

19 October 2017

**Communication from the European Network of Ombudspersons for Children  
regarding the potential impact of Brexit on children's rights**

The European Network of Ombudspersons for Children (ENOC) links independent children's rights institutions which have been established in European countries to promote children's fundamental rights. There are 43 institutions in 34 countries within the Council of Europe, 23 of which are EU countries.

ENOC members have agreed this statement, which we address to the leaders of each EU member state and the EU Commission. We are expressing our concern at the lack of regard to the voice and position of children and their fundamental human rights, as set out in the United Nations Convention on the Rights of the Child and the European Convention on Human Rights, in the current negotiations on the terms of the United Kingdom's exit from the European Union.

We wish to highlight the following children's rights issues, requesting that all EU member states and the EU Commission pay careful attention to the potential impact of the outcome of the current negotiations on the children of Europe.

**Future rights of residence**

There remains considerable uncertainty regarding the status and residence rights of children with citizenship of other EU nations living in the UK. There is equal uncertainty for children of UK citizenship living in other EU nations. This uncertainty is profoundly unsettling for children, impacting on their lives, education and wellbeing.

We note that both the UK Government and the EU negotiators have made securing an agreement on future residence rights a priority, but that little progress has been made to date. Work undertaken by the Commissioners has demonstrated that children have unique needs to be considered within these negotiations. It is important that the agreement reached on residence rights reflects these unique needs and recognises that children can have strong ties both to the country in which they have grown up and their country of nationality. We urge the UK Government and the EU negotiations to make reaching an agreement on this issue an absolute priority.

**Republic of Ireland and Northern Ireland**

We welcome the attention recently given to the status of the border between Northern Ireland and the Republic of Ireland, which has very significant implications for children's daily lives. Any backwards step in the peace process caused by uncertainty or discord regarding the status of the border would be detrimental to the wellbeing of all generations, and particularly the children of Northern Ireland and the Republic of Ireland. We urge the

UK government and the EU negotiators to uphold the Good Friday

Agreement and ensure no regression for the rights of children and young people across the Island, North and South.

### **Children's right to be heard**

Those under 18 did not have a vote in the referendum and may feel powerless in the face of a process that will shape their futures, in ways that are not yet clear.

Taking into account children's right to be heard in relation to all matters affecting them and given the significant impact Brexit will have on children throughout the EU, we urge you to hear and take due account of children's views in the context of the negotiations. It is vital that children and young people are now given the opportunity to contribute their views and be part of the process of working towards constructive solutions.

All parties to the negotiations should conduct meaningful engagement with children which recognises that children will have a wide range of views and that some cohorts of children will be directly affected in specific ways and therefore have a particular right to be consulted.

### **Children's right to information**

Children have a right to information concerning matters that affect them. It is important that information about the Brexit process is made accessible to them in an age-appropriate format.

### **Protection and welfare of children**

The EU has enacted a significant number of legal instruments which give direct entitlements to children in areas including child migration, asylum, child protection and paediatric healthcare services. Legislation which keeps children safe covers child trafficking, child abduction and child sexual exploitation.

Much of this has already been transposed into UK domestic law but it is vital to secure the cross-border activity that supports all of this. One example is the European Arrest Warrant (EAW) which provides a fast track extradition procedure across EU Member States. This ensures those who commit crimes against children are arrested and returned to the relevant jurisdiction to answer charges. It is essential that detailed consideration is given to this and all other cross-border child protection measures and that important cross-border work on keeping children safe continues during and after the Brexit process.

### **Child rights impact assessment**

Given the profound implications of Brexit for the current and future generations of children, the European Network of Children's Ombudspersons reminds the UK and other EU member states of their commitment under the United Nations Convention on the Rights of the Child to ensure that the best interests of the child shall be a primary consideration in decisions that affect them.

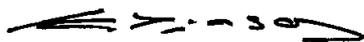
In order to adequately address the above points, we urge the UK Government and the EU to conduct a child rights impact assessment in order to ensure that decision-making regarding

Brexit is informed by a child rights based approach. These should be laid before Parliaments and fully scrutinised and debated.

We request that each EU government communicates to the Ombudsperson or Commissioner for Children in their jurisdiction as to how they will pay due regard to the rights of children during the negotiations.



**Mr. Tuomas Kurttila**  
ENOC Chair  
Ombudsman for Children, Finland



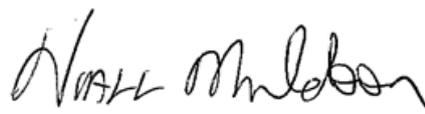
**Ms. Koulla Yiasouma**  
Northern Ireland Commissioner for Children and Young People



**Anne Longfield**  
Children's Commissioner for England



**Mr. Bruce Adamson**  
Children and Young People's Commissioner Scotland



**Dr. Niall Muldoon**  
Ombudsman for Children in Ireland



**Prof. Sally Holland**  
Children's Commissioner for Wales