

HR27

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: Cymdeithas Llywodraeth Leol Cymru (WLGA)

Response from: Welsh Local Government Association (WLGA)

The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. Its primary purposes are to promote better local government, to promote its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

The WLGA is a membership organisation and represents all 22 local authorities in Wales, the 3 fire and rescue authorities and the 3 national park authorities as associate members.

Local authorities are committed to maintaining and promoting equalities and human rights and take their statutory responsibilities seriously.

The WLGA contributed to the predecessor Committee's Inquiry on the Future of Equality and Human Rights in Wales in 2013<sup>1</sup>. Whilst much has however changed since then, given last year's EU Referendum Vote and the proposed British Bill of Rights, many of the points the WLGA raised are still relevant. The WLGA's role in equalities has however changed significantly; we continue to promote diversity and equalities in our policy work as the representative body of local government, however our Equalities Unit was disbanded in 2015 following the withdrawal of Welsh Government grant funding and we are no longer able to provide peer challenge, pro-active guidance or support to authorities on equalities matters.

The WLGA notes the potential implications of both Brexit and the proposed British Bill of Rights on equalities and human rights legislation; local government and public bodies more broadly have made significant progress in promoting and protecting equalities and human rights during recent decades and we would not wish to see a diminution of this agenda.

It is however too early to provide any insightful comment on the potential implications of the impact of the UK's withdrawal from European Union on human rights protection in Wales or the impact of the UK Government's proposal to repeal the Human Rights Act 1998 and replace it with a British Bill of Rights. As the Committee Chair's statement to plenary made clear, the legislative field of equalities and human rights is incredibly complex, and is affected by both devolved and UK legislation, as well as EU-wide and international treaties and obligations.

We note however that the UK Government's 'The United Kingdom's exit from and new partnership with the European Union' White Paper published in recent weeks confirms that:

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<sup>1</sup> <http://senedd.assembly.wales/documents/s16636/EHR%2023%20-%20The%20WLGA%20and%20the%20NHS%20Centre%20for%20Equality%20and%20Human%20Rights%20NH S%20CEHR.pdf>

*'To provide legal certainty over our exit from the EU, we will introduce the Great Repeal Bill to remove the European Communities Act 1972 from the statute book and convert the 'acquis' – the body of existing EU law – into domestic law. This means that, wherever practical and appropriate, the same rules and laws will apply on the day after we leave the EU as they did before.'* (para 1.1).

The White Paper therefore intimates that the current human rights arrangements are likely to continue for the short-term and further states that the UK Government wants to continue '...to promote the values the UK and EU share – respect for human rights and dignity, democracy and the rule of law both within Europe and across the wider world...' (Page 67).

Furthermore, as your statement confirmed, the UK's withdrawal from the EU does not automatically affect the UK's status as a signatory to the European Convention on Human Rights, which is an international treaty distinct from the EU Treaties and EU Charter on Fundamental Rights. The UK Government has confirmed that it does not plan to withdraw from the European convention on human rights when it introduces the British Bill of Rights (according to UK Justice Secretary Liz Truss MP in evidence to the House of Commons Justice Committee on 7<sup>th</sup> September 2016<sup>2</sup>)

It is acknowledged that there is general concern regarding the implications on human rights should the Human Rights Act be repealed and replaced by the UK Government's proposed British Bill of Rights<sup>3</sup>. The House of Lords EU Justice Sub-Committee's Inquiry from 2016 concluded that although the UK Government's proposals are not anticipated to depart significantly from the existing Human Rights Act and are *'likely to "affirm" in a Bill of Rights all the rights contained within European Convention on Human Rights'*, though it may have affect UK's moral authority internationally and risks *'constitutional upheaval with the devolved nations'*.

The timescale for any future British Bill of Rights also remains unclear, and whilst a number of UK Ministers have confirmed that it remains a Government commitment, the timescales have inevitably been impacted by Brexit and will not be addressed until sometime afterwards, as Attorney General, Jeremy Wright QC confirmed to Parliament on 8<sup>th</sup> December 2016: *'We remain of the view that human rights law requires reform ... we have a few other things on our plate at the moment; I think we will have to resolve those before we can resolve the matter...'*

The Equalities and Human Rights Commission has provided detailed evidence on UK Parliament's Joint Committee on Human Rights' Inquiry into the human rights implications

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<sup>2</sup><http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/the-work-of-the-secretary-of-state/oral/37565.html>

<sup>3</sup><http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-justice-subcommittee/inquiries/parliament-2015/potential-impact-of-repealing-the-human-rights-act-on-eu-law/>

of Brexit<sup>4</sup> and also to the Women and Equalities Committee's Inquiry into ensuring strong equalities legislation after EU exit<sup>5</sup>.

With regards the Committee's final question on 'public perceptions about human rights in Wales, in particular how understandable and relevant they are to Welsh people', the WLGA is unaware whether any research on this matter has been undertaken since the Equality and Human Rights Commission's Public Perceptions of Human Rights Report from 2009.

Anecdotal evidence from local authority equalities officers however suggests that general public awareness of public services' equalities duties and individuals' human rights has generally increased since then, but it is still a mixed picture and is often informed by individuals' access to and engagement with advocacy or representative groups. The anecdotal feedback was similar to the conclusions in the 2009 report, in particular that the general public's attitude towards human rights was informed (or misinformed) by negative media coverage of controversial human rights stories. More recently public perception may also have influenced by the media's conflation of issues and negative stereotyping around matters such as the UK Government's welfare reforms and reference to welfare recipients' 'rights' (for example, see '*...'scroungers' charter' that could make state benefits a human right*<sup>6</sup> and '*Scroungers' rhetoric over benefits fuels abuse say charities*<sup>7</sup>).

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<sup>4</sup> <https://www.equalityhumanrights.com/en/legal-responses/what-are-human-rights-implications-brexite-%E2%80%93-our-response-joint-committee-human>

<sup>5</sup> <https://www.equalityhumanrights.com/en/legal-responses/ensuring-strong-equalities-legislation-after-eu-exit-inquiry-our-response-women-and>

<sup>6</sup> <http://www.dailymail.co.uk/news/article-2363851/Labour-draws-scroungers-charter-make-state-benefits-human-right.html>

<sup>7</sup> <http://www.independent.co.uk/news/uk/politics/scroungers-rhetoric-over-benefits-fuels-abuse-say-charities-6579630.html>