



Inquiry into Human Rights in Wales

Submission to the Equality, Local Government and Communities Committee

1. Introduction

- 1.1. This evidence has been prepared to inform the National Assembly's committee consultation on human rights within Wales, post Brexit.
- 1.2. This paper is submitted by Wales Council for Voluntary Action (WCVA), on behalf of the Equality and Human Rights Coalition for Wales (EHRCo).
- 1.3. About WCVA
WCVA is the national membership organisation for the third sector in Wales. Our vision is for a future where the third sector and volunteering thrive, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing.
- 1.4. WCVA works with a range of national specialist agencies, county voluntary councils and other development agencies, to provide a support structure for the third sector in Wales. We have over 3,000 members, and are in touch with many more organisations through a wide range of national and local networks.
- 1.5. About the EHRCo
The purpose of the EHRCo is to seek to effect positive change to the design and implementation of policies and projects which impact positively on the experiences of people facing unequal and discriminatory treatment in Wales.
- 1.6. Membership is open to all third sector organisations working within the equalities and human rights field. WCVA is responsible for facilitating the EHRCo network.
- 1.7. A small working group of the EHRCo drafted this response, with feedback received from:
 - Chwarae Teg
 - Community Transport

- Cytûn (Churches Together in Wales), also representing the Inter-faith Council for Wales
- Diocese of Llandaff of the Church in Wales
- Disability Wales
- Oxfam
- Wales Council for Voluntary Action
- Welsh Refugee Council

2. The impact of the UK's withdrawal from European Union on human rights protection in Wales

2.1. There is a legitimate fear that leaving the EU will erode the human rights of citizens as a consequence of departing from the EU legislative and regulatory framework. The EU is founded upon the principles of respect for human dignity, liberty, democracy, equality, the rule of law and the value of human rights.

2.2. Wales has chosen to strengthen the rights protections afforded to its citizens through such measures as the Rights of Children and Young People (Wales) Measure 2011, the Wellbeing of Future Generations (Wales) Act 2015 and the Social Services and Wellbeing (Wales) Act 2014. The UK Government has indicated little recognition of the Welsh devolved perspective and we welcome and encourage the Welsh Government to continue on this positive trajectory towards greater rights protections.

3. The impact of the UK Government's proposal to repeal the Human Rights Act 1998 and replace it with a UK Bill of Rights

3.1. The impact will depend upon the legislation contained within the proposed Bill. If it exceeds the existing protections currently afforded by the Act it could be welcomed. However the fear, and perhaps expectation, is that the replacement Bill will considerably weaken human rights protections. The existing proposition is for the Bill to be founded upon values considered fundamental within British society and indigenous traditions, but no reference has been made to the consideration and inclusion of customary Welsh values, such as linguistic rights, consistent with our progressive legislation in Wales.

3.2. The 2015 Conservative UK General Election manifesto, referred to the introduction of a "UK Bill of Rights and Responsibilities", implying perhaps an intention to limit the ability to claim human rights for those who were deemed not to have fulfilled their responsibilities. We believe that limiting rights in this way means that they would no longer be human rights, but rather rewards for behaving in a manner the state has deemed acceptable. We strongly urge that such a change of approach is resisted.

3.3. Wales has adopted legislation which increases human rights protections by incorporating a duty to have due regard, within devolved functions, to the UN Convention on the Rights of the Child (2011 Measure referred to previously). If there are renewed calls for the UK to leave the Council of Europe and

withdraw from the European Convention on Human Rights, we recommend that Wales should pledge to sign up to the Convention within the areas of policy responsibility devolved to Welsh Government.

3.4. If the Government puts forth a proposal to repeal the Act and replace with a UK Bill of Rights, a campaign to raise awareness of the Act and its associated articles is essential to ensure citizens are informed about the protections they currently derive from it and what they stand to lose.

4. Public perceptions about human rights in Wales, in particular how understandable and relevant they are to Welsh people

4.1. The majority of citizens are unacquainted with human rights legislation and therefore have little knowledge of their rights and the protections currently afforded to them. The potential human rights consequences associated with withdrawing from the EU, therefore, are unknown to them. Investment in resources to inform and educate citizens in relation to their rights is required to ensure human rights breaches do not go unnoticed and therefore unchallenged.

4.2. In England and Wales, the PSE curriculum for 7-19 year olds includes consideration of the rights underpinned by the UN Convention of the Rights of the Child. Schools and other educational establishments are required to inform children of their human rights and provide an environment which acknowledges, respects and values them. The adoption of this approach should be applauded and replicated throughout all aspects of society.

4.3. Wales has prioritised investment in advice and guidance, as opposed to subsidised legal assistance, because of a lack of devolved competence regarding legal services. This is different to the approach adopted in other parts of the UK, notably in Scotland. The reduction in legal aid measures and shortage of law centres within Wales prevents the most vulnerable in society from achieving justice in relation to human rights.

4.4. Hostility towards the idea of 'human rights' within society can, in part, be blamed upon sensationalised, irresponsible reporting by some sections of the media. An accurate positive messaging campaign is required from Welsh Government to challenge and correct these harmful inaccuracies and to promote understanding amongst the general public of human rights.

4.5. There is a common perception that the 2010 Equality Act supersedes or duplicates the protections afforded by the Human Rights Act 1998 and therefore little will change if the Government replaces it with a UK Bill of Rights.

4.6. Citizens should be encouraged to exercise their democratic vote to affect positive change. Efforts should be made by Welsh Government and the third sector to generate and maintain the level of democratic participation observed during the EU referendum campaign and eventual vote in other democratic processes.

5. Discussion

5.1. The Coalition would welcome the opportunity to discuss these, or any other points relating to this consultation, in person.

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