

Potential Brexit implications in the VCSE Sector

NICVA

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Acknowledgements:

NICVA (the Northern Ireland Council for Voluntary Action) would like to thank all those involved in helping to collate this brief report, whether that be through supplying research or via phone calls, emails and interviews. Brexit is a difficult subject to get a handle on and even more difficult to predict the outcomes in real terms. However, as all those involved recognise, Brexit is likely to be a watershed moment for Northern Ireland on a number of levels.

Abstract:

This report seeks to begin to outline the impact of Brexit on a range of groups in the Voluntary, Community and Social Enterprise sector (VCSE) in NI, including the people and issues their work is focussed on.

As this project seeks to highlight, the Brexit debate is relevant to every aspect of society; NICVA believes it is not a green and orange issue, but a societal one. For some organisations the potential impacts are obvious, whilst for other groups in society the potential implications are more nuanced. Crucially, Brexit is evolutionary in nature and as such, this paper is speculative and not a settled analysis.

Case study material has formed the basis of study for this paper. It aims to illustrate the real-life challenges which the Brexit process is having, and/or is likely to have, further down the line. As such, this piece has a more practical focus.

However, case studies do offer the opportunity to illustrate concerns at the heart of macro-level debate as well as shed light on issues not yet considered from within the voluntary, community and social enterprise sector.

Pertaining to themes, from engagement with the parties consulted for this report, the following issues have emerged as key;

- The need for more urgency in approach
- The need to identify and resolve uncertainty, as far as possible
- The need for further consultation with the sector from decision makers
- The need for government to 'get it right' in terms of the negotiations' end product
- Concern for what will replace the EU in various fields?

NICVA's Position:

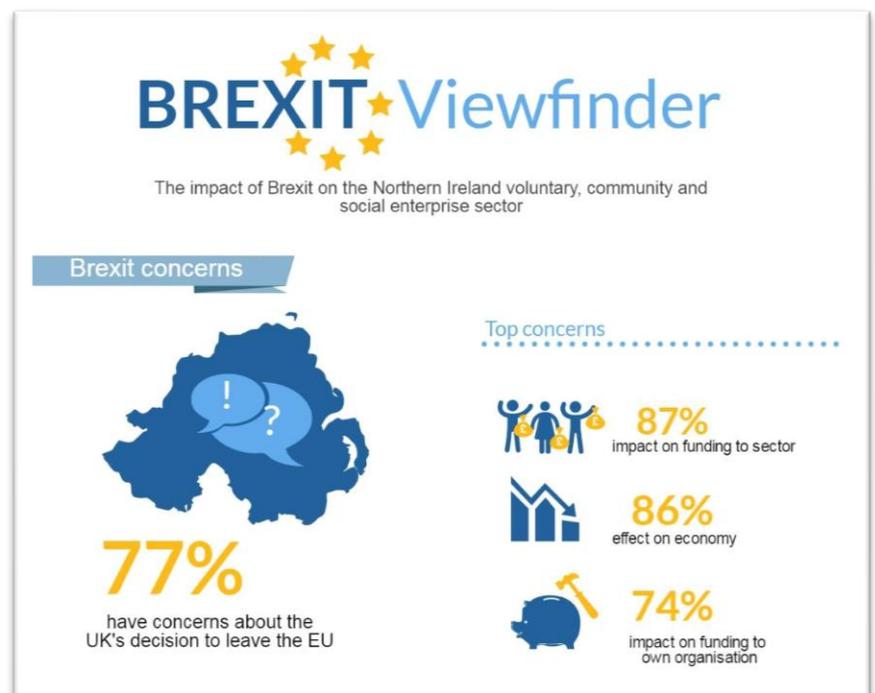
NICVA is a membership organisation with over 1,000 member organisations. NICVA functions as an umbrella body for the VCSE (Voluntary Community and Social Enterprise) sector. In many ways it acts as a front door to the sector. NICVA fulfils its role as an umbrella body via three key functions: representation, advice and training and information services.

The VCSE sector itself encompasses over 6,000 organisations within NI who, in turn, employ over 44,000 people. The VCSE sector is heterogeneous in nature, engaging in areas from arts programmes through to environmental conservation. Brexit raises concerns for not just the VCSE sector but the wider society that it serves. As such, NICVA is anxious to raise its substantial concerns around the topic on behalf of the sector.

NICVA has been consistently involved in the discussion surrounding Brexit. NICVA's engagement with the sector and the issues pre-date the EU referendum itself. From NICVA's pre-referendum survey it emerged that 80% of NICVA's members supported remaining within the European Union. Post-referendum, 77% of the VCSE sector surveyed held concerns about the UK's decision to exit the EU. (NICVA,2016)

This, along with scrutinising Brexit through the lens of societal implications, has informed NICVA's remain stance.

The EU referendum and Brexit Hub on NICVA's website charts NICVA's engagement with Brexit and reflects NICVA's active and genuine interest. Key aspects of NICVA's role has included releasing position papers and facilitating roundtable sessions with 'Brexit leads' from NICS and sector representatives. More information can be found at, <http://www.nicva.org/key-issues/eu-referendum-and-brexit>.



NICVA has already articulated its stance on Brexit. The NICVA Position Paper on Brexit can be accessed through the following link: <http://www.nicva.org/article/nicva-position-paper-on-brexit>. However, the issues raised in this piece are worth repeating, the paper can be summarised under 5 key headings;

1. Protecting peace and stability in NI
2. Protecting the NI Economy and economic well-being
3. Protecting our social and economic rights
4. Protecting our health
5. Protecting our environment

It is NICVA's view that a full and comprehensive picture of Brexit's potential repercussions is required before any form of entrenched settlement on the UK's future relationship with the EU is agreed.

The remainder of this paper will aim to elucidate some of the issues raised in NICVA's position paper on Brexit in tangible terms. It is not, and cannot be, an exhaustive picture of the impact Brexit is likely to have in the VCSE sector, but it is a starting point.

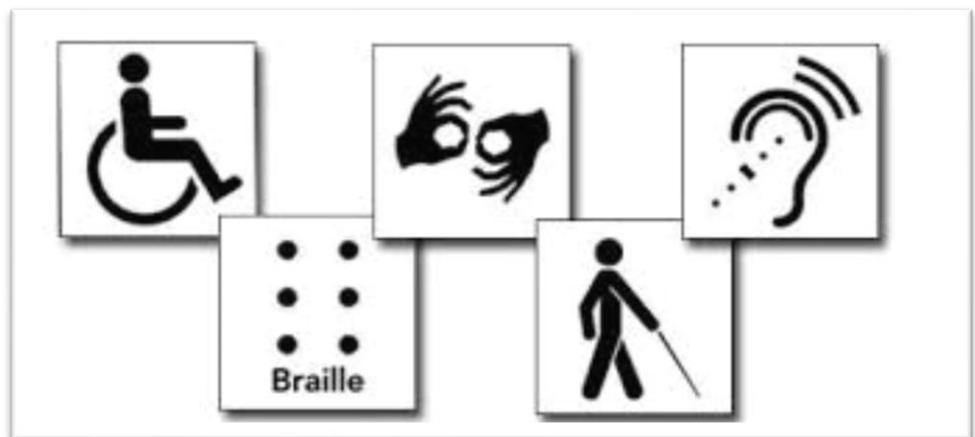
1. Disability Action – Rights and Protections: Past, present and future

Disability Action is committed to protecting the full citizen’s rights of people with disabilities in Northern Ireland. Disability, as defined in 1995 under Disabilities Discrimination Act, is ‘a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities’. (ECNI, 2011, p. 3)

In the UK, approximately five million people have a form of disability. (Department for Work and Pensions, 2015) In Northern Ireland one in five people have a disability (Disability Action, 2015). Yet, when it comes down to landmark decisions, of which Brexit is the definition, disabled people’s worry and concern seems to become ‘invisible in key debates’. (Byrne, 2016)

People with disabilities have fought hard to achieve the rights and protections which they enjoy today. Vitally, the EU Commission under the European Disability Strategy 2010-2020, recognises disability is ‘not a matter of discretion’ but a matter of rights. (European Commission, 2017)

Yet Patrick Malone, the Public Affairs and Engagement Officer at Disability Action, expressed that the UK are ‘falling short’ in the delivery of protections afforded by the EU’s Strategy. Hence, exit from the EU doesn’t bode well for the future rights of those with disabilities.



The current state of play - The UK’s record and NI’s dilemma:

Professor Chaney from the University of Cardiff has accused Westminster as being guilty of ‘institutionalised ableism’, in fact, regarding its legislative priorities, disability comes beneath both gender and age. (Chaney, 2017) Celia Thomas, a Liberal Democrat Peer who suffers from muscular dystrophy, has noted that, disappointingly, people with disabilities are familiar with the concept of being ‘left behind’. (Thomas, 2017)

Post-Brexit, people with disabilities across the UK and Northern Ireland will remain protected by the United Nations Convention on the Rights of Persons with Disabilities

(CRPD), which passed into law independently of the EU. However, Patrick Malone believed it is more than worth noting that in August of this year, the UN's Committee on CRPD lambasted the UK's performance in this area. The UN did not believe the UK had exhibited world leader credentials. Theresia Degener, chair of the UN committee, claimed that the UK government agenda has 'totally neglected' people with disabilities. (Kentish, 2017) Brexit has the potential to result in the further hollowing out of rights and protections for people with disabilities. Higher standards come at a price. In the short term the UK is likely to experience significant economic pressure post-Brexit. The likelihood of a squeeze on standards for reasons of economic 'efficiency' is not illogical and is a threat to those with disabilities.

Moreover, it is important to highlight that Northern Ireland's equality legislation diverges from that of the rest of the UK. In NI Disability Action is particularly anxious to ensure that the 'disability gap', in relation to rights and protections left by the vacuum which exiting the EU will cause, is resolved domestically. (Disability Action, 2017)

So why is the EU important?

We can find ourselves asking the question, if the UK and NI don't possess sparkling records in relation to their interaction with the disabled community, then why does the EU matter? Essentially, the EU has been a driver for change and a guarantor of the rights and protections of people with disabilities. Notably, in 2000 the EU brought changes to the Disability Discrimination Act (DDA) by replacing it with the Framework Directive for Equal Treatment in Employment and Occupation. This revision has meant that even organisations employing fewer than twenty people cannot discriminate against those with disabilities. (Disability Action, 2017)

The EU has suffered accusations of bureaucracy, over regulation and interference in UK sovereignty. However, the 'red tape' and mass of EU acquis, which has attracted so much negativity, 'are often the things which have made life so much better for disabled people', evidenced as follows. (Thomas, 2017)

Disability Action and people with disabilities generally are keen to stress that post-Brexit there must be no regression in the protections and rights already in place. The EU has ushered in positive developments ranging from regulation and co-ordination of social security in member states in 2004, to the harmonisation of the Blue Badge Scheme, the instigation of a host of EU Travel Directives and a source of vital European Social Funding (ESF). The EU pillar of freedom of movement has also allowed for the provision of health and social care staff from other EU member states to provide vital independence to many

people in NI with profound care needs. Staffing is already an acute problem, in October of this year Dr Tony Stevens, chief executive of the Northern Health and Social Care Trust noted that agency nurses have in some instances been costing the NHS 'up to £100,000' per annum. (The BBC, 2017)

ESF in many ways provided a 'lifeline' for the VCSE sector during a time of austerity. (Byrne, 2016) In NI ESF has supported 65 schemes that engage with people with disabilities. (ni.gov cited in Disability Action, 2017)



In terms of the future, Patrick Malone highlighted the potential to miss out on the benefits of the EU Accessibility Act coming down the pipeline as a 'most pressing concern'. The EU Commission is hoping to standardise the requirements of services such as cash machines, to improve accessibility. (European Commission, 2015).

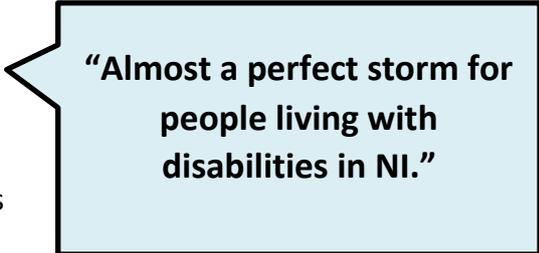
As a result of Brexit, it is likely that this legislation will have to be developed independently of the EU by the UK and NI. Disability Action believe in the wake of Brexit it is vital that we 'keep pace' with positive developments in EU disability rights work. (Disability Action, 2017)

The EU will still be able to operate as a yardstick for the development of disability legislation. However, enacting legislation similar to that of the EU will not be a political imperative. In terms of the EU judicial system, Brexiteers are keen to sever ties there too. The disabled community in NI will be reliant on lobbying efforts, political goodwill and public pressure.

However, in this Patrick Malone noted his worry. He sees people in Northern Ireland as becoming desensitised to people with disabilities. Patrick sees disability issues being 'most complained about but, least litigated against'. Disability is becoming 'normalised' which in many ways is important. However, it is equally important not to forget the unique need for rights and protections of people with disabilities in NI.

BrexitLawNI have stressed the 'real risk' for the Brexit debate on equality to struggle to get further than the area of the rights of British, Irish and EU citizens. There is a need to be awake to the worth of the EU's role in a much broader human rights context. (BrexitLawNI, 2017) Fundamentally, Brexit will affect any recourse to the European Charter of Fundamental Rights (CFR).

Crucially, Northern Ireland is without an Executive, Westminster does not have a rights based agenda and Brexit is looming. Patrick Malone believes an 'almost perfect storm for people living with disabilities in NI' is on the political horizon.

A light blue speech bubble with a black border and a tail pointing towards the left.

“Almost a perfect storm for people living with disabilities in NI.”

2. The Belfast Interface Project (BIP) – Peace and Stability

The Peace Process:

The peace process in Northern Ireland has been underway at best from the early 1990s; Northern Ireland has successfully achieved approximately twenty years of relative peace. The process has received accolades of praise on the international stage and has been exported as a blueprint for reconciliation. However, the peace process is a dynamic in Northern Irish political culture which requires continual work; it is yet to come to resolution.

In this context, organisations such as the Belfast Interface Project (BIP) come to the fore. As the name suggests, BIP works with interface communities across the city. Interface barriers still furnish the landscape of Belfast today, BIP calculated that walls and fences alone stretch over 11,528 meters. (Campbell, 2017) These interfaces are physical manifestations of the ethno-political divide which is still healing in Northern Ireland.

Joe O'Donnell, the Strategic Director of BIP, has been involved in the field of community peacebuilding for over twenty years, yet, referring to Brexit he claimed, "I don't want to sound alarmist but, it [Brexit] poses the biggest challenge to date for the peace process", signalling the extent of the problem Brexit is posing.



"I don't want to sound alarmist but, it [Brexit] poses the biggest challenge to date for the peace process."

Joe described how the idea of empowerment is at the crux of community development. He noted that the EU have sought to perform a role in empowerment from the outset in NI. The EU has been a friend in support of people from both sides of the community.

The Bigger Picture:

Debate has been circling around the likelihood, if not certainty, of trickledown effects which will accompany Brexit. However, in the context of peace-building, Brexit has the possibility of heaping down an avalanche of difficulties. Joe O'Donnell sees the impacts on the ground as 'potentially devastating'.

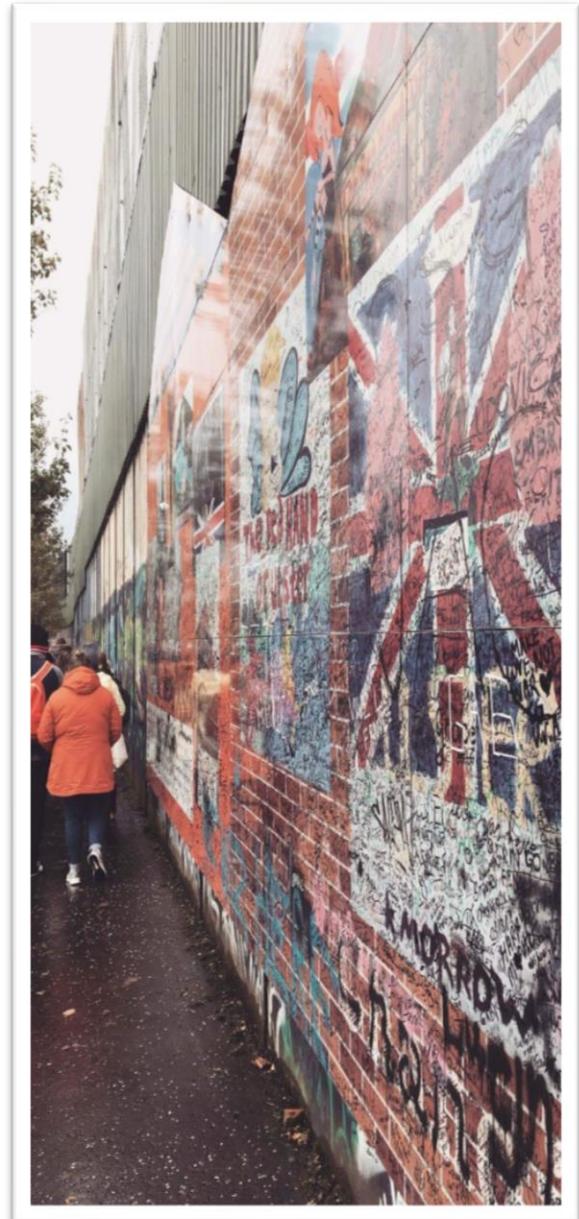
When discussing interfaces in Northern Ireland, Joe maintains, 'he has never met anyone who wants a fence in their back garden'. Yet, as has been established, they remain in many formats. Why? Joe stresses the removal or transformation of interface barriers is viewed as a risk. It requires community confidence and support which may not be there yet. Change needs to be organic. In 2016, the Stormont Executive committed to removing interface structures by 2023. Joe sees this as an ambitious target, but at least it is a target. Brexit and

the potential for a hard border, despite the rhetoric of a 'seamless' and 'invisible' border advocating the contrary, could set this target back even further. Brexit adds a further layer of risk to questions of interface regeneration. Joe sees Brexit as heightening the existing reluctance to keeping moving forward.

Vitaly, Joe highlighted that unfortunately we in Northern Ireland have seen what happens when there is a political vacuum. Brexit has compounded political stagnation in Northern Ireland which is a fear for the peace process. Brexit has become highly politicised. Sinn Fein are not a traditionally pro-European party. However, Sinn Fein have firmly placed the concept of 'special status' for NI under the banner of Nationalism. In reaction the DUP moved to block any potential for regulatory divergence from the rest of the UK.

Both sides of the ethno-political divide have adopted entrenched positions which does not bode well for the compromise which Brexit is likely to require.

Brexit has been painted in the colours of green and orange and has become yet another divisive issue for NI.



The Good Friday Agreement was ratified in Northern Ireland by a majority of 71.12% with a turnout of 81.10%. Joe noted that, from his experience, most people are content to resolve any future change to Northern Ireland's constitutional position by democratic means. However, 'Brexit has thrown a whole new light on things', it raises re-emerging question marks over identity in the minds of those on either side of the community.

Moreover, PWC, in their 'Northern Ireland Economic Outlook' report, has already estimated that Northern Ireland's rate of economic growth will slow in 2017 to 1% and by 2018 drop to

0.9%. (PWC, 2017) Joe believes that the threat Brexit poses to the economy will undoubtedly impact the most vulnerable, therefore many of those living in interface communities. Hence, Brexit is likely to add additional financial worry to an already complex matrix of risks associated with interfaces.

In the broader peace context, the EU has been a vehicle for change in terms of conflict in Europe. Vitally, the EU have spurred the population of Northern Ireland in the direction of peace via financial means. The EU has funded projects supporting community development, social cohesion and peaceful reconciliation whether it be through the EU regional development fund, structural funds or IFI funding, as was from 1989. In terms of monetary value PEACE programmes in particular have contributed hugely to the peace process in Northern Ireland. From 1995 to 2013 1.3 billion Euros was poured into PEACE initiatives in NI and Ireland. The phase of PEACE IV funding we are currently operating under is estimated to be worth the value of a further 270 million Euros. (EU Parliament, 2017) The EU has been the definition of an arbiter for peace, its *raison d'être* was, in part, to cement peace in what had been warring Europe. From the lens of peace and stability in Northern Ireland, the official absence of such influence after 11 pm 29th March 2019 will be felt deeply.

Temperature on the Ground:

Interfaces are microcosms of the disruption a hard border could cause in Northern Ireland. As is seen in the case of BIP, it is much easier to erect a barrier than it is to dismantle barriers. The same is likely to be true of a border on the island of Ireland. It is hard to imagine, as the powers that be are finding it hard to imagine, what form an undisruptive border may take. Redefining boundaries is inevitably a difficult business, even one incident at a UK/EU border in Ireland could result in significant escalation of controls. Drew Harris the PSNI's Deputy Chief Constable told the DExEU select committee on their visit to NI, that "Infrastructure on the border would be an obvious point for dissident groups to rally around and attack". (The Belfast Telegraph, 2017) It is key that The Good Friday Agreement is enshrined in the eventual Brexit deal as promised.

Women play a hugely important role in keeping the dialogue of peace going in interface communities, as such NICVA has had conversations with two women as follows;

Susan McCrory, who works for Falls Women's Centre, has two particular worries in relation to Brexit.

Brexit is "not bearing in mind all the great work done in good community relations so far". Susan noted how the role of the EU goes further than funding and that the importance of the EU, "goes to the bigger picture". Notably, Susan highlighted that

Northern Ireland “hasn’t fully dealt with the past yet”, looking to the future without the stabilising factor of the EU “could be damaging”.

Susan works in the Falls Women’s centre and, as such, was keen to highlight that Brexit is not dealing well with gender issues, “they don’t seem to appear on the horizon” and this is worrying.

Eileen Weir, Good Relations worker across North and West Belfast for Shankill Women's Centre, articulated her concern around Brexit:

Eileen has her ear to the ground in the Shankill community. She held two engagements prior to the referendum in which over 100 women were in attendance and is hoping to hold another event on Brexit in the near future. Stemming from Eileen’s interaction with women in the community, she identified how Brexit will impact day-to-day living as a particular worry. Eileen noted how, “everything is based around trade, but there is more than that.” Brexit is a huge issue and Eileen stressed that “we still don’t have the things promised to us under the Good Friday Agreement”, such as the Civic Forum which has yet to come to fruition. She sees Brexit as, “another instance in which we don’t know the dividend”. Crucially, Eileen believes due to Brexit “we [Shankill Women’s Centre] are going to be working even harder”.

What’s next?

The Belfast Interface Project were keen to highlight that we in Northern Ireland already operate under unique circumstances. Joe O’Donnell does not see the concept of an individual arrangement for Northern Ireland as an unfamiliar idea, and so, sees it as very achievable. The importance of maintaining the arrangements such as the Common Travel Area, to name but one, cannot be overstated.

What’s more, a commitment to the Good Friday Agreement, in ‘all its parts’, has been made on both sides of the negotiating table in the Brexit talks. Essentially, this is a commitment to guarding the equilibrium of peace in NI. Joe only hopes such claims become more than lip service.

Joe sees Brexit in a similar light to interface barriers. We need to enlighten those in positions of influence to open new channels of discussion and exploration. With the looming risks Brexit poses to community peacebuilding in NI, Joe believes that, crucially, we need to be ‘persuaders for peace’.

3. NIFSA (Northern Ireland Forest School Association) – Low level knock-on effects

NIFSA was set up by Brian Poots, Brian has worked for household names such as The Woodland Trust and The Conservation Volunteers and is a seasoned hand in environmental education.

NIFSA delivers environmental education and training to children, teachers and leaders across Northern Ireland. NIFSA aims to;



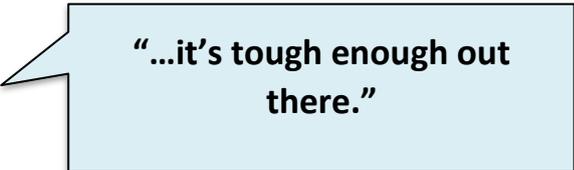
‘connect children to their outdoor environment, stimulating curiosity and inspiring love of the natural world.’ (NIFSA, 2017)

Since starting life in 2008 NIFSA has engaged with over 25,000 children and works with approximately 30-40 new schools or other organisations every year to get them through an accredited Forest School Leader Award. **So why does Brexit matter to NIFSA?**

Relationships

May of this year saw the creation of IFSA (Irish Forest School Association), as is clear from the name, this is NIFSA’s sister organisation in the South. Relations are still in the embryonic stages. However, notably, Brian Poots commented that he believes there is more to be gained from North South co-operation than East -West collaboration. Our environment does not recognise boundaries, work on an all-island platform, in crude terms, ‘makes more sense’.

However, Brian highlighted the potential for Brexit to undermine this developing partnership. Brian commented ‘it’s tough enough out there’ without an atmosphere of growing tension being stoked by Brexit. Undoubtedly, Brexit is occupying a significant amount



“...it’s tough enough out there.”

of space in the public mind and demands a huge volume of resources. Issues at macro level are the focus of discussion and vital in terms of progress in negotiation. However, by comparison, very little attention is being devoted to the potential low level, micro repercussions of Brexit.

Culture

The concept behind NIFSA stemmed from a learning experience in 1995 in Denmark. A recognition of the relevance of the outdoors in education was sparked by this trip. Brian believes the diffusion of an ethos of environmental education throughout Northern Ireland was made easier because of the nature of our rapport with the EU.

Over the past years, NIFSA has benefited from the cutting-edge thinking coming from our neighbours within the EU. The collaboration and exchange of ideas, facilitated via membership of the EU, has kickstarted numerous spheres of thinking such as that which underpins NIFSA. The EU has the capacity to act as a catalyst for change. It is not that the UK is incapable of thinking outside the box, nonetheless, it is harder to be inspired unilaterally and Brexit, by definition, entails movement away from EU culture and expression.

One eye on the future:

The impact Brexit may have on NIFSA is not black and white, however the government's post Brexit guarantees are also not concrete. The example of NIFSA is testament to the atmosphere of uncertainty among many smaller third sector voices. Brian believes the legacy of Brexit for NIFSA will mean having to 'become much more imaginative and alternative in approach', out of necessity.

Critics may put this type of unease down to scaremongering. Nonetheless, this accusation makes the feeling of hesitancy no less real. Organisations such as NIFSA are no doubt going to experience the trickle down effects of Brexit.



4. Children’s Law Centre (CLC) – Rights, Networks and Opportunities

September 1997 marked the creation of the Children’s Law Centre (CLC). It was established based on the United Nations Convention on the Rights of the Child, with emphasis being given to Articles 2, 3 and 12. Fundamentally, CLC’s vision is of:

"A society where all children can participate, are valued, their rights are respected and guaranteed without discrimination and every child can achieve their full potential."

This background helps contextualise CLC’s concern in the ongoing Brexit debate as more than warranted. Pre and post-referendum debate around the UK’s exit of the EU has been highly complex and controversial. Establishing what is fact has proven difficult. In this sense, the Brexit debate has been highly inaccessible to children.

Children and young people hold a vested interest in the UK’s exit agreement. Brexit will have a lasting effect on the future of the UK and particularly on Northern Ireland and, as such, will shape both the present and the future of today’s children and young people.

Notably, YouGov’s polling data highlighted that in fact 75% of 18-24 year olds who voted, voted ‘Yes’ to the question of whether the UK should remain a member of the EU. (YouGov cited in Bradley, 2017, p. 7)¹ This is an indication of the value of the EU in the eyes of young



people. Moreover, children under the age of 18 are not part of the UK electorate. However, children make up one fifth of the EU population and even more of the UK population – one quarter. (ECRC, 2017, p. 2) CLC believe it is “imperative that the voices of children and young people from this jurisdiction must be heard in any Brexit negotiations and Repeal process.

¹ http://www.childrenlawcentre.org.uk/images/Childrens_Voices_on_Brexit_Report_FINAL.pdf

The potential impact on daily lives in NI of withdrawing from the EU cannot be underestimated”².

Legislative Protections:

The Children’s Law Centre have facilitated a number of consultation workshops with young people aged 12 – 17 to ascertain their views on Brexit. During the consultation workshops, young people commented that “the Brexit vote was a decision made by an older generation that will impact the younger generation” and that the “impact [of Brexit] will not be on young people now, but the next generation. We are taking away opportunities for young people of the future”. Others commented that “remain and leave has been divided by politicians down orange and green lines and young people will do the same” and that the “leave/ remain debate has brought tensions up among friendships” and that “people are becoming polarised; it’s becoming personal and young people are afraid to speak their views [on Brexit]”.³

The EU has, enshrined in law, over 80 instruments for promoting the rights and wellbeing of children, ranging from entitlements in the spheres of migration, child protection and asylum through to the trafficking of children.

This body of legislation and policy along with the EU Charter of Fundamental Rights are measures which require the UK government, and more specifically the NI Executive to act in compliance with EU law when legislating in relation to children. The EU Withdrawal Bill currently making its way through parliament will translate current European legislation into domestic legislation and currently the UK Government do not intend to translate the EU Charter of Fundamental Rights into UK domestic law.

Baroness Massey, speaking in the House of Lords stated: “There are numerous case studies on children as victims of crime—the sexual abuse and exploitation of children, criminal justice, and legal aid for victims. All these emphasise what it will mean to not have the European charter in place. Some have argued that our domestic laws on children are sufficient to protect them in all instances. This is not the case...”⁴ Based on this analysis seeing Brexit as a retreat in children and young people’s rights is justified.

Furthermore, as part of Brexit process, there is a real worry that the process of bringing EU legislation into domestic legislation will circumvent meaningful scrutiny. Significantly, government ministers will exercise delegated powers where ‘appropriate’, whether due to time pressures or otherwise, in the adaption of legislation. The European Children’s Rights Unit at the University of Liverpool (which CLC has engaged with), in a recent report entitled ‘Making Brexit work for children’, have noted the risk that children’s freedoms may be

² Ibid

³ Ibid

⁴ [https://hansard.parliament.uk/lords/2018-03-05/debates/AE7EB742-4BCD-4D00-B43D-AD7ED9A21911/EuropeanUnion\(Withdrawal\)Bill](https://hansard.parliament.uk/lords/2018-03-05/debates/AE7EB742-4BCD-4D00-B43D-AD7ED9A21911/EuropeanUnion(Withdrawal)Bill)

ushered in 'by the back door'. (ECRU, 2017, p.6) It is worth noting that such delegated powers have the potential to entrench and add to safeguards, yet, it also opens up the potential to dilute children's rights and protections post-Brexit.

Membership of Networks:

Northern Ireland and the UK as a whole has really profited from membership of EU-wide security, judicial and intelligence networks, yet CLC see these as, 'a potentially really significant casualty of Brexit'⁵. Eurojust, Europol, second generation Schengen Information System (SIS II), The European Criminal Information system (ECRIS) and the European Arrest Warrant (EAW) are a selection of networks of which the UK is a part and which if not properly provided for, Brexit will endanger. (ECRU, 2017, pp. 16-17)

This security infrastructure enables co-ordination of areas from data collection to mechanisms for communication and policing which will potentially impact negatively on children's lives especially in NI e.g. in relation to child protection.

Extradition arrangements between the UK and Ireland (as well as other EU Member States) are currently governed by the 2002 Council Framework Decision on the European Arrest Warrant. This greatly simplified the extradition arrangements that it replaced by providing for a system of trust and mutual recognition of arrest warrants and decisions in criminal matters.

The EAW has become an important tool for law enforcement agencies in Ireland and the UK. In 2014, Ireland surrendered 21 wanted persons to the UK on foot of EAWs, of whom 6 were surrendered to the PSNI. In the same year, Ireland made 48 requests to the UK for surrender of persons under EAWs, leading to a total of 36 surrenders to Ireland by UK authorities, of which 32 were by the PSNI. A 2011 report by the European Commission on the implementation of EAWs stated that on average, contested surrenders under the EAW framework took 48 days to process, in contrast to an average of one year under previous arrangements⁶.

Given its record of support for the EAW, the UK Government may wish to negotiate a similar arrangement to continue to be able to avail of the provisions under the European Arrest Warrant. However, during her last evidence session (as Home Secretary) before the Home Affairs Committee in May, Theresa May said:

"If we are not in the European Union, we would almost certainly not have access to the European arrest warrant. Norway, for example, started negotiating with the European Union

⁵⁵ Ibid page 7

⁶ RalSE (NIA) and Tithe an Oireachtais, Briefing Paper for the eighth meeting of the North/ South Inter-Parliamentary Association: Impact of Brexit on Cross-Border Activity – 18 November 2016
<http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2016-2021/2016/northsouth/8816.pdf>

on access to something similar to the European arrest warrant in 2001. An agreement has been reached but has not been implemented yet. It includes, as I understand it, the caveat that could mean that nationals of some countries could not be extradited. There are some countries that will not extradite their nationals unless it is under a European arrest warrant. I think that would have a real impact on our ability to deal with criminals.”⁷

However, the UK may be in a more challenging position in relation to the EAW than other non-EU countries. A UK Government briefing published prior to the referendum noted that there is no guarantee that the UK could secure a similar agreement whilst remaining outside the Schengen zone.⁸

In September 2017, Theresa May did signal the government’s wish to remain part of the EAW. However, pro-Brexit members of the Tory party have not reacted well to this development and no guarantees have been made by the UK or the EU. (Popova, 2017)

Day to day routine:

Unlike children in the other jurisdictions in the UK children in Northern Ireland, as with the rest of the population, live their lives in a manner consistent with a fluid border on the island. CLC noted how one young person commented, “I crossed the border twice to get my hair cut on Saturday”, this type of scenario is indicative of how children’s lives in Northern Ireland aren’t immune to the implications a hard border in Ireland may bring to daily life⁹. Children play sport, meet friends, go to parties and see family on both sides of the “border” on a daily basis.



⁷ Home Affairs Committee, Oral evidence: The Work of the Home Secretary, 10 May 2016, Q326

⁸ HM Government, The UK’s cooperation with the EU and home affairs, and on foreign policy and security issues (background note), May 2016

⁹ http://www.childrenslawcentre.org.uk/images/Childrens_Voices_on_Brexit_Report_FINAL.pdf

Many children access healthcare on the other side of the border, particularly where there is not the specialist service available in NI such as paediatric cardiac services and mental health facilities. The Department of Education NI has verified that 'at least 600 school children' reside on one side of the border but are educated on the other. (DoE cited in ECRU, 2017, p. 28) The Common Travel Area between Britain and Ireland together with EU free movement rights have ensured that children living either side of the border have generally been able to access services on an equal footing. Given the lack of clarity and detail to date the impact of Brexit on the ability of these children to access education and other services remains unclear, but regardless any solution has the potential to disrupt the routines of children and young people living in both jurisdictions. Young people that participated in CLC's consultation workshops also voiced their concerns in relation to being able to access ERASMUS opportunities, such as school exchanges and university placements once the UK leaves the EU.

The implications of enforcing any Brexit which does not take full account of the daily reality of the lives of children living in NI will have far reaching impacts on the children and young people living in both jurisdictions. Nothing in the public discourse to date suggests government is taking full cognisance of these potential far reaching impacts.

Worryingly, Brexit also presents a real risk of destabilising the Peace Process by undermining the Belfast/ Good Friday Agreement. This has been recognised by, among others, the Chief Constable, former Chief Constable Hugh Orde and Senator Mitchell who chaired the Peace negotiations which led to the Good Friday Agreement. The human rights and equality protections within the Good Friday Agreement secured many human rights protections across the island of Ireland which benefited children. As a result of the Agreement, by ratifying and giving further effect to the European Convention on Human Rights, the British Government put in place a legal framework that would help protect all people, including children, from human rights abuses.

Brexit must not undermine the ECHR and other human rights instruments in the Agreement, including EU derived rights. Not only that, but children and young people that CLC have spoken to have also voiced concern about being 'left behind' in relation to rights-based protections from Europe in the future, including in the area of children's rights.

Furthermore, the EU has financially supported the peace process. EU cross border funding for Ireland/NI, including Peace funding between 1994 and 2020 will total €2.8 billion. Many projects which support vulnerable young people are funded through EU Peace and INTERREG Programmes. These have been critical in building peace, supporting young people transitioning from conflict and preventing young people born post ceasefire joining paramilitary groups.

There is also concern that the loss of EU funding which assists deprived communities (such as ESF), coupled with the financial uncertainty that Brexit may bring, may result in even more children living in poverty in NI.

It is also vital to protect the rights of children from other EU countries living in Northern Ireland. Brexit has the potential to drastically alter the lives of such children. In the context of increased racism post the Brexit referendum, young people consulted on Brexit are particularly concerned that the rights of these children and migrant and refugee children are protected through and post any Brexit process.

Young people from the Roma community that CLC have spoken to advised that their parents assume they will have to return to Romania, in the absence of being advised otherwise. These young people want to stay in NI and see their future living and working here. They see NI as their home and wish to continue to enjoy all the opportunities that life here offers such as a free secondary education, learning English, having Irish/British friends and engaging in community life.

Children are not 'economically active', therefore establishing residency rights post-Brexit under the government's vision, set out in The United Kingdom's Exit from the European Union Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the EU, may become more complicated for children who are EU nationals. (HM Government, 2017) Despite this difficulty, it is crucial that 69,000 European national children who were living in the UK in 2016, and those born or who have arrived since, are seen as more than 'appendages of their parents/relatives'. (ECRU, 2017, pp. 11- 12) Nor should Brexit interrupt familial ties and support. CLC recorded one young person's concern that Brexit may make visiting his grandparents in Poland more difficult, especially if flying from Dublin¹⁰. Along the same lines, around a third of all Polish people's short visits (28 days or less) to the UK are to visit family and friends. Many visiting Polish relatives are a huge help in child care around holiday times. Brexit is likely to have an adverse impact on this pattern in many UK based Polish children's lives. (Kilkey and Bielewska, 2017). There will also be implications for looked after children where parents are/were EU migrants. The status of these children (some of whom were born in NI) who have not exercised their freedom of movement rights and who are in the care of the State needs urgent clarification.

The ongoing negotiations:

Whether children are a consideration in the negotiations and decisions around Brexit are taken in children's best interests, as Article 3 of the UNCRC requires, remains to be seen. The rights of children and young people must be protected post Brexit, guaranteed equivalency with children in the Irish Republic (as provided for in the Good Friday Agreement) and future proofed against international human rights standards. There should be no erosion of

¹⁰ http://www.childrenslawcentre.org.uk/images/Childrens_Voices_on_Brexit_Report_FINAL.pdf

children's quality of life, rights and protections. As CLC has so succinctly put it, any settlement arrived at must be made with 'the voices of young people ringing in the ears'.

5. Women's Aid Federation Northern Ireland – Access to services

Women's Voices:



The 2011 census estimated the UK population to be made up of 31 million men and 32.2 million women. (Office for National Statistics, 2011) Therefore it would be inaccurate to regard women's issues as niche or marginal. Yet, in the Department for Exiting the EU's negotiating team, there is only one female representative, namely Catherine Webb - Director of Market Access and Budget at DExEU. (DExEU, 2017) This absence of women's voices is worrying. However, it is not a new worry, either historically or in the context of Brexit. In the days preceding the EU Referendum, Women's Aid's chief executive Polly Neate, described the campaign as a 'macho standoff'. (Neate, 2016)

When David Davis was asked in July what the makeup of the UK negotiating committee was he said he didn't have the answer to hand. This gender asymmetry has been described as 'not only embarrassing. It's negligent'. (O'Brien, 2017)

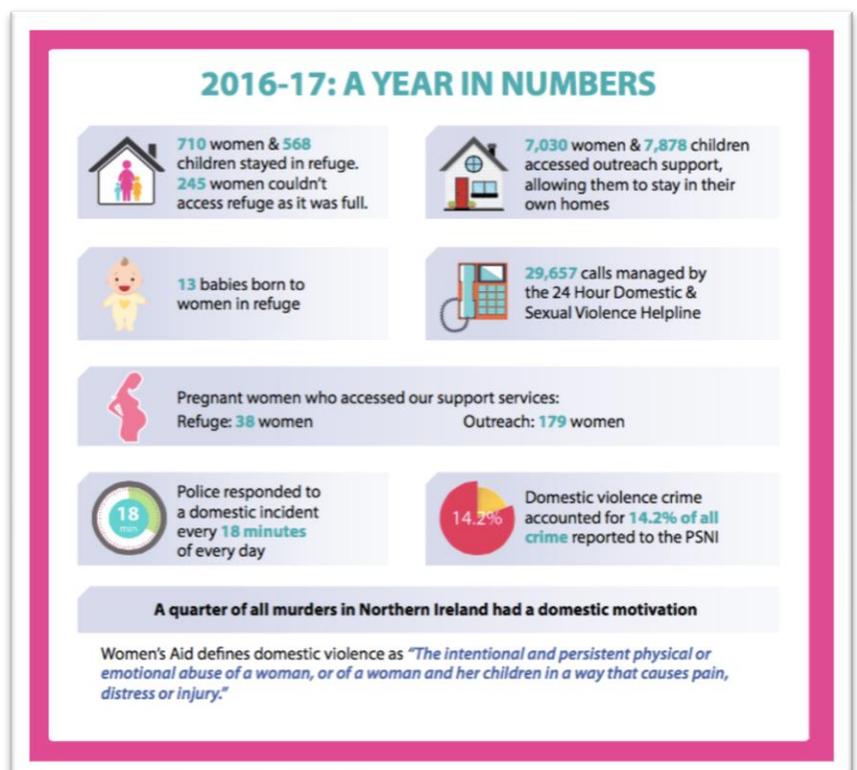
Brexit is not to blame for the under-representation of women. However, the EU has an impressive record in relation to women's issues, whether that be in legislative terms, such as in relation to part-time workers' rights (disproportionately female), or in the currency of financial support. The Rights, Equality and Citizenship Programme of the EU in part funds key networks such as WAVE (Women Against Violence Europe) of which the Women's Aid Federation Northern Ireland is a part. Vitally, the EU recognises gender inequality as a structural problem and has located the abuse of women, 'firmly in the context of human rights'. (Women's Aid Federation NI, 2016)

Post Brexit, Women's Aid NI are anxious not to let gender equality and combating violence against women slip off the political agenda. By way of example, the EU operate as a lobbying bloc in relation to the *UN Commission on the Status of Women*. In the past the UK have held an important seat around the table. However, it is unlikely that the UK will be able to be part of decisions at government level in the EU Council which precede lobbying efforts. Post-Brexit questions remain about how the UK will fit into this type of scenario.

To counteract the potential for issues primarily affecting women being kicked into the political long grass, Women’s Aid NI are continuing to work on a five-nations basis – building relationships with other expert organisations across the UK and also in the Republic of Ireland on a cross-border basis. Women’s Aid Federation NI focused on one issue of particular concern in any post-Brexit environment, that of women’s access to services.

Access to Services:

In Northern Ireland, Brexit presents a potentially hugely damaging challenge, particularly in border areas. Women’s Aid NI noted that ‘domestic violence is a hidden crime, involving the control, coercion and isolation of victims. Accessing support in close knit and, a lot of the time, rural border communities in NI already provides a challenge. Questions of reputation and the ‘rumour mill’ come into play. Women’s Aid NI believe the potential for a hard border will make it easier to perpetrate abuse and make it more difficult to get support. Proximity and accessibility of services increases women’s likelihood of accessing help. In border areas, however, a women’s closest source of support may be across the border and Women’s Aid are concerned that a hard border in Ireland would only serve as an added barrier to assistance.



Women’s Aid Federation NI, *Annual Report 2016- 2017*)

It is internationally-recognised that prevention and early intervention are key to disrupting the cycle of the abuse of women and children. This is reflected in the Council of Europe’s Istanbul Convention, in the Northern Ireland Government’s Stopping Domestic and Sexual Violence and Abuse Strategy, and in Women’s Aid’s own working practices. In 2016-17, the 24 Hour Domestic and Sexual Violence Helpline managed 29,657 calls in NI. Over 700 women stayed in Women’s Aid refuges because they were not safe in their own homes, and over 7,000 women received outreach support. (Women’s Aid Federation NI, 2017). Women’s Aid fears that Brexit could potentially make their commitment to disrupting domestic and sexual violence at its earliest stage and directing women towards appropriate support more difficult.

Judicial Frameworks?

'One of the greatest tests of the quality of our justice system is how well we treat our victims'. (European Commission, 2017) This is the view of the EU Commission, attested to in the EU's proactive approach to victim's rights.

The Directive on the European Protection Order (EPO) in 2011 is one particular EU action which is of particular relevance to women in NI. It enables victims and/or potential victims of crime to travel to another EU member state whilst retaining the right of protection, regulation and access to the criminal justice system. Therefore, women from Northern Ireland would be protected by a non-molestation order issued in NI no matter which EU country they travelled to.

Louise Kennedy, Policy Officer in Women's Aid Federation NI, noted that EU Protection Orders currently operate under a simple certification process. Louise noted two occasions she is aware of in the past month where women have been sent across the border from the south for their own safety. Louise was keen to emphasise that this number only relates to court mandated cases and does not bear witness to the much larger number of women who simply flee across the border. Brexit holds the potential to threaten this formal and informal process.

Moreover, women in NI enjoy recourse to EU courts, and EU citizens in the UK have recourse to public funds, which means they can access public-funded services like Women's Aid refuges and Floating Support. Of the 710 women who stayed in refuge in 2016-17, 167 identified as Black or Minority Ethnic. Many of these women were able to access refuge support due to their status as EU citizens. (Women's Aid Federation NI, 2017) If Brexit results in EU citizens being denied recourse to public funds, this could mean women who are EU citizens being denied access to life-saving resource. This is a clear example of a situation where we can only question if assurances of reciprocal citizen rights made in the public eye will be enough for the current situation and rights to prevail post-Brexit.

Health Risks?

Primarily, domestic and sexual violence are a public health issue. The medical support needs are huge, from emergency treatment for physical injuries to mental health care to deal with the psychological impact of abuse. Given that a quarter of all murders in Northern Ireland had a domestic motivation in 2016-17 (PSNI 2017), health interventions are a vital means of intervening in abusive situations at the earliest possible stage and avoiding escalation of abuse to the point of serious injury or death. Again, Brexit has the potential to threaten access to vital services. A Northern Irish woman's closest Accident and Emergency may be

across the border. Under the EU Health Directive, women in NI can access this support with ease, Brexit is a huge threat to this. (European Commission, 2017).

Additionally, access to other equally-vital services may be threatened. Research has identified correlation between experiencing abuse and developing serious illnesses in the long term, such as some cancers. More commonly, domestic and sexual abuse leave profound mental scars. For those women whose accessible medical care is across the border, it is critical that all possible actions are taken to mitigate any Brexit fallout in terms of access to that healthcare.

Scenario:

What follows is an illustration, it is not an anonymised case study. However, sadly, this type of story is not out of the realms of possibility. It reinforces the need for Brexit not to impact access to vital services for women on either side of the border.

Mary was 19 and studying in Belfast when she met her boyfriend Harry. After graduation the lovebirds were married and moved to Tyrone where Harry's family were well known in the farming community. Harry was keen to follow in his father's footsteps. Things started well, and having Harry's family close by was a blessing, even though she missed her own family in Lisburn. However, the honeymoon period slowed to a gradual halt. Harry became increasingly controlling, and Mary found that she couldn't do anything right. The atmosphere in the house became tense. Mary had never learned to drive as Harry had said lessons were too expensive, and now Mary found that she was trapped on the farm most days as no buses ran in the area. Harry had always been a bit jealous, but now Mary couldn't even speak to friends or family without causing a fight. She wasn't even allowed her own mobile phone and had to ask Harry's permission to use his. Mary's access to their now joint bank account was limited, and she had to justify every penny she spent. One evening, during an argument, Harry grabbed Mary by the throat and threw her against a wall. Mary was terrified but felt she had nowhere to turn as all her friends were Harry's too, and Harry was so well-liked and respected in the community. Mary tried to stick things out, doing everything she could to make Harry happy, but no matter what she did he would always find a way to get angry and violent. One particular night, Harry attacked Mary until she briefly lost consciousness. At that point Mary knew she had to leave or she would end up dead. Early the next morning Mary left the farm and walked to the nearest village, which was 30 minutes away and across the border. A taxi driver spotted her and her visible injuries and offered to take her to the nearest hospital which was also south of the border. Mary was treated for her injuries, and the Gardaí were contacted. As Mary was from Northern Ireland, the Garda got in touch with the PSNI who then handled her case. Mary applied to the court in Northern Ireland for an emergency non-molestation order. Thanks to the European Protection Order, the non-molestation order applied on both sides of the border to ensure Mary's protection and safety.

6. National Union of Students-Union of Students in Ireland (NUS-USI) - Opportunity, Exchange and Culture

Who constitutes your target audience in society/ who do you serve?

Further and higher education students' unions are our members and we serve the students unions and their students.

Does your membership/ organisation benefit from EU

membership? If so, could you give an idea of in what manner, both directly or indirectly? (e.g. Funding, rights, organisationally, access to networks, mobility, workforce, communication, alignment of aims)

NUS-USI's membership benefits from EU membership through the rights it provides and through the opportunities it affords students. Students can avail of the Erasmus+ international exchange programme. Our membership and the education institutions also benefit from having EU research funding programmes like Horizon 2020, which boost the finances of education institutions significantly. Also, freedom of movement has ensured that students can study on a cross-border and cross-EU basis and this is extremely positive for student in border areas as well as others who travel across the border and around the EU for study in FE and HE. These students bring significant economic and cultural benefits to Northern Ireland and the chance for students to study elsewhere is also an integral positive part of their educational and career development.

How will potential change to current practices affect your work? Is Brexit likely to undermine your work?

NUS-USI an organisation that exists within a trilateral agreement between the student movement in the rest of the UK, NUS, the student movement in Ireland, USI and NUS-USI. NUS-USI was created in 1972 as part of a cross-border agreement between NUS and USI, long before the cross-border arrangements enshrined within the Belfast Agreement in 1998. Cross-border and UK-Ireland student mobility and co-operation is a central element of the



work that we do, and Brexit could cause very significant problems around student mobility. Given the instability with devolution here, this could have an impact on our ability to attract EU and international students.

Would you benefit from a period of transition? How/ Why?

If the UK leaves the EU, a period of transition may be positive to our members and students, to ensure that certainty can be provided for students and others to help ensure that any challenges regarding educational opportunities and the economy can be mitigated and addressed as effectively as possible. It is crucial that a transition period helps to maintain a soft border which does not disrupt the daily lives of students and people crossing it.

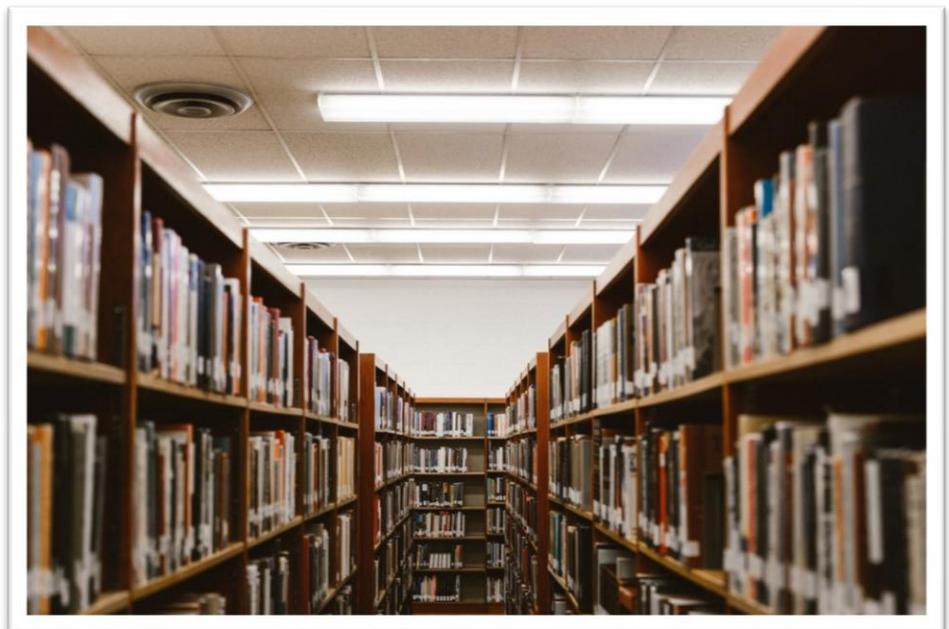
Do you foresee an adjustment in approach to cope with the new status quo post Brexit?

There may be significant pressures placed upon students if there is a diminution of cross-border or EU study opportunities. This may lead to increased financial or wellbeing pressures on students and NUS-USI will be responsive to any increasing demands for work on these issues.

NUS-USI is being extremely watchful around developments with citizen’s rights and student’s rights. We always make equity, equality and rights a key priority because of the policies we have, however Brexit and the often-damaging public narrative around it has served to redouble our efforts on these important matters.

Would such changes come naturally or at a cost – expand?

The specific and potentially unique challenges that Brexit poses to Northern Ireland because of its geography and political process means that very significant work has been and will need to be done to mitigate any of the potentially negative impacts of leaving the EU upon students and tertiary education institutions in Northern Ireland. NUS-USI has done, and could potentially be doing, significant work on examining the impacts of Brexit and considering ways in which the potential negative impacts can



be mitigated if possible. To deliver this therefore significant NUS-USI resources have been, and will be, dedicated to examining and addressing the potential impacts of Brexit upon students and the student movement here.

What do you see as your best and worst post-Brexit scenario?

The absolute best-case scenario of leaving the EU would be only a small amount of additional economic damage, because so much damage has already been caused to aspects like the cost of living by the uncertainty of Brexit. That would require essentially no change to the current border arrangements and having the UK remain a part of the customs union, single market, Erasmus+ programme, Horizon 2020 research programme and other key EU initiatives and programmes.

The worst case scenario is a hard border, the loss of many jobs and apprenticeships in Northern Ireland and the rest of the UK, wage deflation, the loss of cross-border students and opportunities, the loss of EU students, the loss of the opportunities of Erasmus+, the loss of Horizon 2020 research funding and research partnerships, potentially significant damage to good relations in Northern Ireland and across the UK, negative relations between the UK and EU countries on trade, security and other important matters. This worst-case scenario would also involve Northern Ireland losing Peace, regional development and common agriculture policy funding, as well as significant pressure being placed upon political relations at Stormont because of Brexit instability.

Do you have any evidence or statistics to help NICVA reinforce your position?

A lot of the evidence is anecdotal because this is very much a developing situation. The clearly visible increasing cost of living and fall of the value of the pound is evidence of the challenges that Brexit could pose for students and others in trying to make ends meet on a daily basis. We have also heard anecdotal problems around institutions' potential Horizon 2020 funding bids following the Brexit vote which could result in a diminution of research opportunities for universities here.

What outcome/s would you favour from the Brexit negotiations? (Inside/outside Customs/Union Single Market; retained access to programmes, networks & funding (which?), future applicability of EU legislation/rights (which?))

Potentially the best outcome would be a full reversal of article 50; however, in the likely absence of that we would wish to see the UK staying inside the customs union and single market, retaining access to all research funding programmes and to Erasmus+, as well as upholding all citizens' rights.

Concluding thoughts:

Conclusions on work around Brexit are notoriously difficult to come by, as the Brexit debate has far from reached its conclusion. Phase one of talks are just approaching some sort of acceptable resolution after the overnight diplomacy of 7th and 8th of December 2017. The discourse around Brexit is still being written, with almost hourly updates, insights and reflections on the process.

However, in view of this piece's engagement with a range of those within the VCSE sector it is abundantly clear that there is much work around Brexit still to be done. Disentangling the UK and Northern Ireland from nearly fifty years of European integration is a tall order by any estimation.

The phrase 'a perfect storm' has cropped up in numerous conversations, occasions and on a variety of platforms to describe Brexit, particularly in the context of NI. In some ways this is a throwaway term, yet it is highly reflective of the current political atmosphere of tension and frustration in NI.

The idea of a 'democratic deficit' resonates in Northern Ireland at present. The UK's decision to leave the EU can be misleading. NI voted to remain part of the EU in 2016 by a majority of 55.8%, a fact perhaps somewhat overlooked. This disappointment for many people in NI has been compounded by the domestic political context. The political landscape is far from one-dimensional.

As a result, it is unsurprising that uncertainty has emerged as a common denominator throughout this piece of work. Brexit has induced and is likely to continue to create extensive disorientation in NI and beyond. The need to quell Brexit fears in Northern Ireland is essential. This should be done not via a rhetoric but through finding sound and agreeable solutions. Clarity breeds an atmosphere of peace and stability; this is a top priority for NICVA and Northern Ireland as a whole in the face of Brexit.

What has been yielded from this work is that Brexit is an economic, political, technical and legal problem, but that at its core it is a societal dilemma.

Discussion with Disability Action highlighted the role the EU has played as a catalyst for advancement in rights and protections of those with disabilities in NI. The EU has served as an important think tank and platform for implementation. Post-Brexit, the UK must endeavour to keep pace with positive steps of development stemming from the EU.

Discussion with the Belfast Interface Project (BIP) has illustrated the risk that Brexit is to twenty years of sustained peacebuilding efforts. Interfaces embody the impact physical and cultural division can have on communities.

A survey of how Brexit is likely to impact the lives of children and young people through CLC serves to remind us of the magnitude of the UK's decision to leave the EU. Brexit is cross-generational, it is likely to impact children's lives in the present, whether that be in schooling, healthcare provision, access to family or questions of residency. Yet, any Brexit settlement reached will be binding and as such will have long-term ramifications. It is not an overstatement to express that decisions made in the coming months will doubtless shape the future of NI.

The testament of Women's Aid Federation NI provided further evidence of this potential damage. Access to vital services should not be a casualty of Brexit. Freedom of movement and the provision of care and protection on an all island basis, if not beyond, is vital. It is key that Brexit will not serve to heighten any sense of isolation for many already vulnerable women and children.

In sum, Brexit must be given serious thought. Work on this piece has highlighted the appetite for ever more meaningful consultation around Brexit. Issues from all quarters must find a way to filter up to decision makers. The DExEU Select Committee visited Northern Ireland on the 7th of December to gauge the sense of worry Brexit has caused for border communities, this is the type of engagement which there must be more of.

NICVA intends to continue to speak up for the VCSE sector and the wider society it serves. Be aware of NICVA's updated position paper which will feature online imminently. Brexit is time sensitive, yet its significance is of the highest order.

Postscript:

On Friday 8th December it was reported that significant breakthrough had been made in Brussels. Theresa May and Jean Claude Juncker had reached an agreeable deal. Juncker, President of the European Commission, reported feeling 'confident' that other European leaders would support the agreement and movement toward phase two of Brexit talks - trade. The DUP and the Republic of Ireland have been pacified for the meantime.

This agreement is a necessary pre-requisite for movement to the crucial phase two of talks. For May, members of cabinet rushed to praise her, and it has been reported as essential 'breathing space' for government. (Kuenssberg, 2017) However, many Brexiteers within the Tory party are reported to be 'privately furious' with measures such as potential recourse to the European Court of Justice for a further eight years post-Brexit. (Heffer, 2017) Doubtless, there will be lots of internal obstacles still to navigate for May.

It is important to note that there remains a circle to be squared. In essence, Friday's agreement has set the parameters for further discussion. Neither May nor Juncker outlined the detail of how the commitments, such as no hard border in Ireland, will be reached. In many ways negotiation only gets more complicated from this point onwards. David Davis has described Friday's deal as a 'statement of intent'. (BBC, 2017) Nothing is agreed until everything is agreed, and nothing is yet legally enshrined. With this in mind it is vital to keep airing the potential issues raised by this paper.

Bibliography:

Abstract:

Lownsbrough, H. (10th November 2017) *Michael Gove is backing a ban on bee-killing pesticides. But it's only a start*, Available at: <https://www.theguardian.com/commentisfree/2017/nov/10/michal-gove-bees-pesticides-ban-neonicotinoids-environment-secretary> (Accessed: 12th November 2017).

NICVA's Position:

NICVA, (10th November 2016) *NICVA Viewfinder Reveals Sector's Brexit Concerns*, Available at: <http://www.nicva.org/article/nicva-viewfinder-reveals-sectors-brexit-concerns> (Accessed: 26th September 2017).

Disability Action:

BrexitLawNI (24th October 2017) *Preliminary Findings Report – Brexit, Human Rights and Equality Issues*, Available at: <https://brexitlawni.org/library/resources/brexit-human-rights-and-equality/> (Accessed: 17th November 2017).

Byrne, B. (7th April 2017) *The Conversation: Why Brexit could be bad news for disabled people*, Available at: <https://theconversation.com/why-brexit-could-be-bad-news-for-disabled-people-56322> (Accessed: 15th November 2017).

Chaney, P. (13th March 2017) *The Conversation: Without European intervention, equality for disabled people in Britain would be a distant dream*, Available at: <https://theconversation.com/without-european-intervention-equality-for-disabled-people-in-britain-would-be-a-distant-dream-63857> (Accessed: 16th November 2017).

Department for Work and Pensions (June 2015) *Family Resources Survey United Kingdom, 2013/14*, Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437481/family-resources-survey-2013-14.pdf (Accessed: 14th November 2017).

Disability Action (March 2017) *Brexit - Ensuring we protect disability equality*, Available at: <http://www.disabilityaction.org/policy/> (Accessed: 10th November 2017).

Disability Action (2015) *Services and Projects*, Available at: <http://www.disabilityaction.org/about/> (Accessed: 12th November 2017).

European Commission (2015) *DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services*, Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2015%3A615%3AFIN> (Accessed: 16th November 2017).

European Commission: Employment, social affairs and inclusion (2016) *Persons with disabilities*, Available at: <http://ec.europa.eu/social/main.jsp?catId=1137> (Accessed: 14th November 2017).

European Commission: Public Health (2017) *Cross- Border Health Care*, Available at: https://ec.europa.eu/health/cross_border_care/overview_en (Accessed: 29th November 2017).

Kentish, B. (24th August 2017) *Government cuts have caused 'human catastrophe' for disabled, UN committee says*, Available at: <http://www.independent.co.uk/news/uk/politics/government-spending-cuts-human-catastrophe-un-committee-rights-persons-with-disabilities-disabled-a7911556.html> (Accessed: 15th November 2017).

McNeilly, K. (2nd October 2017) *The Conversation: What should human rights in the future look like?* Available at: <https://theconversation.com/what-should-human-rights-in-the-future-look-like-83546> (Accessed: 16th November 2017).

NIDirect (2017) *Getting There*, Available at: <https://www.nidirect.gov.uk/articles/getting-there> (Accessed: 15th November 2017).

BBC News (6th October 2017) *Agency nurses 'can cost Northern Trust £100K a year'*, Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-41510700> (Accessed: 3rd December 2017).

The Equality Commission Northern Ireland (April 2011) *Disability discrimination law in Northern Ireland - a short guide*, Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Individuals/DisabilityDiscrimShortGuide2011.pdf> (Accessed: 16th November 2017).

The Equality Commission Northern Ireland (October 2017) *UK's decision to leave the EU: Recommendations on the EU (Withdrawal) Bill*, Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/EUWithdrawalBill-RecommendationsOct17.pdf> (Accessed: 14th November 2017).

Thomas, C. (2nd February 2017) *Don't call it red tape: disabled people will miss EU protection when it's gone*, Available at: <https://www.theguardian.com/commentisfree/2017/feb/02/eu-red-tape-disabled-people-care-jobs-education> (Accessed: 12th November 2017).

Belfast Interface Project:

BBC News Northern Ireland (6th June 2017) *Reality Check: Where do parties stand on Irish border?* Available at: <http://www.bbc.co.uk/news/election-2017-39976319> (Accessed: 19th November 2017).

Belfast Interface Project - A Policy Agenda for the Interface (2004)

Belfast Interface Project, *Belfast Interfaces, Security Barriers and Defensive Use of Space*, (Belfast: 2012).

Belfast Interface Project, *Interface Barriers, Peacelines and Defensive Architecture*, (Belfast: 2017).

Campbell, C. (22nd May 2017) *Flaws exposed in plan to remove Northern Ireland's peace walls*, Available at: <http://www.thedetail.tv/articles/government-revise-down-interface-removal-target> (Accessed: 7th November 2017).

European Parliament (17th December 2013) *Northern Ireland PEACE programme*, Available at: http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_5.1.9.html (Accessed: 9th November 2017).

Hayward, K. (2007) 'Mediating the European Ideal: Cross Border Programmes and Conflict Resolution on the Island of Ireland'. *JCMS*, Vol. 45, No.3, pp.675-693.

McCall, C. and Williamson, A. (2001) 'Governance and Democracy in Northern Ireland: The Role of the Voluntary and Community Sector after the Agreement'. *Governance: An International Journal of Policy and Administration*, Vol. 14, No. 3, pp. 363–383.

PwC (July 2017) *Northern Ireland Economic Outlook: What comes next?* Available at: <https://www.pwc.co.uk/who-we-are/regions/northernireland/NIEO%20-%20July%202017.pdf> (Accessed: 6th November 2017).

(2017) 'Hard post-Brexit border 'obvious target for dissident republican terrorists'', *The Belfast Telegraph*, 7th December 2017.

Northern Ireland Forest School Association:

Erasmus+ (October 2017) *Applying for funding*, Available at: <https://www.erasmusplus.org.uk/apply-for-funding> (Accessed: 18th November 2017).

Eramus+ (10th November 2017) *Brexit Update*, Available at: <https://www.erasmusplus.org.uk/brexit-update> (Accessed: 18th November 2017).

McCall, C. and O'Dowd, L. (2008) 'Hanging Flower Baskets, Blowing in the Wind? Third-Sector Groups, Cross-Border Partnerships, and the EU Peace Programs in Ireland', *Nationalism and Ethnic Politics*, 14(1), pp. 29-54. Available at: <http://dx.doi.org/10.1080/13537110701872576> (Accessed: 10th September 2017)

NIFSA (2017) *Exploring and Respecting Nature*, Available at: <http://nifsa.org.uk> (Accessed: 19th November 2017).

Children's Law Centre:

Beattie, A.R. (22nd February 2017) *Why Britain is making it so hard for separated families to be reunited*, Available at: <https://theconversation.com/why-britain-is-making-it-so-hard-for-separated-families-to-be-reunited-73463> (Accessed: 2nd December 2017)

Boffey, D. (28th June 2017) *EU children may have to apply to stay in UK after Brexit – leaked report*, Available at: <https://www.theguardian.com/politics/2017/jun/28/eu-children-may-have-to-apply-to-stay-in-uk-after-brexit-leaked-analysis-says> (Accessed: 1st December 2017).

Bradley, C. (June 2017) *Consultation with Children and Young People on Brexit*, Available at: [http://www.childrenslawcentre.org.uk/images/Childrens Voices on Brexit Report FINAL.pdf](http://www.childrenslawcentre.org.uk/images/Childrens%20Voices%20on%20Brexit%20Report%20FINAL.pdf)(Accessed: 17th November 2017)

Children's Law Centre (2017) *Who we are*, Available at: <http://www.childrenslawcentre.org.uk/index.php/who-we-are> (Accessed: 17th November 2017).

European Children's Rights Unit: University of Liverpool (November 2017) *Making Brexit work for children The impact of Brexit on children and young people*, Available at: [https://www.liverpool.ac.uk/media/livacuk/law/2research/ecru/Brexit Discussion Paper FINAL.pdf](https://www.liverpool.ac.uk/media/livacuk/law/2research/ecru/Brexit%20Discussion%20Paper%20FINAL.pdf)(Accessed: 3rd December 2017).

European Commission (2017) *Your rights in the EU*, Available at: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu_en (Accessed: 1st December 2017).

Kilkey, M and Bielewska, A. (8th August 2017) *Polish grandparents face uncertain family future after Brexit*, Available at: <https://theconversation.com/polish-grandparents-face-uncertain-family-future-after-brexit-80993> (Accessed: 2nd December 2017).

HM Government (September 2017) *Security, law enforcement and criminal justice A FUTURE PARTNERSHIP PAPER*, Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645416/Security_law_enforcement_and_criminal_justice_-_a_future_partnership_paper.PDF (Accessed: 5th December 2017).

HM Government (26th June 2017) *The United Kingdom's Exit from the European Union Safeguarding the Position of EU Citizens Living in the UK and UK Nationals Living in the E*, Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/621848/60093_Cm9464_NSS_SDR_Web.pdf (Accessed: 21st November 2017).

Mills, T. (6th December 2017) *Sex assaults on under-18s almost double since 2011*, Available at: <http://www.bbc.co.uk/news/uk-northern-ireland-42244674> (Accessed: 6th December 2017).

NICCY and OCO (9th November 2017) *Brexit Impact on NI Children raised by EU Children's Commissioners*, Available at: <http://www.niccy.org/about-us/news/latest-news/2017/november/09/brexit-impact-on-ni-children-raised-by-eu-children-s-commissioners/> (Accessed: 17th November 2017).

Peer, S. and Fletcher, M. (7th November 2014) *Why the UK must not ditch the European Arrest Warrant*, Available at: <https://theconversation.com/why-the-uk-must-not-ditch-the-european-arrest-warrant-33914> (Accessed: 3rd December 2017).

Popova, P. (26th September 2017) *Hardline Tories, Move Aside*, Available at: <https://www.faiobserver.com/region/europe/theresa-may-european-arrest-warrant-brexit-uk-law-latest-news-18712/> (Accessed: 2nd December 2017).

The BBC (23rd August 2017) *Brexit: Theresa May says UK leaving EU court's jurisdiction*, Available at: <http://www.bbc.co.uk/news/uk-politics-41012265> (Accessed: 29th November 2017).

Women's Aid Federation NI:

Centre for Cross Border Studies (2017) *Border People*, Available at: <http://crossborder.ie/services/information-and-training-services/border-people/> (Accessed: 19th November 2017).

Department for Exiting the European Union (July 2017) *UK Negotiating Biographies*, Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/620076/Biographies_of_the_Civil_Service_representatives_for_the_negotiations_with_the_EU.pdf (Accessed: 2nd December 2017).

European Commission: Public Health (2017) *Cross- Border Health Care*, Available at: https://ec.europa.eu/health/cross_border_care/overview_en (Accessed: 29th November 2017).

European Commission: Justice (2015) *Victims*, Available at: http://ec.europa.eu/justice/criminal/victims/index_en.htm (Accessed: 27th November 2017).

European Commission: Justice (2016) *Rights of the Victim*, Available at: http://ec.europa.eu/justice/criminal/victims/rights/index_en.htm (Accessed: 27th November 2017).

Hayward, K. (23rd October 2017) *The Irish border is not a technical issue but a political one*, Available at: <http://blogs.lse.ac.uk/brexit/2017/10/20/the-irish-border-is-not-a-technical-issue-but-a-political-one/> (Accessed: 2nd November 2017).

Neate, P. (6th June 2016) *Forget house prices. The EU referendum matters for women's lives*, Available at: http://www.telegraph.co.uk/women/life/forget-house-prices-the-eu-referendum-matters-for-womens-lives/?utm_source=dlvr.it&utm_medium=twitter (Accessed: 28th November 2017).

O'Brien, C. (25th July 2017) *The Conversation: There's only one woman on the UK Brexit negotiating team – here's why that matter*, Available at: <https://theconversation.com/theres-only-one-woman-on-the-uk-brexit-negotiating-team-heres-why-that-matters-81506> (Accessed: 1st December 2017).

Office for National Statistics (2011) *2011 Census: Population Estimates for the United Kingdom, March 2011*, Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationandmigration/bulletins/2011censuspopulationestimatesfortheunitedkingdom/2012-12-17> (Accessed: 1st December 2017).

Sommerlad, H., *The “Social Magic” of Merit: Diversity, Equity, and Inclusion in the English and Welsh Legal Profession*, 83 FORDHAM L. REV. 2325 (2015).

Available at: <http://ir.lawnet.fordham.edu/flr/vol83/iss5/7> (Accessed: 29th November 2017)

Women's Aid Federation NI (6th July 2016) *Women's Aid Concerns over Brexit*, Available at: <https://www.womensaidni.org/womens-aid-concerns-brexit/> (Accessed: 28th November 2017).

Women's Aid Federation NI (November 2017) *Women's Aid Federation Northern Ireland Annual Report 2016-17*, Available at:

<http://www.womensaidni.org/assets/uploads/2017/11/Womens-Aid-Annual-Report-2016-17.pdf> (Accessed: 30th November 2017).

Postscript:

Heffer, S. (9th December 2017) *Tory Brexiteers are privately furious about Theresa May's 'deal' with the EU*, Available at: <http://www.telegraph.co.uk/news/2017/12/09/tory-brexiteers-privately-furious-theresa-mays-deal-eu/> (Accessed: 10th December 2017).

Kuenssberg, L. (8th December 2017) *Brexit deal: Theresa May buys breathing space*, Available at: <http://www.bbc.co.uk/news/uk-politics-42288942> (Accessed: 10th December 2017).

The BBC (10th December 2017) *Brexit: May's EU deal not binding, says David Davis*, Available at: <http://www.bbc.co.uk/news/uk-politics-42298971> (Accessed: 10th December 2017).

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