

The Impact of Brexit on Children's Family Life



- The number of parental child abduction and custody cases has more than doubled over the last decade, with almost two children being abducted abroad each day. EU law enables quicker resolution of these cases.
- EU law has enhanced parents' right to take maternity leave, paternity leave, and leave from work to look after sick children.

Brexit will probably lead to longer, more complicated legal proceedings involving cross-national divorce, child contact and abduction.

There are three main areas of family life which are positively affected by EU law. These are the family life of migrants, the employment leave rights of working parents, and the cross-border breakdown of families (which includes child abduction).

The Charter of Fundamental Rights of the European Union upholds a number of fundamental rights, relating to children's family life. For instance, under Article 24 of the Charter a UK child bares the right "to such protection and care as is necessary for their well-being." Also Article 24's scope extends to cover "all action relating to children; whether taken by public authorities or private institutions, the child's best interests must be a primary consideration."

allows each and every child to enjoy the right to have his his/her own family life, home and communications respected. Exiting the EU would mean that the Charter would no longer apply to UK children and henceforth require the time consuming and expensive redrafting of domestic legislation, as well as the loss of important transnational children's rights provisions.

Brussels II bis (Regulation 2201/2003) function is to make sure that the national judgements of Member States are recognised and enforced in other Member States. The Brussels Regulation has created the free movement of judgements across the EU and permits a six week window when dealing with claims, meaning a quick and less expensive process for citizens. Also, as the national laws of the Member States concerning matrimonial and child abduction matters are mostly incompatible, Brexit would result in legal uncertainty for many UK cross-border family law cases.

EU law governing the free movement of persons also protects children's family life. It allows children to accompany their parents who wish to study, work or live in other countries.

As of June 2016, the Court of Justice of the EU ruled that UK can restrict its child benefit payments for children residing abroad.

If the UK left the EU, they would have to rethink the current provisions which govern the free movement of citizens across Member States as they would no longer be applicable. As a result, it would make it harder for all European citizens to move in and out of the UK for the purpose of work and to reside, affecting children of these families.

UK employers are obliged by EU law to provide working parents with minimum entitlement to maternity, paternity and parental leave. If the UK left the EU it could allow employers to introduce much more limited rights in this area, with negative consequences for parents and children.

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