

## STATEMENT ON CHILDREN'S RIGHTS IN NORTHERN IRELAND 2

### CHILDREN AND YOUNG PEOPLE'S RESOURCE PACK



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### What does the UNCRC say?

#### Article 3: Best interests of the child

When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children. Governments should make sure children are protected and looked after by their parents, or by other people when this is needed. Governments should make sure that people and places responsible for looking after children are doing a good job.

#### Article 12 (Respect for children's views)

is also important to inform the negotiation process.

**Articles 7 (Name and nationality) and 8 (Identity)** are particularly important in Northern Ireland as citizens can choose to have British, Irish or both nationalities under the Good Friday Agreement.

#### Article 41: Best law for children applies

If the laws of a country protect children's rights better than this Convention, then those laws should be used.

The withdrawal from the EU should not result in any of the current protection for children's rights being lost including rights to education, health, protection and participation that are addressed in other sections of this resource.

### What does the UNCRC Committee say?

The UN Committee did not specifically address the UK's withdrawal from the EU as their examination was before the Brexit vote. However, in their General Comment 5 they have shown the importance of making sure that the protection of children's rights is crucial when developing any laws. They have also commented in the 2016 Concluding Observations on the best interests of the child.

#### Best Interests of the Child

The UNCRC says that your best interests must be taken into account in all decisions affecting you. Government should, therefore make this law and give guidance to people making the decisions so they can act in your best interests.

#### What does 'Best Interests' Mean?

*Best Interests is a term that is used a lot by adults who work with children and young people, when making a decision about a specific child, in a particular situation. It means that they should take all different factors into account (eg health, safety, what you think about the situation, what other people involved think, your rights etc) and make a decision on what is best for you. This shouldn't be influenced by things such as cost or what is easiest.*



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### What's the situation in NI?

As the UK government is still negotiating with the EU on the final agreement for leaving the Union there are still a lot of things that are not clear about what this will mean for children's rights in Northern Ireland. However, NICCY is keen to make sure children and young people's lives are not negatively affected by this decision.

Children and young people have not been able to have a say in the decision to leave the EU so NICCY wanted to make sure their voices were heard by decision makers as they planned new ways of working together. In 2017, NICCY and the Ombudsman for Children in Ireland worked with over 150 young people to produce a report which identifies the potential impact on children's rights from leaving the EU. The report ["Our Brexit Too: Children's Rights, Children's Voices"](#) explores issues that might affect children and young people in Northern Ireland including the impact on their education, health, national identity and family life.

It is important that children and young people don't lose the rights that have been built up and protected through the UK's membership of the EU and Charter of Fundamental Rights or risk the progress on peace and stability that the Good Friday Agreement has brought the country. However, this is also an opportunity to make the UNCRC part of law here in Northern Ireland to make protection of children's rights even stronger.

#### *What is the Good Friday Agreement?*

*The Good Friday Agreement (GFA), or Belfast Agreement, signed on 10 April 1998 involved all major political parties in Northern Ireland as well as an agreement between the UK and Ireland. It was a major development in the Northern Ireland peace process of the 1990s. Northern Ireland's present devolved system of government is based on the agreement. The agreement also created a number of institutions between Northern Ireland and the Republic of Ireland, and between the Republic of Ireland and the United Kingdom. Issues relating to sovereignty, civil and cultural rights, decommissioning of weapons, demilitarisation, justice and policing were central to the agreement.*



The North-South Joint Committee on Human Rights recently released a statement that outlined their requirements for the UK withdrawal agreement from the EU:

1. Make sure rights will not be reduced or affected by the withdrawal agreement;
2. Make sure people in Northern Ireland and the Republic of Ireland continue to have equal rights;
3. Guarantee equality of citizenship within Northern Ireland;
4. Protect border communities and migrant workers;
5. Make sure changes to justice arrangements do not water down rights; and
6. Make sure EU citizens in Northern Ireland can continue to take part in public life in the EU.

### ***What is the EU Charter on Fundamental Rights?***

*The European Charter of Fundamental Rights encompasses the ideals underpinning the EU: the universal values of human dignity, freedom, equality and solidarity, which have created an area of freedom, security and justice for people based on the principles of democracy and the rule of law.*

*The charter has 54 articles that ensure the rights and freedoms of EU citizens in these areas: Dignity, Freedoms, Equality, Solidarity Citizens' Rights, Justice.*

*The charter has been expanded to cover fundamental rights that go beyond just civil and social rights including: Data protection, guarantees on bioethics, transparent administration.*

### **In 2018 we asked the government to:**

1. Protect all aspects of the Good Friday Agreement including the right of people in Northern Ireland to identify as British, Irish or both;
2. Work with the EU to avoid a physical border between Northern Ireland and the Republic of Ireland;
3. Ensure freedom of movement across the border so that children, young people and their families continue to access services and facilities on either side of the border; and
4. To commit (after-Brexit) to the continuation of financial support currently provided to Northern Ireland by the EU including through grants which contribute significantly alleviate child poverty, supporting youth groups and communities.



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## **So how is the UK Government doing at protecting children's rights during the EU withdrawal process?**

The UK Government agreed to a Withdrawal Agreement with the EU that became law in January 2020. This commits to no reduction of rights for UK citizens which has been a focus of NICCY's work on the issue. Many politicians are concerned about the UK removing the EU Charter of Fundamental Rights and how this will impact children's rights. Baroness Lister called on the UK Government to make the full UNCRC law in the UK following her meeting with the 'Our Brexit Too' young people's delegation in 2018. NICCY has also called for this as Northern Ireland explores its own Bill of Rights.

Because of the particular circumstances of Northern Ireland as a country dealing with the legacy of conflict it is important to make sure that citizens in Northern Ireland have equal rights to those living in Ireland. The UK Government has committed to this as it forms part of the Good Friday Agreement.

### **The economy and living standards**

The UK will stop following EU trade rules on 31<sup>st</sup> December 2020. Currently the future trade arrangements have not been finalised. It is important that the government in Northern Ireland makes sure that trade can continue so Northern Ireland does not face any shortages following the end of the transition period.

NICCY has ongoing concerns about the impact of losing EU funding on youth services, infrastructure and farming subsidies. It is important that Brexit does not cause more child poverty in Northern Ireland, particularly at a time of financial uncertainty caused by Covid-19.

### **Land border on the island of Ireland**

The border between Northern Ireland and the Republic of Ireland is the only land border between the UK and EU. This border has previously been controversial but since the Good Friday agreement citizens on both sides of the border have become used to moving freely across the border as both countries were members of the EU.

Children and young people on both sides of the border cross regularly for school, family visits, health care and social activities. While the UK Government has agreed to keeping this free movement there is still concern about what this will mean in practice.



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### Security, policing and child protection

UK's membership of the EU has given it access to a large number of organisations and services which help protect children and young people from crimes such as trafficking and abuse. It is important that child protection does not suffer because of withdrawal from the EU. There is some evidence of an increase in racism and attacks against ethnic minorities and migrants since the referendum on leaving the EU. The government in Northern Ireland must make sure they plan to address hate-crime and prepare for any increase post Brexit.

#### Our recommendations to Government:

1. All aspects of the Good Friday Agreement must be protected including the right of people in Northern Ireland to identify as British, Irish or both. Government must also make sure that human rights are protected and that all citizens in Northern Ireland and the Republic of Ireland continue to experience rights equally.
2. The UK Government, Irish Government and European Union must work together to avoid any kind of hard border on the island of Ireland.
3. Governments must make sure that children and young people can be safeguarded by keeping current security, policing and justice mechanisms (e.g. Europol, Eurojust, ECRIS, European Arrest Warrant).
4. The UK and Irish Governments must work together to keep freedom of movement across the border so that children, young people and their families continue to access services and facilities on either side of the border (e.g. health, education, family life, sports etc)
5. The UK Government (post-Brexit) should keep providing financial support currently given to Northern Ireland by the EU. This includes farming subsidies, finance for infrastructure (e.g., transport links, communications, energy) and make sure that funding is available for projects that help reduce poverty and support peace across Northern Ireland.
6. Make the UNCRC law in Northern Ireland to protect the Rights of all children and young people after Brexit.