

Dear Carlos,

CC Colleagues shadowing Coelho and Ludford reports

I naturally hope that in the orientation vote on your report next Monday, a position can be adopted regarding the age of fingerprinting children for EU passports that is in line with the Committee vote on the collection of biometrics for visa (CCI). **This would mean deciding to take fingerprints at the age of 12 rather than 6 for the immediate future, while we have a study done over a 3-year period.**

I apologise that I cannot be there for the vote as I have my party congress in the UK. But I want to emphasise that the key issue on both the passports and CCI visas regulations is how to cope with the fact that children's fingerprints **change** as they grow up. This has implications for the process of matching for verification (or identification) several years after the child was enrolled and/or for the frequency of collection of fingerprints. There has so far been no sufficient thought put into how to deal with this.

Much reliance seems to have been put on a 1-page 'study' from the UK Border Agency (attached) on the 'quality and use of children's fingerprints' that has been circulated by the European Commission. In the plenary debate on the CCI Vice-President Barrot seemed to be relying solely on that document to rebut my claim that we need to think more about fingerprinting under-12s. But the UK document deals only with the quality of fingerprints at enrolment and throws no light at all on the issue of changes in childrens' prints. Indeed **the UK requires new prints to be given for every application**, whereas for VIS and passports a 5-year retention period is envisaged. I therefore maintain that on the issue of changes in child fingerprints, the UK experience is of absolutely no evidential value and cannot bear the weight being put on it to justify fingerprinting 6-12 year olds.

I had asked the Commission some considerable time ago for 'an analysis of the total number of children between 6 and 12 fingerprinted in the whole of the Biodev studies (1 and 2) and the experience including change of fingerprints with growth of the child, matching and rejection issues, and experience regarding verification and identification'. We have now finally received from the Commission the intermediary report on the BIODEV II project on 'Children Fingerprinting' as well as a Sagem presentation on 'Biometrics of Juveniles', both also attached.

But these reports do not answer all the questions. It is not clear how many at each age (6, 7etc) the Biodev study comprises. Also it appears that Biodev did not in fact re-test fingerprints for changes over time even though there is much reference to the issue. There is still confusion between whether references to the 'quality' of fingerprints relates to capturing or to matching eg on page 4, there is reference to the quality of fingerprints from Germany, but this appears to only concern the actual enrolment and not whether children that have given their fingerprints can also be reliably identified, nor whether this involves any change in fingerprints over time.

In fact, even as regards quality the Biodev report shows clearly (graph on page 3) that the quality of fingerprints of children between 6-14 is significantly lower than those of people aged 14-58, whereas again from the age of 58 there is a similar decline in quality such that at the age of 74 the quality of fingerprints deteriorates to the level of 6 year olds.

The Biodev and Sagem reports both suggest that a 'juvenile fingerprint growing process' can solve the problem of change in childrens' fingerprints. But no indication has been provided as to whether such a process is available, fully tested and in use and whether it is ready to be implemented in the VIS, or whther on the contrary it is still simply a theoretical technological solution that could (or could not) be used.

After I pointed out to the Council the problem of changing child fingerprints, its proposed 'solution' on CCI visas is to make the retention period of fingerprints of 6-12 year olds 24 months instead of 59 months. My understanding is that no such provision has so far been made for a shorter retention period for children on the passports regulation, and the validity of EU passports should be at least 5 years under the 2004 regulation. If the same logic is now applied to passports as the Council wants to apply to visas, Member States will have to demand that parents come back with their child every two years to obtain a new passport. The logistics and costs involved will be considerable, both to the state and principally to the parents, who will have the expense and inconvenience of having to acquire a new passport every two years for which biometrics will have to be given anew. Or alternatively the child's parents may find themselves trying to explain at border checks why its fingerprints don't match.

One argument made in favour of fingerprinting at 6 is that it is an effective tool against child trafficking. In response to a question from me, the Council said it was 'not currently aware of any studies that confirm the link between the taking of fingerprints at an early age and a decreased risk of child trafficking'. I contacted several international organisations that told me they are not convinced fingerprinting would be an added tool. Why choose the age of 6 anyway, not 5 or even zero? The risk of snatching of babies might be far bigger than for 6 year olds, as the older child will be aware and potentially draw attention.

It has also been argued that fingerprints of 6-12 year olds would only be used for verification so we do not need to worry so much about inaccuracies in matching. But all our experience is of subsequent 'function creep' with reasons being given as to why restrictions on usage should be lifted, so I do not set much store by that assurance and I expect before long there would be a proposal to use them for identification. (Indeed, they would surely have to be used for identification to be of any value against child trafficking). Also, it is envisaged to have an EU database of passport applicants, and that would be of considerable concern if we had not first solved the problem of how to cope with changes in child prints.

My firm conclusion therefore is that

- we still lack empirical evidence on how juvenile fingerprints evolve over time, how a 'growing process' would cope and if it is available and tested for actual use

- we should therefore stick to a present age limit of 12 for both passports and visas, to be revised after 3 years following the result of a extensive and independent study that would look at how fingerprints change and how to deal with that

- I therefore strongly ask for support for my amendment 23 on the Coelho report on passports next Monday and not your amendment 6

Best regards,

Sarah Ludford