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Brexit threat to legal rights of 1 in 10 children

One in 10 children could be at risk of losing significant protections in relation to cross-border family law as a result of Brexit, a report from a leading child rights organisation has found.

Research published today by Together (Scottish Alliance for Children's Rights) finds that:

- More than 10% (5,604) of all children born in Scotland in 2016 are at risk of losing legal protections in the areas of child custody, child abduction and child maintenance.
- Children's human rights have not been adequately considered in Brexit discussions, resulting in a serious risk that many children with one parent from the UK and the other from another EU country could lose specific legal protections in custody disputes.
- Children's rights are increasingly being embedded in EU legislation. This ensures children's human rights are protected, respected and fulfilled across EU member states in line with the EU Charter of Fundamental Rights. The EU Withdrawal Bill jeopardises these protections.

The report found that an estimated 181,000 EU citizens currently live in Scotland and a further 120,000 Scottish citizens live in other Member States. Many have formed 'international families', with people from Scotland and the UK parenting children with people across the EU. Of the 5,604 babies born in Scotland in 2016 to a parent from another EU Member State, 1,613 also have a parent born in the UK. (See summary findings and footnotes here).

Juliet Harris, director of Together, said: "Membership of the EU provides children and their families with certainty about their legal rights in difficult situations such as family breakdown. EU protections help families with UK/EU parents know where issues concerning children's welfare and maintenance can be resolved, and helps to ensure cooperation between EU countries in relation to the protection of children's rights. The EU Withdrawal Bill has profound implications for cross-border family law and, as a consequence, the security and rights of children here."

"Sadly, but inevitably, a certain proportion of families identified in our report will face contentious breakdowns. Given the cross-border nature of such family cases, it is vital that families have access to clear rules determining which country's courts shall have jurisdiction and under what conditions decisions from one state may be recognised and enforced in another. Our report found that, amongst many other risks it poses to children and families, EU withdrawal throws this into confusion."

Together is working with national charity Children in Scotland and the Children and Young People's Commissioner Scotland to call for children's rights to be prioritised in Brexit.

Jackie Brock, Chief Executive of Children in Scotland, said: “Together’s report is further evidence that we urgently need our parliamentarians to understand and articulate the likely impact of Brexit on children. We also must ensure that appropriate information and support is provided to children who might be directly affected by leaving the EU – such as those children with one parent in the UK and one in another EU country.

“There is a growing understanding within civic society that it is children who will be most adversely affected by EU withdrawal. Their rights and wellbeing must be UK politicians’ priority as the Brexit process intensifies.”

Bruce Adamson, Children and Young People Commissioner Scotland, said: “Family breakdowns can be a confusing and upsetting time for any child or young person. We must not compound this by creating uncertainty over key issues such as custody and maintenance where one parent lives in the EU and the other in the UK.

“Significantly, this report is just one area where withdrawal from the EU will negatively affect the rights of children and young people in the UK. We need assurances that every piece of legislation as part of the EU Withdrawal Bill must be scrutinised with children’s best interests as a primary consideration. Parliamentarians need to act now to fulfil their international obligations to protect, respect and fulfil children’s human rights.”

The report, *The Impact of Brexit on Children and Young People in Scotland*, was authored by Maria Doyle, a final year LLM student at the University of Edinburgh. It stemmed from an initial mapping exercise of all EU protections that support children's rights, ranging from family law, child protection and immigration through to the environment and data protection. The extent of the legislative protection was so widespread that Ms Doyle chose to focus her research on an in-depth case study in the single area of cross-border family law. The findings are therefore the result of examining just one of 80 pieces of EU legislation granting direct legal protections to UK children.

Ms Doyle’s research has been peer reviewed by Helen Stalford, Professor of Law at the University of Liverpool.

Together and Children in Scotland are part of a larger coalition, Making Brexit Work for Children, providing children's rights-related responses to each stage of the negotiations.

- **Read the full report. Embargoed: 13/10/17**
- **Read a summary of the findings, with footnotes. Embargoed: 13/10/17**

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Notes for editors:

This is a joint press release from Together (Scottish Alliance for Children's Rights), Children in Scotland and the Children and Young People's Commissioner Scotland. Read a PDF of the release [here](#)

- **Together** (Scottish Alliance for Children’s Rights) is an alliance of over 360 children’s organisations, academics and interested professionals. Its vision is that the rights of all children in Scotland are protected, respected and fulfilled, as enshrined in the UNCRC and other human rights conventions. To achieve this, it works with its membership, stakeholders and duty bearers to progress and achieve the realisation of children’s rights in all areas of society. www.togetherscotland.org.uk
- **Children in Scotland** is a national charity working to improve children’s lives. Find out more about our work at www.childreninscotland.org.uk
- For further information on the **Children and Young People’s Commissioner Scotland** visit the website at www.cypcs.org.uk. The Commissioner’s remit is to promote and safeguard the rights of children and young people, with particular emphasis on the rights set out in the 1989 United Nations Convention on the Rights of the Child. He also monitors the law, policy and practice for effectiveness in relation to the rights of children and young people and promotes best practice by service providers working with children.