it will tell you is under enormous pressure at the moment. We heard from one of our Italian Members last week that people assigned to children may have a case load of 70. How do you deliver effectively with such a case load? Nevertheless, that is the system there. Some of the member states that have joined more recently may have weaker systems of child guardianship. Also, a range of issues plays to certain political prejudices: "Well, if we're too nice to the children, more of them will come and they'll want to bring their families".

Lord Soley: I recognise that argument.

Jean Lambert MEP: I think that is a familiar picture in a number of member states. We heard about the pressure, but we also heard from some member states that what the national level is looking for is not necessarily being delivered at the local level either, for a range of reasons. So there are a number of issues; I do not think you can say that a single reason runs across every member state.

The Chairman: We have about 10 minutes left, so perhaps we could cover the areas very quickly. Brief answers will be fine.

Julie Ward MEP: My understanding is that the European Parliament and the Commission are of one opinion, which is that the country where the child is must deal with the request, regardless of the journey of the child until that point, and that transfers back to the first country of entrance into the EU must be avoided unless that is in the best interests of the child. The Council thinks the contrary.

Q94 Lord Soley: I have a quick final question. Is there anything that you think the European Union could do to improve co-operation between member states? Because of the time factor, just give me one or two things that you think ought to be done. What would be top of your wish list, in other words?

Timothy Kirkhope MEP: That is quite a difficult question. It sounds straightforward, but it is not at all straightforward. Different countries have different priorities and interests, particularly in relation to minors and children. Some countries in Europe are particularly interested in protecting children and giving them extra assistance, whereas other countries are less interested because of their history, their social situation and so on. The first thing that we have to do—I come back to structures—is to get the Europe-wide agencies that are involved to work in a much better way than they have done up to now. Other than that, it is extremely difficult. The answer lies, of course, not with the European Parliament but with national Governments.

Q95 Lord Condon: Probably along the way we have touched on all three issues that I am going to raise. Perhaps I may raise some brief specifics. As recently as last week, the relevant Home Office Minister who gave evidence to us said that he was not supportive of statutory guardianship schemes. We have mentioned those along the way. You mentioned Italy, and you mentioned the strong youth service in Germany. Do you want to say anything more about the statutory guardianship schemes and the benefits that come from them, and anything that we could look to which shows specific good practice?

Jean Lambert MEP: In terms of the benefit, because it is separate from those who are delivering the social work side of it, that independent voice is extremely important in making sure that somebody is there who will be independent of the general delivery system.

Lord Condon: Is there a tipping point with numbers? You mentioned Italy struggling with the case loads. With the numbers that are now involved, is there a realistic chance of there being enough statutory guardians to make a difference compared to the case loads that we now face?

Jean Lambert MEP: Part of that will depend on circumstances from country to country, because some countries have significant case loads while others still do not—which is another

issue. There is an issue around having sufficient expertise. That is showing the whole way through it, particularly in terms of child protection. This is one of the risks around the informal guardianship side of it. How do you check who the guardians now are? Nevertheless, that is something that we should aspire to strengthen generally.

Timothy Kirkhope MEP: It is about the resources and numbers again. I mentioned the position in Kent, with 860 children.

Lord Condon: Yes, we had the head of their services give evidence to us.

Timothy Kirkhope MEP: As I think we all know, we already have statutory guardianship arrangements in certain circumstances, certain areas of law and so on, which are available in the UK. I do not know what the Minister's reasons were, but I guess they must have been to do with resource. Most of these things are, I am afraid.

Lord Condon: He argued that social workers, foster parents and carers were already providing that guidance, but I am not supposed to be brought into that argument.

Timothy Kirkhope MEP: I do not want to open any wars on any fronts with Ministers.

Jean Lambert MEP: Let me do it for you.

Julie Ward MEP: I am not on LIBE, so I come from a different perspective. I am on the culture and education committee. I would really like to see us change the narrative and understanding of the situation of refugees and refugee children, and unaccompanied minors in particular.

The picture of Aylan Kurdi on the beach in September opened an outpouring of great compassion, and then the media forgot about it and moved back into their rather racist agenda. We have to tackle some basic attitudes in our own countries, in education. I was the main rapporteur for a report on intercultural dialogue, education and cultural diversity for fundamental values. That report—it was an own-initiative report, so it was not legislative—sets out a framework. This problem is not going to go away; Europe will have to find ways in which to integrate and better ways in which to live together with refugee populations. We have had to do that in the past as well. We have a duty to people coming in to be more generous in our attitude and to see the richness that people bring with them when they come. I would like to see a much more proactive policy on educating our own citizens in our own member states. We can do that through some of the provisions in the culture and education committee and within the budgets that are attached to that.

Lord Condon: I am sorry to be episodic and to move on to other things, but along the way we have mentioned family reunification. Has it had a positive effect? Should the UK opt into that?

Julie Ward MEP: Yes, with some provisos, which you will find in the Oxfordshire information. They surprised me; it is not always the best thing to do.

Timothy Kirkhope MEP: I agree that it is not always the best thing to do. I have a bit of an ambivalent view about whether we should opt in.

Julie Ward MEP: In the reception centre that I went to in Munich, the numbers of photographs of missing family members who other family members are seeking are absolutely heart-breaking. It is heart-breaking to see that these people have gone missing since they arrived in Germany, despite best efforts.

Q96 Lord Condon: Again, I am sorry to move on, but the final question that we really want to ask is: what were the achievements of the 2010-2-14 EU action plan and the EU agenda of the same period for the rights of the child? I guess we have covered most of that, but in moving forward should there be new work on that, and what should be the main points that any new work should cover?

Timothy Kirkhope MEP: The issue is not exactly the five year or 10-year plans and so on; we already have an awful lot of things from our action plan that ended in 2014 that we have not yet tackled. You ask about the future, assuming that we cannot draw a line and say, “You achieved something in your action plan. Let us move to something fresh”. The answer is that we still have the basic items in the action plan that have not been properly addressed. So my view is that the Members of Parliament have to keep the pressure through the committees, and we have to keep reminding them, not only through the Commission but through the Council, to keep their minds on this area; otherwise, I am afraid, new things and new action plans will arrive and they might well find themselves losing their attention, shall I say, to what is still to be completed.

Lord Condon: So the focus should really be on the implementation and achievement of the 2010 to 2014 action plan.

Timothy Kirkhope MEP: If we could effectively deal with the matters that were in it, I would be reasonably happy. That could at least partially address what is undoubtedly a crisis, but it would also lay down the right sort of ground rules. As I said before, we need the structural rules to be operated properly.

Jean Lambert MEP: When you have had a change of Parliament, a change of Governments et cetera, it can be worth looking again at the action plan and updating it, because then you have buy-in from the current people into what you are now saying that you want to do. There is possibly the feeling here in many places that that was then, you do not read it, you just

know that it exists. At least if you look at it again you can see whether you want to update it and what still needs to be done. There is value in that engagement.

Q97 The Chairman: That was my kind of follow-on question, because in a way when it was adopted in 2010 the scenario was different. Given the crises since, it needs to be updated and the sorts of things that we have been talking about need to be much more at the forefront.

Timothy Kirkhope MEP: But you have to be very careful. Even if a crisis is a serious matter that contains your mind in a big way, you should not move away from principles.

The Chairman: No, of course not.

Timothy Kirkhope MEP: The principles were correct.

The Chairman: The anchor.

Timothy Kirkhope MEP: It is a matter of seeing how those principles can be deployed effectively with all the pressure around of this crisis. That is the thing.

The Chairman: The other point that you make very strongly is about structures.

Timothy Kirkhope MEP: Absolutely.

Julie Ward MEP: I would add just one thing: we need to hear the voice of the children, the young people, themselves, and I do not think that we are hearing them. There are excellent organisations that can support us in doing that more.

The Chairman: This session has been really very useful. Thank you very much indeed, and thank you for all the time and effort that you have put into it. If you could send us that material, it would be very useful. If you wish to add anything after you have thought about it, and put something to us, that would also be very helpful. We are very grateful to you.