

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

European Committee C

RIGHTS OF THE CHILD

Monday 12 September 2011

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The Committee consisted of the following Members:

Chair: † MR PHILIP HOLLOBONE

† Brine, Mr Steve (<i>Winchester</i>) (Con)	† Rees-Mogg, Jacob (<i>North East Somerset</i>) (Con)
Chapman, Mrs Jenny (<i>Darlington</i>) (Lab)	† Stewart, Bob (<i>Beckenham</i>) (Con)
† Duddridge, James (<i>Lord Commissioner of Her Majesty's Treasury</i>)	† Teather, Sarah (<i>Minister of State, Department for Education</i>)
Elliott, Julie (<i>Sunderland Central</i>) (Lab)	† Whittaker, Craig (<i>Calder Valley</i>) (Con)
† Glass, Pat (<i>North West Durham</i>) (Lab)	Wilson, Sammy (<i>East Antrim</i>) (DUP)
† Hendrick, Mark (<i>Preston</i>) (Lab/Co-op)	Alison Groves, <i>Committee Clerk</i>
† Lord, Jonathan (<i>Woking</i>) (Con)	† attended the Committee
† Perkins, Toby (<i>Chesterfield</i>) (Lab)	

The following also attended (Standing Order No. 119(6)):

†Smith, Henry (*Crawley*) (Con)

European Committee C

Monday 12 September 2011

[MR PHILIP HOLLOBONE *in the Chair*]

Rights of the Child

4.30 pm

The Chair: Does a member of the European Scrutiny Committee wish to make a brief explanatory statement about the decision to refer the relevant documents to this Committee?

Jacob Rees-Mogg (North East Somerset) (Con): The Committee believes that the communication raises important legal and political issues, which the House should have an early opportunity to debate, particularly the European Union's competence in this area and whether its proposals make a coherent whole or are gathered together because it is obliged to do so under the Lisbon treaty and it is therefore doing things in a slightly ad hoc and hotch-potch way.

The Chair: Thank you. I now call the Minister to make an opening statement. It should be largely factual and explanatory, and it should last no more than 10 minutes. Despite temptation, no interventions can be taken during this speech.

4.31 pm

The Minister of State, Department for Education (Sarah Teather): It is a great pleasure, Mr Hollobone, to serve under your chairmanship for the first time. I am grateful to have the opportunity to debate the European Union communication on its agenda for the rights of the child, which sets out how the EU should support member states in promoting and protecting children's rights.

The United Kingdom has a long tradition of supporting children's rights under the United Nations convention on the rights of the child. In 1991, the Conservative Government under John Major's premiership ratified the UNCRC, committing the UK to doing all that it can to implement the principles of the convention throughout the country. This year marks the 20th anniversary of that commitment. The coalition Government and the devolved Administrations continue in that tradition.

Last December, on behalf of the coalition Government, I announced to Parliament that the Government would give due consideration to the UNCRC when making new policy and legislation. That does not mean that the Government will always follow the advice of the UN committee on the rights of the child in its interpretation of the UNCRC or on how the convention should be applied in practice. However, we will always give careful consideration to the UNCRC and to recommendations from the UN committee when considering changes to policy or legislation.

The coalition Government have demonstrated their commitment to the UNCRC through a number of practical measures to improve the lives of children. There is a growing list. I mention particularly the

independent review that we asked the Children's Commissioner to undertake last year and our acceptance of its main recommendation to strengthen the role of the commissioner, giving her a specific remit to promote and protect the rights of children under the UNCRC. We are consulting on our legislative proposals, and intend to introduce the changes at the earliest opportunity. We have also taken steps to end the detention of children for immigration purposes, which will make an enormous difference to the lives of the children and families involved. I will happily provide details during questions or the debate of the other steps that the Government have taken, if members of the Committee would like to hear about them.

The coalition Government also recognise that the UK has an important international role in promoting and protecting children's rights around the world, including helping to identify and share best practice with other countries through our international aid and development programme, and through using our influence to counter abuses of children's rights elsewhere.

The Government and the devolved Administrations are also taking action to promote the UNCRC. The Welsh Government have recently passed legislation to give Welsh Ministers a duty to have due regard to the UNCRC when developing policies and legislation. That will apply to all their functions by 2014. Last week, the Scottish Government launched a consultation that proposes a similar duty for Scottish Ministers.

The main point of today's debate is to assess what value the EU can add to the UK's efforts to promote and protect children's rights. It can only be a good thing that the EU is encouraging member states to renew their commitment and step up efforts to promote and protect children's rights. The EU proposes that those of its policies that directly or indirectly affect children should be designed and implemented to take account of the best interests of the child. It will not be binding on member states, and it will have no impact on UK law, but it is entirely consistent with the approach that we are taking to domestic policy.

I welcome the European Union's offer of support and co-operation to member states—for example, through producing basic data and information to guide decision making, promoting the exchange of best practice, and encouraging communication between national authorities responsible for protecting and promoting the rights of the child. That will add value to our own efforts and is within the scope of the Union's competence, although I accept that it is too early to know how effective those actions will be in practice.

As regards the detail of the document, the UK has contributed to the discussions with the Commission that have led to the drafting of the document. The Government are clear that they will support specific proposals only if they bring a clear benefit to children and are practical to implement. We have also examined each of the proposed actions on its merits to ensure that it does not encroach on the competence of member states. We continue to be clear that the EU should not interfere with national policy and should take action only where it can add value to actions taken by member states. This communication meets those criteria and will helpfully support our own action to promote the UNCRC in the UK.

The Chair: We now move on to questions, which can continue until 5.30 pm. We will then move on to the main debate. There is plenty of time to scrutinise the Minister. Hon. Members can ask more than one question and can ask related supplementary questions. The floor is yours.

Toby Perkins (Chesterfield) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am pleased to inform hon. Members that I do not expect to take us right through to 5.30 pm. I am confident that there will be time for other contributions. I have a few items that I would like to ask the Minister about.

Is the Minister considering bringing forward any primary legislation to enshrine the rights of children in domestic law? In the report, the Minister makes it clear that she welcomes the 116 000 pan-European hotline service. Will she update us on the progress towards its implementation? Will she expand on any concerns she has regarding Britain's ability to comply with the actions suggested by the EU document? With specific regard to action 10, will she clarify the extent to which the responsibility for the protection of the rights of the child in external nations is a matter for the EU, and the extent to which it is a matter for our Foreign Secretary?

Sarah Teather: We do not have any plans at the moment to enshrine the UNCRC in British law. The statement I made to Parliament in December made clear our commitment, when we develop new policy and legislation, to look at how it meets with the UNCRC, but it is not conventional to enshrine conventions into primary legislation. I understand that that was also the position of the previous Government when the hon. Gentleman's party was in office. Nevertheless, we expect a report from the various children's commissioners for the devolved nations, as well as the UK Children's Commissioner, that will review how we are doing. I expect that report later this year, before the 20th anniversary. That will be helpful in looking at specific areas where we can take action.

There are a number of areas where we have made significant progress since we took over. The hon. Gentleman will perhaps be aware that the Protection of Freedoms Bill contained a number of proposals that met previous criticism. For example, I outlined proposals in the Green Paper on special educational needs to allow children, for the first time, to go to the tribunal. Such proposals make small but significant steps towards becoming better able to meet our obligations and to address issues that we have been criticised for.

The hon. Gentleman asked about the hotline service. The UK hopes that this will be implemented as soon as possible. Full implementation in all member states will hopefully ensure that all EU citizens, wherever they are in the 27 member states, have access to this pan-European service. It is operational in the UK. Access is provided by all telecoms providers to consumers. There is now a regulatory requirement for all providers to do so, and to do so for free.

The hon. Gentleman made his other points so quickly that I actually lost some of them, but he mentioned something about our commitments abroad. That is clearly an issue that would be taken forward through the Foreign Office, and would be a responsibility of the Foreign Secretary and the Secretary of State for

International Development. However, I see my role in Government as partly about protecting and championing the rights of children. In my statement to Parliament in December I took that role seriously. Indeed, the Department for Education is actively engaging with other Departments throughout Whitehall in trying to make them aware of our responsibilities under the UN convention on the rights of the child, to bring about a change of culture.

If I have missed a question, perhaps the hon. Gentleman would like to come back on a supplementary question, and I shall be happy to reply.

Toby Perkins: The specific question was with regard to action 10. Will the Minister clarify the extent to which she sees responsibility for the protection of the rights of the child in external nations as a matter for the EU or will it remain the responsibility of the UK Foreign Secretary? Will she assure us that in the event of disagreement or conflict with the single European voice, the voice of our Foreign Secretary will be heard loud and clear?

Sarah Teather: I am sorry; I misunderstood the hon. Gentleman's question. I thought that it was about how my role related to that of the Foreign Secretary, but he was asking about UK versus European-wide responsibility.

As I said in my opening statement, the role of the EU is to add value and to share best practice. There are clearly some areas in which it is in our interest to co-operate. It is useful for us to co-operate on protection of victims' rights, and criminal justice matters, for example, in part so that we may have the confidence that a British citizen abroad would, if something happened to them, have access to basic levels of justice, as they would in the UK. Abduction of children and cybercrime happen across borders, and so, unfortunately, does sexual exploitation, so in some matters that are very pertinent to the rights of the child it matters that we co-operate with our European partners, and that we set procedures and basic minimum standards, and know what to expect.

Domestic law is clearly outwith Europe's competence, and it is for us to decide. I am confident that our Foreign Secretary would make that point—and that officials negotiating at a European level on future directives would also make it loud and clear.

Jacob Rees-Mogg: I wonder whether I may ask about the draft directive of May 2011 and the UK's opt-in, and what the UK has decided to do at this stage, if that is yet known.

Sarah Teather: Perhaps the hon. Gentleman will forgive me while I find the note; is he asking about the communication?

Jacob Rees-Mogg: It is action 1 in the document.

Sarah Teather: The victims directive: the Government have decided to opt into that. In arriving at that decision we considered how the draft directive on victims fits with the coalition agreement criteria on maximising security, protecting civil liberties and preserving the integrity of our criminal justice system. We have also been mindful of the recent House of Commons debate that revealed broad support for the measure.

[Sarah Teather]

The issue brings us back to the point that I made to the hon. Member for Chesterfield, when I said that sometimes it is useful for us to have basic minimum standards throughout Europe, so that if something were to happen to our citizens abroad we could expect them to receive appropriate treatment. Such issues led the Government to opt in to the directive.

Craig Whittaker (Calder Valley) (Con): I want to ask three questions: first, on the process in the paper providing for a clear prohibition on the detention of unaccompanied asylum-seeking children, what are our proposals to ensure that they are kept safe and well cared for if their status is not that they are in detention?

Secondly, in the light of the story that came out at the weekend about the Travellers' camp in Leighton Buzzard in Bedfordshire, what are our proposals for the protection of Roma children? Thirdly, I was not sure whether I had heard right about the 116 000 hotline number for missing children. Have we implemented that yet? What proposals do we have in place or are we about to put in place to provide information on the hotline? I ask that in light of the fact that the recent paper by the Children's Society on runaways says that there are some 100,000 runaways in the UK.

Sarah Teather: I said in my opening remarks that we had announced just before Christmas that we would end the detention of families for immigration purposes full stop. That was not just a matter of unaccompanied asylum-seeking children. We said that we would also end the detention of children for immigration purposes, and in May that prohibition came into force. At the moment, a panel is considering how to deal with some of the most complex cases. The hon. Gentleman will be aware that there is a difficult balance to be struck. Ending detention but leaving nothing in its place could sometimes lead families to flee and go into hiding, which can create its own difficulties for child safety. However, the UK Border Agency has been working closely with the Department for Education for some time to ensure that practice is changed on the ground so that the way in which its officials engage with families who are likely to need to be deported at an early stage is improved right from the beginning to build trust, so that we do not get into a position in which we need to detain children.

On the hon. Gentleman's other point, the phone line is indeed operational. I understand that Missing People, the charity that helps people to find people who are missing, is working on promotional plans at the moment and is looking at making texts available, for example, so that it is not just a phone line. It is looking to do major promotional work, particularly in the lead-up to the Olympics, which provides an opportunity in that regard. Inevitably, people will be coming to London from all over the world, and that will be a good opportunity to focus on that matter.

The Chair: I call Steve Brine.

Mr Steve Brine (Winchester) (Con): My question was just answered by the Minister in relation to the 116 000 number.

Bob Stewart (Beckenham) (Con): I have two questions. First, could the Minister please outline what the hotline is exactly? I am slightly ignorant on that, for which I hope she will forgive me. Secondly, will this legislation from Europe have any impact on recruitment of people under 18 to our armed forces?

Sarah Teather: The document should not have any impact on recruitment of people under 18 to our armed forces because, for some time in this country, although we have allowed under-18s to apply to join the armed forces, we have required parental consent. We have therefore been operating entirely within the expectations of this document for a considerable time.

The 116 000 hotline is for missing children and child alert cases. It allows people to get information out and to access information across Europe. The hon. Gentleman will be aware that sometimes, when children go missing, they may have been abducted by a parent. Alternatively, they may have run away. There are all sorts of situations, but they can cross borders quite quickly. The aim of the hotline is to ensure that we co-operate better and that families and others involved in caring for children have access to information more quickly. Europe may seem a long way away, but actually it is very close, particularly when it comes to a situation in which a child might be exploited.

Jacob Rees-Mogg: I want to ask about the cost of the 116 000 number and whether there are not existing numbers available. Surely if people who have been abducted can get access to a telephone, it is better that they should dial 999. Is not the European Union just duplicating things?

Sarah Teather: Unfortunately, I do not think that the 999 number will help with information across Europe. I do not have to hand the information about the cost, but I would be happy to write to the Committee if that would be helpful.

Pat Glass (North West Durham) (Lab): Under the policy implications in action 1, will the presumption remain that the child gives evidence from outside the court, or will each case be considered on its own merits? Action 1 is in respect of a victims directive. On action 2, do we have a time scale for the Government's decision on whether to participate in the directive on special safeguards?

Sarah Teather: I am not sure whether I can answer the first question because it falls outwith this document and outwith my own responsibility. However, I am happy to get that information and to ask a Justice Minister to write to the hon. Lady. That is not within Europe's competence in terms of this document or within my own area of responsibility.

The directive on special safeguards will not be published until 2012-13. A decision will be made on a case-by-case basis when it is published. We are still considering the matter, and it is difficult to comment until we have seen the full details of what has been published.

The Chair: If no more Members wish to ask questions, we will now proceed to the debate on the motion.

Motion made and Question proposed,

That the Committee takes note of European Union Document No. 7226/11, a Commission Communication on an EU Agenda for the Rights of the Child; welcomes the Government's commitment to children's rights and urges that any European Union-level action in this area supports rather than supplants the role of Member States.—(*Sarah Teather.*)

4.52 pm

Toby Perkins: We are broadly in agreement with the motion and welcome the continued commitment of the United Kingdom to the convention on the rights of the child. In this country, we have a proud record over many years of putting children first and we need to continue on that path. We are grateful that the agenda is based on a broad consultation. It is important that that consultation involves young people, stakeholders, representatives of member states and the wider public to give it greater legitimacy. We must ensure that the Children's Commissioner is doing a grand job in enabling the voice of young people to be heard.

We welcome the Government's recognition of the importance of the Children's Commissioner's role in focusing on the United Kingdom meeting the requirements of the UNCRC following the Dunford review. We welcome, too, the expansion of the role of the Children's Commissioner.

We note the importance of child-friendly justice systems within the EU document, and urge the Government to ensure that the rights of children are protected and enhanced by the movement of the Youth Justice Board's functions into the Ministry of Justice and that they remain foremost in the final recommendations from the family justice review.

The Opposition wholeheartedly back enshrining the rights of the child, and want to see any European legislation brought in with the support of member states. We do not want it to eat into the sovereignty of our country. We believe that these changes will assist us to improve the care of children in our country.

On another positive note, these changes should raise the game of other EU member states that are not perhaps as rigorous in their support of children's rights as some of the older member states. They will raise overall standards across the Union and they should be welcomed.

As the Minister said, the EU can be a vital tool in tackling abuses of children and in developing greater protection for them in the areas of child trafficking, asylum seeking, internet grooming and broader issues as they relate to sexual exploitation. We support the aim of the EU to do more in this vital and fast-paced area. Pan-European projects such as the missing children hotline are vital, and we will strongly encourage the Government to keep pursuing, and indeed to speed up, their full implementation.

Paragraph 2.3 of the document says:

"it is crucial for the EU to have a strong single voice in external matters when the rights of the child are concerned in relations with third countries to ensure swift and effective action where necessary."

If the Foreign Secretary's view differed from that single strong European voice—I tried to press the Minister on

this earlier—to what extent would this country's ability to make its case be reduced by being committed to that single voice?

The broader consultation and work with other members of the EU will set a high bar for new members entering the EU, and that is welcome. The Government have already focused on reducing the sexual exploitation of children, and we would like that work to be expanded to include runaways.

We entirely endorse the need for an internationalist approach to child protection that builds on the best co-operation and protects the sovereignty of UK law. We entirely endorse the Minister's view that training in this country on EU law and systems should be led from within this country to ensure its compatibility with UK legal systems and traditions.

We welcome and recognise the value of the motion and the pan-European work that is being done, and we support the motion.

4.56 pm

Jacob Rees-Mogg: It is my hope that the European Scrutiny Committee will recommend a debate on the advantages of motherhood next week and on the particular deliciousness of apple pie the week after, because the issue before us is firmly in that category. We are, of course, all in favour of children; we think they should be well treated, respected and looked after, and that is a thoroughly good thing—of course it is. The United Kingdom has a wonderful reputation in that respect, as in almost everything else, and it is probably rather better than those of some European states one could mention.

However, we should always be suspicious of the European Union trying to get more power in areas that are cuddly and touchy-feely, because that is exactly what it likes to do. It begins with a general message from the Commission, saying, "We like children", which is wonderful, good and lovely, and I am absolutely delighted it thinks like that. Next, it introduces a directive that we are asked to opt into. Then, it introduces a suggestion that our judges should be trained in how to treat children. Suddenly, we have gone from motherhood, apple pie and children to saying that British law courts should be subject to European rules on how judges are trained in relation to children.

It is rather characteristic of what has been called the ratchet—the accretion of powers by the European Union—that it is done subtly and covered up in these wonderful, warm words. Of course, no one is going to oppose such things. All I want to do is to remind the Government what is really going on. This is all part of the creation of a superstate, where less is left to the nation states and more is done at the central, higher level. We start with a little side bit of the Lisbon treaty, which allows Europe an interest in these matters and creates a requirement for its institutions to follow the United Nations charter on the rights of children, and from that flow directives, involvement, instruction and interference.

This is all part of the general European approach, and I urge the Government to be cautious if there are any further opt-ins. I ask them to be economical about anything they spend money on, and particularly new hotlines and such things. They sound wonderful, but we already have an emergency hotline across Europe, which

[Jacob Rees-Mogg]

nobody ever calls; people in England still invariably dial 999, and when they go abroad, they cannot remember what the pan-European number is. We should therefore be economical and cautious, and we should stand up for the nation state, which is what we believe in.

4.59 pm

Sarah Teather: I am grateful to all who have taken part in the debate. I am particularly grateful to them for keeping their comments concise, which will allow us to complete our proceedings within half an hour, I think. I am grateful that there appears to be a shared sense of purpose and a shared understanding that the document will help the UK, but I have been reminded by the hon. Member for North East Somerset that we must be vigilant and scrutinise each directive issuing from the document to ensure that it is within the EU's competence. I reassure him that that is exactly what the Government intend to do.

Bob Stewart: I thought that the United Nations laid down the rights of the child, and that that went directly to nation states. Why do we need Europe to legislate on the matter when the United Nations has said something, and we are full members of the United Nations? Indeed, we are a member of the Security Council.

Sarah Teather: The document has no impact on UK law, as I said in my opening statement. It is about the exchange of good practice. As the Opposition spokesperson

said in his contribution, what is worth while about the document is that it encourages the exchange of information and best practice and raises standards. The hon. Member for North East Somerset also outlined that earlier. Some other countries' standards might not be as good, so it is in the interests of UK citizens and UK children, especially those who find themselves abroad, for us to work together to raise standards across the piece.

However, the document has no implications for UK law, and the Government will scrutinise carefully any directives issuing from it. As I think I made clear in my answers earlier, the Government already comply with most of the things being asked for. We are confident that we are working well and moving ahead with our own best practice. It can only be to our citizens' benefit if we can encourage others to raise the bar as well, but there will inevitably be examples of good practice elsewhere from which we can learn. That can only be a good thing. Whether it is motherhood and apple pie or not, I commend the motion to the Committee, and I am grateful to all for being so brief.

Question put and agreed to.

Resolved,

That the Committee takes note of European Union Document No. 7226/11, a Commission Communication on an EU Agenda for the Rights of the Child; welcomes the Government's commitment to children's rights and urges that any European Union-level action in this area supports rather than supplants the role of Member States.

5.2 pm

Committee rose.



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