



BREXIT, DEVOLUTION & CIVIL SOCIETY



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We hope that policy makers and civil society stakeholders will use this report to help inform their future work around Brexit developments.

About the conference

The Brexit, Devolution and Civil Society conference, which was funded by The Legal Education Foundation, provided a unique opportunity for around 100 civil society organisations (CSO's), academics and wider stakeholders from across the four nations of the UK to reflect on the impact of Brexit in each jurisdiction, map out commonalities and collaborate on shared and individual responses.

Its aim was to explore the future of civil society and devolution after Brexit and to provide an opportunity for organisations to learn from and network with colleagues in a bid to establish and build on the strong connections which will be ever more essential as the UK's relationship with Europe changes.

About this report

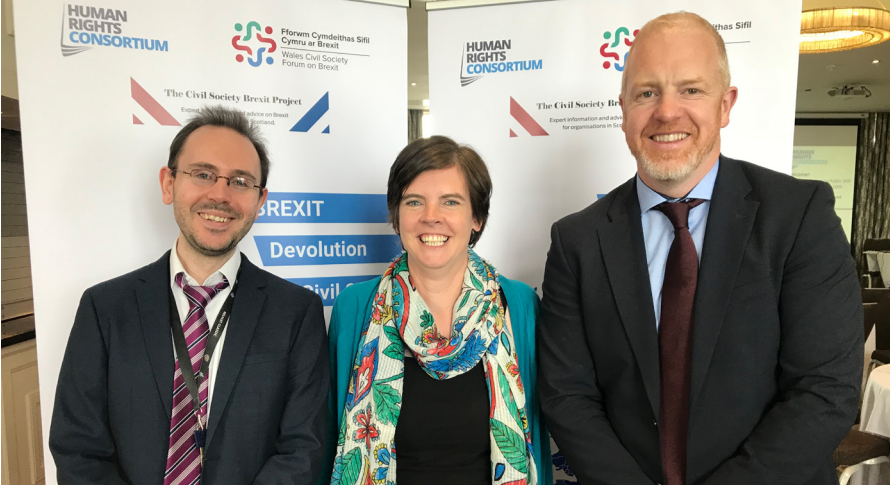
This conference report provides a summary of the major concerns and opportunities that were raised and discussed. It does not claim to be comprehensive nor do the conference organisers necessarily endorse all of the points raised. However, we hope that, whilst also acting as a helpful reminder for those who participated, policy makers and civil society stakeholders will also use this report to help to inform their future work around Brexit developments.

The following one minute Vox Pops by some key participants were also produced:

- [Joanna Cherry](#), QC MP:
- [Brian Gormally](#), Direct of the Committee on the Administration of Justice
- [Jeremy Miles AM](#), Counsel General and Brexit Minister for Wales
- [Kevin Hanratty](#), Director of the Human Rights Consortium

As well as the following thematic short videos:

- [Brexit and Rights](#)
- [Third Sector Challenges and Concerns](#)
- [Role of Third Sector Post Brexit](#)



Civil Society's voice within Brexit Developments

1. Civil society's voice must be listened to in Brexit decision-making
2. The capacity of CSO's to respond to Brexit is very limited.
3. The level of uncertainty and complexity that remains around Brexit developments is negatively impacting civil society's ability to influence and prepare for Brexit.
4. More needs to be done to engage civil society in devolved nations/jurisdictions and in English regions in Brexit decision-making.
5. More accessible and available information around Brexit is required.

Civil society collaboration

1. Civil society are very concerned about any loss or weakening of engagement with Europe-wide civil society and networks.
2. Civil society across the UK need to collaborate more, and more effectively, to continue to shape the Brexit process, particularly around the future relationship between the UK and EU.
3. Brexit has heightened the need for CSO's to share good practice and foster a race to the top in human rights, equality and environmental standards.

The impact of Brexit on communities

1. Brexit is not just something which might impact our society and communities in the future but some of its negative impacts are already being felt.
2. Participating BME organisations highlighted that communities have felt a rise in racist and xenophobic behaviour since the referendum.

The impact of Brexit on the UK constitution

1. Brexit has raised significant constitutional issues, including around our understanding of the devolution settlements and the power balances within them.
2. The devolved Continuity Bills demonstrated and revealed some of the constitutional characteristics, challenges and weaknesses of UK devolution.
3. There is considerable need for new or renewed intergovernmental structures across the UK, and there should be ways for civil society to engage with these.
4. Brexit has raised not only practical or narrow constitutional issues but broader, deeper questions of what the UK should look like after Brexit.

Diverse devolution and Brexit

1. Whilst there are similarities in the challenges of Brexit for devolution across the UK, there are also existing and emerging significant differences in the nature of UK devolution which must be taken into account by policy makers and civil society.
2. There are impacts and tensions that leaving the EU raises for Northern Ireland that are unique to this post-conflict society.

EU citizens in the UK after Brexit

1. Civil society are challenging the current proposed immigration system for EU citizens after Brexit and highlighting what is needed to better protect their rights.
2. Brexit has thrown up significant issues and debates around citizenship, migration and immigration, which civil society need to engage with to shape future approaches at devolved and UK levels.

Brexit and the human rights framework

1. The EU has provided the scaffolding for our human rights framework and therefore Brexit poses a significant risk to human rights protections.
2. There is significant concern amongst civil society about future rights regression or lack of progress to realise rights due to no longer being within the EU.
3. We must keep the Human Rights Act.
4. Concern about rights regression through and after Brexit has also given fresh impetus to strengthen our domestic human rights framework.

Post-EU funding for civil society

1. Continuing uncertainty around what will replace EU funding is negatively impacting civil society.
2. Civil society need to work together to influence what future funding should look like.
3. Future funding, that replaces EU funding, must tackle poverty, inequality and social exclusion, and must respect devolution.

Brexit and Women

1. The negative impacts on women will be acute, particularly on migrant, poor, disabled or BAME women.
2. Women have been underrepresented in debate, policy making and media related to Brexit.
3. Brexit risks slowing down advances in equality for women as the EU has advanced rights in this area considerably.
4. Organisations felt that actions need to be taken to ensure that Brexit does not lead to regression of rights or lower levels of equality than in the EU. Balance and representation of women in discussing, deciding and actioning these measures should be ensured.

Brexit and children and young people

1. Children and young people's voices have not been heard in Brexit developments and debate.
2. Children and young people hold a wide range of concerns about the impacts of Brexit on communities, on the UK and on their future.

Brexit and health & social care

1. Civil society has significant concerns about the impact of Brexit on physical health, mental health, wellbeing and quality of life, particularly of groups who are more exposed to these risks. This is due to the potential effect of greater immigration restrictions on staffing levels, and the economic impact of Brexit jeopardizing services and people's quality of life.
2. An ongoing lack of certainty around potential impacts on access to medicines, medical supplies, treatment and medical research is a major concern for civil society and this already impacting on people's wellbeing.
3. A hard border between Northern Ireland and Ireland would negatively impact health and social care.

Brexit and protecting the environment

1. Leaving the EU will mean gaps in environmental governance, and it is unclear as yet as to how these gaps will be filled.

CIVIL SOCIETY VOICE
WITHIN BREXIT
DEVELOPMENTS

*CIVIL SOCIETY VOICE
WITHIN BREXIT DEVELOPMENTS*

Civil society's voice must be listened to in Brexit decision-making.

- Many participants highlighted CSOs' unique understanding, authority, expertise and voice as they speak up for a wide range of diverse communities across the UK. They often work with, for, and often are, some of the most excluded and disadvantaged people and groups. They have a unique ability to enable and facilitate those furthest from power and decision-making to have a say in shaping policy and law.
- Many organisations speak about being unable to influence or contribute to how decisions are made about the UK after Brexit. There have been few opportunities to discuss Brexit impacts with Ministers or civil servants, with any engagement often coming after decisions have been made or used to convey decisions, rather than being about meaningful consultation or participation. This has been exacerbated by short timescales at Westminster.
- Participants spoke about this still being a relatively early stage in policy and law making around the UK leaving the EU. Establishing routes and structures from here on, to ensure that civil society's voice is listened to and valued will enable decision-making about future changes to law, policy and the relationship between the UK and the EU to be shaped by the realities of people's lives and their concerns.
- Some conference participants spoke about the negative impacts of Brexit being such that everything should be done to stop it - anything else is second-best. Other organisations are neutral on Brexit per se but are focused on ensuring, as much as possible, that it does not negatively affect people's lives.

The level of uncertainty and complexity that remains around Brexit developments is negatively impacting civil society's ability to influence and prepare for Brexit.

- Due to the ongoing uncertainty around what Brexit will mean for our law, our economy, our rights and our future relationships, CSOs have found it difficult to provide comment or analysis around the impacts upon those that they work with. This uncertainty has led to increasing concern and anxiety amongst civil society and the communities that they represent, with some organisations feeling that little has been done to acknowledge the negative impacts of this level of uncertainty.
- This uncertainty has also made it difficult for organisations to prepare for impacts of Brexit - some spoke about the resources and priority being given to businesses planning for Brexit, but that civil society also needs to be resourced to be able to prepare.
- Where there has been some definite, detailed plans about what will happen after Brexit, these have often been within Statutory Instruments or dense government briefings. More effort could be made to ensuring that any certain information that is available is accessible and available to organisations across civil society.

The capacity of CSO's to respond to Brexit is very limited.

- For many CSO's, the challenges and issues around Brexit have come as one more issue on top of many facing their organisation and those that they work with. This is further exacerbated by ever tighter funding for civil society, often due to stretched public sector finances, and often accompanied by increasing need for the support that they can provide.
- This capacity limitation is particularly impacting small or medium-sized organisations, many of whom are service-based and have little capacity for policy or law engagement. Even the time taken to keep up-to-date with the complexities of the decision-making around the UK leaving the EU is too much for many organisations, many of whom are otherwise used to engaging in policy-related developments.

More needs to be done to engage civil society in devolved nations/jurisdictions and in English regions in Brexit decision-making.

- Devolution has meant that increasingly organisations that are based in the devolved nations/jurisdictions are largely focused on influencing devolved policy developments. Many of the policies and laws that affect the lives of those that organisations work with are ordinarily seen to be more impacted by devolved policy and law. However, Brexit has required a renewed focus upon Westminster or Brussels influencing. Many organisations have therefore not had the staffing, finance, relationships or knowledge necessary to do so effectively within the fast Brexit timescales and within the complexity of Brexit constitutional and legal change.
- In addition, whilst government engagement with civil society in general around Brexit has been weak, this is particularly true of engagement with civil society that is based outside of London, with many of these organisations feeling forgotten about in decision-making. The UK Government has done little to provide opportunities for discussion, consultation or participation around Brexit with civil society in devolved nations/jurisdictions.
- Organisations in rural areas and those from particular groups such as disabled people, feel especially far from decision-making, having particular concerns about Brexit impacts but few opportunities to raise them.
- Those from English regions also often have the sense that Brexit is happening to them, not with them but they have no devolved administration or structure to turn to. Some speakers called for a return to discussions about how to devolve power to English regions, to complete devolution.
- The ability of civil society to influence has been particularly difficult in Northern Ireland due to Stormont not sitting. There have been few avenues, opportunities or invitations for civil society to engage in any of the policy developments around Brexit.
- In general, Brexit has led to increasing dissatisfaction with decisions being made at a distance, or with apparent disregard, to those affected by them. There are heightened calls around the need for increased local decision-making, for the devolution of government participation methodologies, and for all government administrations to develop new ways to engage with people effectively at a local level.

More accessible and available information around Brexit is required.

- Organisations have struggled to find clear, accessible information about the legal and policy changes necessary or likely due to Brexit. This has been exacerbated by the lack of civil society capacity, the uncertainty and complexity.
- This information gap is also exacerbated for particular groups including those with communication-related impairments who require information in BSL or other formats, those who require Easy Read information, and those whose first language is not English. There has also been a lack of Brexit information that is designed by, and accessible to, children and young people.
- Leaving the EU will impact all of us, and we all have the right to be informed about and participate in Brexit decision-making. In the future stages of Brexit, the UK and devolved governments could do much more to put resource and priority into ensuring that information about Brexit is available in a wide range of formats and to a wide range of audiences.

CIVIL SOCIETY
COLLABORATION

Civil society across the UK need to collaborate more, and more effectively, to continue to shape the Brexit process, particularly around the future relationship between the UK and EU.

- Brexit has both demonstrated the need for, necessitated and in some cases, enabled much better pan-UK civil society collaboration. Participants spoke about some UK civil society networks being effective for information and intelligence sharing, for collaborative influencing, and for enabling organisations to draw on the different strengths of each devolved nation/ jurisdiction.
- Jane Thomas from the Brexit Civil Society Alliance emphasised the need to coalesce around the shared aims of the Alliance, providing an effective framework for working together. She called for ‘courageous civil society leadership’ in the midst of the significant constitutional upheaval of Brexit.
- The Lobbying Act has contributed to some organisations being very cautious about what they can and cannot do or say related to Brexit. There is considerable need for clarity and confidence for civil society around implications of this legislation.
- If civil society is to effectively influence the future EU-UK relationship after Brexit day, both organisations and civil society funders need to invest time and resource into working with those in other parts of the UK. We need to collaborate where that makes sense and at the very least, share information and expertise, recognising where differences lie or similarities, to avoid duplication and to make our influencing as effective as possible - for the good of those that we work with and for.

Civil society are very concerned about any loss or weakening of engagement with Europe-wide civil society and networks.

- Participants spoke about a concern that Brexit both shows that the UK is isolationist, but that it might also lead the UK to be increasingly isolationist. This was deeply concerning because of what we would lose from the shared learning, collaborations and dialogue with civil society and academics in other countries where we share issues of common concern.
- European networks are very varied with no one structure or way of working. Some networks are exclusively for civil society from EU member states, whilst others are European or global.
- However, European civil society networks tend to be relatively cohesive groups of individuals who share values, and who work together to share information, to influence Brussels legislation, to harmonise data, to build confidence and support, and to develop future policies and understanding.
- UK civil society currently has privileged access to these EU networks due to EU support and funding but this is likely to weaken after Brexit. In addition, some of the Brussels influencing activity of these networks will no longer be relevant to UK civil society if we are no longer in the EU.
- Brexit is also likely to affect the extent to which the UK will be included within comparative data and reporting and the extent to which UK civil society will be able to access it.
- Significantly, EU networks have also provided opportunities and a framework for collaboration across and within the UK - this risks being lost after Brexit unless attention is given to enabling pan-UK networks and collaborations to be supported and strengthened.

THE IMPACT
OF BREXIT ON
COMMUNITIES

Brexit is not just something which might impact our society and communities in the future but some of its negative impacts are already being felt.

- The Brexit process has had serious detrimental impacts upon social cohesion and upon communities. Contributors spoke about rising racism and discrimination against people from elsewhere in the EU but also against anyone who is not white and British. It is evident everywhere whether from media, on street corners and in the playground. Many people from the EU living in the UK feel increasingly excluded and unwelcome, and this has been heightened because of hostile language around EU citizens with some politicians using words such as ‘queue jumpers’, ‘bargaining chips’ and ‘citizens of nowhere’.
- Whilst some speakers spoke about division being an unavoidable consequence of any referendum and major constitutional change, others spoke about the need for the government and civil society to take action to positively build community and social cohesion, particularly across ethnicity lines.
- Opportunities have already been lost due to Brexit uncertainty, for example conference bookings in Belfast have decreased as a direct result of Brexit; organisations spoke about being missed out of Europe-wide research bids or collaborations due to Brexit.
- Some contributors spoke about Brexit having greatly contributed to the breakdown of Northern Ireland’s power sharing executive and making its re-starting much more problematic. This is particularly because it is even more difficult to have or start conversations across sectarian lines because of the strength of feeling and ‘red lines’ around Brexit.

Participating BME organisations highlighted that communities have experienced a rise in racist and xenophobic behaviour since the referendum.

- Participants highlighted that Brexit has had a negative impact on community cohesion and has emboldened people to act on racist and xenophobic belief, including within schools where teachers lack the resources and training to tackle the specificities of racist bullying.
- Brexit has created a new divide across UK society that is often more polarising and entrenched than any party-political divide. It has made dialogue between organisations, within communities and families more difficult and contentious. Regardless of what happens next in the Brexit process, government, civil society and funders need to consider what they can do to help bridge the social divides that it has created or exacerbated.

THE IMPACT OF
BREXIT ON THE UK
CONSTITUTION

Brexit has raised significant constitutional issues, including around our understanding of the devolution settlements and the power balances within them.

- Many speakers told the conference that the Brexit process has shown that the UK constitution is not working, and that it urgently needs to be fixed and changed. Jeremy Miles AM stated that ‘Brexit has crucially started to raise very fundamental questions about the nature of our union and its constitution. Bluntly, whether it can continue to exist in its current form¹.’ For some speakers, this need for constitutional reform had predated the 2016 referendum but that the Brexit process had ‘thrown the need for fundamental change into stark relief’.
- Devolution was developed and established in the UK with an assumption of membership of the European Union as a unifying framework, and with the EU principle of subsidiarity - taking decisions at the lowest level - shaping the devolved approach. Indeed, the laws governing the devolved settlements specifically include EU law within them.

The devolved Continuity Bills demonstrated and revealed some of the constitutional characteristics, challenges and weaknesses of UK devolution.

- The EU Withdrawal Bill as it was introduced, proposed automatically freezing areas of EU law which were in devolved competence, such as regulations and law around fisheries, agriculture, environment, and in Scotland and Northern Ireland, also some areas around police and justice. These areas would ordinarily have returned and in effect, increased the powers of the devolved legislatures but instead, this Bill proposed keeping these powers, at least temporarily, at a UK level.
- This process and the surrounding debate demonstrated the tensions between the devolved administrations and the UK Government around the extent to which they should be involved in Brexit policy and law-making, around their future relationship when outside the EU, and how devolution operates and should operate during constitutional change.
- The Continuity Bills introduced by the Welsh and Scottish administrations in 2018 also demonstrated a difference in policy direction between the UK and devolved administrations, with the Charter of Fundamental Rights and ‘keeping pace with the EU’ elements included within the Bills.

¹ Jeremy Miles AM

There is considerable need for new or renewed intergovernmental structures across the UK, and there should be ways for civil society to engage with these.

- As areas of law that were held within the EU are returned to the UK, there remains a lack of clarity around where these powers will or should return to. There is recognition that in many of these areas such as professional qualifications or animal health, ‘it’s in no one’s interest to have different rules in different parts of the UK²’. However there are also concerns to protect the devolution settlement and to take into account the particular needs, interests and approaches of the devolved areas within UK-wide approaches.
- Participants called for new and more robust mechanisms for intergovernmental working, not dependent on individual relationships between officials and ministers in different departments as is mainly the case currently. The Joint Ministerial Committee is often a mechanism for discussion but not necessarily for agreement or dispute resolution.
- Participants suggested that the importance and value of the model of the British-Irish Council established by Strand 3 of the Good Friday Agreement has not been sufficiently recognised. The Agreement provides an example and framework of intergovernmental structures that could provide a way to resolve Brexit disputes and enables collective decision-making.
- A particular area of tension is around the UK’s international relations where these interact with areas of devolved competence. Agreements may be made at a UK level but implementation will be devolved. To what extent will the devolved administrations be able to influence or shape or contribute to these international agreements?
- Common frameworks on key issues across the UK are already being developed but there is a significant lack of any participation or engagement with civil society about the content of these. Civil society want - and need - to be involved in discussion about how the UK administrations will relate to each other after we leave the EU.

Brexit has raised not only practical or narrow constitutional issues but broader, deeper questions of what the UK should look like after Brexit.

- Jeremy Miles AM spoke about the important place of discussion about what kind of society do we want to be after we have navigated Brexit, recognising that conferences such as this one are a valuable contribution to this debate.
- Joanna Cherry MP highlighted the potential Citizens’ Assemblies as a way of answering these bigger questions, highlighting plans to hold such an Assembly in Scotland. This Scottish Assembly will look at what kind of country to build in Scotland, how Scotland can best overcome the challenges faced including those arising from Brexit, and what further work should be carried out to give people the detail that they need in order to make informed constitutional choices.
- Participants spoke about the need to embed a shared commitment and understanding of human rights as belonging to all of us and being positive for society, in a future vision of what a post-Brexit UK should look like.
- Jane Thomas from the Brexit Civil Society Alliance said ‘so much of the past two years of Brexit discourse has been ‘We don’t like..’, ‘We don’t like this person or this thing.’ Actually we want to be ‘This is what we like’, This is what we want to be” and this is how we are going to make that happen’.

² Jeremy Miles AM

DIVERSE
DEVOLUTION
AND BREXIT

Whilst there are similarities in the challenges of Brexit for devolution across the UK, there are also existing and emerging significant differences in the nature of UK devolution which must be taken into account by policy makers and civil society.

- Devolution in the UK was established, and has developed, very differently in each country/ jurisdiction. For example, Wales has had a much more gradual and ever-increasing devolution with closer historical and remaining ties with England; Scotland's separate legal, health and education systems existed before devolution in 1999; Northern Ireland's devolution settlement is intimately tied up with the peace process and power sharing.
- The distinct politics and referendum results in each part of the UK is also reflected in the different devolved governmental responses to Brexit, and potentially stemming from this, the different civil society responses to Brexit.
- The devolution settlements are each very different - this means that the Brexit process, negotiated and driven at a UK level, has impacted in distinct ways in each nation/jurisdiction. This is important for how London-based policy makers or politicians seek to engage with civil society across the UK - this engagement needs to recognise and work within devolution, connecting with organisations in different parts of the UK.
- Policy making is increasingly accessible and transparent in devolved jurisdictions (including Northern Ireland when Stormont is sitting), with CSOs frequently meeting with politicians and government officials to discuss and bring their expertise and community concerns to influence policy and law. However, Brexit policy making at a UK level has not been accessible or transparent to civil society, leaving many organisations and communities feeling frustrated and excluded.
- In Scotland, debates, developments and concerns about Brexit are often bound up with the question of independence. In the independence referendum, one of the main arguments of the No campaign was that Scottish independence would lead to the country being outside of the EU - 'especially for EU citizens, who were allowed to vote in that referendum, it made a big difference - whether they were going to have a right to residence or not'³.

³ Tobias Lock, Maynooth University, Civil Society Brexit Project in Scotland

There are impacts and tensions that leaving the EU raises for Northern Ireland that are unique to this post-conflict society.

- ‘The main threat to human rights and the peace process in the past two years has been Brexit⁴’
- There are very significant implications around rights derived from citizenship. Equality between the two citizenships – that of Northern Ireland and thus UK citizenship, and Irish citizenship – was a key plank of the Good Friday Agreement. This Agreement is based on the principle that people living in Ireland or Northern Ireland can choose whether to be Irish, British or both. However, Brexit throws this into question because it would mean that these two citizenships entail quite different rights.
- Leaving the EU means that the status of Irish citizens born in Northern Ireland is constitutionally and practically insecure. If Brexit goes ahead, they will be EU citizens living in a non-member state, and it is very unclear what rights they will have. The Home Office currently treats them as dual Irish-British citizens and dismisses the validity of the choice to be Irish but this is being challenged in an ongoing court case of Emma and Jake deSouza. Regulations have also been changed to exclude Northern-Irish born Irish citizens from the settled status scheme.
- Brexit will therefore bring two new dimensions of inequality between Irish and British citizenship: between EU & non-EU citizens; and between those with unquestioned rights in their homeland and those whose rights are conditional and contested.
- Brexit is sectarianized, bringing identity and border and power balance issues to a head once again. ‘Brexit exploded back into politics all of the things we needed to talk about less⁵’. In a post-conflict society which saw the death of a journalist only in April 2019, this rise in tension is very concerning.
- CAJ are calling for a renaissance of the peace process to: implement what was left undone such as a Northern Irish Bill of Rights; to repair what is broken, for example power sharing devolution; and to put in place new guarantees to correct the problems that the Brexit process has exposed & to meet the challenge of constitutional change such as new legislation on citizenship in the UK and possibly also in Ireland, and a progressive alternative immigration policy.
- ‘Peace and human rights are not identical but they are inextricable. We know that a violent conflict results in a bonfire of human rights⁶’
- The Brexit referendum undermined a key principle of the peace agreement in Ireland which was self-determination.

⁴ Brian Gormally, Committee for the Administration of Justice (CAJ) speaking at the conference

⁵ Claire Hanna MLA speaking at the conference

⁶ Brian Gormally CAJ

EU CITIZENS
IN THE UK
AFTER BREXIT

Civil society are challenging the current proposed immigration system for EU citizens after Brexit and highlighting what is needed to better protect their rights.

- Participants spoke about the EU Settlement Scheme being problematic for many reasons, such as: the application system is mainly digital and the technology does not always work; you may have to travel to verify documents, with the travel costs and time that this entails; some people will not realise that they need to apply, particularly elderly or long term residents of the UK; language barriers or cultural barriers around engaging with officialdom; paperwork requirements which for many people will be difficult because their lives are not straightforward, but particularly for victims of domestic violence or of trafficking; proof of settled status is only digital, not paper; lack of an appeal process, but only administrative review. Where pre-settled status is granted, this does not lead in time to an automatic transfer to settled status, but rather another application will be required.
- Organisations are concerned about data and information issues: the Home Office has already mistakenly released personal data; applicants need to agree to having their information shared with third parties but there is no information about who those third parties are; due to a legal exception, the Home Office does not need to tell applicants what information they hold about them which means they cannot access information about the grounds on which your application has been refused, making any form of appeal very difficult.
- Many across civil society are calling for the settled status scheme to be about registration not application; for EU citizen rights to be guaranteed in primary legislation not only secondary legislation; for the problems and unsolved questions around settled status to be resolved; for any settled status deadline to be much longer; and for the repeal of EU law not to take effect until the very end of the application/registration process for settled status.

Brexit has thrown up significant issues and debates around citizenship, migration and immigration, which civil society need to engage with to shape future approaches at devolved and UK levels.

- Migration status is inextricably linked to rights protection, and if our rights framework is undermined or weakened, then the rights and welfare of immigrants will be at risk.
- In Scotland there is significant opportunity to take a progressive approach to citizenship because of: discussion around the independence referendum about what it means to be Scottish; the political context where the Scottish Government and others are keen to take a different approach to the UK Government.
- There are significant and potentially growing differences between the UK and devolved administrations around how they talk about immigration and their policy approach to immigration within their devolved competencies. It was recognised that this could cause potential difficulties and confusion with different immigrants holding different rights depending on where they live in the UK: however, it was also recognised that some of this difference arises out of a lack of progressive direction at a UK reserved level and out of different population needs. There may be ways in which civil society through working together across the UK, can draw on these devolution differences to 'race to the top' and to shape developments at a UK level.
- The hostile immigration environment is particularly of concern for EU citizens who will become part of this system for the first time, and who will therefore be at risk of unlawful residency and ultimately deportation if their applications for settled status are refused or if they do not apply in the first place.

BREXIT AND THE
HUMAN RIGHTS
FRAMEWORK

The EU has provided the scaffolding for our human rights framework and therefore Brexit poses a significant risk to human rights protections.

- The EU was not established to promote human rights and could not be in any way described as a human rights body. Nonetheless, the EU Charter of Fundamental Rights has provided an important part of our human rights framework. Many of the rights included in the Charter are not included within the European Convention on Human Rights. In addition, the EU has also protected many other rights through regulations and directives, such as disabled people's rights, LGBT protections and employment rights.
- The EU Withdrawal Bill when introduced, aimed to bring across EU law into UK law and provide legislative means to fill in any consequent gaps in these laws so that it would operate effectively from the day of exit. However, the only aspect of EU law that this Bill did not carry across was the Charter. Despite much concern and campaigning - and significantly, collaborative campaigning from civil society from across the UK - to keep the Charter and despite initial retention of the Charter by House of Lords amendments, the Charter is not part of the EU Withdrawal Act.
- The loss of the Charter, and therefore loss of the oversight of the Court of Justice of the EU, together with loss of the EU's regulations and standard setting on rights in other areas, means that Brexit will lead to a weakened human rights framework across the UK.
- The EU has also provided a common framework to human rights across the UK, a glue that has kept a degree of consistency in human rights standards across the four nations. Without this commonality in place, there could be further divergence in approach to human rights across the UK, which is likely to lead to some areas or the UK-wide approach being left behind. For example, already in children's rights, Wales has the strongest children's rights legal framework in the UK, with Scotland planning to directly incorporate the UNCRC by 2021 - these developments are positive but highlight that children in England and Northern Ireland have lesser rights protections. (See below for further discussion).
- The retention of the Charter in the Welsh and Scottish Continuity Bills also demonstrated this divergence in approach to human rights. Whilst this Charter retention in the Scottish Continuity Bill was found by the Supreme Court to be outwith the competence of the Scottish Parliament, the Scottish Government has stated that they will now explore other ways to retain Charter principles in Scots law.

There is significant concern amongst civil society about future rights regression or lack of progress to realise rights due to no longer being within the EU.

- Many participants spoke about the EU having provided standards, case-law and regulations that have helped to progress the realisation of rights in the UK. There is general concern that the UK might fall behind the EU's progress on rights and could become the worst in Europe around recognition of people's rights.
- Trade agreements and the extent to which any new trade agreements protect and emphasise the importance of human rights was highlighted as a crucial issue for future rights protections.
- There is also concern that the public often take human rights for granted or misunderstand them due to misleading and false media coverage and political comment. In addition, in some areas human rights are closely tied to certain political parties, certain ideologies or different sides of nationalist debates and this can hinder public support for human rights by civil society. In and beyond Brexit, civil society needs to do more to influence the public to support human rights in order to most effectively protect our human rights framework in the longer term.

We must keep the Human Rights Act.

- The Human Rights Act brought the European Convention on Human Rights directly into UK law. Particularly given the lessening of UK rights protections that would come from no longer being part of the EU, it is essential that the UK remains a party to the European Convention on Human Rights. The Convention is from the Council of Europe of which the UK is, and must remain, a member. However the UK Government has pointedly not so far ruled out withdrawal from the ECHR.
- Participants spoke about a united concern across every part of UK civil society to retain the Convention and the Human Rights Act, and a desire to work together to ensure this.

Concern about rights regression through and after Brexit has also given fresh impetus to strengthen our domestic human rights framework.

- A Bill of Rights for Northern Ireland was part of the Belfast Agreement in 1998 but in contrast to other parts of the Agreement, this has received little attention and action since then. The Bill of Rights could have been an important catalyst for protecting rights within all of the discussions around leaving the EU and its absence is seen by many as regrettable. Brexit has therefore led to heightened awareness and debate around a Bill of Rights for Northern Ireland.
- Incorporation of economic, social and cultural rights into Scots law has long been debated and campaigned for by civil society. However, in response to concern about rights regression within Brexit, the First Minister established an advisory group to set out recommendations for how Scotland can show leadership in human rights, to protect against rights regression and continue progressing human rights. This Advisory Group set out proposals for a new law that restates the Human Rights Act, directly incorporates economic, cultural, social and environmental rights, and includes rights for particular groups such as disabled people, older people, LGBTI people, women and on race. The Group also recommended that Scotland establish national indicators on progress on human rights and set up a National Monitoring Mechanism to enable monitoring of the EU around rights and full engagement in UN rights reviews. A National Taskforce has now been set up to take these recommendations forward.
- The Welsh Government has also commissioned wider research into options to strengthen and advance equality and human rights in Wales, including further incorporation of UN conventions into Welsh Law and whether there may be a need for fresh legislation such as a Human Rights Bill for Wales.

POST-EU FUNDING
FOR CIVIL SOCIETY

Continuing uncertainty around what will replace EU funding is negatively impacting civil society.

- The continuing uncertainty around any replacement for EU funding for the third sector is very concerning and is already having a detrimental impact on sector planning and recruitment.
- The UK Government has committed to meet any funding commitments already made. However, there is a lack of clarity over what this means in different scenarios such as a 'no deal' Brexit and depending on who allocates the funding and which funding stream.
- Participants questioned whether there would be any 'Brexit dividend' considering the potential impact on the economy and all the extra costs of setting up new institutions and arrangements solely for the UK once we have left the EU. Therefore, the rationale for replacement funding is questionable and only adds to uncertainty.

Civil society across the UK need to work together to influence what future funding should look like.

- The way in which any replacement funding is structured and decided will reflect the kind of country we want to become. Civil society need to work together on a positive vision for the future to positively shape the type of society we want to be.
- Each part of the UK has received different amounts of EU funding. Wales receives by far the highest share, much of which goes to the third sector and has had major benefits for Welsh social inclusion, employability, communities and infrastructure. Other areas receiving significant proportions of funding include Cornwall and the Scottish Highlands. This difference in starting point and in what each area has to lose by different future funding structures could hinder collective influencing across UK civil society around replacement funding.

- However, participants were clear that this is a key area for collective influencing across UK civil society. We need to develop shared values and principles around replacement funding. We need to be mindful of the audience, and focus on "what good looks like", rather than the UK Shared Prosperity Fund as such.

Future funding must tackle poverty, inequality and social exclusion, and must respect devolution.

- We need to learn from both the positives and negatives of current EU funding - for example, future funding needs to be less bureaucratic and time-consuming than the current funding but it should also retain the focus on equality and social inclusion being built in from the outset.
- There is concern that, as the UKSPF is proposed to sit within the industrial strategy, that it will take a very narrow approach to economic growth and not build in inclusive growth. There is widespread concern that replacement funding must keep its focus on tackling poverty, inequality and social exclusion.
- Future funding should be delivered by local authorities in England and devolved administrations elsewhere, and should not be delivered by local enterprise partnerships. Funding must respect the devolution settlement, and allow devolved administrations to play their full role.
- Future funding must be delivered in equal partnership with third sector and local groups, and transparency should be built in from the outset.

BREXIT AND WOMEN

The negative impacts on women will be acute, particularly on migrant, poor, disabled or BAME women.

- Brexit impacts do not come alone - instead, they are on top of and will compound the impacts of austerity policies on women.
- The impacts on health and social care will be particularly acute on women as they represent the majority of paid and unpaid carers in the UK.

Women have been underrepresented in debate, policy making and media related to Brexit.

- There has been no evidence of gender consideration in Brexit policy making.
- Furthermore, certain groups of women are even further away from decision-making, such as women in Northern Ireland where the DUP do not represent the diversity of perspectives in Northern Ireland, and rural women.

Brexit risks slowing down advances in equality for women as the EU has advanced rights in this area considerably.

- EU funding had a particular impact on rural life and rural women, with a good understanding by the EU that it was about more than agriculture but about people, infrastructure and communities.
- The EU has led to positive developments in equality for women such as in employment, maternity rights and equal pay. The Equality Act is underpinned by EU law, and there is significant concern that, without the EU driving and progressing rights for women, the UK will lag behind in women's rights. Many participants were concerned that the Equality Act may be stripped back with possible removal of protections such as the Working Time Directive, paid holidays and parental leave rights with rhetoric and policy direction aimed at reducing 'red tape'.

Organisations felt that actions need to be taken to ensure that Brexit does not lead to regression of rights or lower levels of equality than in the EU. Balance and representation of women in discussing, deciding and actioning these measures should be ensured.

- In Scotland and Wales, there are plans to further embed the Convention for the Elimination of Discrimination Against Women (CEDAW) into domestic law and policy, although this can only apply in areas of devolved competence and not on the full range of equality and rights.
- Whilst the developments around Citizens' Assemblies, particularly those in Scotland, present potentially valuable methods for ensuring better and wider decision-making and debate, there needs to be proper balance and representation of women within and beyond that.
- Several ideas were put forward:
 - Creation of more deliberate and extensive links between academia and women's organisations to draw on the strengths of both
 - Working together to open doors into government decision-making through cross party groups and so on
 - A four nations online feminist library as a place to share and disseminate learning and information;
 - Creating more ways to collaborate that lead to pooling of resources
 - More use of the networks that already exist such as cross-party groups and third sector partnerships, and ensure that these also link across the 4 nations.

BREXIT AND
CHILDREN AND
YOUNG PEOPLE

Children and young people's voices have not been heard in Brexit developments and debate.

- There is considerable concern and frustration at the lack of engagement of young people in Brexit debates and developments, particularly given the importance of these decisions upon the kind of country that the UK will be in the future, and around the UK's relationships with other countries that will impact upon young people's lives and opportunities.
- Participants spoke about this disengagement and disenfranchisement of young people as producing many negative outcomes, including radicalisation and increased frustration with mainstream politics and policy making. There is also frustration that more older people voted for 'leave' than young voters, but that it will be younger people who feel the consequences for longer.
- Experience of the referendum has also heightened calls for 16 and 17-year olds to be allowed to vote, with the curriculum and resources in schools to help them to prepare to do so.
- There is a lack of child-friendly, accessible information about Brexit and this has been compounded by teachers often being unwilling to inform or debate around Brexit because of its divisive and controversial nature. Efforts to enable the participation of children and young people in Brexit developments include providing appropriate information and recognising the role of social media in informing young people's opinions.
- It has been particularly difficult for children and young people's organisations to influence around Brexit because of a general lack of contacts and links with MEPs, often choosing to work through European networks such as Eurochild. The policy landscape is also very crowded, with difficulty in being heard over the clamour.

Children and young people hold a wide range of concerns about the impacts of Brexit on communities, on the UK and on their future.

- Work done by Children in Wales and Children in Scotland has provided insight into the chief concerns that young people have around Brexit - these include: the erosion of fundamental rights; lessening of opportunities to study overseas; the amount of time and money being spent on Brexit rather than on other priorities; replacement of EU funding and in particular the future of Erasmus + and Peace IV programmes; Brexit impacts on the economy and jobs; and uncertainty affecting all but particularly EU citizens living in the UK.
- Children in Northern Ireland are also concerned about the particular impacts of Brexit on their lives, including the approximate 600 pupils who cross the Irish border every day to attend school.
- There has been a rise in bullying of ethnic minority young people, both those from elsewhere in Europe and from other countries. There is concern that Brexit in some way has given the message that it is OK to be abusive and racist towards those from other countries.
- Other concerns around the impact on children and young people include: difficulties in recruiting EU teachers for teaching European languages in UK school; the extent to which qualifications in the UK will still be recognised across Europe as they are done currently within the European Qualifications Framework; protections for children moving across borders such as anti-trafficking arrangements; the immigration status of young EU citizens living in the UK, particular Roma children or others who are less likely to engage in official processes; there may be lesser cooperation and joint approaches to tackling international problems such as online child abuse.

BREXIT AND HEALTH
& SOCIAL CARE

Civil society has significant concerns about the impact of Brexit on physical health, mental health, wellbeing and quality of life, particularly of groups who are more exposed to these risks. This is due to the potential effect of greater immigration restrictions of staffing levels, and the economic impact of Brexit jeopardizing services and people's quality of life.

- The considerable recruitment shortages in the health and social care sector in the UK risk being compounded by Brexit. For example in Scotland one third of posts are currently vacant. Social care providers are already handing back contracts because they simply cannot get the workforce to provide the service required. However, many of the current health and social care workforce are from elsewhere in the EU. Many personal assistants are from elsewhere in the EU and many organisations rely upon volunteers from elsewhere in the EU to provide their vital services, most often to disabled people.
- CSOs are very concerned that post-Brexit immigration requirements will mean that EU citizens will be more reluctant to move to the UK to work because of tighter immigration rules such as wage restrictions, visa costs, and fewer paths to long-term residence. This would exacerbate workforce shortages across health and social care, and the rights of people to health and independent living will be unmet. Disabled people, older people and those with long-term health conditions will receive lesser care and see their quality of life damaged.

An ongoing lack of certainty around potential impacts on access to medicines, medical supplies, treatment and medical research is a major concern for civil society and this is already impacting on people's wellbeing.

- Particularly in the event of a 'no deal' Brexit but also due to a lack of clarity over what arrangements can be put in place to avoid any negative impacts, organisations spoke about concern that many of our medicines and medical supplies are from elsewhere in the EU and that delivery of these will be negatively impacted by Brexit. On the frontline people are speaking about stockpiling in case sufficient arrangements have not been made to ensure a continual supply. There are particular concerns about medicines such as anti-psychotic or transplant-related drugs which individuals cannot do without.

A hard border between Northern Ireland and Ireland would negatively impact health and social care.

- Provision of health and social care is integrated across the island of Ireland, with relative consistency and collaboration regardless of which side of the border you live on. In particular there are common arrangements for medicines and medical equipment.
- If Brexit was to take place without agreement made to avoid a hard border, there would be immediate negative impacts on the provision of health and social care, and those who rely on this would be negatively affected.
- There are legislative inequalities, particularly in the Northern Irish context in this area as well as general frustration at the Anglo-centric focus of Brexit discussions to date.

BREXIT AND
PROTECTING THE
ENVIRONMENT

Leaving the EU will mean gaps in environmental governance, and it is unclear as yet as to how these gaps will be filled.

- 80% of environmental law is currently derived from the EU, and most of the environmental principles and governance stemming from this have not been brought into domestic law. Governance issues include access to justice and rights, and the ability to enforce environmental law in court.
- There has been some recognition of the potential gaps in environmental governance if we leave the EU, which has led to the UK Government to publish a draft environmental governance bill. In Scotland and Wales there have been consultations on environmental bills.
- Participants spoke about all of the governments across the UK being better at rhetoric around the environment than about the reality. For example, no part of the UK has thus far implemented the Aarhus Convention properly.
- In Scotland, the First Minister's Advisory Group on Human Rights Leadership recommended introducing a right to a healthy environment into Scots law which may be an important step forwards but detail of this are as yet unknown.
- CSO's are very concerned that leaving the European Union should not lead to regression in environmental rights, standards and governance, particularly where there is recognition of an increasing need for concerted action by governments to address climate change and environmental damage.
- Organisations are particularly concerned that in the case of a 'no deal' Brexit, there would be little time to put in place sufficient new governance structures and arrangements, many of which will require discussion and agreement across and within the UK.
- Environmental organisations collaborate effectively across the UK - there is considerable need to continue this collaborative influencing and information sharing in order to ensure that post-Brexit UK continues to strengthen its part in global environmental protection, rights and governance.

BREXIT, DEVOLUTION & CIVIL SOCIETY



Fforwm Cymdeithas Sifil
Cymru ar Brexit

Wales Civil Society
Forum on Brexit



Human Rights
Consortium
Scotland



Canolfan
Llywodraethiant Cymru
Wales Governance
Centre



The Civil Society
Brexit Project

