



## Response from Children in Wales

### External Affairs and Additional Legislation Committee Inquiry into the implications for Wales of Britain exiting the European Union

#### Introduction

Children in Wales is the national umbrella organisation in Wales for children, young people and families issues, bringing organisations and individuals from all disciplines and sectors together to speak with one voice and to exchange knowledge. One of our core aims is to make the United Nations Convention on the Rights of the Child (UNCRC) a reality in Wales. Children in Wales campaigns for sustainable quality services for all children and young people, with special attention for children in need and works to ensure children and young people have a voice in issues that affect them. Children in Wales facilitates the voice of children and young people to influence government policy making through its 'Cymru Ifanc/Young Wales' work.

For further information on the work of Children in Wales, please see [www.childreninwales.org.uk](http://www.childreninwales.org.uk) & [www.youngwales.wales](http://www.youngwales.wales)

Children in Wales has been active internationally since 1992. With the support of previous Welsh Administrations and sister umbrella bodies in Finland, Estonia, Cyprus and Germany, the Chief Executive led the creation and was the founder President of Eurochild, the pan European organisation (over 178 national and cross national organisations in membership), funded by the European Commission to combat child poverty and social exclusion and to promote children's rights. [www.eurochild.org](http://www.eurochild.org).

#### **Response to Q1 *What should be the top priority for Wales in advance of the UK Government triggering of Article 50?***

##### **1. Consult children and young people**

1.1. Together with partner UK national umbrella organisations and Eurochild. Children in Wales had the following letter printed in the Guardian on Sunday 3 July 2016. To date this plea has largely been ignored by governments across the UK. The

significant implications for future generations as well as the rights and well-being of children and young people today must be addressed urgently.

*'In response to the referendum result, we urge UK governments and the European Union to involve children and young people in decisions that will shape Europe's future. Our work is underpinned by the rights enshrined in the United Nations convention on the rights of the child. Under article 12, children and young people have the right to participate in decisions that affect them. The UK ratified this in 1991. It is therefore obliged to ensure these rights are realised for all children here. We are dismayed that 16 and 17year olds, including those who voted in May's Scottish parliament elections, were denied the right to have their say in the most important decision of recent times. Some 75% of UK voters aged 18-24 chose to remain in the EU. Governments must now ensure every policy decision they make helps to address these young people's concerns.*

*Since the result, some of our young people have been subject to racist abuse. Hate crime has no place in our society. This message must be communicated explicitly. All children should have the opportunity to grow up secure and happy, and recognised as individual rights holders. The UK's vote opens a period of deep uncertainty. While attention focuses on the economy, political leaders must also address growing inequality and disaffection in our societies. Dangerous levels of social division are prevalent across Europe. This is toxic to childhood and to our democracies. If politicians are serious about bridging that divide, children's rights and the fight against child poverty must now take centre stage.*

*Chief Executives of Children in Wales, Children in Scotland, Children England  
Children in Northern Ireland and Secretary General of Eurochild*

## **2. Children's Rights Impact Assessment**

2.1. Importantly, the EU has 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.

2.2. Welsh Legislation requires assessments of policies on children's rights so any changes due to withdrawal from the EU will need to go through the same process

- 2.3. The UN Committee on the Rights of the Child raised “serious concerns” that the UK was not doing enough to prioritise children’s needs, making more than 150 recommendations. It is therefore crucial that advances to children’s rights gained through our membership of the EU are not lost. There is a potential devastating impact on children that Brexit could have in relation to children’s welfare and entitlements. For instance the European Commission’s preventative strategy, [‘Investing in Children: Breaking the Cycle of Disadvantage’](#) represents a comprehensive attempt to tackle child poverty and promote well-being by 2020, with a focus on ensuring that children receive: access to adequate resources, including child and family benefits; access to quality and inclusive services such as childcare and education; and meaningful participation in decision-making. As child poverty across the UK is rising, what will happen to the hard fought for content of the EU Directive – Investing in Children.
- 2.4. Children, young people and families have been disproportionately affected by austerity cuts. For instance many local authorities have cut funding to youth services.

### **3. Community Cohesion**

- 3.1. The immediate aftermath of the Brexit vote showed a significant increase in hate crime against children, young people and their families who were identified rightly or wrongly as not being from the UK. Informally we know that the police recorded a higher incidence of hate crime against adults. However to our knowledge this is not being monitored for incidents against children and young people in schools and colleges. One of our members, Race Council Cymru has continually expressed concern about this and Children in Wales has raised this repeatedly. Action needs to be taken urgently if those affected are not to become disaffected with Wales and Welsh people.

### **4. Knowledge Transfer**

- 4.1. Currently the EU provides funding to enable training, awareness raising and sharing of best practice. For instance during the past week through Eurochild we were able to participate in the European Children’s Rights Forum regarding

the rights of migrant children. We met with politicians, policy makers and operational staff in relation to the Syrian Refugee crisis. Invaluable information and contacts were made, but even more importantly it provided a coherent pan Europe debate about the way forward – eg the Greek Minister making it clear that not all countries in Europe were playing their part – there are still 700 unaccompanied asylum seeking children in camps in Greece with no offer of an onward location.

- 4.2. Other key areas that affect children in Wales include dealing with cross border such as safeguarding, child trafficking, online safety,
- 4.3. Being a member of the European Union facilitates access to pan European networks and opportunities to deliver projects in partnership with other Member States. As previously stated Children in Wales is a member of Eurochild and this will continue post Brexit. The reality however is that currently Eurochild pays for our participation through its EU grant and they will not be able to do so post Brexit. A key risk is therefore that there will be a significant reduction in these opportunities which would impact on our ability to be an outward looking Nation and receptive to new ideas.

## **5. Influence is Two Way**

### **5.1. Wales influencing other countries**

- 5.1.1. To date Wales has had a leading role in promoting children's rights and combatting child poverty in Europe.
- 5.1.2. Over the years consistent advocacy from Children in Wales and Eurochild resulted in the European Directive [‘Investing in Children: Breaking the Cycle of Disadvantage’](#). Similarly our advocacy originally resulted in the word ‘age’ appearing in the EU Charter of Fundamental Rights (fielded politically by a Welsh MP).
- 5.1.3. Through our European activity, we led the campaign to establish the first Children's Commissioner in the UK and subsequently influenced other countries.

### **5.2. EU influencing UK and Wales**

- 5.2.1. When it has been impossible to directly influence the UK government on non-devolved matters, Children in Wales has been able to influence the

EU which can then issues directives etc to the UK Government eg on fundamental rights

- 5.2.2. The European Commission's revised guidelines have helped ensure that EU policy and legislative proposals are assessed against their impact on children's rights. There are clearly differences between Wales and the UK Governments approach to children's rights. It's crucial we learn from positive European initiatives and take them forward in the context of Wales and UK policy and decision-making regardless of Brexit.
- 5.2.3. The 'Partnership Principle' which underpins the design, management and implementation of the Structural Funds in Wales has enabled our member organisations to be involved in setting priorities and decision making. WCVA would seek for any successor funding arrangements to retain the approach of the 'Partnership Principle'.
- 5.2.4. Eurochild members have highlighted concern that the UK may contradict efforts to improve social protection systems so that they better respond to the needs of children and families. At present there are approximately 28 million children living in poverty in the EU and over one in four children are at risk of poverty and social exclusion. Viewed through a children's rights lens, child poverty is understood as a multi-dimensional phenomenon, encompassing not only income deprivation, but also other forms of deprivation and loss of dignity – lack of access to appropriate housing and living environment, education, health services, social services in the field of prevention and care, and a more general lack of opportunity in society. Combating child poverty is now part of a new global development agenda, the Sustainable Development Goals, which highlight that child poverty is a universal challenge that requires a response at the national, European and global level.
- 5.2.5. Eurochild members have also highlighted that being part of the EU offers the opportunity to influence future decisions being made, to help ensure that children and young people can shape a more 'social Europe.' there is therefore uncertainty on the processes and procedures which would take effect in the UK in this scenario, and whether the UK government might seek to take forward similar proposals on their own accord.

## **6. Funding**

- 6.1. Loss of the current level of EU funding will have a major impact on organisations working with children, young people and families in Wales.
- 6.2. The Children in Wales Chief Executive is Vice Chair of WCVA and Children in Wales was involved in WCVA's consultation response in relation to funding for the third sector and we are therefore in agreement with WCVA's response. 'Since 2007 the third sector has accessed in excess of £330 million of EU Structural and Investment fund through a range of grants and procured contracts, as well as programmes such as Erasmus+, Development, Education and Awareness Raising (DEAR), Creative Europe and Daphne. The loss of these funds will have a significant impact on the third sector's ability to deliver projects that contribute to the social and economic regeneration of the most deprived areas of Wales' EU funding has therefore brought tangible benefits to children and young people living in Wales.

### ***Q2 Examples of where the UK's proposed approach to transferring the *acquis communautaire* (the body of European law), through the proposed Great Repeal Bill, into domestic law might have particular implications for Wales***

7. Whilst the Economic aspects of Brexit are important for prosperity, there appears to be little recognition of how much the EU has achieved for children in the UK.
- 7.1. Historically, children have not been at the forefront of the EU's legal and policy agenda, but today almost all EU law and policy affects children's lives.
- 7.2. There is a vast amount of EU legal provision that confers direct, legally-enforceable entitlement on children in their own right, particularly in relation to internal market or cross-border activities such as free movement, immigration.
- 7.3. There is hardly any aspects of children's lives that is not affected by EU legislation and policies.
8. It could be argued that much could be incorporated into UK law, but for example a key strength of EU child protection provision is not just the content of the measures themselves, but the accompanying accountability mechanisms. Many children's rights issues cannot be addressed by the UK acting alone. For instance the EU

regulatory framework underpinning cross-border family law has resulted in higher levels of co-operation between members of the judiciary and succeeded in expediting outcomes for children who are abducted or caught up in battles over care, parental contact and maintenance.

- 9. We therefore recommend a wholesale review of the current legal situation – both devolved and non-devolved to check children and young people in Wales will not be adversely affected.**

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