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**Children
England**

European Union (Withdrawal) Bill Briefing

Second reading, House of Lords, Tuesday 30th January

Ensuring cross-border mechanisms are in place to safeguard children

Children had no say in the EU referendum, but the result will have a profound impact on their lives, and the lives of future children and young people. For this reason, it is critical that during the passage of the European Union (Withdrawal) Bill, Parliament considers the implications of our decision to leave the European Union (EU) on the rights, safety and welfare of children and young people, and puts the best interests of children first.

The Bill is intended to ensure that there is continuity in our law from the day we leave the European Union. Following our withdrawal, European legislation for the purposes of safeguarding children will be transferred into UK law, continuing to provide a vital legislative frame through which the UK can effectively tackle crimes such as child trafficking and child exploitation.

The ability of law enforcement agencies and the courts to effectively detect and disrupt crime, and bring perpetrators to justice, requires more than a strong legislative framework; it requires cooperation.

We welcome the Government's ambition to 'sustain cooperation' across these EU structures that exist to keep citizens safe.¹ Yet it is uncertain what this future relationship will look like and what specific measures will be put in place to ensure that cooperation continues to ensure that children and young people are kept safe.

¹ <https://www.gov.uk/government/publications/security-law-enforcement-and-criminal-justice-a-future-partnership-paper>

The UK is a member of the following EU agencies and agreements, and it is crucial that the Government presents to Parliament a strategy for remaining a member of these bodies:

- Europol – facilitates co-operation between the investigating authorities in the Member states with a view to preventing and combating serious organised crime, including criminal activities involving children.
- Eurojust – this judicial co-operation body responsible for co-ordinating investigations and prosecutions across Member States. Its activities primarily focus on organised criminal activity that crosses borders, particularly human trafficking.
- European Arrest Warrant – this is a fast track extradition procedure enabling the national judicial authorities of one Member State to secure the arrest and return of a person to their territory to answer charges of an offence. It is increasingly used to bring to justice perpetrators of crimes against children following their move to another Member State.
- European Criminal Records Information System – this established an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between Member States in a uniform and speedy way. It also provides judges, prosecutors and potential employers with easy access to comprehensive information on the criminal history of persons concerned, regardless of the Member State in which that person has been convicted in the past. The system therefore significantly reduces the possibility of offenders slipping under the radar and obtaining access to children by moving to another country.
- European Protection Order – this enables a judge to issue ‘protection measures’ in order to protect a person against a criminal act which may endanger his or her life, physical or psychological integrity, dignity, personal liberty or sexual integrity. It is used, for example, to ensure that protective measures put in place in one Member State for children (e.g. against a violent parent) remain in place should the child or the aggressor move to any other Member State.
- The second generation Schengen Information System (SIS II) – this is an extensive database of approximately 70 million real time alerts about individuals and objects of interest to EU law enforcement agencies. It includes information on people wanted under a European Arrest Warrant for alleged crimes against children and information on missing children.

Why is this important?

From our collective experience, we know that crimes affecting children are increasingly complex, with many having international elements. For example, child abuse material online is typically produced, disseminated and viewed by multiple people in different jurisdictions. Recent research has found that 60% of child sexual abuse imagery is hosted in Europe.² In order to effectively tackle such crimes, police forces, legal professionals and the National Crime Agency need to be able to cooperate with their colleagues across the European Union through Europol and Eurojust.

In December 2016, Rt Hon Brandon Lewis MP (then Minister for Policing and the Fire Service) noted that about 40% of everything that Europol does is linked to work that is either provided or requested by the UK.³ The UK benefits greatly from EU support in helping to tackling crimes such as trafficking and exploitation. For example, Eurojust plays a key role in supporting EU efforts to tackle trafficking through facilitating and funding Joint Investigation Teams (JITs). These teams consist of judicial and police authorities from at least two member states who work together to conduct specific cross-border criminal investigations. In 2016, they received the most funding of all EU member states to establish JITs, 32 in total.⁴

The European Arrest Warrant has been used nearly 200 times between 2010 and 2016 by the UK to extradite suspected child sex offenders.⁵ Prior to the introduction of the arrest warrant, it took on average 12 months to transfer offenders across the EU⁶, but now this process takes less than two months.⁷

² <https://www.demos.co.uk/wp-content/uploads/2018/01/Technology-Briefing-1-Online-CSAI-19.01-1.pdf>

³ <https://www.antislavery.org/wp-content/uploads/2017/07/ATMG-Brexit-paper.pdf>

⁴ <https://www.antislavery.org/wp-content/uploads/2017/07/ATMG-Brexit-paper.pdf>

⁵ <http://www.nationalcrimeagency.gov.uk/publications/european-arrest-warrant-statistics/wanted-from-the-uk-european-arrest-warrant-statistics>

⁶ <http://www.eu-facts.org.uk/what-does-the-eu-do/eu-policy-areas/european-arrest-warrant/>

⁷ https://e-justice.europa.eu/content_european_arrest_warrant-90-en.do

Case Study: Operation Golf¹

Operation Golf was a major operation to tackle the trafficking of children, which entailed close working across EU member states. It consisted of a joint investigation team (JIT) between the UK Metropolitan police, the Romanian National Police and Europol, with the aim of tackling a specific Romanian organised crime network that was trafficking and exploiting children from the Roma community. The operation identified and led to searches of 16 addresses in Essex, UK. As a result, 28 child trafficking victims were discovered and immediately taken to a specialist support centre to be assessed and treated by child protection experts.

Europol was an active member of the JIT and provided assistance to the competent authorities by:

- Giving expert advice on setting up the JIT and the planning of strategic and operational activities.
- Ensuring analytical support throughout the whole investigation. One of the key outcomes from this analysis was the identification and prioritisation of the main targets of the organised crime group, both in Romania and the UK.
- Providing on-the-spot assistance through the deployment of its mobile office, in the UK and Romania on four occasions. Each time, real-time checks were carried out on the database to support intelligence gathering operations and coercive British and Romanian police actions (searches and arrests).
- Drafting and disseminating 67 analysis reports.
- Identifying key links to other EU countries, especially Belgium and Spain.
- The quality and quantity of analysis provided by Europol was crucial to the progress of the case.

Questions to the Minister

- Does the Minister recognise that tackling crimes which can have cross-border elements such as human trafficking and modern slavery, as this Government is committed to do, will be much more difficult without full cooperation with European agencies?
- What assessment the Minister made of the need for the UK to remain a part of cross-border agencies for the purposes of safeguarding children?
- Will the Minister commit to presenting to Parliament a strategy for retaining our involvement in cross European safeguarding bodies?

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