



HOUSE OF LORDS

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The EU Sub-Committee on Home Affairs

Inquiry on

UNACCOMPANIED MINORS IN THE EU

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Questions 144 - 150

WEDNESDAY 27 APRIL 2016

1.30 pm

Witness: Anna Maria Corazza Bildt MEP

Members present

Baroness Prashar (Chairman)
Lord Condon
Lord Soley

Examination of Witness

Anna Maria Corazza Bildt MEP

Q144 The Chairman: Thank you very much. I know you are pressurised, but we are very grateful to you for making the time to be with us this afternoon. We are recording the session, and a transcript will be sent to you, which you can correct. If there is anything you want to send us additionally after you have read it, please feel free to do so. As we are short of time, do you mind if I just press ahead?

Anna Maria Corazza Bildt: Please do.

The Chairman: From your point of view, what are the key challenges faced by unaccompanied minors? Do they differ depending on age, gender, nationality? What challenges do unaccompanied minors face in your constituency? Sweden has a good reputation, but things are changing and it would be useful to hear a bit about your constituency as well.

Anna Maria Corazza Bildt: Yes. I am glad that you are doing this inquiry and are shining a light on the problems of migrant children and unaccompanied minors. It is really important that we join forces. I would summarise the main challenge as violence, in all its terrible aspects. We have true alarm and sense of emergency about missing children. The Intergroup on Children's Rights in the European Parliament, which I co-chair, called for an extra special meeting last week of the Civil Liberties, Justice and Home Affairs Committee—LIBE—with Europol, the Fundamental Rights Agency and Missing Children Europe, which I understand you have met already. We had read the report from Missing Children Europe and had a meeting in one of our Intergroup meetings with Delphine Moralis secretary-general of Missing Children Europe. It was dramatic, as unfortunately it turned out that the 10,000 figure from Europol was underestimated and that it was very difficult to have clear data and to map the magnitude of the problem.

So I would say that the issue is making sure that migrant children, who of course include child asylum seekers, enter and stay in the protection system regardless of through which member state they entered the European Union. The challenge is registration and identification. I

would like to say very clearly that, in my view, fingerprinting is really important. Now, in the asylum package, fingerprinting is mandatory from 14 years old. We hear from the experts that if you cannot fingerprint, you cannot update the databases, which are basically the Schengen Information System, the Visa Information System and Eurodac. That means that you cannot have the exchange and sharing of information, and the interoperability between the member states that is absolutely necessary for law enforcement authorities to track the children who enter Europe and to do prevention and early warning ultimately allowing children to enter the protection systems.

The other problem is that there is an obvious lack of the cross-border procedures between the member states. There are a lot of procedures and policies to deal with missing children nationally, but the phenomenon of cross-border missing children has increased to such a level that it has become a real tragedy. It is very important to build policies and cross-border procedures for registration, tracking, entering and staying in the protection system.

Among the appalling figures there is that one that, on average, half of migrant children flee the reception centres in Italy and Greece—the first countries of arrival—after the first 48 hours. The challenge is that they meet the traffickers before they meet the law enforcement authorities, the social services or the NGOs. How do we deal with that?

That is a very superficial answer to the main question. Moreover, what does it mean when they are missing? It means they are very vulnerable and at risk of being trafficked, abused and exploited by serious organised crime.

The Chairman: Can you say something briefly about your own constituency in Sweden?

Anna Maria Corazza Bildt: Yes. First, Sweden is the country in Europe that welcomes the absolute majority of unaccompanied minors. There are 1,703,331 asylum seekers in total, of which 36,181 are unaccompanied minors. These are the latest updated figures from the migration agency. Forty per cent of Sweden's migration budget goes to children. I have visited several migration centres and reception centres. Under my last mandate—this is my second mandate—I was in charge of the work on unaccompanied minors in the European People's Party, my political group. I met several NGOs, for instance Save the Children. I also try to get out into the field and to meet the children. The police say that in Malmö, which is the big entry point, 80 children arrive every night. The traffickers know when they arrive, while unfortunately we do not. It is a race against time to meet them before the traffickers do.

The Chairman: The traffickers are there when they arrive.

Anna Maria Corazza Bildt: Yes. They have their own people and they are informed. They give the children a telephone number and say, “Don’t say who you are. Don’t give your fingerprints. Don’t show your documents. If you wait for family reunification, it will take three years. No one will bring you to your mother. We will bring you to your mother first”; or they say, “They’ll put you in prison together with adults. You’ll be subjected to violence”, because some member states detain children, and detention is another subject we can talk about. The traffickers have very persuasive arguments for the children not to wait. They say, “Getting a guardian will take ages, and then they do the age assessment, which is intrusive. Don’t do that. Just go there, call this guy, take this mobile and they’ll take care of you”. I am characterising a very tragic story that affects hundreds of thousands of children in different member states.

There is another dilemma that I would like to share with you about detention. We do not want children to flee. We know that they have all these incentives to leave the reception centres, and the quality of the reception centres, and their ability to live up to the highest standards for children, differs greatly between member states. At the same time, we know that, in the asylum package, detention is allowed by default only in extreme cases and according to a whole number of conditions. We have a report, which I would be very happy to give you. It is a non-legislative report, but it has a lot of influence on the work of the Commission, the action plan and so on. For the sake of time, I am happy to share with you what is in the report. We call for a ban on detention, and that is what the NGO community calls for. Furthermore, detention for children, who can be traumatised and unaccompanied, makes it even worse for them. At the same time, we have to deal with the issue of children fleeing and disappearing. I do not have a solution. No one has, by the way; we have taken this up many times with the NGO community, with Missing Children Europe, with the hotlines, with the blue telephones.

Q145 The Chairman: Can we move on to looking at the refugee crisis and how that has affected unaccompanied minors in Europe? Do you think that the European Union’s response has been effective?

Anna Maria Corazza Bildt: There is an effective European response on paper. The reality is fragmentation. We have the common asylum package, which sets conditions and standards for reception procedures, legal certainty, individual assessment, right to school, dignified accommodation, healthcare, et cetera—the minimum standards by which all the member states have to abide. There is a positive exception for children in the asylum package, of which we are very proud because that is what we have been fighting for in the Intergroup on Children’s Rights—and in the EP Alliance for Children under the previous mandate. It means,

for instance, that children are rights-holders, so they are children first and then migrants. We introduced the best interest of the child as a key principle, mainstreaming the legislation of the asylum package. The child has to be talked to in a language he or she can understand. They have to be interviewed by someone who does not have a uniform on that would scare them, by people who can identify traumatised children and are trained to talk to children.

I have met many children, as I am sure you have, who have been travelling for months and months, back and forth between Afghanistan, Iran, Iraq, Turkey, the Mediterranean. They do not arrive in a perfect state, so we are proud that we have introduced this. Then, of course, there is the issue of guardianship. If they are unaccompanied and there is no opportunity for family reunification, which is the first thing to check, they will be assigned a guardian or a tutor.

How do member states live up to it? I can talk about Sweden with a certain pride, because I have seen an enormous focus on living up to these standards. That is why it is so difficult for Sweden and why Sweden is under so much pressure: because it is taking enormous resources. Sweden also gives extra benefits to children and is one of the few countries in Europe that gives benefits even after the age of 18 to 21. Now there are enormous problems when it comes to basic problems such as space for accommodation, teachers in schools, classrooms. That might seem strange for a country like Sweden, but so many have been coming so fast that it is really stretching the system. However, what I see in Sweden is very much a temporary problem of capacity; it is not a lack of will to welcome children or to diminish the standards for children. That is fairly clear.

The Chairman: It is more about capacity and capability.

Anna Maria Corazza Bildt: Yes. In the Swedish system, it is the municipalities that are responsible for taking care of unaccompanied minors in agreement with the Swedish Migration Agency. The municipalities are now really just screaming for space: space for accommodation, for schools, for teachers, for language courses. These are very basic issues, but I always go back to the issue of violence, which is a major concern in Sweden.

Q146 The Chairman: Briefly, before we move on, how do you see your role as an MEP in this regard? I see that you are a children's champion.

Anna Maria Corazza Bildt: May I just add one thing that I forgot to tell you, about the multiple challenges? In Sweden, we have received 70 girls who were married. Of course, in Europe, we do not recognise early or forced marriage. They came with their husbands, so do we treat them like unaccompanied minors or like a family reunion? We received girls who, at the age of 12, were pregnant. What is the legal status of the coming child? I am sorry not to

respond immediately to your question, but there are very difficult legal and ethical issues that we need to address; those are just two examples— and we are not even talking about issues such as female genital mutilation.

The Chairman: There is a whole range of other issues.

Anna Maria Corazza Bildt: Yes, so ensuring the protection of children is really quite a challenge.

Going back to your question about how we see our role here in the European Parliament—

The Chairman: The question was also about your role as a children's champion.

Anna Maria Corazza Bildt: We are, of course, first of all co-legislators: 50% with the Council.

The Chairman: No, I mean your role in relation to unaccompanied minors.

Anna Maria Corazza Bildt: Well, we are legislators. We have managed, through amendment to the migration and asylum legislation, to change the law in a way that we believe raises the inclusion of the rights of the child.

We have also revised Dublin. One of the milestone issues for the rights of children, at least in my view, is that a child cannot be sent back to the first country of entry, even if the Dublin regulation says that if you are registered in the first country of entry, the country of second movement can send you back. The Court of Justice has ruled in that direction. We are struggling to get the member states to adopt it in the Council, but we have adopted it in the European Parliament. That is a major change in legislation. We are also opinion builders and we raise awareness with advocacy etc.

In the Intergroup on Children's Rights we say that to be a champion of the rights of the child is not a business card; it is a commitment. The Intergroup on Children's Rights is something that UNICEF and 14 NGOs are supporting and have created with us; we can provide you with all the information. We give the civil society organizations a voice. They are the experts on children's rights. We do not pretend to be experts, but we work together. All our meetings are with them and open to the public. UNICEF provides the secretariat. We build our priorities together with them, and migration has definitely been a big priority.

The problems arising from the humanitarian catastrophe in Ukraine, where there is a major issue of refugees and internally displaced people—again, it is children who are particularly affected as they are the most vulnerable—have also been added to our agenda. The issues of trafficking, sexual abuse, sexual exploitation, trafficking for prostitution, paedophilia, the safety of children on the internet, abuse of children have been high up on our agenda, together with civil society. Now, our work is very much about putting pressure on the other EU

institutions, not least the member states, to implement EU law, because that is where the problem is in Europe—lack of enforcement, gold-plating or interpretation—which means that there is fragmentation and legal uncertainty. Of course, that affects the well-being of children and their rights.

We work very closely with the Commission. I understand that you have met Margaret Tuite the EC Child Rights Coordinator. We met Commissioner Jourová last week. We are happy that the European Union is in the process of ratifying the Istanbul convention on violence against women, because a lot of it is about girls. We are pushing in all directions for EU institutions to implement the United Nations Convention on the Rights of the Child in many different ways. We have a standing dialogue with Vice-President Timmermans, Commissioner Jourová, other commissioners—and the presidency, needless to say. Then we are campaigners; we do campaigns.

Q147 Lord Soley: I understood from your earlier comments that you have talked to some of the children yourself. How good are we at getting the views of these unaccompanied minors such that they affect our policies and our evaluation of how things are working? How good are we at getting the views of the children themselves? Are they heard in any way, apart from individuals like you going to talk to them?

Anna Maria Corazza Bildt: At European level, we should definitely do more. We do not have a budget to invite them here, so that is a problem. In the Intergroup on Children's Rights, child participation, including migrant children and unaccompanied minors, is very much on our agenda. We did an event with PICUM, A Child is A Child, about their right to have a voice in everything that concerns them. We did an event two or three months ago at the European Parliament with children and teenagers; we are talking about children as being up to 18 years old, which is the United Nations definition. We invited them here and spent an afternoon with several NGOs, and we want to continue to do that.

Lord Soley: I know that you cannot be precise about this, but do many MEPs go and see children in their own areas individually, or is what you are doing fairly unusual?

Anna Maria Corazza Bildt: I was in charge of this report on the situations of Unaccompanied Minors in Europe for my political group. I co-chair the Intergroup on Children's Rights and I have always been committed. I went to Lampedusa to see the Mare Sicuro operation in the Mediterranean and to see how they operate. I went to Bodrum with the divers' association.

Lord Soley: Do other MEPs do it or not?

Anna Maria Corazza Bildt: There are 750 of us. I can tell you that the ones who work with us in the Intergroup on Children's Rights are very committed, and this is across political groups

and nationalities. The best interests of the child are the focus. In the civil liberties committee, we have a number of MEPs who really care. I cannot be precise about individuals, although Timothy Kirkhope, my vice-chair in the Intergroup on Children's Rights for the ECR group, is extremely committed. We have raised concern about the data protection regulation, just to give you an example. In Parliament, we tabled amendments, which were adopted in the First Reading in 2014, on banning profiling, on the issue of explicit consent and how you do not click it away, on working in partnership with stakeholders to find ways of verifying age and so on. We were very disappointed with the result, so we decided in the intergroup to put it back on the agenda, because the issue of safety and privacy online has to go back on the agenda regardless of the regulation. I was at the Google and Facebook children's summit in Dublin two weeks ago, and we raised the issue there. I cannot quantify it, though, because I do not know.

Lord Soley: Would it be practical and desirable for the Parliament to have a budget literally to arrange to have more direct contact with children?

Anna Maria Corazza Bildt: Yes.

Lord Soley: You would like that to happen.

Anna Maria Corazza Bildt: I think so.

Q148 Lord Soley: Can I turn to the human rights of unaccompanied minors and the failure of states to implement the asylum acquis fully? What would you like to say about that? Why does implementation continue to be a problem or differ so greatly?

Anna Maria Corazza Bildt: Children are the most vulnerable to a general problem that we have of so many coming at the same time, the asylum package being new, member states not understanding quickly enough that they had to start reforming, building up the institutions and the capacity through 2012, 2013, 2014. They were just confronted with this huge wave of children coming without having set up the institutions and the capacity.

Another phenomenon is that the children are considered irregular—not only are they children but they are coming in illegally—which does not make it easy to live up to the high standards that we would like to see in terms of respecting children's rights. There are also serious challenges in dealing with children, such as fingerprinting. When I was in Lampedusa, the mayor said that they scratched their fingers on the asphalt or burned their fingers, because someone told them not to let their fingerprints be taken. It is very difficult. Do you use violence to get children's fingerprints? Do you use violence to get them to tell you the true story? Of course not.

There is the issue of age assessment. Many member states are truly concerned about cheating; you say that you are 17 but you are 19, you say that you are unaccompanied but your parents sent you because they hope for family reunification and benefits. More tragically, children are sent on boats so that everybody else will be saved, because we would save a child. I am sorry if I look cynical. Some member states also fear that children are exploited in order to open up more doors for migration. The answer is that a child is always a child, even more so if they are exploited by their own parents. It is the rights of the child that are important.

To deal with that, we have voted for and adopted several measures at EU level to help and support the member states, to motivate and incentivise them through the strengthening of FRONTEX, the asylum office. We have a special facility for Greece now. We have the hot spots. We have given Europol more resources because of trafficking and serious organised crime. You have to combat illegality in order to support child migrants. This is not against the migrants but against the traffickers and the smugglers, so we are reinforcing Europol and Eurojust. We are strengthening the search and rescue operation in the Mediterranean: for instance, EUNAVFOR MED, Operation Sophia, and now with NATO in the Aegean Sea.

Lord Soley: I am very conscious of your time, but could you perhaps say what more the European Union could do on children who go missing?

Anna Maria Corazza Bildt: I think it could do much more. This is a common European problem that requires common European responses. This is obviously cross-border, so the solution is cross-border. The FRA report and the missing children report have very good recommendations on setting up common procedures and accelerating reporting, because the problem is that sometimes the child is reported missing months later. I would insist on databases, databases, databases. We have to know who is coming in, to update the databases and to use the databases, with all the standards that we have in Europe, of course, for data protection and privacy. We have to share information, and there is a big problem of trust between the member states in doing that. We know this in the terrorist debate, but it is also true for other issues.

Q149 Lord Condon: To make the best use of the remaining time, let me ask you what was going to be our last question and not to say more about guardianship. If there are things that you wish to say about guardianship or family reunification, perhaps you could drop us a note. With regard to the EU Action Plan on Unaccompanied Minors 2010-2014, you said earlier that the EU was efficient on paper but perhaps not so good on implementation.

Anna Maria Corazza Bildt: Let me be clear; the problem is the member states.

Lord Condon: Yes. How much of that action plan has been implemented? Should it be renewed, and, if it is renewed, should we be moving on to new priorities, or should it be about making sure that the 2010-14 plan has been really implemented?

Anna Maria Corazza Bildt: I would say both: we are not ambitious enough and the problems are growing and becoming more complicated. The action plan was extremely useful, at least in our work, because it led to an asylum package and to having the special provisions for children that are now European law. It also led to our report, which raised the standards even higher. It is not the law, but it is what we use because it was voted for, with a large majority in the European Parliament, as an instrument of constant pressure on the member states as well as in terms of recommendations, exchange of good practice and “carrots” to the member states.

As regards to the question of implementation, it is the basis of the Commission’s work. There is Annex 6 to the communication from the Commission to the European Parliament and the Council on the state of play of implementation of the priority actions under the European agenda on migration, in which we have included the mainstreaming of the child’s perspective. In addition, in the work we are doing this mandate, we are upgrading, reforming and reviewing the entire migration legislation.

Lord Condon: Could I just clarify that you are talking about the communication of February this year?

Anna Maria Corazza Bildt: Yes, on migration. We are mainstreaming the entire migration work. We even had a non-legislative report on the situation of migrants in the Mediterranean and we managed to get all our amendments on children passed; we succeeded in including a whole chapter dedicated on unaccompanied minors. To go back to your question, the action plan was the basis for that and for the training for the police, enforcement authorities, officials working in FRONTEX and in the hot spots on early warning and prevention.

Lord Condon: So renewing it is really about keeping up the pressure on the existing list of things to be actioned.

Anna Maria Corazza Bildt: Yes, because there is so much that is not implemented. The No. 1 issue is the exception from Dublin for children, because when I talk to children—to go back to your question—this is what they were saying the most: “When we arrived in Europe, we were sent back and forth and we did not know why. In some countries, we were detained. We didn’t know where we were going to end up”. That has really been the leitmotif of what at least I heard from many children and from the NGO community that meets the children. It is about the uncertainty of not knowing where you will end up; you never settle. Part of dealing

with the trauma of migrant children, I understand, is giving them a sense of normality; they go back to school, they go back to a routine.

Lord Condon: Implementing Dublin III would be the start of a much better process.

Anna Maria Corazza Bildt: For children, yes.

Q150 The Chairman: We have rushed through this, but it would be very helpful if you could send us anything in writing, such as your report. You have the questions.

Anna Maria Corazza Bildt: I have to ask my assistants if they think I have forgotten to say something that is relevant to your questions. I may have rushed through too much.

The Chairman: If there is anything on, say, guardianship or family reunification that you would like us to have—the figures that you have on Sweden would be interesting, too—with regard to the issues in Sweden and how you handled them, please let us know.

Anna Maria Corazza Bildt: You can have those right away, but I can also send you an email, which may be easier for you. The length of the procedure is a real issue, and it varies very much from member state to member state but also from time to time. In Sweden, it was much faster before. Now it has become slower, and that is a disincentive for children to remain in the protection system.

Let me say another thing, which has to do with Turkey. I am one of those who believe that we need to work with Turkey on refugees, and I am also on the EU-Turkey Joint Parliamentary Committee. I have been to Turkey several times, to the refugee camps, with the UN, with UNICEF, with the coastguard and so on, with a specific focus on children. It is very important, first, to disburse quickly the funds that we have now allocated, because the children in refugee camps, which is 10% of the refugee population, are okay and are treated well and with dignity. The children in host communities are the ones who are more at risk, and even if I believe that the Turkish authorities are doing their best, the numbers are so much bigger compared to what we have in Europe that there is a need to do something there. The issue of prevention is relevant here, because that is where the smugglers and the traffickers come in.

An additional issue that I would like to mention is recruitment to Daesh. I do not know how publicly we can talk about that, but I want to mention it, because there are 400,000 children out of school. You can get the exact figures. Those figures change, but their magnitude is great. Daesh goes to these host communities and put a lot of money on the table. It is a fight against time. Some parents have no choice but to use the children to enable the whole family to survive. In the protection centre in Ankara, I talked to ASAM, which is the biggest NGO

working with UNHCR, and boys came to me saying, “Yes, I work. I work in a shoe shop. I sell shoes”. “How old are you?” “I am 11”.

Please do not mention names or anything; let us protect the privacy of children and families, but for the sake of the argument I would like to share this with you. A very civilised mother said, “There is no choice. It is the only income for the family, and it is okay. Maybe it is forbidden in Europe, but it is a shoe shop”. But many children are doing other things for a living. We have to have this interoperability and co-operation with Turkey; prevention is very important. We should be able to work with the databases that UNHCR and ASAM have in Turkey. If we start knowing who is coming to Europe from Turkey, it would really do a lot for prevention. I know that it can look politically incorrect, but whatever you think of Turkey, I am thinking about children. They are registered and identified in Turkey by the UN and by Turkey. This information is precious to us, and often they are not deregistered when they go in the boats in the Mediterranean. This is extremely important.

The Chairman: Thank you very much indeed. I do not want to detain you anymore, but we are very grateful to you for making time to come to us, given the pressures on you. Please send us any information.

Anna Maria Corazza Bildt: I will talk to my colleagues, go through the questions and see whether we can be less superficial, which was only for the sake of time.

The Chairman: You have been very helpful.

Anna Maria Corazza Bildt: It was very nice to meet you, and good luck with your work.

The Chairman: Thank you very much indeed.

Anna Maria Corazza Bildt: The work that you are doing is very precious. In the future, should any of you continue to be interested in our work on children, please be in touch. We have to join forces.

The Chairman: Yes, absolutely.