

Brexit: children's rights at risk or future opportunity in the global era?

February 2017



Acknowledgements:

Thanks are due to the experts in various policy areas who contributed their thoughts and ideas to the development of this paper. As always any mistakes rest with the authors.

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SUMMARY

Children live in a different world to their parents and grandparents. For them the virtual world has no borders. Around 1 in 15 children were born to a parent not born in the UK; and in 2015 over 1 in 4 births were to women born outside the UK¹. Children's home environments, their classrooms and their wider world are different places from the past and they live in a rapidly changing global environment.

It is in this context that the British Government will need to address and define its obligations to children in the UK who will in future be outside the EU framework. This will take a determined process and programme to ensure that every child can face the future with safety and security through and beyond the transition out of the EU.

Leaving the EU provides us collectively with the opportunity to review the guarantees we give to our children. Particular areas for attention as we make the transition include:

- The citizenship or residence status of children, especially for children brought up in the UK, and those brought up in local authority care.
- The citizenship or residence status of the parents of children brought up in the UK.
- An impact assessment of the changes in EU funds to ensure that children accessing services currently funded by the EU do not experience any unfair disadvantage due to the UK's withdrawal from the EU.
- Current provisions of international commitments to support and protect children are maintained and enhanced.
- Making a concerted effort to promote community cohesion and prevent children from experiencing xenophobic bullying and intimidation.

As the UK's oldest charity dedicated to the welfare and rights of children, Coram calls for the following:

- As part of the Great Repeal Bill, we call on the UK Government to guarantee and secure children's rights continuously from the day the UK leaves the EU.
- Children need permanence, safety and security if they are to thrive. We call on the UK Government to guarantee the positions of children and their family members who have made their home in the UK and wish to stay to ensure that children's needs are met.
- We call on the UK Government to launch a Task Force on Children's Rights and Responsibilities to propose and frame provision on the rights and opportunities for our children as part of the new British Bill of Rights and incorporate the UN Convention on the Rights of the Child and its protocols fully into UK law.

¹ Over a quarter (27.5%) of live births in England and Wales in 2015 were to women born outside the UK. Source: ONS Statistical bulletin: Parents' country of birth, England and Wales: 2015. Annual statistics on live births.

Brexit update: where are we now?

Britain is leaving the European Union.

Following the referendum on 23 June 2016, there has been wide ranging discussion concerning how the UK should leave the EU, and the implications of doing so.

Many of the discussions so far have focused on the *economic, trade and legal impacts* of leaving the EU. The political considerations and the process for leaving have also been a major theme, for example when and how the Government can trigger Article 50 of the Lisbon Treaty which confirms to the European Council² a member state's intention to leave; and whether and on what terms Parliament should have a vote.

In this process, the interests of children have been barely mentioned.

The Government has recently launched its Brexit White Paper, "The United Kingdom's exit from, and new partnership with, the European Union."³ This mentions children only once as it urges 'us all' to work towards a "stronger, fairer, more Global Britain" for the country's 'children and grandchildren'. Despite this, in the debates so far there has been relatively little discussion of the needs of, and issues concerning, children.

This short briefing paper aims not just to discuss perspective and social attitudes alone but to look at the issue of the rights of almost a fifth of the current UK population - our future citizens under 18 - whose voice has not been heard at all.

There is more at stake than the question of whether children's views on their future have been heard. Children depend upon the success of future negotiations for their rights and protections, and Coram aims to draw attention to the fundamental principles and issues which we, as the adult world, must address as part of our duty to the next generation in their childhood and as future citizens.

² The European Council is one of the EU's seven institutions and is made up of its member's heads of state and government. Further information about the institutions of the European Union can be found on-line at <http://en.strasbourg-europe.eu/detailed-explanations-about-the-institutions-of-the-european-union,3214,en.html>

³ HM Government (2017), "The United Kingdom's exit from, and new partnership with, the European Union". Cmnd 9417.

What is this paper for and what have we done?

We have identified several critical issues and questions that need to be considered:

- What are the key rights currently enshrined in UK law and international rights not currently in UK law?
- What are the areas where policy makers and negotiators will need to ensure effective transitions to secure protection for children?
- What are the implications for public understanding and awareness of the risks and opportunities for vulnerable children?
- How can we raise the status of children as a major element within discussions about the approach to our future arrangements in an international world?

This report is based on the following:

- Analysis of the landscape of legal rights from the Coram Children's Legal Centre; *and*
- Phone interviews/discussions with experts in specific areas; *and*
- Review of research notes and articles on the subject of Brexit produced by expert bodies and organisations in the field; *and*
- Media reports highlighting possible impacts of Brexit; *and*
- Thematic analysis of these findings to identify the key issues and themes.

The report does not constitute original research but a commentary on the rights and welfare drivers for children. Whilst, inevitably, some of the content in this paper is speculative, it aims to inform and contribute to a stronger emphasis on the issues affecting our children today and our citizens of the future.

This paper therefore specifically does not address broader economic matters, or broader social cohesion or equality issues such as housing or poverty. It does not comment on geographical and regional variations or environmental impacts, however important these may be to the context of children's health and wellbeing in the post-Brexit world. Other organisations with specific expertise have commented and are commenting on the Brexit process in this regard.

This paper rather focusses on the direct impacts of the position of children in law and the protections afforded to them.

Where is the voice of children?

Almost a fifth of the UK population is under 18. Almost 700,000 school-aged children – one in 15 pupils nationally – have a parent who is a citizen of another European country. Now over 27% of children born in the UK have a foreign mother, and more in London.⁴

In 2015, 1 in 8 (13.3%) of the resident population of the UK were born abroad, which compares with 1 in 11 (8.9%) in 2004.⁵ There was an increase in the non-UK born population of the UK between 2014 and 2015, increasing from 8.3 million to 8.6 million (an increase of 3.5%), with 3.2 million of the non-UK born residents born in the EU. 5.4 million of the non-UK born residents were born outside of the EU.

Children had no voice in the decisions made for the future of the UK but all depend upon there being an effective web of UK, EU, international and UN provisions to protect their rights and security for the future.

The House of Commons library briefing paper on Brexit covers almost 200 pages but only mentions children three times.⁶

The recently launched White Paper, “The United Kingdom’s exit from, and new partnership with, the European Union”,⁷ mentions children only once as it urges ‘us all’ to work towards a “stronger, fairer, more Global Britain” for the country’s ‘children and grandchildren’.

The evidence sessions to the House of Commons Committee on ‘Exiting the European Union’ have also not taken any evidence on the impacts on children and young people either now or in the future⁸.

This, and the general lack of discussion in the media, suggest that the issues relating to, and views of, nearly a fifth of our population, are not receiving enough attention.

With the exception of several brief blog pieces and the work of the All Party Parliamentary Group on a better Brexit for young people⁹ which had its first meeting on 25 January 2017, a very limited amount has been discussed regarding rights and opportunities for children.

We now need to use all ways and means – including through the Children’s Commissioners – to listen to the voice of children and ensure that it is heard.

⁴ Parents' country of birth, England and Wales: 2015. Annual statistics on live births. Includes countries of birth for non-UK born mothers and fathers. ONS, 26 August 2016.

⁵ Source ONS: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/ukpopulationbycountryofbirthandnationality/august2016>

⁶ On page 46 in relation to VAT on children’s clothes, on page 129 in relation to the welfare benefits of dependent children, and on page 150 in relation to the protection of children in the context of broadcasting.

⁷ HM Government (2017), “The United Kingdom’s exit from, and new partnership with, the European Union”. Cmnd 9417.

⁸ With the exception of evidence from: Million Plus, the Modern University’s representative group, and some individual submissions referring to rights of their own children.

⁹ <http://www.publications.parliament.uk/pa/cm/cmallparty/170106/better-brexite-for-young-people.htm>

Attitudes, perceptions and experiences

Whatever the drivers of the referendum result have been, young people's views are based on their different lived experiences.

Children live in a different world to their parents and grandparents. For them the virtual world has no borders. Around 1 in 15 children were born to a parent not born in the UK; and in 2015 over 1 in 4 births were to women born outside the UK¹⁰. Children's home environments, their classrooms and their wider world are different places from the past.

As Shout Out's¹¹ discussion with young people on the EU referendum suggests, young people are less worried about immigration than about the economic future of the UK in a post-Brexit world and the social consequences of change.

“Many young people, it would seem, do not draw much of a distinction between being ‘British’ and being ‘European’. Indeed, there is, undoubtedly, a feeling amongst many young people that the European Union was some kind of sign of international solidarity – and in leaving the EU, we have thus turned our backs upon brothers, sisters, friends and allies.”

In its survey work on the views of young people, and what is important to them in terms of the outcome of any EU exit negotiation, Common Vision has reported that reducing immigration is at the bottom of the list of concerns for under 35s with other issues such as preventing hate crime and protecting human rights featuring more strongly.

There now needs to be a process and narrative to shape and define the securing of children's future position and rights informed by the differences in their experiences, concerns and attitudes.

Whatever the range of views on the balance of opportunity and risk for the nation and all its citizens that Brexit presents, at the heart of a society's future well-being is the protection of its children and the fairness and equal chances afforded to all of them.

¹⁰ Over a quarter (27.5%) of live births in England and Wales in 2015 were to women born outside the UK. Source: ONS Statistical bulletin: Parents' country of birth, England and Wales: 2015. Annual statistics on live births.

¹¹ Shout Out UK is an independent youth news network.

Educational opportunities

Access to education and the experience of school are fundamental to children's development.

The initial period following the EU vote has raised many questions about the status of individuals, both adults and children, who are involved in educational settings, with school leaders and families facing questions as to what happens to the thousands of EU children studying in British schools.

There are no national statistics for the numbers of EU children in British schools, although the Government introduced additional questions on nationality and country of birth to the school census in September 2016. Research evidence suggests that there has been a modest increase in EU children studying in British schools in recent years (just over 1%), but with some high levels of increase in specific local areas including London, Peterborough and Boston.

There will be longer term implications for school places and planning, including in availability of teachers which relate to wider skills and labour market issues in particular sectors such as agriculture, manufacturing, banking and finance, which have been widely discussed elsewhere.

In any case, uncertainty can put schools and pupils under strain. The National Association of Head Teachers (NAHT) has suggested that school leaders are reporting that some of their young students are worrying about their future.

*"Pupils are worried about being forced to leave Britain. They are fearful of a potential rise in racism and community conflict. They are concerned about their prospects in an uncertain and isolated Britain."*¹²

In the initial period after the vote to leave the EU there were reports of very immediate effects. In addition to examples of violence, there has also been a spike in xenophobic and racist bullying of school children perceived to be from outside the UK. As well as the repercussions for individual children and young people who become victims of abuse, there is also a potential wider impact on educational establishments. Schools offering the international baccalaureate in the sixth form rather than A-levels face concern amongst staff over whether the school will be able to replace EU students with British ones¹³ whilst others might take the view that controlling migration could free up school places currently occupied by EU children.

In order to address these issues there is a need for clarity and certainty to enable children to develop or re-cast their perspectives and see themselves as British citizens in the world and for us all collectively to reinforce and support values of equality and tackle discrimination and bullying.

¹² Letter from Russell Hobby, NAHT, to the Prime Minister, <http://www.naht.org.uk/welcome/news-and-media/key-topics/child-protection-and-safeguarding/open-letter-to-prime-minister-calling-for-assurances-for-eu-pupils/>

¹³ 'Brexit vote leaves schoolchildren and parents in Limbo', *The Guardian*, 12 July 2016.

Unfair impact of funding changes

Transitional arrangements for areas which have gained from the allocation of EU contributions and funding into core strategies will also need to be addressed in several areas to ensure there is not unfair disadvantage to some children.

The European Commission's preventative strategy, 'Investing in children: breaking the cycle of child poverty'¹⁴ includes action in areas such as: collecting and disseminating best practice, monitoring and evaluation, and structural fund investment (England's allocation for 2014-2020 is €6.2 billion (£5.3 billion)).

The European Commission has also set aside a €3.8 billion fund for 2014-2020 for the most deprived to pay for food, clothes and other essential items. In the UK, parts of these funds have been used for activities such as breakfast clubs.

As with the legal area, contributors to this paper have suggested that an audit will be required of which EU funds cover which programmes, and how the funds for these might be replaced and programmes phased or maintained, as has happened with the recent Government commitment to £2 billion of UK domestic funding for science and research.

80-90% of the funding for UK breakfast clubs comes from the European Regional Development Fund, with local authorities contributing the remainder. Transitional arrangements will be required to mitigate impact on the children who attend these, and their parents'/carers' flexibility in the labour market.

Similar areas where children are currently supported by EU funding should be subject to an impact assessment prior to any change to ensure that no cohort of children experiences unfair disadvantage as a result.

Rights of children living in the UK

The UK has a long history of taking the protection of children seriously. In 1889 the first Act of Parliament for the prevention of cruelty to children (the "children's charter") was passed. It was followed by major pieces of legislation; the 1908 and 1948 Children Acts, the Employment of Women, Children and Young Persons Act 1920, and the Children and Young Persons Act 1933 restricting child labour and requiring that the welfare of the child defendant should be regarded during any criminal proceedings.

Many subsequent pieces of legislation enhanced the rights and protections enjoyed by children and young people, ranging from education to criminal justice.

¹⁴ European Commission Recommendation: 2013/112/EU. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0112&from=EN>

Since 1973 and Britain's membership first of the European Economic Community (EEC) and later the EU, one of the most critical areas where rights have been conferred on the basis of EU law is children's rights at the domestic level.

The European Charter of Fundamental Rights makes clear reference to children's rights¹⁵ and this has led to pressure on the European Commission to prepare a children's rights strategy (although it has not yet done so), with activity also being developed via the European Parliament.

The EU has also ensured that reference to children's rights is being embedded in its founding objectives and principles. In terms of the legal rights of children and young people, one of the most important recent developments at the European level has been the Lisbon Treaty which establishes among the aims of the EU, under Article 3, the 'protection of the rights of the child'.

The Treaty made the European Charter of Fundamental Rights binding, giving children (under Article 24 of the Charter) 'the right to such protection and care as is necessary for their well-being'; meaning that children's best interests must be a primary consideration in 'all actions relating to children, whether taken by public authorities or private institutions', echoing Article 3 of the UNCRC; and every child has 'the right to maintain on a regular basis a personal relationship and direct contact with both of his or her parents, unless that is contrary to his or her interests'.

Organisations such as Euronet,¹⁶ The Platform for Children's Rights, and Eurochild¹⁷ have been instrumental in promoting the rights of the child, and it is clear that having developments in place at the European level has provided a catalyst for benefits at the domestic level as Government gives consideration to these issues in relation to how it develops and implements the UK's own policies.

This can be demonstrated by looking at some of the examples of where domestic legislation has been the result of, or heavily influenced by, EU developments. Examples could include the development of a system of independent advocates for trafficked children following the implementation of the Anti-Trafficking Directive (2011/36/EU). As well as clear reference to children's rights in the Lisbon Treaty, funding is also allocated within various EU budgets to support work in this area, for example through structural funds and programmes such as 'Daphne' (an EU programme from the Directorate General for Justice and Consumers of the European Commission). 'Daphne' provides funding for projects dealing with violence against women, young people and children linked to harmful practices.

¹⁵ The Charter makes clear reference, the Lisbon Treaty (TFEU) only mentions ECAAT – as a Council of Europe treaty. Article 83. The Lisbon Treaty made the Charter of Fundamental Rights legally binding.

¹⁶ Euronet is a coalition of networks and organisations campaigning for the interests and rights of children. <https://www.crin.org/en/library/organisations/european-childrens-network-euronet>

¹⁷ Eurochild is a network of organisations and individuals working in and across Europe to promote the rights and well-being of children and young people. <http://eurochild.org/>

What are the concerns?

There are several critical areas relating to the best interests of children, which now need to be central to our concerns, especially where the British state might have responsibilities as a corporate parent. These priorities include:

- Children brought up in the UK but from another EU/European Economic Area (EEA)¹⁸ member state, in respect of their citizenship and security of status, or
- British children with parents from another EU/EEA member state; or
- British children with a parent or parents from a non-EU country whose residence rights in the UK are derived from their child's citizenship of an EU member state; or
- Children in the care of the state; or
- Arrangements for non-British children and young people living in the UK as a family member of an EEA national, or
- Those children entering the UK to join relatives under the provisions of Dublin III and in need of UK protection or asylum; or
- Children who are trafficked or exploited in the UK; or
- EU national children who are separated from their parents in the UK and enter the care system as looked after children.

Those living in the UK obtain permanent residence if they, or their family member or guardian, has been exercising treaty rights for a five-year period. But having permanent residence will not necessarily mean that they can stay in the UK after Brexit; this will depend on the post-Brexit settlement that the Government adopts and whether it converts EU permanent residence into indefinite leave to remain, for example.

The UK Government has made clear that, whilst it has tried to agree the status of the rights of EU nationals in the UK with a reciprocal agreement for British nationals in the EU/EEA, not all EU member states have been willing to agree to such an arrangement in advance of Brexit negotiations¹⁹.

As a result there are significant concerns about the current lack of clarity on status, and limited public understanding of the law may lead to pre-emptive relocation decisions whereby citizens of EU member states may not fully understand the rights that they and their children may currently have, including to British citizenship.

¹⁸ The European Economic Area allows non-EU states access to the benefits of the EU single market, including Iceland, Liechtenstein, and Norway.

¹⁹ HM Government (2017), "The United Kingdom's exit from, and new partnership with, the European Union". Cmnd 9417: p. 30

A child born in the UK after 1 July 2006 to a parent with permanent residence at the time of their birth is automatically British. They are entitled to register as a British citizen for free if born before this date to unmarried parents where the father has permanent residence (and automatically British if the mother has permanent residence); even where the parent has not applied for recognition of their permanent residence. However, not all families know this and lack of information may lead to pre-emptive decisions, destabilising children in their education and relationships.

Currently, an unaccompanied minor claiming asylum in an EU member state may join a family member or relative in another member state where it is in their best interests to do so. Over 750 children were transferred to the UK in 2016 under the provisions. The provisions found in Dublin III may not continue to apply following the UK leaving the EU, which would potentially leave children stranded as unaccompanied asylum-seeking minors who cannot reunite with family members already in the UK.

This is an area where legal experts have suggested that the UK must undertake a strong and detailed audit of all the relevant legal implications of Brexit in relation to their impact on different groups and those in specific situations.

Of particular concern is the situation of children from other EU countries in care. Within the Coram Migrant Children's Project, one of our key areas of policy focus with regard to the UK exiting the EU is children's rights, and more specifically the rights of EU children in care. Their status is seldom straightforward as their rights are dependent on their family members exercising treaty rights. Research conducted by the Coram Migrant Children's Project found that a number of local authorities do not hold data on the nationality or immigration status of children in their care, meaning that it is very difficult to identify the scale of the issue.

At present these children are the least likely to have adults who will speak up for their rights (partly because their cases are so complicated, and because local authorities have other areas of concern). Recent reports also suggest that some local authorities are having reservations about placing children with prospective adopters who are EU citizens due to uncertainties over their future status so reducing the chances of some children in finding the permanent families they need. This is one of many areas that will require particular attention and Coram will continue to work to highlight and address the needs of these children.

The recent House of Lords inquiry on unaccompanied children²⁰ considered the best interests standard for unaccompanied children. It made recommendations to the Government, for example on improving mechanisms for family reunification.

²⁰ House of Lords European Union Committee: 2nd Report of Session 2016–17. Children in crisis: unaccompanied migrant children in the EU. 26 July 2016.

Other significant legal elements that the UK will need to consider as part of its EU exit transition includes the Brussels II Regulation (EC) No 2201/2003, (also called Brussels IIA or II bis). This is a family law framework that the UK may potentially leave, which allows for the determination of children's welfare claims in their country of habitual residence and impacts on care proceedings in public law, and child abduction in private law.

The EU directive on preventing and combatting trafficking in human beings currently gives much greater victim protection than national law. The directive also talks about a *durable* solution for trafficked children – which is a UNHCR/UNICEF developed term and is what we promote for migrant children in the UK.

Frameworks of rights and protections

There are various examples of how membership of the EU provides frameworks and infrastructures which are of benefit to children in the UK; these are either based in law or are mechanisms which support children's rights.

All of this support for children is currently embedded in the EU legal framework through a range of binding EU laws and financial support to protect children's rights in areas such as health and safety at work, education, protection against sexual exploitation, cross-border family disputes over contact and residence, exploitative advertising and unaccompanied children.

Many of the legal bases for these protections will need to be specifically confirmed in UK law once the EU underpinning law or Directive is removed unless they are underpinned by other treaties that the UK has already signed.

Some of the existing legal framework takes the form of regulations, which do not require the passage of UK law and instead have direct effect.

Swift action to identify and adopt relevant EU regulations into UK law will go a long way to ensuring that, when the UK leaves the EU, the basis of children's rights in domestic law is not diminished.

Although the European Charter and the UN Convention on the Rights of the Child (UNCRC) still apply, the UNCRC is not legally enforceable. EU law gives further legal weight to UNCRC principles.

Many of the existing EU rights accruing to children can be adopted by UK national law; the downside to this is that such legislation may not benefit from sanctions that currently exist at the EU level for their non-adoption or non-application.

The UK needs to ensure that no child falls into a gap left by transitions in legislation. In Coram's view the most effective way to achieve this could be to incorporate the UNCRC into UK law in full.

There remain a significant number of areas of children's rights that are difficult for the UK to address acting alone. These include immigration and free movement, but also consumer protection and other aspects of child protection. Some of the tangible benefits that EU arrangements have delivered include data on child trafficking, a universal telephone hotline for children who go missing, and work on guardianship models for the most vulnerable children.

For the UK to deliver on its children's rights obligations outside the EU framework, there will need to be a determined process and programme, and attention to ensuring that no child falls into an unacceptable situation during transition.

Leaving the EU is distinct from leaving the European Convention on Human Rights (ECHR) of which the UK remains a part and which confers many existing children's rights. The government will shortly be consulting on measures that would mean that the ECHR ceased to be binding in UK law and replacing the Human Rights Act 1998, which incorporates the rights set out in the ECHR domestically, with a British Bill of Rights. It is essential therefore that we consider how we underpin the rights of children in British domestic law.

There are several areas of EU law and regulation that confer rights directly on children in Europe and these will need specific consideration to ensure the interests of children are addressed, including: internal market and cross-border activity such as movement, immigration and asylum, and cross-border family law.

One complex specific area for concern is the changes to the free movement provisions (Directive 2004/38²¹), which will impact on children and young people as well as adults, namely on Zambrano parents/carers.²² The Zambrano case from the European Court of Justice means that the primary carer(s) of a British citizen child have a derivative right of residence in the UK with the right to work whilst the child is still a minor.

It should also be noted that wider tangible protection of children within the EU is encompassed in several areas of direct impact on children, including: consumer protection (for example safety of imported toys); protection from harmful media (advertising, violence and other inappropriate images); and regulations covering the development of paediatric drugs. For example, the EU Directive on combating the sexual abuse and sexual exploitation of children and child pornography obliges the UK to adopt measures to ensure that professionals can report suspicions that a child is a victim of child sexual abuse or exploitation.²³ All of these protections will need to be incorporated into UK legislation – where they are not already – if existing protections are to be maintained.

²¹ European Parliament and Council Directive 2004/38/EC of 29 April 2004 is about the right of citizens of the Union and their family members to move and reside freely within the territory of the EU and EEA member states.

²² The 'Zambrano Principle' (or the 'Zambrano Right to Reside') means that if a child of non-EU nationals is granted citizenship in an EU country, then the parents of that child have the right to reside within the EU and do not require work permits. Not granting these rights to the parents would be depriving the *child* of the genuine enjoyment of their citizenship rights under Article 20 of Treaty on the Functioning of the European Union (TFEU).

²³ "Not seen, not heard: the implications of Brexit for children", Open Democracy Website, 8 June 2016.
<https://www.opendemocracy.net/brexitdivisions/helen-stalford/not-seen-not-heard-implications-of-brexit-for-children>.

This applies also to the EU infrastructure associated with this (for example, Frontex,²⁴ Europol,²⁵ Eurodac²⁶) and cross-national judicial co-operation and social work. All of this is EU funded and enables a co-ordinated response to major issues such as child trafficking and child abduction.

Many of these mechanisms are not about binding law but they form part of a crucial overall infrastructure and exchange of knowledge that the UK uses collectively to protect children. Without these mechanisms, the resources and powers to protect children in many of these areas may be diminished.

When the UK leaves the EU it may need to renegotiate its membership of these frameworks on which children rely for protection²⁷

The UK will also need to take steps to secure access to centrally held European data and to systems and processes such as the European arrest warrant.

What should we do next?

Brexit may entail the rewriting of much UK legislation. This presents an exceptional opportunity to review, amend or update some legislation relating to children and to improve and strengthen children's rights and opportunities "unshackled" by the other 27 EU states.

If the UK is no longer within the EU legal framework, there is a need to question the extent to which the importance of international legal instruments relating to children's rights will increase, reduce or stay the same.

Many of the positive developments in children's rights have been the result of EU or other externally inspired changes, with the UK often utilising such changes to inform its own policy development; for example the Council of Europe's work on child friendly justice and children's participation.

Leaving the EU must surely not be allowed to imply or lead to hostility towards international treaties on human rights affecting work on implementing the UN Convention on the Rights of the Child.

If the traps of an anti-internationalist mind-set which sees anything from outside the domestic environment as unwelcome can be avoided, it may be that Brexit could present children in the UK with a huge opportunity.

This short briefing paper has identified some of the potential risks, challenges and opportunities resulting from the decision to leave the EU and has highlighted some of

²⁴ The European Border and Coastguard Agency.

²⁵ The EU's Law Enforcement Agency.

²⁶ The EU database for the comparison of fingerprints of asylum applicants and illegal immigrants.

²⁷ Although on 14 November the UK committed to remain a member of Europol until at least after Brexit.

the possible implications for children and young people and what policy-makers need to be considering in their negotiations on Brexit.

The recently launched White Paper, “The United Kingdom’s exit from, and new partnership with, the European Union”,²⁸ whilst hardly mentioning children, does highlight the importance of the Great Repeal Bill.

Work on the development of the Great Repeal Bill must take account of the rights and opportunities currently accruing to children as a consequence of their British citizenship within the European Union, and ensure that the rights and opportunities that they enjoy as British citizens outside the European Union are secured and advanced.

Children need permanence, safety and security if they are to thrive. We would recommend that the following could both mitigate the potential uncertainties or risks for children during the Brexit transition and further extend, enhance and protect the rights and opportunities of British children in the global era:

- As part of the Great Repeal Bill, we call on the UK Government to guarantee and secure children’s rights continuously from the day the UK leaves the EU.
- We call on the UK Government to launch a Task Force on Children’s Rights to propose and frame provision on the rights of our children as part of the new British Bill of Rights incorporating the UN Convention on the Rights of the Child and its protocols fully into UK law.

²⁸ HM Government (2017), “The United Kingdom’s exit from, and new partnership with, the European Union”. Cmnd 9417.

About Coram

Coram was established by Royal Charter in 1739, as the UK's first children's charity. We have been transforming lives for over 275 years. Today, we help around one million children each year.

The Coram Group helps children to feel safe, loved and protected from harm. We help children to lead healthier lives. We support children's education and learning. We build the skills children need to succeed now, and in the future and ensure their voices are heard. We protect the legal rights of children when these are in danger of being ignored and strengthen families to help children thrive.

Coram Children's Legal Centre (CCLC) specialises in law and policy affecting children and young people. Services offered by CCLC include:

Direct support to children, families and professionals through the free digital first legal information and advice found at childlaw.org.uk

Free legal information to young people via lawstuff.org.uk

Influencing policy through consultations, training, policy boards and providing evidence at parliamentary committees

Specialist support and advice on issues affecting migrant children including publication of seekingsupport.org.uk

Legal Practice representation in family, education, community care and immigration law

Coram International, also part of CCLC, is a research institution and consultancy specialising in issues relating to children's rights around the world. It has completed projects in more than 65 countries, and worked with organisations including UNICEF, Save the Children, DFID, WarChild and CARE International. Further information can be found at coraminternational.org

Coram Voice delivers advocacy, advice and support. It enables and equips children and young people to hold to account the services that are responsible for their care. We uphold the rights of children and young people to actively participate in shaping their own lives. Further information can be found at coramvoice.org.uk.

Coram Life Education (CLE) is the UK's leading provider of high quality Personal, Social, Health and Economic (PSHE) education and works to support 675,000 children nationally. CLE is currently co-producing a schools resource with migrant children aimed at raising awareness of their experiences.

Coram's role in the history of the development of children's rights is currently chronicled with the [Respected & Protected](#) exhibition taking place at the Central Family Court in High Holborn until the summer.