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Viviane Reding
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European Commission
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1 December 2011

Dear Commissioner,

COM (2011) 60, Communication from the Commission: An EU Agenda for the Rights of the Child

The Commission's Communication setting out An EU Agenda for the Rights of the Child has been examined by our Social Policies and Consumer Protection Sub-Committee over the past few months since its publication in February 2011.

As part of that process, the Sub-Committee took oral evidence from Marie Staunton (CEO of Plan UK and UK Member of the Management Board of the EU's Fundamental Rights Agency) on 9 June and from Naureen Khan (European Advisor for the UK's National Society for the Prevention of Cruelty against Children - NSPCC) on 16 June. A number of issues arose in those sessions, to which we drew the attention of the UK Government and sought their reaction. Copies of the transcripts of the sessions in June and of our correspondence with the Government are available at: www.parliament.uk/hleug

We welcome and share the EU's commitment to the rights of the child and agree that it requires **a coherent approach across all relevant EU actions**. The reality of this was questioned by our witnesses. One specific example cited was debate on EU-India trade relations, and another example was in the area of external relations, where there is rarely much reference to children in the "country strategic plans" prepared by every EU mission in third countries.

It is therefore critical that appropriate mechanisms are in place to ensure that the interests of children are mainstreamed into all relevant EU policies. We heard from the UK Government and from our witnesses that an **inter service group (ISG) on children's rights** exists under the Chairmanship of the Commission's **Co-Ordinator on Children's Rights**. Our witnesses considered that there is no transparency or clarity on who is involved in the ISG and how regularly it meets and were also keen for greater clarity on how successfully the Co-ordinator works across the Commission.

Clearly, the Commission's **cooperation with stakeholders** is also directly relevant to the mainstreaming of the rights of the child across policies. The Communication refers to the **European Forum for the Rights of the Child** but we have heard disappointment that this Forum does not meet more regularly and that its membership, tasks and objectives are unclear.

It seems to us that there is a need for greater political priority to be given to the sharing of best practice across Member States. This might be achieved by strengthening the **L'Europe de l'Enfance** intergovernmental grouping which, we understand, meets twice a year at official level and once a year at ministerial level. The sharing of best practice among Member States could bring real benefits in tackling some of the issues that we set out below in the remainder of our letter.

As the Communication acknowledges, there is a lack of reliable, comparable and official **data**, which renders the development of evidence-based policies difficult, and also means that assessment of the impact of legislation upon children is difficult. Data collection is confused by the lack of a common view on the definition of a child - some Member States would consider those between the ages of 14 and 18 to be "youths" rather than "children". The Communication was considered to be insufficiently precise on the priorities for data collection, and it was suggested that these might usefully be linked to the UN Convention on the Rights of the Child.

The Committee spent some time on the issue of tackling the **trafficking of children**. We heard criticism of implementation of relevant EU legislation by Member States. It seems to us that this may be an excellent area for better cooperation and sharing of best practice between Member States.

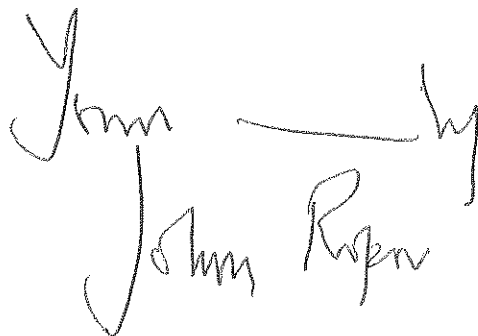
A number of specific issues were raised in relation to child trafficking. One point was the need to be able to check the custody arrangements of a child arriving in the country – it can be difficult for border authorities to identify a legitimate custody document from a fraudulent document. Another significant issue raised was that of guardianship, and the distinctions sometimes made between guardians and special representatives. Research has indicated that there can be a lack of understanding among children of the role of a guardian, and similar confusion among guardians of their role. It was noted that police cooperation is crucial, and the good example in the UK of Operation Golf was flagged up, involving cooperation between the Metropolitan Police and counterparts in Romania. Finally, it was mentioned that some children can suffer from double punishment. They are groomed for criminal activities and might then be arrested for begging or petty theft without recognition of the original trafficking.

We heard concerns that **child participation in decision making** at the EU level is a significant weakness. Such involvement might include participation in the European Forum on the rights of the child. Again, we identified a feeling that, while the Communication recognises the importance of participation, the commitment needs to be stronger and more precise.

In terms of **awareness-raising**, we welcome the idea of a single entry point on the Europa website. Children themselves have apparently indicated that they would like: talks and information in schools; the promotion of helplines; information campaigns for parents about the misuse of drugs and drink; and information giving advice on how to find out about particular issues.

We look forward to receiving your comments on the issues raised above.

I am copying this letter to Mr William Cash MP, Chair of the House of Commons European Scrutiny Committee and Sarah Teather MP, Minister of State for Children and Families.

A handwritten signature in black ink, appearing to read "John Roper". The signature is written in a cursive style with a long horizontal stroke extending to the right.

The Rt Hon the Lord Roper
Chairman of the European Union Committee