

The Human Rights Implications of Brexit

Joint Committee for Human Rights Inquiry

Written evidence submitted by Children's Rights Alliance for England and Together (Scottish Alliance for Children's Rights) with input from Children in Wales¹

Introduction

1. The Children's Rights Alliance for England (CRAE) works with over 150 organisational and individual members to promote children's rights. We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.
2. Together (Scottish Alliance for Children's Rights) is an alliance of children's organisations that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 320 members including large international and national non-governmental organisations through to volunteer-led playgroups and after school clubs. Together consults widely with its membership through seminars, meetings and other ongoing communications. Every year, we research and publish an annual State of Children's Rights report to set out the progress made to implement the UNCRC in Scotland. We worked closely with the UN Committee on the Rights of the Child in relation to its 2016 examination of the UK and its resulting recommendations to the UK and devolved governments, which reflect very many of the concerns of Together's members.
3. We welcome the opportunity to submit evidence on the impact that the UK's proposed withdrawal from the EU will have on the human rights framework, and on the subsequent protection of children's human rights in the UK. We urge the Committee to engage with complementary inquiries taking place in Scotland and Wales to ensure the complexities of devolution are given full consideration.²

Existing EU protections for children's human rights

4. Children's rights, as defined in the UN Convention on the Rights of the Child (CRC), are the minimum standards that set out what children need to survive and thrive – the right to education, to be healthy, to play, be protected from all forms of violence, and be treated with dignity and respect. The UK ratified the CRC in 1991 with cross-party support. By doing so it promised to ensure that these standards are fully respected. While there has been some progress in implementing the CRC at domestic level, it has been too slow, particularly in ensuring that children are at the heart of

¹ Children in Wales is the national umbrella body for organisations and individuals who work with children, young people and their families in Wales. It is also the coordinating body for the UNCRC Monitoring Group in Wales

² The Scottish Parliament's European and External Relations Committee's Inquiry into the EU Referendum and its implications for Scotland can be accessed here: www.parliament.scot/parliamentarybusiness/CurrentCommittees/100259.aspx

The Welsh Affairs Committee inquiry into the Implications for Wales of the EU referendum result - <https://www.parliament.uk/business/committees/committees-a-z/commons-select/welsh-affairs-committee/inquiries/parliament-2015/brexit-wales-16-17/>

government policy-making. In its recent report on how well the UK is respecting children's rights, the UN Committee on the Rights of the Child (the UN Committee) raised 'serious concerns' that the UK was not doing enough to prioritise children's needs, making more than 150 recommendations.³ It is therefore crucial that advances to children's rights gained through our membership of the EU are not lost.

5. EU law and policy currently protects children on a myriad of issues: ensuring toys are safe and beaches are clean, safeguarding children from harmful media, protecting them from discrimination, assisting with family reunification and combatting child trafficking. Recent EU initiatives have also benefitted children through their focus on internet safety, reducing child poverty, implementing child-friendly justice, and addressing childhood obesity. EU protections to maternity leave, parental leave and breastfeeding rights have also benefitted babies and young children.
6. Importantly, the EU has also taken strides to reference children's rights in its founding objectives and principles. Article 3 of the Lisbon Treaty outlined the EU's commitment to promote *'the protection of the rights of the child'*. Article 24 of the Charter of Fundamental Rights guarantees the protection of children's rights by EU institutions, as well as by EU countries when they implement EU law.
7. In recent years, children's rights have also gained increased visibility in the EU. For example, the establishment of the European Parliament's intergroup on children's rights⁴ and the European Commission's revised guidelines⁵ have helped ensure that EU policy and legislative proposals are assessed against their impact on children's rights. Whilst there have been some developments on mainstreaming children's rights at domestic level,⁶ progress remains limited. It is crucial we learn from positive European initiatives and take them forward in the context of UK policy and decision-making regardless of Brexit.
8. EU funding has brought tangible benefits to children and young people living in Scotland and more widely across the UK. For example: The European Structural Funds 2007-2013 programme saw an estimated £350 million being distributed across Scotland through support for more than 800 projects⁷. This included projects to improve employment and training opportunities for young people, with a particular focus on those furthest away from the job market, projects to support children and young people with mental health problems, children affected by substance abuse problems and children involved in the juvenile justice system. Wales is also a net beneficiary of EU funding, qualifying for almost £2 billion of EU Structural Funds between 2014-20, which are being utilised to support high profile schemes to improve business, transport and connectivity, as well as training and employment

³ UN Committee on the Rights of the Child (2016) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland* www.crae.org.uk/publications-resources/un-crc-committees-concluding-observations-2016/

⁴ See www.childrightsmanifesto.eu/

⁵ European Commission (2015) *Commission staff work document. Better regulation guidelines*, Strasbourg, 19.5.2015 SWD(2015) 111 final http://ec.europa.eu/smart-regulation/guidelines/docs/swd_br_guidelines_en.pdf

⁶ See for example the Ministerial Commitment to give due consideration to the CRC HC Deb 6 2010, Col 17WS; Cabinet Office (2015) Guide to Making Legislation July 2015 www.gov.uk/government/uploads/system/uploads/attachment_data/file/450239/Guide_to_Making_Legislation.pdf

⁷ See www.gov.scot/Topics/Business-Industry/support/17404

opportunities in some of the most deprived communities. The 2014-2020 funding allocation has been complemented by the Commission's adoption of a comprehensive 'Investing in Children' strategy to support Member States in addressing poverty and social exclusion through a range of early-years interventions.^{8 9}

9. Given the many positive developments and safeguards the EU has put in place for children and young people, coupled with the barriers they face in getting their voices heard, we urge the Joint Committee on Human Rights to ensure that additional scrutiny is given to policy areas which have significant impact on under-18s and assessed against impact on their rights.

What other pressing issues should the Committee consider?

10. The UN Committee has been clear in its General Comment no. 5¹⁰ that article 4 of the CRC requires States Parties to scrutinise decisions against their impact on children and the standards set out in the CRC. We therefore urge the Joint Committee on Human Rights to scrutinise whether or not this exercise has been carried out by Government in relation to proposals and how children and young people have been consulted in line with article 12 of the CRC (which gives children the right to have their views heard and taken into account in all decisions which affect them).
11. Alongside article 12 of the CRC, article 13 gives children the right to access information. We therefore urge the Joint Committee on Human Rights to hold government to account in ensuring that relevant materials are accessible to children and young people and effort is made to directly engage children and young people across England, Scotland, Wales and Northern Ireland. This is especially important given that 16 and 17-year-olds were denied a vote in the referendum, the overall vote for the UK to leave the EU went against the views of the majority of children and young people¹¹, and the fact that Brexit will have such a significant impact on the lives of all children for years to come.

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⁸ See www.gov.scot/Topics/Business-Industry/support/17404/EuropeanStructuralFunds

⁹ See <http://ec.europa.eu/social/main.jsp?catId=1060>

¹⁰ UN Committee on the Rights of the Child (2005) *General Comment No.5 General Measures of Implementation of the Convention on the Rights of the Child (articles. 4, 42 and 44, para. 6)*

¹¹ Throughout the UK, it has been estimated that 73% of voters aged 18-24 voted to remain in the EU (Source: Lord Ashcroft Polls (24 June 2016) lordashcrofthpolls.com/2016/06/how-the-united-kingdom-voted-and-why/#more-14746). In Scotland, only 11% of the 72,744 responses from young people aged 12-25 to the Scottish Youth Parliament's recent Lead the Way Manifesto wanted to leave the EU (Scottish Youth Parliament (2016) Lead the Way www.syp.org.uk/manifesto)