

Child Rights and Wellbeing Screening
Sheet for the Civil Protection Measures,
European Protection Order and Victims'
Rights (EU Exit) (Scotland)
(Amendment Etc.) Regulations 2022

1. Brief Summary

Name the policy, and describe its overall aims. Which National Outcomes does this policy/measure contribute to?

This is a Brexit SSI which:

- Amends legislation relating to EU Regulation 606/2013 on civil protection measures to allow the continuing recognition of incoming measures and removing requirements on Scottish courts to issue outgoing measures.
- Revokes legislation relating to EU Directive 2011/99 on European Protection Orders in criminal justice cases.
- Amends legislation which implemented EU Directive 2012/29 which established minimum standards on the rights, support and protection of victims of crime. In particular, it amends section 3J of the Victims and Witnesses (Scotland) Act 2014 to correct a minor deficiency in the Act following the UK's withdrawal from the European Union. The aim is to protect victims' rights.

It is a Brexit SSI and does not contribute to achieving the National Outcomes.

2. What aspects of the policy/measure will affect children and young people up to the age of 18?

Regulation 606/2013 and the European Protection Order are designed to protect people from harm such as domestic abuse. The withdrawal of the UK from the EU significantly limits the effectiveness in Scotland of Regulation 606/2013 and means that the European Protection Order ceases to be workable. This has an adverse impact on children and young people, who can be subjected to harm such as domestic abuse.

However, regulation 606/2013 and the European Protection Order are little used in Scotland and so the adverse impact is limited.

The following articles of the UNCRC are relevant:

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3. What likely impact – direct or indirect – will the policy/measure have on children and young people?

The (limited) negative impact is on people who need protection generally. So the impact may be described as indirect.

4. Which groups of children and young people will be affected?

Children and Young People who have suffered harm such as domestic abuse.

5. Is a Children's Rights and Wellbeing Impact Assessment required?

A CRWIA will not be carried out.

This SSI is a consequence of Brexit. To mitigate the (limited) adverse impact, the SSI continues the recognition of incoming certificates from EU Member States in relation to civil protection orders. In addition, the changes made by this SSI to the victims and witnesses legislation are minor and do not impact adversely on victims.

6. Sign & Date

Policy Lead Signature & Date of Sign Off: Simon Stockwell. 9 August 2022