

David Rees AM
Chair
External Affairs and Additional Legislation Committee

2 June 2017

Dear David

Great Repeal Bill White Paper

Thank you for your letter inviting our Committee to contribute to your inquiry into the Great Repeal Bill White Paper ('the White Paper').

While the Committee has not done any specific work on the White Paper, we currently have an inquiry looking at human rights in Wales and therefore our comments on the White Paper focus on this area. Our comments are clearly made in the context of the forthcoming general election, and are based on the current UK Government's position.

Our inquiry is looking at:

- the impact of the UK's **withdrawal from European Union** on human rights protection in Wales,
- the impact of the UK Government's proposal to repeal the Human Rights Act 1998 and replace it with a **UK Bill of Rights**, and
- **public perceptions** about human rights in Wales, in particular how understandable and relevant they are to Welsh people.

We held a public, written consultation, and had two oral evidence sessions so far. Following the evidence sessions, we wrote to the Cabinet Secretary for Finance and Local Government highlighting some of the issues arising. We have now



received a response to this letter, which I enclose. We welcome the Welsh Government's clear commitment, in this letter, to maintaining human rights protections.

We welcome the commitment in the White Paper that all the protections covered in the Equality Act 2006 and the Equality Act 2010 will continue to apply once the UK has left the EU. We also welcome the UK Government's commitment that the UK's leading role in protecting and advancing human rights will not change.

We have received evidence expressing concerns about the status of the Charter of Fundamental Rights post Brexit. We understand that the Charter will no longer have any legal status in the UK, and the White Paper makes clear that the Charter will not be converted into UK law by the Great Repeal Bill. The White Paper also states that the removal of the Charter will not affect the substantive rights that individuals already benefit from in the UK. However, once the UK has left the EU, law in the UK would not have to be compliant with the Charter, and in light of this respondents emphasised the importance the Charter has in protecting human rights in Wales.

They identified a range of rights that are protected by the Charter but not covered by the Human Rights Act; and highlighted that removal of Charter rights will remove a route for citizens in the UK to challenge UK law which they believe infringes on the protections within the Charter. The EHRC stated that claiming for a breach of human rights under EU law can be easier than claiming against the Human Rights Act. We note that the Welsh Government has 'real concerns about the outgoing UK Government's intentions in respect of the Charter of Fundamental Rights'.

In oral evidence, Professor Thomas Glyn Watkin described to the Committee his concerns that while rights will be protected at the point of exit, there is risk that the UK will fall behind as the EU framework for human rights continues to be developed. This is a concern that the Committee shares, and we believe further



thinking should be given to ensuring that UK remains a world leader in human rights protections.

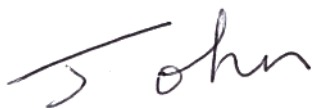
Professor Simon Hoffman also noted that while the White Paper talks about the importance of the negotiations on the future of children, there is no detail or indication about the priorities of children. He urged the Welsh Government to prioritise ensuring that children have a voice in the negotiations and that children's interests are prioritised. This is a call we would support.

Written respondents also raised concerns that going forward the UK will not benefit from directives and regulations around accessibility and the significant impact this could have on citizens.

We note that in the Welsh Government's response to the White Paper, they highlight the potential impact of loss of EU funding for equality issues. Respondents to our consultation also raised concerns about this in relation to human rights, and we hope that the Welsh Government will prioritise this issue.

As we go forward with our inquiry, we will continue to share with you, any further information which we think may be of use to your committee. I am also copying in the Chair of the Constitutional and Legislative Affairs Committee for information.

Yours sincerely



John Griffiths AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

