

# Agenda – Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

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Lleoliad: I gael rhagor o wybodaeth cysylltwch a:  
Ystafell Bwyllgora 2 – Y Senedd Naomi Stocks  
Dyddiad: Dydd Iau, 21 Mehefin 2018 Clerc y Pwyllgor  
Amser: 09.15 0300 200 6565  
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Rhag-gyfarfod: 9.15 – 9.30

## 1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau

## 2 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – sesiwn dystiolaeth 1

(09.30 – 11.00)

(Tudalennau 1 – 25)

Rebecca Evans AC, Y Gweinidog Tai ac Adfywio

Emma Williams, Dirprwy Gyfarwyddwr, Is-adran Polisi Tai, Llywodraeth Cymru

Neil Buffin, Uwch Gyfreithiwr, Llywodraeth Cymru

Huw Charles, Rheolwr y Bil, Llywodraeth Cymru

[Y Bil Rhentu Cartrefi \(Ffioedd etc.\) \(Cymru\)](#)

[Memorandwm Esboniadol](#)

## 3 Papurau i'w nodi

(Tudalen 26)

### 3.1 Llythyr gan y Gweinidog Tai ac Adfywio mewn cysylltiad â diogelwch tân mewn tyrau o fflatiau yng Nghymru

(Tudalennau 27 – 29)

### 3.2 Sylwadau rhanddeiliaid ar lythyr y Prif Weinidog mewn cysylltiad â hawliau dynol yng Nghymru

(Tudalennau 30 – 54)



**3.3 Ymateb gan Gynghrai Ffoaduriaid Cymru i Gynllun Gweithredu Llywodraeth Cymru, Cenedl sy'n Noddfa – Ffoaduriaid a Cheiswyr Lloches**

(Tudalennau 55 – 72)

**4 Cynnig o dan Reol Sefydlog 17.42 (vi) i wahardd y cyhoedd o weddill y cyfarfod ac o'r cyfarfod ar 27 Mehefin 2018**

Egwyl (11.00 – 11.10)

**5 Bil Rhentu Cartrefi (Ffioedd etc.) (Cymru) – trafod y dystiolaeth a ddaeth i law o dan eitem 2**

(11.10 – 11.25)

**6 Ymchwiliad i feichiogrwydd, mamolaeth a gwaith yng Nghymru – trafod y prif faterion**

(11.25 – 12.25)

(Tudalennau 73 – 87)

Mae cyfyngiadau ar y ddogfen hon

# Eitem 3

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

21 Mehefin 2018 - clawr y papurau i'w nodi

Rhif y papur	Mater	Oddi wrth	Gweithredu
ELGC(5)-19-18 Papur 1	Ymchwiliad i ddiogelwch tân mewn tyrau o fflatiau yng Nghymru	Y Gweinidog Tai ac Adfywio	Ymateb i lythyr y Cadeirydd o 17 Mai 2018
ELGC(5)-19-18 Papur 2, 2a, 2b, 2c a 2d	Ymchwiliad i hawliau dynol yng Nghymru	Rhanddeiliaid	Sylwadau rhanddeiliaid ar lythyr y Prif Weinidog o 16 Mai 2018
ELGC(5)-19-18 Papur 3	Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru	Cynghrair Ffoaduriaid Cymru	Ymateb i Gynllun Gweithredu Llywodraeth Cymru, Cenedl sy'n Noddfa - Ffoaduriaid a Cheiswyr Lloches

Rebecca Evans AC/AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

ELGC(5)-19-18 Papur 1 / Paper 1  
Oddi wrth: Minister for housing and Regeneration  
From: Minister for housing and Regeneration

Ein cyf/Our ref: MA-P-RE-1911-18

John Griffiths AC  
Cadeirydd  
Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol



Llywodraeth Cymru  
Welsh Government

12 Mehefin 2018

Annwyl John,

Diolch am eich llythyr yn gofyn am y wybodaeth ddiweddaraf am gamau Llywodraeth Cymru i wella diogelwch tân yng Nghymru yng ngoleuni'r adroddiad terfynol ar yr Adolygiad Annibynnol o Reoliadau Adeiladu a Diogelwch Tân.

Cyhoeddodd y Fonesig Judith Hackitt, a gadeiriodd yr adolygiad, ei hadroddiad ar 17 Mai. Mae'n darparu dadansoddiad cynhwysfawr, ar draws nifer o feysydd polisi, ac mae'n gwneud argymhellion eang ar gyfer ailwampio sylweddol i system "nad yw'n addas i'r diben" yn ei barn hi. Felly, mae'r ymdrech yn drawsbynciol, gyda chymhlethdod cynhenid a chysylltiedig, ond mae'n angenrheidiol hefyd i ddiogelu pobl a'u sicrhau eu bod yn ddiogel.

Roedd y Fonesig Judith yn cydnabod yn ei hadroddiad, er y gellir cymryd rhai camau yn gyflym a didrfferth, bydd angen amser i sicrhau bod camau eraill yn iawn a'u gweithredu nhw, yn enwedig lle gallent fod angen newid deddfwriaethol. Ysgrifennais at Aelodau'r Cynulliad ar 23 Mai, gan groesawu'r adolygiad, a gomisiynwyd gan Lywodraeth y DU ac sy'n argymhell camau gweithredu yng nghyd-destun Lloegr. Nodais yn fy natganiad sut mae Llywodraeth Cymru'n bwriadu ymateb. Mae'n amlwg yn hanfodol ein bod yn ymrwymo i ymateb Cymreig manwl wedi'i ystyried yn briodol i'r adolygiad cynhwysfawr hwn. Mae'r Prif Weinidog wedi gofyn i mi gynnull a chadeirio Grŵp Arbenigol a fydd yn rhoi cyfle i ddadansoddi'r argymhellion ac i adolygu eu heffaith a'u goblygiadau i Gymru wrth i ni ystyried y ffordd orau o'u rhoi ar waith yn ymarferol. Byddaf yn rhoi rhagor o wybodaeth am waith y Grŵp Arbenigol cyn gynted ag y bo'n ymarferol a'm bwriad yw darparu map llwybr manwl ar ddull gweithredu Llywodraeth Cymru erbyn diwedd y flwyddyn.

Mae nifer o argymhellion y Fonesig Judith yn cyd-fynd â mewnbwn y Grŵp Cyngori ar Ddiogelwch Tân, a sefydlwyd gan Lywodraeth Cymru. Yn unol â'r cais, rwy'n cyflwyno'r wybodaeth ddiweddaraf am sut y mae'r rhain yn cael eu datblygu.

## **Adnabod adeiladau preswyl uchel a gwybodaeth amdanynt**

Roedd y gwaith i sefydlu manylion adeiladau preswyl uchel yng Nghymru yn sylweddol ac rwy'n llwyr werthfawrogi gwerth sicrhau yr ychwanegir at y data sydd wedi'i gasglu er mwyn iddo barhau i fod yn gywir a chyfoes.

Law yn llaw â'r Grŵp Cyngori ar Ddiogelwch Tân, cyfarfu fy swyddogion â chynrychiolwyr Cymdeithas Llywodraeth Leol Cymru, ei Huned Ddata, a Gwasanaeth Tân ac Achub De Cymru i asesu opsiynau a chytuno ar ffordd ymlaen. Penderfynwyd y byddai'r data a oedd wedi'i gasglu a'i goladu gan Lywodraeth Cymru tan hynny, yn cael ei drosglwyddo i awdurdodau lleol. Mae awdurdodau lleol wedi derbyn manylion perthnasol a manylion yr adeiladau preswyl uchel yn eu hardal. Gofynnwyd iddynt sicrhau bod y wybodaeth yn cael ei chynnal, ei hadolygu'n rheolaidd, a'i rhannu gydag asiantaethau cysylltiedig (gan gynnwys y Gwasanaeth Tân ac Achub) fel sy'n briodol ac i wneud newidiadau dilynol yn ôl yr angen. Dylai awdurdodau lleol ychwanegu at y data hefyd pan fo adeiladau newydd yn dod o fewn cwmpas y gofynion. Rydym yn gwerthfawrogi cefnogaeth barhaus CLILC.

Roedd 'Adolygiad Hackitt' yn cydnabod yr angen i gael y wybodaeth gywir hefyd ac argymhellodd sefydlu cronfa ddata ddigidol, i'w chynnal yn Lloegr gan y Cyd-awdurdod Cymwys arfaethedig (JCA) ar gyfer Adeiladau Preswyl Risg Uwch (HRRBs). Mae croeso i'r dull "edefyn aur" hwn, ond mae ei roi ar waith yn tanlinellu'r angen am ymateb Cymreig sydd wedi'i ystyried yn briodol i'r argymhellion. Byddwn yn penderfynu, er enghraifft, ai creu JCA a chyfansoddiad awdurdod o'r fath sy'n adlewyrchu ac yn gwasanaethu'r cyd-destun Cymreig orau. O ran yr HRRBs amlfeddiannaeth y byddai JCA yn cael ei greu ar eu cyfer, roedd y Fonesig Judith yn categoreiddio'r rhain fel "10 llawr neu fwy o ran uchder." Mae ein ffocws hyd yn hyn, ac un yr wyf yn bwriadu ei newid, wedi bod ar adeiladau sy'n saith llawr neu fwy fel rheol. Rydym wedi casglu manylion ar y math hwn o adeiladau a disgwyliaf y bydd atebion data yng Nghymru yn parhau i gael eu datblygu yn unol â hynny.

## **Y sector preifat - rôl asiantau rheoli blociau**

Mae Llywodraeth Cymru wedi ymrwymo i fynd i'r afael ag ymarfer annheg yn y sector lesddaliadol. Fis Mawrth diwethaf cyhoeddais becyn interim o fesurau i fynd i'r afael â'r materion o arferion gwael yn y defnydd o lesddaliadaeth. Roedd y mesurau'n cynnwys:

- cyflwyno safonau gofynnol newydd ar gyfer unrhyw gytundeb pryddles ar gyfer eiddo a werthir trwy gynllun Cymorth i Brynu - Cymru
- cyfyngu ar y defnydd o arian Cymorth i Brynu i brynu tai lesddaliadol newydd
- sefydlu'r Cynllun Achredu Trawsglydwyr, Cymorth i Brynu - Cymru i sicrhau bod gan bob darpar brynwr fynediad i gyngor annibynnol o ansawdd da
- y cyhoeddiad y bydd cod ymarfer gwirfoddol yn cael ei roi ar waith i helpu i wella safonau, hyrwyddo arfer gorau a gwella ymgysylltiad yn y sector rheoli eiddo. Mae grŵp gorchwyl a gorffen amlddisgyblaethol yn cael ei sefydlu i gefnogi'r gwaith o ddatblygu polisi yn y maes hwn.

Yn y tymor hwy, mae Llywodraeth Cymru yn cydweithio â Llywodraeth y DU i gefnogi prosiect Comisiwn y Gyfraith ar ddiwygio lesddaliadaeth breswyl ac yn comisiynu ymchwil i ddeall difrifoldeb a maint problemau lesddaliadol yng Nghymru. Rwy'n ystyried y ffyrdd mwyaf effeithiol o broffesiynoli a chodi safonau yn y sector rheoli eiddo hefyd, gan gynnwys trwy gydweithio â Llywodraeth y DU ar feysydd cyffredin o bryder.

Ar lefel ehangach, gwnaeth yr Adolygiad Annibynnol nifer o argymhellion a fyddai'n effeithio ar "ddeiliaid dyletswydd," yn ogystal ag ar hawliau a chyfrifoldebau'r preswylwyr eu

hunain. Byddwn yn parhau i ddatblygu a mireinio'r opsiynau priodol a byddaf yn rhoi'r wybodaeth ddiweddaraf i'r Pwyllgor ynghylch cynnydd.

## **Aseswyr Risg Tân**

Nid yw ein safbwynt ar aseswyr risg tân wedi newid. Dylai fod gan unrhyw un sy'n cael ei gyflogi i gynnal asesiad risg tân gymwysterau a phrofiad addas. Y ffordd symlaf o ddarparu ar gyfer hyn fyddai dilyn trefn debyg i'r hyn a wneir ar gyfer crefftau rheoledig eraill, a'i gwneud yn ofynnol i bobl o'r fath fod yn aelodau ag enw da o gorff proffesiynol priodol megis Sefydliad y Peirianwyr Tân. Mae aseswyr risg tân ffug wedi cael eu herlyn eisoes, gan gynnwys yng Nghymru, ond fel arfer mae hyn yn dibynnu ar gysylltiad rhwng eu 'cyngor' ac achosion tân go iawn.

Fodd bynnag, byddai newidiadau o'r fath yn gofyn am ddeddfwriaeth sylfaenol. Tra bo pwnc Gorchymyn Diwygio Rheoleiddiol (Diogelwch Tân) 2005 o fewn cymhwysedd bellach, mae'r pwerau y gwnaed y Gorchymyn oddi tano wedi eu diddymu ers tro - ac ni chawsant eu datganoli erioed. Felly nid oes unrhyw fodd o gyflwyno'r gofynion hyn mewn is-ddeddfwriaeth. Efallai y bydd angen deddfwriaeth sylfaenol i wneud newidiadau eraill i'r Gorchymyn hefyd, megis agwedd fwy llym tuag at ddiogelwch tân mewn blociau uchel nag mewn adeiladau eraill, neu wneud asesiadau risg tân blynyddol yn ofynnol. Er ein bod ni'n gwbl ymrwymedig i'r newidiadau hyn, byddai'n anghywir disgwyl iddynt ddigwydd yn gyflym, sy'n fater ehangach a gydnabuwyd gan y Dame Judith yn ei hadroddiad.

Nododd yr Adolygiad Annibynnol o Reoliadau Adeiladu a Diogelwch Tân bryderon ynghylch safon a chymhwysedd ar draws rolau allweddol yn y diwydiant adeiladu a diogelwch tân, gan argymhell sefydlu corff trosfwaol i ddarparu goruchwyliaeth o ofynion cymhwysedd. Eto, byddwn yn datblygu opsiynau a chynllun gweithredu sy'n gweithio i Gymru ac mae'n rhan o ddull *systematig*.

Diolchaf i'r Pwyllgor am ei ddiddordeb a'i ymgysylltiad parhaus ac wrth reswm, byddaf yn parhau i roi'r wybodaeth ddiweddaraf i chi ac Aelodau'r Cynulliad wrth i ni ddatblygu'r corff o waith cymhleth, ond hanfodol hwn.

Yn gywir,



**Rebecca Evans AC/AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

## Eitem 3.2

Ar 5 Ebrill, fe wnaethom ysgrifennu at y Prif Weinidog, ar y cyd â Chadeirydd y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol, mewn perthynas â goblygiadau Brexit ar gydraddoldeb a hawliau dynol. Ar 16 Mai, fe wnaeth y Prif Weinidog ymateb i'n llythyr. Anfonwyd yr ymateb i'r rhanddeiliaid perthnasol i ofyn am eu sylwadau, sydd i'w gweld yn yr atodiad.

Rydym ni wedi derbyn ymatebion oddi wrth:

- Plant yng Nghymru
- Anabledd Cymru
- Simon Hoffman
- Y Comisiwn Cydraddoldeb a Hawliau Dynol





John Griffiths AC  
Cadeirydd  
Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

David Rees AC  
Cadeirydd  
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol

16 Mai 2018

Annwyl John a David

### **Goblygiadau Brexit o ran cydraddoldeb a hawliau dynol**

Rwy'n ysgrifennu mewn ymateb i'ch llythyr ar y cyd dyddiedig 5 Ebrill. Rwy'n croesawu'r gwaith y mae eich Pwyllgorau wedi ei wneud ar oblygiadau Brexit o ran cydraddoldeb a hawliau dynol yng Nghymru. Mae Llywodraeth Cymru wedi bod yn glir na ddylai'r ffaith bod y DU yn ymadael â'r Undeb Ewropeaidd arwain at wanhau mesurau i ddiogelu cydraddoldeb a hawliau dynol, nac unrhyw fesurau eraill i ddiogelu nodweddion cymdeithasol, amgylcheddol neu gyflogaeth.

Nodir ymatebion manwl i'r cwestiynau a'r argymhellion isod.

**Cwestiwn y pwyllgorau: Rydym yn croesawu'r cam o gynnwys adran 7 yn y Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru), a fyddai'n golygu bod yn rhaid dehongli cyfraith Cymru sy'n deillio o'r UE yn unol â'r Siarter Hawliau Sylfaenol. Os nad yw'r Bil hwn yn mynd rhagddo am unrhyw reswm, hoffem weld Llywodraeth Cymru yn nodi sut y bydd yn sicrhau bod hawliau'r Siarter yn parhau i gael eu gweithredu yng Nghymru.**

Atgyfeiriwyd y Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru) ("y Bil CDUE") at y Goruchaf Lys gan y Twrnai Cyffredinol. Fodd bynnag, yn dilyn llwyddiant Llywodraeth Cymru i sicrhau newidiadau i Fil yr Undeb Ewropeaidd (Ymadael) Llywodraeth y DU sy'n diogelu datganoli, disgwylir y bydd y Twrnai Cyffredinol yn tynnu hyn yn ôl. Bydd hyn yn galluogi'r Bil CDUE i gael Cydsyniad Brenhinol er mwyn i Weinidogion Cymru allu cymryd camau i ddiogelu'r diddymiad o'r hyn a fydd wedi hynny yn Ddeddf CDUE. O ganlyniad i'r datblygiadau hyn, disgwylir y bydd Bil yr Undeb Ewropeaidd (Ymadael) Llywodraeth y DU yn berthnasol yng Nghymru yn y dyfodol.

Ein hamcan yw sicrhau nad yw Brexit yn arwain at wanhau hawliau a'r safbwynt cyfredol. Felly, rydym yn cefnogi cynnwys diwygiadau anllwydraethol diweddar i Fil yr Undeb Ewropeaidd (Ymadael) Llywodraeth y DU a basiwyd gan yr Arglwyddi sy'n gwneud darpariaethau i'r Siarter Hawliau Sylfaenol barhau i gael ei gweithredu. Rydym ar hyn o

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bryd yn aros am ymateb Llywodraeth y DU yn Nhŷ'r Cyffredin ac yn gobeithio y bydd y DU yn ei dderbyn a fydd yn caniatáu i'r diwygiadau hyn gael eu cynnwys o fewn y Bil a thrwy hynny yn sicrhau'r status quo mewn perthynas â gweithredu'r Siarter Hawliau Sylfaenol yng Nghymru.

Rydym hefyd wedi dechrau trafodaethau gyda Llywodraeth y DU, drwy Swyddfa Cydraddoldeb y Llywodraeth ('GEO', sydd bellach o fewn y Swyddfa Gartref) ynghylch ymrwymo i Gytundeb Gwleidyddol a fyddai'n cymeradwyo fframwaith presennol y ddeddfwriaeth sy'n ymwneud â thriniaeth gyfartal sydd ar waith o fewn ein gwledydd, sef Deddfau Cydraddoldeb 2006 a 2010 ac is-ddeddfwriaeth a wnaed o dan y Deddfau hynny. Ein hamcan yw sicrhau na chaiff unrhyw newidiadau deddfwriaethol eu gwneud a fyddai'n lleihau'r diogelwch parhaol presennol a ddarperir gan y ddeddfwriaeth honno.

**Cwestiwn y Pwyllgorau: Rydym yn rhannu safbwynt ein tystion y dylai'r Gronfa Rhannu Ffyniant y mae Llywodraeth y DU wedi'i chynnig gael ei gweinyddu yng Nghymru gan Lywodraeth Cymru, a hynny er mwyn sicrhau ei bod yn ymateb i anghenion ac anghydraddoldebau lleol. Rydym hefyd o'r farn y dylid defnyddio'r Gronfa hon i fynd i'r afael ag anghydraddoldeb ac anfantais economaidd-gymdeithasol.**

Ym mis Rhagfyr 2017 cyhoeddwyd papur polisi gennym o'r enw Buddsoddi Rhanbarthol yng Nghymru ar ôl Brexit, a ategodd ein safbwynt y dylid dyrannu cyllid i Lywodraeth Cymru, a dylai'r cyllid hwnnw gael ei reoli'n llwyr gan Lywodraeth Cymru, i ddisodli cronfeydd Strwythurol a Buddsoddi Ewropeaidd. Rydym hefyd wedi cynnal ymarfer ymgysylltu ar y papur polisi (a ddaeth i ben ar 23 Mawrth) i lywio gwaith datblygu yn y dyfodol a byddwn yn cyhoeddi dadansoddiad annibynnol o'r canfyddiadau hynny yn yr haf. Bydd hyn yn parhau i gryfhau'r dystiolaeth o'r galw am bolisi a wnaed yng Nghymru yn seiliedig ar anghenion fel y trafodwyd â Llywodraeth y DU.

Rydym yn parhau i roi pwysau ar Lywodraeth y DU i gadarnhau y caiff datganoli ei barchu mewn perthynas â threfniadau'r dyfodol, ac y bydd Llywodraeth Cymru yn cadw'r gallu i deilwra cyllid y dyfodol ar gyfer ein fframwaith polisi a deddfwriaethol penodol. Mae tystiolaeth gan Gynulliad Cenedlaethol Cymru hefyd yn cael ei chyflwyno i Lywodraeth y DU i bwysleisio nad yw'r galwadau hyn yn deillio o Lywodraeth Cymru yn unig.

Rydym yn cytuno mai dim ond dull a ddyluniwyd gan Gymru a fydd yn ymateb i anghenion ac anghydraddoldebau lleol ac mae Llywodraeth Cymru yn ymrwymedig i gydweithio mewn partneriaeth agos â chymunedau, busnesau a sefydliadau ledled Cymru i gyflawni hyn. Rydym hefyd wedi bod yn glir bod angen inni ymgorffori canlyniadau cymdeithasol ac amgylcheddol yn well i unrhyw fodel yn y dyfodol, gan ddatblygu Deddf Llesiant Cenedlaethau'r Dyfodol, ochr yn ochr â chanlyniadau economaidd mwy traddodiadol.

**Argymhelliad y Pwyllgorau: Rydym yn argymhell y dylai Llywodraeth Cymru amlinellu ei safbwynt diweddaraf ynghylch cyflwyno'r ddyletswydd economaidd-gymdeithasol, o gofio y bydd y pŵer i wneud hynny yn cael ei ddatganoli o dan y setliad newydd.**

Dyletswydd ar awdurdodau cyhoeddus i ymdrin â'r anghydraddoldeb sy'n deillio o anfantais economaidd-gymdeithasol, ac i roi'r amcan hwn wrth wraidd eu polisiau a'u rhaglenni, yw'r ddyletswydd economaidd-gymdeithasol. Caiff y ddyletswydd ei chynnwys yn Rhan 1 Deddf Cydraddoldeb 2010 ond nid yw wedi cael ei defnyddio yn unrhyw le arall yn y DU tan yn ddiweddar, a hynny yn yr Alban. Mae'r pŵer i ddeddfu'r ddyletswydd yng Nghymru wedi cael ei ddatganoli ers 1 Ebrill.

Yng Nghymru, Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ('y Ddeddf') yw ein hofferyn allweddol ym maes ymdrin ag anghydraddoldeb economaidd-gymdeithasol yn

arbennig y nod llesiant o Gymru fwy cyfartal. Mae'r Ddeddf yn gosod dyletswydd gyfreithiol ar gyrff cyhoeddus penodol i bennu a chyhoeddi amcanion llesiant a ddyluniwyd i fanteisio i'r eithaf ar gyfraniad i gyflawni pob un o'r nodau llesiant hyn, gan gynnwys Cymru fwy cyfartal. Mae'r ddeddfwriaeth yn darparu'n benodol ar gyfer hyn fel cymdeithas sy'n galluogi pobl i gyflawni eu potensial waeth beth fo'u cefndir neu eu hamgylchiadau, gan gynnwys eu cefndir a'u hamgylchiadau economaidd-gymdeithasol. O gofio bod gennym y ddyletswydd gyfreithiol gadarnhaol a blaengar hon yng Nghymru sy'n ymdrin ag anghydraddoldeb economaidd-gymdeithasol nid ydym wedi rhoi pwysau ar Lywodraeth y DU yn ddiweddar i ddechrau'r ddyletswydd.

Yn dilyn ymgynghoriad cyhoeddus yn 2017, mae Llywodraeth yr Alban wedi dechrau'r ddyletswydd economaidd-gymdeithasol, a adwaenir fel Dyletswydd yr Alban Decach (the Fairer Scotland Duty). Yn sgil penderfyniad Llywodraeth yr Alban i weithredu'r ddyletswydd economaidd-gymdeithasol a'r cyfle i ailymweld â'r maes hwn gyda'r pwerau newydd a ddarparwyd gan Ddeddf Cymru, byddwn yn adolygu ein safbwynt yng nghyd-destun ein Hadolygiad Cyflym o Gydraddoldeb Rhywiol yng Nghymru ac archwilio'r materion a lywiodd penderfyniad Llywodraeth yr Alban i weithredu'r ddyletswydd. Bydd angen inni ystyried yn ofalus a fyddai'n gywir gosod dyletswyddau ychwanegol a chyfrifoldebau adrodd ar Gyrff Cyhoeddus Cymru yn arbennig pan mae gennym y ddyletswydd gyfreithiol flaengar yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Byddwn yn parhau i ymgysylltu â'r Comisiwn Cydraddoldeb a Hawliau Dynol wrth inni fynd i'r afael â'r gwaith hwn.

**Argymhelliad y Pwyllgorau: Rydym hefyd yn argymhell y dylai Llywodraeth Cymru ystyried ymgorffori rhagor o gytundebau hawliau dynol rhyngwladol yng Nghymru, yn yr un modd â'r Mesur Hawliau Plant a Phobl Ifanc (er enghraifft, y Cyfamod Rhyngwladol ar Hawliau Economaidd, Cymdeithasol a Diwylliannol (ICESCR), neu'r Confensiwn ar Hawliau Pobl ag Anableddau (CRPD)).**

Bydd Llywodraeth Cymru yn parhau i roi ystyriaeth fanwl i gytundebau rhyngwladol a Chonfensiynau'r Cenhedloedd Unedig y mae'r Deyrnas Unedig yn llofnodwr iddynt, a bydd yn ceisio adlewyrchu naws a sylwedd pob confensiwn ar draws ei pholisïau a'i rhaglenni fel y bo'n briodol. Mae'n rhaid i weithredoedd Llywodraeth Cymru gyfateb â'i rhwymedigaethau rhyngwladol, fel y nodwyd yn Adran 82 Deddf Llywodraeth Cymru 2006, gan gynnwys saith Confensiwn y Cenhedloedd Unedig a lofnodwyd ac a gadarnhawyd gan blaid Gwladwriaeth y DU.

Byddwn hefyd yn parhau i fonitro effeithiolrwydd y dull hwn yn fanwl, yn cyfrannu at adroddiadau cynnydd ac adolygiadau cyfnodol gyda thystiolaeth ac enghreifftiau o Gymru, yn ymgysylltu â Phwyllgorau perthnasol y Cenhedloedd Unedig yn ystod archwiliadau cyfnodol yn Geneva, ac yn ystyried sut y byddwn yn mynd i'r afael â'r argymhellion a fydd yn deillio o hynny. Mae Llywodraeth Cymru yn cydweithio'n agos â Llywodraeth y DU a gweinyddiaethau datganoledig eraill i sicrhau bod Cymru yn cael ei chynrychioli'n llawn ac yr ymgysylltir â hi yn ystod pob cam o'r broses adrodd.

Bydd Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) yn parhau i fod yn brif offeryn deddfwriaethol mewn perthynas â hyn, o gofio bod y nodau llesiant a nodwyd yn y Ddeddf yn eang o ran cwrpas ac yn darparu'r fframwaith gorau i alluogi camau gweithredu cydlynol i sicrhau bod hawliau dynol yn cael eu diogelu yng Nghymru.

**Cwestiwn y Pwyllgorau: Rydym yn galw ar Lywodraeth Cymru i gadarnhau mai bwriad y darpariaethau hyn (adran 3(2) ac adran 4(2)) yw sicrhau nad yw'r hawliau a'r rhwymedigaethau sy'n bodoli ar hyn o bryd (yn enwedig y safonau cydraddoldeb a hawliau dynol sydd o fewn cymhwysedd datganoledig y Cynulliad) yn cael eu tanseilio neu eu diddymu o ganlyniad i Brexit—naill ai gan Lywodraeth y DU yn**

## **gweithredu o dan Fil yr Undeb Ewropeaidd (Ymadael), neu gan Weinidogion Cymru yn gweithredu o dan Fil y Cynulliad.**

Ers eich llythyr ar y cyd dyddiedig 5 Ebrill, cytunwyd y bydd Llywodraeth Cymru yn cymryd camau i ddiddymu'r Bil Cyfraith sy'n Deillio o'r Undeb Ewropeaidd (Cymru), ar ôl iddo gael ei ddeddfu, yn dilyn cytundeb gyda Llywodraeth y DU ar Fil yr Undeb Ewropeaidd (Ymadael). O ganlyniad, bydd ffocws yr ymateb hwn ar y pwerau a gynhwysir o fewn Bil y DU.

Mae gan Lywodraeth Cymru hanes cryf o ddeddfu i ddiogelu safonau cydraddoldeb a hawliau dynol yng Nghymru. Mae hyn yn amlwg o enghreifftiau fel Mesur Hawliau Plant a Phobl Ifanc (Cymru) 2011 a Deddf Llesiant Cenedlaethau'r Dyfodol 2015. Rydym yn bwriadu parhau ag ymrwymiad y Llywodraeth hon i'r materion pwysig hyn wrth inni ymgymryd â'r dasg o weithredu Bil yr Undeb Ewropeaidd (Ymadael).

Nodwn gyda diddordeb, a chefnogaeth, yr egwyddorion a gyflwynwyd mewn diwygiadau anllywodraethol a basiwyd yn Nhŷ'r Arglwyddi i Fil y DU sy'n cyfyngu ar gwmpas y pwerau i addasu cyfraith yr UE i'r hyn sy'n angenrheidiol.

**Argymhelliad y Pwyllgorau: Os yw'r Bil yn destun ddeddfiad, gofynnwn i Lywodraeth Cymru ddefnyddio'r pŵer hwn i flaenoriaethu mesurau i ddiogelu cydraddoldeb a hawliau dynol (cyn belled ag y bo modd). Rydym hefyd yn ailadrodd galwad y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau bod Llywodraeth Cymru yn "sefydlu mecanwaith ffurfiol i olrhain datblygiadau yn y dyfodol o ran hawliau dynol a chydaddoldeb yn yr UE, i sicrhau bod dinasyddion Cymru yn elwa o'r un lefel o ddiogelwch â dinasyddion yr UE". Credwn y dylai mecanwaith o'r fath fod ar gael i'r cyhoedd.**

Y bwriad yw y caiff y Bil CDUE ei ddiddymu cyn hir ac felly ni fydd y pŵer yn y Bil hwnnw i wneud is-ddeddfwriaeth i gyd-fynd â chyfraith yr UE, gan gynnwys y rhai sy'n ymwneud â chydaddoldeb a hawliau dynol, ar gael. Fodd bynnag, mae mecanweithiau deddfwriaethol eraill yn bodoli, gan gynnwys deddfwriaeth sylfaenol a basiwyd gan y Cynulliad, i sicrhau nad yw Brexit yn arwain at hawliau pobl Cymru yn disgyn y tu ôl i'r rhai mewn gwledydd Ewropeaidd eraill.

Bydd Llywodraeth Cymru yn parhau i weithio gyda Chomisiwn Cydraddoldeb a Hawliau Dynol y DU i fonitro cynnydd hawliau dynol a chydaddoldeb yng Nghymru, gan nodi datblygiadau yn yr UE ac mewn gwledydd eraill. Mae'r Comisiwn yn y sefyllfa orau i asesu datblygiadau mewn perthynas â hyn. Mae Llywodraeth Cymru yn cydweithio'n agos â'i Bwyllgor a'i Swyddfa yng Nghymru i ystyried y safbwynt mewn perthynas â Chymru.

Mae cynllun pum pwynt y Comisiwn Cydraddoldeb a Hawliau Dynol yn cynnwys camau gweithredu i sicrhau bod y DU ar flaen y gad mewn perthynas â chydaddoldeb a hawliau dynol drwy sicrhau bod ein cyfreithiau a'n polisiau yn cyd-fynd â safonau cydraddoldeb a hawliau dynol y dyfodol sy'n deillio o'r UE, ar ôl inni ymadael, megis Deddf Hygyrchedd yr UE, yn ogystal â gwledydd cymharol eraill.

**Cwestiwn y Pwyllgorau: Rydym yn gofyn i Lywodraeth Cymru amlinellu ei safbwyntiau ar y materion a ganlyn:**

**- pa asesiad y mae wedi'i wneud ynghylch y posibilrwydd o gyflwyno rhyw fath o hawl annibynnol i gydraddoldeb yng Nghymru, naill ai yn gyffredinol neu o fewn sectorau neu gyd-destunau penodol, a**

**- cynnig Llywodraeth y DU i sefydlu fframwaith anneddfwriaethol i ymdrin â chyfraith triniaeth gyfartal sy'n seiliedig ar gyfraith yr UE ar draws meysydd datganoledig a**

## **meysydd nad ydynt wedi'u datganoli, a sut y bydd yn mynd ati i gynnal trafodaethau â Llywodraeth y DU ar y mater hwnnw.**

Mae ymrwymiad cadarn i hyrwyddo cydraddoldeb a diogelu hawliau dynol wedi cael ei ymgorffori o fewn corff Llywodraeth Cymru ers datganoli. Adlewyrchir hyn yn glir mewn Deddfau olynol Llywodraeth Cymru, hyd at a chan gynnwys Deddf Cymru 2017. Adlewyrchir hyn hefyd mewn amrywiaeth eang o ddeddfwriaethau eraill Cymru yn ogystal â pholisïau a rhaglenni Llywodraeth Cymru ar draws pob maes datganoledig.

Yn benodol, mae gennym ddyletswydd sector cyhoeddus Cymru sy'n galluogi'r ddyletswydd cydraddoldeb sector cyhoeddus i gyflawni'n well. Mae dyletswyddau penodol Cymru yn flaengar ac yn eang, gan ei gwneud yn ofynnol i gyhoeddi amcanion cydraddoldeb, ymgysylltu, asesiadau effaith, cynlluniau cydraddoldeb strategol ynghyd â chynlluniau cyflog a chynlluniau gweithredu a gwahaniaeth rhwng cyflogau'r ddau ryw. Mae'r dyletswyddau penodol hyn yng Nghymru yn ceisio cael gwared ar wahaniaethu, aflonyddu, erledigaeth ac unrhyw ymddygiad arall a waherddir gan Ddeddf Cydraddoldeb 2010. Yn ogystal, mae'r dyletswyddau penodol yng Nghymru yn datblygu cyfle cyfartal rhwng pobl sy'n rhannu nodweddion gwarchoddedig perthnasol a'r rhai nad ydynt yn meddu ar y nodweddion hynny a hefyd meithrin perthynas dda rhwng pobl sy'n rhannu nodweddion gwarchoddedig perthnasol a'r rhai nad oes ganddynt y nodweddion hynny.

Yng Nghymru, mae gennym hefyd Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ("Deddf 2015") sy'n ategu ymhellach ein penderfyniad i gynnal a mynd i'r afael â'n hymrwymiad i gydraddoldeb gan roi dyletswydd gyfreithiol ar gyrff cyhoeddus penodol a chyhoeddi amcanion llesiant sydd wedi'u dylunio i fanteisio i'r eithaf ar gyfraniad i gyflawni pob un o'r nodau llesiant, gan gynnwys Cymru fwy cyfartal. Mae Deddf 2015 yn darparu'n benodol ar gyfer hyn fel cymdeithas sy'n galluogi pobl i gyflawni eu potensial waeth beth fo'u cefndir neu eu hamgylchiadau, gan gynnwys eu cefndir a'u hamgylchiadau economaidd-gymdeithasol. Mae'r ddyletswydd gyfreithiol flaengar hon yn rhoi Cymru mewn safle unigryw ac yn dangos ymhellach yr ymrwymiad i sicrhau cydraddoldeb yng Nghymru, Yn sgil hyn, nid oes unrhyw gynlluniau ar hyn o bryd ar gyfer hawl ychwanegol, annibynnol arall i gydraddoldeb a allai ddyblygu neu fynd yn groes i ddarpariaeth sy'n bodoli eisoes.

Fel y nodwyd uchod, rydym hefyd wedi dechrau trafodaethau gyda Llywodraeth y DU, drwy Swyddfa Cydraddoldeb y Llywodraeth ('GEO', nawr o fewn y Swyddfa Gartref) ynghylch ymrwymo i Gytundeb Gwleidyddol a fyddai'n cymeradwyo fframwaith presennol y ddeddfwriaeth sy'n ymwneud â thriniaeth gyfartal sydd ar waith o fewn ein gwledydd, sef Deddfau Cydraddoldeb 2006 a 2010 ac is-ddeddfwriaeth a wnaed o dan y Deddfau hynny. Ein hamcan yw sicrhau na chaiff unrhyw newidiadau deddfwriaethol eu gwneud a fyddai'n lleihau'r diogelwch parhaol presennol a ddarperir gan y ddeddfwriaeth honno.

**Argymhelliad y Pwyllgorau: Rydym yn argymhell y dylai Llywodraeth Cymru, yn ei drafodaethau â Llywodraeth y DU, ofyn am ymrwymiad gan Lywodraeth y DU na fydd yn taro unrhyw gytundebau masnach y byddai eu gweithredu yn erydu unrhyw ran o'r Ddeddf Cydraddoldeb neu'r Ddeddf Caethwasiaeth Fodern.**

Rydym wedi bod yn glir yn ein papur diweddar Polisi Masnach: y materion ar gyfer Cymru ein bod yn credu mewn system deg ac effeithiol o ddiogelwch cymdeithasol i helpu pobl pan fydd angen y cymorth arnynt, ac y dylai polisi masnach gefnogi ein model cymdeithasol yn hytrach na'i danseilio. At hynny, rydym wedi gofyn am ddatblygu egwyddorion troswaol polisi masnach sy'n cynnwys cynnal mesurau diogelu pwysig o ran yr amgylchedd, yr economi a chymdeithas, cefnogi llesiant i bawb yn unol â Deddf Llesiant Cenedlaethau'r Dyfodol, cydnabod ein cyfrifoldebau ar lwyfan y byd a hyrwyddo masnach deg a moesegol.

**Argymhelliad y Pwyllgorau: Rydym yn argymell y dylai Llywodraeth Cymru ddiweddarau'r Cynllun Cydlyniant Cymunedol cyn tymor yr haf 2018, a hynny er mwyn sicrhau ei fod yn cymryd i ystyriaeth y cynnydd a welwyd yn ddiweddar mewn troseddau casineb a'r heriau newydd sy'n bodoli o ran cydlyniant cymunedol yng Nghymru.**

Mae Llywodraeth Cymru yn bwriadu cyhoeddi'r cynllun cydlyniant cymunedol a'r cynllun gweithredu i fynd â'r afael â throseddau casineb. Diweddarwyd ein cynllun cydlyniant cymunedol yn ddiweddar i adlewyrchu'r cynnydd mewn troseddau casineb o ganlyniad Brexit.

Rydym yn defnyddio ein dogfen waith wrth weithio gyda phartneriaid, ac mae hyn wedi ein galluogi i ganolbwyntio ar nifer o feysydd blaenoriaeth dros y misoedd diwethaf. Er enghraifft:

- Gweithio gydag amrywiaeth eang o bartneriaid i ddatblygu ein rhwydwaith cyfathrebu Cydraddoldeb a Chynhwysiant, i geisio cynyddu ein heffaith ar y cyd wrth atal rhyngwladol negyddol.
- Gweithio gyda Heddluoedd a Phrifysgol Caerdydd ar brosiect cyffrous i ddatblygu a gwella systemau monitro tensiwn sy'n ymgorffori gwaith amlasiantaeth.
- Gweithio gyda chydweithwyr addysg wrth iddynt ddiweddarau eu canllawiau Parchu Eraill a gwrth-fwlio er mwyn i'r ddogfen gefnogi athrawon i fod yn fwy hyderus wrth ymdrin ag achosion o fwlio sy'n ymwneud â chasineb mewn ysgolion.
- Gweithio gydag aelodau o Fwrdd Cyfiawnder Troseddol Cymru ar gyfer Troseddau Casineb i ddatblygu'r gwaith o fynd i'r afael â throseddau casineb, er enghraifft eleni rydym yn canolbwyntio ar "gyfraddau gadael cyn gorffen" (y llwybr a'r achosion a ollyngwyd rhwng cael eu hadrodd yn gyntaf, ymdriniaeth yr heddlu, ac erlyniad), troseddau casineb ar sail anabledd, a hefyd troseddau casineb sy'n ymwneud ag oedran a chamdriniaeth.

Mae Llywodraeth Cymru yn ariannu wyth Cydgysylltwyr Cydlyniant Cymunedol Rhanbarthol i hwyluso gweithio rhanbarthol. Caiff y Cydgysylltwyr eu monitro yn erbyn y camau gweithredu sydd yn y ddogfen waith. Caiff y camau gweithredu hyn eu grwpio o dan bedwar amcan:

- Gwaith ar lefel strategol i chwalu'r rhwystrau i gynhwysiant ac integreiddio ar draws grwpiau ymylol
- Gwaith ar lefel leol i chwalu'r rhwystrau i gynhwysiant ac integreiddio ar gyfer grwpiau a chymunedau penodol
- Cefnogi mewnffudwyr, ffoaduriaid a cheiswyr lloches a chymunedau sydd wedi setlo yn ystod y broses integreiddio
- Cefnogi cymunedau i atal gelyniaeth ac eithafiaeth a rheoli canlyniadau

Yours sincerely



**CARWYN JONES**



# Children in Wales Plant yng Nghymru

## **Equality, Local Government and Communities Committee and the External Affairs and Additional Legislation Committee joint inquiry on the equality and human rights implications of Brexit.**

Children in Wales is the national umbrella organisation in Wales for children and young people's issues, bringing organisations and individuals from all disciplines and sectors together to speak with one voice, to exchange knowledge and practice, and to provide opportunities to enhance policy and practice through shared learning. One of our core aims is to make the United Nations Convention on the Rights of the Child (UNCRC) a reality in Wales. Children in Wales campaigns for sustainable quality services for all children and young people, with special attention for children in need and works to ensure children and young people have a voice in issues that affect them. Children in Wales facilitates the voice of children and young people to influence government policy making through its 'Cymru Ifanc/Young Wales' programme of work.

For further information on the work of Children in Wales, please see [www.childreninwales.org.uk](http://www.childreninwales.org.uk) and [www.youngwales.wales](http://www.youngwales.wales)

### **Our Response**

Children in Wales welcomes the opportunity to aid the Committee's joint inquiry on the equality and human rights implications of Brexit by providing comment to the First Minister's response to the Committee's recommendations. Our response is informed by our evolving programme of work which is focused on the potential impact of Brexit on the rights of children and young people in Wales, and which is being delivered in partnership with key stakeholders in Wales, and informed by parallel activity with our colleagues in other child rights alliances across the UK and in Europe through our membership of Eurochild.

The 5 guiding overarching principles for our present **Brexit and Children Rights** programme of work centres on the objective of securing the best possible outcomes for children, young people and the services which support them. They are -

- That there is no roll back on the existing rights of children and young people in Wales as part of the Brexit negotiation process
- That there is no roll back on the existing rights of children and young people in Wales following the date of departure (including within any 'transition period')

- That children and young people have mechanisms in place for their voices to be heard as part of the Brexit process
- That opportunities are in place for the engagement of the children's workforce and services which work to support children, young people and their families in Wales
- That full compliance with the UNCRC is maintained by all decision makers throughout the whole process

Drawing on preliminary research, advocacy statements and consultation responses amongst key stakeholders, Children in Wales in partnership with the Observatory on Human Rights of Children in Swansea University has produced a joint briefing paper<sup>1</sup>, which focuses on the emerging key thematic priorities for children and young people in Wales arising from EU withdrawal.

The paper considered emerging concerns in relation to the following key priority areas:

- The erosion of guarantees of fundamental rights for children and young people
- The undermining of social cohesion
- The loss of EU funding to support disadvantaged communities
- The need to engage and hear the voices of children and young people
- Consideration of UK wide matters impacting on Wales, which include existing cross border safeguarding structures and the future status of EU national children and young people.

In March 2018, Children in Wales also published a Summary Report of the Roundtable Exchange Event<sup>2</sup> which was held in November 2017, which further developed our thinking by capturing many of the priorities identified by practitioners working with and for children and young people across Wales.

Our priorities have been further shaped by the report of a parliamentary joint committee of human rights in which concerns over the approach to protecting individuals rights post withdrawal<sup>3</sup> were expressed; our written input into that inquiry and that of the UK European Scrutiny Committee. The NAFW EAAL Committee inquiry into the implications for Wales of Britain exiting the EU provided an additional opportunity to help shape our thinking and that of others.

## **1. EU Charter of Fundamental Rights**

1.0 Our position is clear in that there must be no weakening, regression or dilution of the rights children currently enjoy through our membership of the EU as EU laws are transferred into domestic law.

1.1 The EU Charter of Fundamental Rights (Charter) is viewed as the overarching framework for the full range of civil, political, economic, cultural and social rights of all people in the EU and has

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<sup>1</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-wales-briefing-paper/>

<sup>2</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-implications-wales-summary-report-round-table-exchange-event/>

<sup>3</sup> <https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/695/695.pdf>



been in place since December 2009. **Article 24** of the Charter guarantees the protection of children's rights by EU institutions, as well as by EU member states when they implement EU law.

1.2 The UK Government has consistently rejected calls to incorporate the rights provisions set out in the Charter believing that withdrawal from the Charter will not affect the substantive rights already in place which citizens of the UK already benefit from. We welcome the Welsh Governments consistent position that the Charter should be preserved as part of the body of law derived from the EU<sup>4</sup> and their acceptance of Recommendation 18 of the recent External Affairs and Additional Legislation Committee report earlier this year

1.3 The Committee is right to '*remain unconvinced*' by the UK Government's declaration that all Charter rights are already protected through UK legislation, with the recent analysis undertaken by the EHRC and the interventions by members of the House of Lords and Commons suggesting that these reservations are shared more broadly.

1.4 Whilst we await the response of the UK Government expected later this month to the amendments passed at the Report stage of the EU (Withdrawal) Bill in the House of Lords, we can only reiterate our previous concerns that as currently presented, the Bill does not contain a commitment to incorporate the Charter into UK law, and will no longer be enforced through the European Court of Justice. As such, the Charter will no longer apply once EU law is transposed into UK law and children will not enjoy the same level of rights protection as they presently do.

1.5 We note that the WG '*hope*' that the UK will accept the amendments but we have no firm intelligence which suggests that the UK Governments direction will dramatically change from their previous position. If the amendments are rejected, and with the LDUE Bill now not proceeding, we are unclear how existing Charter rights will continue to apply in Wales, if at all without an alternative response from the Welsh Government. The Committee will also wish to keep a keen interest on developments in Scotland should they have the legal capacity to take a different approach and retain aspects of the Charter under their law.

1.6 The Committee will wish to consider the consequence of our withdrawal from the Charter and will need to have sight of a comprehensive **Child Rights Impact Assessment** of the effect for children in Wales. Welsh legislation already requires an assessment to be made and any changes will need to go through the same due diligence process. This will help inform the Committees consideration of whether there is indeed a roll back on existing rights and protections, and whether the WG can continue to meet their objective of ensuring that '*Brexit does not result in any dilution of rights and the current position*' and the assertions outlined in Securing Wales' Future'.

1.7 In practice we also seek reassurance that work is being done at UK level to provide a detailed analysis of the impact of moving out of the EU with regard to all aspects of safeguarding children across borders and wider child safety issues caused by any deregulation<sup>5</sup>.

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<sup>4</sup> <http://www.assembly.wales/laid%20documents/gen-ld11553/gen-ld11553-e.pdf>

<sup>5</sup> <http://www.childreninwales.org.uk/resources/brexit-childrens-rights/>

1.8 At a UK level, to ensure that the substantive rights within the Charter are protected for all children, we have consistently called for the UNCRC to be brought fully into UK law. The UK Government have been reluctant to fully incorporate UN human rights treaties, such as the UNCRC into domestic law, in spite of successive UN recommendations to do so. This is in contrast to the great strides made in Wales in championing, protecting and further enhancing children's rights through Wales specific legislation, most notably through the Rights of Children and Young Persons (Wales) Measure 2011 and the Social Services and Well-being Act 2014. The incorporation of other Conventions, such as the UNCRPD given its impact on children, must also be worked towards.

## **2. Shared Prosperity Fund**

2.0 We support the Committee's concerns in relation to the future of EU funding and share the view that the Shared Prosperity Fund should be administered in Wales to a Wales specific design co-produced with stakeholders and should be targeted at tackling inequality, socio-economic disadvantage and enhancing social cohesion

2.1 There is insufficient information in the public domain about the Shared Prosperity Fund and a lack of communication by the UK Government around future intentions.

2.2 We must retain our ability to shape our own priorities and tailor resources to meet our own needs. We must have scope to identify our own delivery models for distributing funds and look at ways to improve the ability for third sector organisations to be able to access funding, and address some of the perpetual barriers by reviewing the present monitoring, reporting and accountability mechanisms.

2.3 For these reasons, it is essential that Wales is an active and equal partner in all discussions, and is involved in shaping the SPF from the very beginning. It would not be acceptable for the SPF to be developed without the full involvement and cooperation of the WG and third sector services operating in Wales. Wales has to be involved in shaping the SHF in advance of public consultation, which would then allow for the beneficiaries within our communities, including children and young people, an opportunity to determining the next set of priorities for Wales to invest in, thus helping to secure their stake in future outcomes.

2.4 We echo the Welsh Governments demand of the UK Government to make good the promises made during the Referendum campaign that Wales would not be financially worse off when we leave the EU. After December 2020, we must receive at least the existing levels of funding presently allocated via the EU Structural and Investment Funds with no constraints, and must continue to engage in cooperation programmes, such as Erasmus +.

2.5 Children in Wales welcomed the recent opportunity to provide a response to the WG consultation on Regional Investment in Wales after Brexit. We particularly supported the emphasis in the consultation on

- Partnerships
- Building upon our experience and knowledge

- Engaging with the Third Sector and communities
- Channelling needs based funding to our poorest communities
- Emphasis on economic AND social investment
- Integration
- Applying a people AND placed based approaches to investment

2.6 Our response drew on the engagement we undertook with our members and wider workforce in respect of future funding arrangements and the implications for services and communities.

2.7 We share the concerns that there are no guarantees that existing levels of funding would be protected or whether the present priorities would be retained. Delegates were concerned about the continuity of existing services funded through ESF and the potential negative impact cuts would have on third sector services and the communities they serve, already under pressure, should existing EU funded projects and programmes be lost.

2.8 Many respondents were representing services located in areas of Wales with disproportionate levels of child poverty compared to other parts of the UK. There is some anxiety that further cuts to income and services for vulnerable families will have an adverse consequences for poverty and inequality levels in Wales, escalating pressure on existing sources of support already struggling to meet demand. There were fears that any loss of services could potentially fuel further political disengagement and a sense of abandonment by marginalized sections of the community at a time of greatest need, threatening the Welsh Governments ambition to create a prosperous and more equal nation.

2.9 It is for this reason that in order for the next set of priorities to build a more inclusive and prosperous country, that the focus should be on **investing in children, prioritising early intervention and prevention**. This would be consistent with the European Commission's Recommendation on Investing in Children (2013) and build on the ESF current priorities whereby 20% of existing funds must be allocated to tackling poverty

2.10 We agree with the Committee that amongst the priorities should be an explicit focus on **tackling socio economic disadvantage and inequality**. Independent research has clearly demonstrated the children are being disproportionately affected by economic austerity and the negative impact of welfare reform. With over 200,000 children living in poverty and anticipated to increase, Wales can ill afford to miss this opportunity of ensuring that the SPF improves the outcomes for those most at risk and those most vulnerable.

2.11 Children in Wales have been engaging in dialogue with our European partners to influence the post 2020 European Multiannual Financial Framework (see [Position Paper – February 2018](#)). Whilst the UK may well have left the EU at the point when the next programme gets underway, we would urge the Welsh Government to retain a keen interest in current discussions as priorities are being identified so as to ensure there is no significant divergence from European wide priorities. New arrangements will also need to be established between Cardiff and Brussels to ensure that Wales is not completely marginalised in the post EU landscape and that the rights of our citizens do not fall behind those of our European neighbours. There is currently considerable knowledge exchange

funded by funds from the European Commission through Eurochild of which Children in Wales was a founder member

### 3. Socio Economic Duty

3.0 New powers provided through the Wales Act has given the Welsh Government an opportunity to enact the socio economic duty under the Equality Act 2010. This and the commencement of the duty in Scotland following support through the public consultation has increased previous calls in Wales for the Welsh Government to follow suit and enact the duty here in Wales. We are of the view that these are significant development which should provide the impious for the WG to at the very least examine the potential for strengthening existing arrangements in Wales and to build upon duties placed on Welsh Public Bodies prescribed through the WBoFGAct.

3.1 Whilst the First Ministers commitment to review the current position in respect of gender equality is welcomed, we would suggest that a holistic review with engagement of key stakeholders be undertaken so that the full potential of enacting the duty in Wales can be fully considered, with the sufficiency of existing duties forming part of that conversation. We are also reminded that the report of the last Assembly's CELG Committee of their inquiry into equality and human rights called for further research to examine the practicalities of introducing the duty including the potential for the existing duty under the Equality Act to be redrafted for the context in Wales.

3.2 While the duty to tackle socio-economic inequalities is indeed a key strand of the WBoFGAct, it is still too soon to fully assess how this is being driven in practice. Children in Wales facilitates the End Child Poverty Network Cymru (ECPN) and recently undertook a short review of the draft Public Service Boards Well-Being Plans to examine what consideration was being given to addressing the duty to tackle child poverty. Our report<sup>6</sup> highlighted that, as with the Wellbeing Assessments, the length, presentation and level of detail within the Plans varied enormously. Draft plans featured predominantly high level statements with few having specific objectives against poverty and inequality or milestones and indicators to track progress. Only three explicitly made reference to children's rights.

3.3 The EHRC has recently issued a GB wide report<sup>7</sup> on the state of socio-economic rights two years on from the UK Governments examination by the UN. It reports that the UK's withdrawal from the EU poses risks to the protection and fulfilment of socio-economic rights, noting the high level of child poverty in Wales and the key issues impacting on children and families in poverty in Wales, which echo those of our Child and Family Poverty report<sup>8</sup>. Their report recommends that

*"The UK and Welsh governments implement the duty on certain public authorities to have due regard to the desirability of reducing socio-economic disadvantage when taking strategic decisions on exercising their functions under Section 1 (Equality Act)."*

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<sup>6</sup> <http://www.childreninwales.org.uk/news/news-archive/briefing-paper-public-service-boards-responses-child-poverty-local-draft-wellbeing-plans-160518-w/>

<sup>7</sup> <https://www.equalityhumanrights.com/sites/default/files/progress-on-socio-economic-rights-in-great-britain.pdf>

<sup>8</sup> <http://www.childreninwales.org.uk/resource/child-family-poverty-wales-results-child-family-survey-2016/>

3.4 Given that poverty and inequality are indisputable rights violations, we would welcome the Welsh Government giving due deliberation to the EHRC recommendation in the context of their new powers, the developments underway in Scotland, and with consideration to the sufficiency of existing duties under the WBoFGAct and compliance to date with those duties by Welsh public bodies.

#### **4. Human Rights**

4.0 Since devolution, the National Assembly for Wales and successive Welsh Governments have made great strides in championing, protecting and further enhancing children's rights through Wales specific legislation. The Rights of Children and Young Persons (Wales) Measure 2011 provides that Welsh Ministers have due regard to the United Nations Convention on the Rights of the Child (UNCRC) when exercising their functions, with similar duties placed on relevant partners at a local level through the Social Services and Well-being Act 2014. While these legislative measures do not create legal remedies for individual rights violations, they are significant advances towards incorporation of the UNCRC in Wales and the promotion and protection of children's human rights in legislation, policy development, practice and culture.

4.1 Whilst the principles of the UNCRC can of course apply to those over 18, the UNCRC is a vehicle for realising the rights of children and young people up to this age, and was internationally developed for this specific reason. Presently the rights of young adults should be protected in existing law and we have legislation through the Human Rights Act (HRA) and the EU Charter for this very purpose. Given the continued uncertainty around the future of EU Charter and the threat to the HRA once the UK leaves the EU, it is timely now for the WG to be considering how existing protections can be maintained and could indeed be enhanced beyond 2020.

4.2 There is certainly mileage in the WG giving due consideration to how best to further incorporate international human rights treaties in Wales, building upon the legacy and learning to date from the implementation of the Rights Measure and the due regard duties placed on local authorities to the UNRPD through the SSWBAct. Presently, there is no equivalent 'due regard' duty through Welsh legislation to protect and enhance the rights of other sections of the population, including care leavers, young adult carers or some vulnerable groups of young people transitioning to adult services post 18. The needs of some very vulnerable children clearly do not evaporate on their 18<sup>th</sup> birthday and it is essential that dialogue begins now to help ensure that the withdrawal from the EU does not lead to existing rights protections currently in place in Wales being lost or undermined. Finally, it is worth reinforcing that the WBoFGAct does not include an explicit legal duty of due regard to the UNCRC or any other human rights duties.

#### **5. Community Cohesion**

5.0 We welcome the WGs commitment to publish both the revised Community Cohesion Plan and Tackling Hate Crimes Delivery Plan, and the recognition which is being given to the rise in hate crimes in Wales.

5.1 Our conference summary report<sup>9</sup> from our national Children's Rights and Brexit event highlighted a number of emerging issues with recommendations for future action under the theme of Social Cohesion. These including the increase in negative attitudes, tensions and the reporting of hate crime in the aftermath of the EU Referendum result, and the experiences of some sections of the community expressing fears of social discontentment, being abandoned or 'left behind', and the adverse effects community divisions will have on children and young people if the rifts which emerged during the Referendum were not properly healed.

5.2 We were delighted to attend the recent information gathering session with the United Nations Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia and related intolerance which took place in Cardiff in May. Our report with the Wales UNCRC Monitoring Group drew attention to many of the issues impacting on children, young people and families in Wales in respect of this agenda, and also provided an opportunity to showcase a number of activities and resources developed in Wales. We would suggest that the WG take account of the UN Rapporteurs statement<sup>10</sup> and the UN Concluding Observations on the Elimination of All Forms of Racial Discrimination and fully address the issues pertaining to Wales within existing competence.

**Sean O'Neill**  
**Policy Director**  
**Children in Wales**

**June 2018**

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<sup>9</sup> <http://www.childreninwales.org.uk/resource/brexit-childrens-rights-implications-wales-summary-report-round-table-exchange-event/>

<sup>10</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E>

FGC is not a National Human Rights Institution (NHRI). This is in contrast to, for example, the Equality and Human Rights Commission (EHRC) and the Children's Commissioner for Wales (CCfW), both of which are NHRIs with statutory powers expressly relating to human rights and children's rights respectively. The FGC is not best placed to act as the guardian of human rights in Wales (although the FGC has important contributions to make in this respect). In my view, promoting and safeguarding human rights should be entrusted to existing NHRIs in Wales with an established record of meeting this objective, based on a framework of human rights obligations set out in discrete legislation (such as the child rights measure).

5. While the FGC has advisory, promotional, research and review functions relating to well-being objectives, the breadth of these responsibilities makes it unrealistic to anticipate that promoting human rights will be a priority. The FGC's Strategic Plan 2017-2023 refers to work with the CCfW on embedding children's rights, but makes no reference to human rights generally, or how these might be integrated into well-being objectives. The FGC's Annual report also references children's rights, but does not engage with human rights more widely. I emphasise: this is not a criticism of the FGC, and is understandable given the FGC's statutory responsibilities and breadth of activity. My concern relates to the indication that the WBFGA will be the delivery framework for human rights in Wales, and the burden of expectation falling on the FGC. In any event, the human rights function of specific commissioners is recognised in the FGC's *Future Generations Framework* which offers guidance to public bodies on the delivery of public services. The Framework signposts public bodies to human rights commissioners where a project impacts on older people, children, or people with protected characteristics.
6. A quick (admittedly unscientific) review of well-being plans from 17 PSBs in Wales (19 PSBs, 2 plans unavailable) reveals that only 5 make any reference to human rights in the context of well-being objectives, and of these 4 refer exclusively to the rights of the child. The child rights measure has prioritised children's rights at the highest level of policy development in Wales, and in my view it is significant that some well-being plans, as well as guidance from the Welsh Government and FGC, refer to children's rights while remaining silent on other human rights. This suggests that specific legal integration of children's human rights standards has had a positive impact to ensure their prioritisation in the policy sphere; and, therefore, the value of human rights legislation generally.
7. Finally, I have previously argued that human rights are the hallmark of an advanced nation, and human rights legislation a sign of confidence in Wales as a developing jurisdiction. Scotland is currently asserting itself in this respect, much as Wales has done to date with a highly innovative approach to due regard and incorporation of human rights. We are in danger of regression if in Wales we adopt the approach to the protection of social rights taken by UK governments, i.e. to rely on compliance with human rights as incidental to other policy objectives. Brexit has created the necessity, but also presented the opportunity for Wales to take further steps on protection of human rights. But this requires human rights-specific legislation if it is to be meaningful and effective.

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Disability Wales is pleased to note that given its new powers, Welsh Government will be considering implementation of the Socio Economic Duty through the current Rapid Review of Gender Equality. In its shadow report to the UN Committee on the Rights of Disabled People (June 2017) DW and its sister organisations in England, Scotland and Northern Ireland recommended to the UN Committee on the Rights of Disabled People that the UK Government should fully implement the Equality Act (2010) including the socio-economic duty. This reflects the well documented correlation between disability and poverty, nowhere more so in Wales, where JRF has found that disabled people in Wales are poorer than anywhere else in the UK (Poverty in Wales 2018). In their Concluding Observations, the CRPD supported the recommendation that the UK Government should fully implement the Equality Act as well as incorporate the UN Convention on the Rights of Disabled People into law and policy (August 2017).

Our concern, nevertheless, is with the emphasis Welsh Government places on the Well-being of Future Generations (Wales) Act 2015 as the 'key instrument in the area of addressing socio-economic inequality particularly the well-being goal of a more equal Wales'. In relation to Human Rights, the First Minister adds that the 'Act will remain our principle legislative instrument in this regard, given that the Well-being goals set out in that Act are wide-ranging in scope and provide the best framework to enable coordinated action to ensure that human rights are safeguarded in Wales'.

We recognise that the Act is ground breaking and fully support its intentions, including the Wellbeing Goals such as achieving 'a more Equal Wales. However while it reflects the core values of human rights, we do not believe that the Act is a suitable framework to ensure that human rights are adequately protected and realised in Wales. The Act does not refer to human rights, nor does it set standards or establish duties based on human rights obligations. The well-being goals are highly aspirational, and provide a wide discretion to public bodies, including Ministers, on how they are met through well-being objectives. As we understand it, while the Act places duties on public bodies, it does not confer rights on individuals or act to safeguard these.



Furthermore the functions and powers of the Future Generations Commissioner (FGC) do not include protecting or promoting human rights, nor is the Commission a National Human Rights Institution (NHRI). This is in contrast to, the Equality and Human Rights Commission (EHRC), the Children's Commissioner for Wales (CCfW) and the Older People's Commissioner in Wales, all of which have statutory powers expressly relating to human rights.

Given the wide-ranging responsibility placed on the FGC, it is unrealistic to anticipate human rights will be a priority, nor would it appear that the Commission has the resources available to do so. The FGC's Strategic Plan 2017-2023 refers to work with the CCfW on embedding children's rights, but makes no reference to human rights generally, or how these might feature as well-being objectives. Indeed there is no specific reference to the UN Convention on the Rights of Disabled People, let alone guidance to public bodies on how these may be delivered through the Well-being Goals.

The Future Generations Act and the role of the Commissioner undoubtedly have a role to play in creating a culture in Wales that is supportive of Human Rights, however it is for Welsh Government to provide leadership on legislating for and the implementation of Human Rights in general and the specific human rights instruments in particular.

Equalities, Local Government and Communities Committee  
-and-  
External Affairs and Additional Legislation Committee

**Human Rights Implications of Brexit**  
Comments on First Minister's Letter (16<sup>th</sup> May)

I am grateful for the opportunity to comment on the First Minister's response to the joint letter from the above committees (5<sup>th</sup> April).

1. I maintain there is a need for human rights legislation in Wales for the reasons set out in my previous submissions: in particular rights that relate to social protections. The Intergovernmental Agreement between the Welsh and UK governments fails to clarify the position on applicability of the Charter of Fundamental Rights, or on human rights generally; and, the *Law Derived from the European Union (Wales) Bill*, which would have provided some interpretive protection for Charter rights, has been withdrawn.
2. The First Minister's letter indicates that realisation of human rights will be through the framework of the WBFGA. In previous submissions I have suggested that the WBFGA well-being goals reflect core values of human rights. I maintain this is the case. However, I am firmly of the view that the WBFGA is not suitable to ensure that human rights are properly protected and realised in Wales. The WBFGA does not refer to human rights, nor does it set standards or establish duties based on human rights obligations. The Explanatory Memorandum accompanying the WBFGA makes no reference to human rights other than to note pre-existing statutory obligations. The well-being goals are highly aspirational, and provide a wide discretion to public bodies, including Ministers, on how they are to be met through well-being objectives. This may be contrasted with, e.g. the *Rights of Children and Young Persons (Wales) Measure 2011* which establishes a clear duty on Welsh Ministers to have due regard to specific rights set out in the Convention on the Rights of the Child. Human rights guarantees need to be clearly established in legislation if they are to be a visible priority for policy-makers.
3. The Welsh Government's programme for Government, *Taking Wales Forward*, establishes its WBFGA well-being objectives. This is accompanied by a delivery plan, *Prosperity for All*. Neither document, nor the Welsh Government's *Well-being Statement*, engages with or explains how human rights will be protected or realised in Wales. It is therefore difficult to understand how human rights relate to the Welsh Government's programme and delivery plan, or its well-being objectives. The Welsh Ministers, the primary devolved institution responsible for human rights in Wales, appear to be passing much of this responsibility to other public bodies and Public Services Boards (PSBs). This is particularly troubling as Statutory Guidance on the WBFGA merely reminds public bodies of the pre-existing commitment in Wales to children's rights.
4. I am concerned that a focus on the WBFGA as the framework for human rights delivery places an unreasonable burden on the Future Generations Commissioner (FGC), and does not take sufficient account of the functions of other commissioners in Wales. The functions and powers of the FGC do not expressly include protecting or promoting human rights, and the

FGC is not a National Human Rights Institution (NHRI). This is in contrast to, for example, the Equality and Human Rights Commission (EHRC) and the Children's Commissioner for Wales (CCfW), both of which are NHRIs with statutory powers expressly relating to human rights and children's rights respectively. The FGC is not best placed to act as the guardian of human rights in Wales (although the FGC has important contributions to make in this respect). In my view, promoting and safeguarding human rights should be entrusted to existing NHRIs in Wales with an established record of meeting this objective, based on a framework of human rights obligations set out in discrete legislation (such as the child rights measure).

5. While the FGC has advisory, promotional, research and review functions relating to well-being objectives, the breadth of these responsibilities makes it unrealistic to anticipate that promoting human rights will be a priority. The FGC's Strategic Plan 2017-2023 refers to work with the CCfW on embedding children's rights, but makes no reference to human rights generally, or how these might be integrated into well-being objectives. The FGC's Annual report also references children's rights, but does not engage with human rights more widely. I emphasise: this is not a criticism of the FGC, and is understandable given the FGC's statutory responsibilities and breadth of activity. My concern relates to the indication that the WBFGA will be the delivery framework for human rights in Wales, and the burden of expectation falling on the FGC. In any event, the human rights function of specific commissioners is recognised in the FGC's *Future Generations Framework* which offers guidance to public bodies on the delivery of public services. The Framework signposts public bodies to human rights commissioners where a project impacts on older people, children, or people with protected characteristics.
6. A quick (admittedly unscientific) review of well-being plans from 17 PSBs in Wales (19 PSBs, 2 plans unavailable) reveals that only 5 make any reference to human rights in the context of well-being objectives, and of these 4 refer exclusively to the rights of the child. The child rights measure has prioritised children's rights at the highest level of policy development in Wales, and in my view it is significant that some well-being plans, as well as guidance from the Welsh Government and FGC, refer to children's rights while remaining silent on other human rights. This suggests that specific legal integration of children's human rights standards has had a positive impact to ensure their prioritisation in the policy sphere; and, therefore, the value of human rights legislation generally.
7. Finally, I have previously argued that human rights are the hallmark of an advanced nation, and human rights legislation a sign of confidence in Wales as a developing jurisdiction. Scotland is currently asserting itself in this respect, much as Wales has done to date with a highly innovative approach to due regard and incorporation of human rights. We are in danger of regression if in Wales we adopt the approach to the protection of social rights taken by UK governments, i.e. to rely on compliance with human rights as incidental to other policy objectives. Brexit has created the necessity, but also presented the opportunity for Wales to take further steps on protection of human rights. But this requires human rights-specific legislation if it is to be meaningful and effective.

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June 13, 2018

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[John.Griffiths@assembly.wales](mailto:John.Griffiths@assembly.wales) and [David.Rees@assembly.wales](mailto:David.Rees@assembly.wales)

Dear John and David,

**Subject: Brexit and equality & human rights**

Thank you for sharing with us the First Minister's letter of May 16 and asking for our reflections on its content.

We welcome that the First Minister's stated objective is to ensure the UK's withdrawal from the EU does not lead to a dilution of equalities and human rights protections. The letter highlights positive actions that will be taken towards this aim. However, we believe the Welsh Government (and UK Government) can take further steps to protect and promote equality and human rights in Wales in light of the UK's decision to leave the EU.

The First Minister's letter makes clear that the Welsh Government views the Commission as well-placed to advise on these matters. We welcome this statement and the open dialogue we have with both the Welsh Government and your Committees. We look forward to continuing to play our part in legislative & policy development and scrutiny with the aim of securing equality and human rights protections in Wales.

Below we set out our reflections on key aspects of the letter.

**The Charter of Fundamental Rights**

We welcome the Welsh Government's stated support for retaining the Charter of Fundamental Rights (the Charter) in domestic law. It was pleasing that the Welsh Government included interpretive protection for Charter rights in its Law Derived from the EU (Wales) Bill. However, that Bill has now been withdrawn. In addition, the UK Government has so far given no indication that it will respond positively to the amendment passed in the House of Lords that seeks to retain the Charter in domestic law. Therefore, the Commission remains concerned that Charter protections will cease to be applicable in Wales following the

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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UK's withdrawal from the EU. The Commission will continue to press for the UK Parliament to pass amendments incorporating the Charter into domestic law. And, should that approach prove unsuccessful, we would welcome the Welsh Government exploring future legislative opportunities to incorporate Charter rights into Welsh law, insofar as the current devolution settlement allows it to do so. We will write to your Committees again on this point as the EU (Withdrawal) Bill continues its parliamentary course.

### **Loss of EU Funds**

We fully support the Committees' suggestion that the Shared Prosperity Fund should be targeted at tackling inequality and socio-economic disadvantage. The Commission's *Healing the Divisions: A positive vision for equality and human rights in Britain* report states that the UK and Welsh Governments should ensure the loss of EU funding, such as the European Social Fund and the Equality and Citizenship Programme, does not undermine Wales's equality and human rights infrastructure. This includes academic research, for example on violence against women and how to police it, and voluntary sector services, for example those supporting older and disabled people in employment.

The Commission believes that funding mechanisms and priorities identified by the UK Government should take account of devolution and regional concerns. The UK and Welsh Government should conduct Equality Impact Assessments to guide decision-making on funding streams and projects.

New funding programmes in Wales should take into consideration people's protected characteristics and the relationship with socio-economic status and other disadvantages. Individuals should be placed at the centre of any criteria for funding allocations, with wider economic and geographical concerns being considered alongside. The public sector equality specific duties in Wales should be adhered to as a mechanism for this funding allocation and policymaking process.

We are currently commissioning a research report on the potential implications for equality and human rights in Britain of the loss of EU funds. We expect to publish our report in Autumn 2018 to inform UK and Welsh Government policymaking. We will be pleased to share the report with your Committees.

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## Socio-economic duty

The Welsh Government has not yet taken steps to introduce the Equality Act 2010 socio-economic duty in Wales, following the powers over its commencement having recently transferred to Welsh Ministers via the Wales Act 2017. Therefore, it is pleasing that the letter confirms the Welsh Government is reviewing its position on the duty in light of the current Rapid Review of Gender Equality in Wales. We would welcome the Welsh Government setting out a timetable for its consideration of the duty as the Review itself is not due to be completed for twelve months.

We would warmly welcome the duty's introduction in Wales. This view is set out in our *Healing the Divisions* report and it has been expressed to Welsh Government.

As the letter states, we are in discussions with the Welsh Government on the duty. Our position has been informed by learning from our Scottish colleagues, with the duty currently being introduced in Scotland.

## The Well-being of Future Generations Act

The Commission fully supports the Well-being of Future Generations Act. It is a transformative part of legislation. We are in regular liaison with the Commissioner's office to bring the Act's goals to fruition. However, the Commission does not believe that the Act means that separate protections, explicitly related to equality and human rights, are not needed.

For example, we believe the Equality Act socio-economic duty and the well-being goal of 'A more equal Wales' would be complementary duties rather than duplicative. International treaties fall outside of the Future Generations Commissioner's regulatory powers, so the Act does not fully cover the protection and promotion of human rights. Therefore the Act is not the vehicle for taking forward certain equality and human rights protections in Wales.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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## Incorporation of UN Treaties

The Commission's *Healing the Divisions* report sets out our position that UN human rights treaties, like the Convention on the Rights of Disabled People (UNCRPD), should be given further effect in UK and devolved law, and the UK and devolved governments should publish action plans for implementing UN recommendations on human rights.

The Welsh Government has taken steps to incorporate UN treaties into Welsh law, most noticeably with regards to the UN Convention on the Rights of the Child, and to a lesser extent with regards to the UN Principles for Older People and the UNCRPD. However, the Welsh Government's approach has not been fully consistent in taking forward opportunities to embed treaties into Welsh law and policy.

The Wales Act 2017 has given the Welsh Government more explicit powers in relation to the promotion of human rights than it had previously. We believe the Welsh Government should take advantage of this by building on its ground-breaking UNCRC legislation through further incorporation and promotion of UN treaties.

## Tracking developments

Our *Healing the Divisions* report sets out that the UK and devolved governments should ensure our laws and policy keep pace with future equality and human rights standards coming from the EU, after we exit, such as the EU Accessibility Act, as well as other comparator countries.

It is important that the Welsh Government takes a leadership role in tracking and, where possible, replicating, progressive equality and human rights legislation that is taken forward within the EU after the UK's withdrawal from it. Therefore, we support the Committees' suggestion that the Welsh Government should establish a formal mechanism to track future developments.

As part of that process, we will play our role in monitoring, and advising on, equality and human rights developments. We warmly welcome the letter's statement that the Welsh Government will continue to work closely with us to consider developments and the position in relation to Wales.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

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I hope you find these reflections of interest. We would be pleased to offer further information, as required.

Yours sincerely,



**Ruth Coombs**

Pennaeth Cymru / Head of Wales

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**Response to Welsh Government’s Nation of Sanctuary – Refugee & Asylum Seeker Delivery Plan, June 2018.**

**1. About the Welsh Refugee Coalition**

1.1 The Welsh Refugee Coalition was established in 2015. We are a coalition of 47 organisations working with asylum seekers and refugees at all stages of their journey, and with the communities in which they live. We work together to ensure that our resources are used to best effect and aim to speak with a coherent and strong voice on policies and practices affecting people seeking sanctuary in Wales.

**2. Summary of our response**

2.1 The Coalition welcomes Welsh Government’s interest in and commitment to addressing the needs and aspirations of people moving through the asylum process in Wales and in line with other citizens in Wales, to improving the conditions, opportunities and enjoyment of rights by people seeking asylum and those granted status in Wales. Through its varied membership, the Coalition bears witness to and regularly supports people who live in abject poverty, experience regular discrimination, struggle to utilise valuable skills and who are disempowered by a dehumanising UK asylum system. The Coalition equally bears witness to the most inspiring examples of human kindness, tenacity, resilience and strength – demonstrated time and time again by newcomers to Wales who have been forced to flee their homes, families and livelihoods and by individuals and established communities in Wales who reach out and offer welcome and sanctuary to those newcomers. We share a vision of Wales as a Nation of Sanctuary and will continue to play our part in ensuring this vision becomes a reality. The third sector has a wealth of expertise to offer here, recognised by the Welsh Government’s choice to award funding for the Asylum Rights Programme to a consortium of seven third sector partners. However, Coalition members struggle with short-term and insufficient funding, leading to a lack of continuity rather than opportunities to build on successful work and continuously improve the welcome we can offer in Wales.

2.2 The Welsh Refugee Coalition welcomes the commitment and leadership from Welsh Government to Wales becoming a Nation of Sanctuary and applauds the collaboration and engagement that characterised the pre-consultation phase of the plan’s development. This represents an exemplary model for the 5 ways of working under the Wellbeing of Future Generations (Wales) Act 2015 that we look forward to being carried through into its delivery and assessment of impact.

2.3 We have some detailed commentary to contribute, as outlined in the pages that follow, though our key areas of interest and concern are:

- I. **Budget:** there is no information in the plan about how the actions will be financed. We would like reassurance that specific budgets have been secured from various Welsh

Government departments to deliver all the commitments contained within the plan and, where they are included, on the expected timescales.

- II. **Monitoring & Evaluation:** there are many commitments which don't explain 'how' actions will be carried out. We would like to see more precise actions, supported by a monitoring and evaluation framework with clear performance indicators, success measures, lead responsibilities, review dates and review body. Given Carwyn Jones' commitment to make Welsh Government a feminist government<sup>1</sup>, we would expect any framework to explore and capture the differential experiences of men and women. Such a framework would allow progress to be measured and to ensure that actions assigned to other parts of Welsh Government are tracked (e.g. the commitment on page 18 to revise anti-bullying guidance in 2018 – this is welcome, though at this stage, we have no way of knowing how it will support the needs of refugee and asylum-seeking children as the action states). Such a framework would also facilitate the participation of sanctuary seekers, as well as frontline and grassroots organisations, in assessments on progress. Participation in monitoring activity could be themed so that relevant organisations would have the opportunity to give detailed feedback on areas of expertise.
- III. **Timescales:** we would like to see all actions assigned timescales (e.g. For how long it is envisaged that move-on support and the WARD scheme will be funded? When will the Age Assessment Toolkit be reviewed and republished? When will VAWDASV 'Ask and Act' training be rolled out to front-line professionals?). Welsh Government's Together for Mental Health Delivery Plan 2016-19<sup>2</sup> provides an exemplary model of a plan with detailed actions, performance measures and timeframes. Without timescales, can we assume that this means until end of the current Assembly term, in line with the Introduction that states, '*This draft plan seeks to set Welsh Government policy direction relating to these communities until the end of this Assembly term*'?
- I. **Reporting arrangements:** we would like to see a clear framework for reporting on this plan (e.g. through Welsh Government's Operation's Board, via an annual report, through an annual debate in Plenary).

2.4 Beyond these headlines, we have addressed each question as asked in the consultation, as well as provided feedback on each section of the delivery plan.

### **3. Do you agree with the priority actions identified in the Ministerial foreword? Please explain the reasons for your answer.**

3.1 The Welsh Refugee Coalition is pleased that the Ministerial Forward offers some clarity on those areas on which Welsh Government would like to see action by the UK Government and welcomes the commitment to work with them on these issues. We would welcome clarity on how Welsh Government envisages doing this and would value the opportunity for the Coalition to play an active and supporting role in any such work.

3.2 We are also pleased that Welsh Government's previous commitment to the approach of integration beginning on day 1 of arrival to Wales has been brought forward and identified as a key principle in this plan. We support the focus on integration from day one and underline the key role of providing and funding quality ESOL, education, training and employment readiness services in

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-wales-politics-44196315>,  
[https://www.buzzfeed.com/hannahalothman/this-politician-wants-to-make-wales-the-most-feminist?utm\\_term=.kdeVYgQ9D#.cqDRDLOX1](https://www.buzzfeed.com/hannahalothman/this-politician-wants-to-make-wales-the-most-feminist?utm_term=.kdeVYgQ9D#.cqDRDLOX1)

<sup>2</sup> <https://gov.wales/docs/dhss/publications/161010deliveryen.pdf>

order to achieve this and to maximise the potential for new refugees (sections 7, especially 7.9-11 and 14.1). We also welcome the commitment to enhance support for those made destitute and for the most vulnerable (section 5.14-15). Both these need to be reflected in robust and specific actions.

3.3 In the introduction, we are pleased to see the delineation of Welsh and UK Government responsibilities, as well as the specific areas of concern that Welsh Government have with UK Government policy. We support Welsh Government's leadership and encouragement for other sectors to work towards Wales becoming a true Nation of Sanctuary, as well as the important commitment to a person-centred approach and the situating of the plan within a rights-based framework. We believe that this approach will achieve better outcomes for people, communities and the country as a whole and would urge the Welsh Government to share the benefits of such an approach with UK Government to counter their hostile environment policies.

3.4 In addition to the priorities identified in the Ministerial Forward, we would like to see greater prominence given to the powerful voices of asylum seeking and refugees. We feel it is also important that receiving communities, through community groups and frontline workers in a range of fields, have access to positive communications/awareness-raising sessions so that refugees and asylum seekers are welcomed and understood. Ensuring this plan is delivered on a foundation of public support is crucial to its success in contributing to Wales being a Nation of Sanctuary and getting the communications right is important.

3.5 From a Children and Young People's perspective (including UASC), access to Mental Health Services and Counselling support is definitely the top priority for many. After this, early access to suitable education and accommodation are the principal concerns of young people. Provision of advocacy is also important, with more resources needed for vulnerable young people who are not with family, both those who are age disputed and those who are over 18 and vulnerable for a variety of reasons.

#### **4. Do you agree with the actions within the Welsh Government's 'Nation of Sanctuary: Refugee and Asylum Seeker Plan'? Please explain the reasons for your answer.**

4.1 The Coalition broadly agrees with the actions in the draft plan and offers the following general feedback.

- I. ***There are a number of actions where links to existing rights and entitlements or local work supporting access are not made explicit, which is a missed opportunity. We suggest they be made explicit.*** For example, the Business Wales support mentioned already exists and it needs to be properly marketed to refugees as part of the Plan; the Healthy Child Wales Programme already exists and therefore the plan should ensure people seeking asylum and refugees *do* access vaccinations, rather than *can* access these (page 13); refugees are already eligible for student support funding through Student Finance Wales and so the action should be about making sure they are aware and the application process is accessible and support provided meets their needs.
- II. ***There are places where clarity could be offered on Welsh Government's role in ensuring consistency of provision, so that it is not a lottery for asylum seekers or refugees, where access to services and support is dependent upon the location they find themselves dispersed or sent to.*** For example:
  - a) Welsh Government should incorporate learning from local work supporting access to services. As an example, there is local funding available in Swansea for a children and young people's counselling service and this needs to be joined up with Welsh Government's action on counselling for children and young people

- b) Health of Homeless and Vulnerable Groups (HHAUGAP) meetings work very well in Swansea and these should be promoted across Wales.
- c) The 'Welcome to Swansea' programme has demonstrated how to run a successful mentoring service and what that success can mean for its participants - Welsh Government should commit to expanding that to all dispersal areas.

4.2 In addition to these general comments, we have commentary on each section of the draft plan.

## 5. Prosperous & Secure

5.1 On ensuring refugees are supported to transition from asylum accommodation to sustainable accommodation, the Coalition would like to see Welsh Government's funding for the Refugee Well Housing project reviewed to ensure funding is sufficient to meet demand and to ensure that this funding is available on a sustainable basis.

5.2 We welcome action to ensure the guidance underpinning local Homelessness Prevention Strategies take account of the vulnerabilities of new refugees and we seek reassurances that should this guidance lead to an identified need for increased provision, that the additional costs will be met.

5.3 We would like to see the commitment to explore opportunities to reduce refugee homelessness strengthened to a commitment to reduce refugee homelessness. The Coalition has insights and experience to offer on how this can be achieved, such as the partnership between Welsh Refugee Council's move-on programme and the YMCA in Cardiff or the shared house model being developed by Share Tawe in Swansea. We know that local authorities are utilising money available to them to prevent homelessness and that it is used to good effect when invested in bonds, agency fees and rent in advance for refugees facilitating access to the private rented sector.

5.4 We welcome the very positive and practical action of work with Rent Smart Wales, although on Right to Rent checks, given the Joint Council for the Welfare of Immigrants (JCWI) research<sup>3</sup> into the discriminatory impacts of these checks, the Coalition would like Welsh Government to liaise with UK Government to seek to influence the roll out of this provision in Wales. The Coalition remains concerned that the 'Right-to-rent' checks in Wales will lead to an increase in discrimination, homelessness presentations and the number of No Recourse to Public Funds (NRPF) cases presented to social services.

5.5 We recommend that Welsh Government develop and evaluate a pilot scheme in Wales, before legislation is brought in to extend the Right to Rent scheme, in order to assess how we can prevent discrimination from occurring. The impact of potential new legislation should also be monitored so that mitigating action can take place should negative consequences be identified. There is also a clear need to work with private landlords to raise awareness of different types of migration status to mitigate any impacts of Right to Rent Checks in Wales. We would also strongly recommend that there is a way for tenants to be able to report private landlords acting in a discriminatory way, perhaps through Rent Smart Wales.

5.6 On the promotion of good quality asylum accommodation provided by the UK Government, the Coalition requests that Welsh Government do everything it can to ensure housing standards are equal for everyone living in Wales, if possible through widening the remit of the Welsh Housing Quality Standard. This will require greater resource for local authorities to inspect asylum accommodation properties on a more regular basis – the right to inspect properties with minimal notice will achieve little if local authorities don't have the resources to do so. Welsh Government

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<sup>3</sup> <http://www.jcwi.org.uk/news-and-policy/passport-please>

could also take a role in disseminating clear information about asylum seekers' rights to fit and proper housing, including how to complain.

5.7 On current accommodation and forthcoming COMPASS contracts, the Coalition would like Welsh Government to compel accommodation providers to attend the Welsh Government funded Asylum Rights Programme advocacy forums where accommodation is identified as an issue by participants. Inconsistent engagement so far has had a detrimental impact on the effectiveness of those forums held in Swansea. We request Welsh Government influence UK Government to include a requirement within the new contract for the accommodation provider to engage with and act on the voices of tenants on a regular basis.

5.8 On supporting the employability of refugees and working with Business Wales to support refugees to establish their own businesses, it would be helpful for the delivery plan to be more explicit about what support and links are available. For example, the delivery plan should name the 'Welsh Government funded employment schemes' which will promote their services directly to refugees during 2018 (page 8). In addition, the Coalition would like clarity on what training named employment schemes (including JCP, Communities for Work & Business Wales) and agencies such as the DWP could receive to help them better support refugees into work and to better understand the specific challenges refugees face in gaining employment. It would also be helpful to acknowledge how realistic (or not) it is for refugees to work for the Welsh Government, given Civil Service nationality rules, and add some of this detail to the Plan, even if that is just a weblink to a clear explanation of the rules. Welsh Government also has a role to play in raising awareness among employers on the fact that refugees have the right to work as some employers perceive this as a risk and of making the business case for employing refugees.

5.9 Many refugees and asylum seekers arrive with a wealth of skills that should enable them to get a job. The delivery plan commits to ensure the Credit and Qualifications Framework for Wales is promoted to refugees and asylum seekers and service providers during 2018. Recognizing prior learning is a chronic problem across a broad range of professional academic and vocational skills and trades, so this will need a comprehensive communications strategy to fully explain how the framework can be used. Achieving this by 2018 appears somewhat optimistic and 'promoting' the framework doesn't go far enough – user-friendly resources and awareness sessions are required to ensure it is used as widely as possible by refugees and asylum seekers and organizations supporting them. Other migrants would also benefit from this, supporting them to contribute to Wales' economy. Additionally, the relationship between the Credit and Qualifications Framework for Wales and the support offered by NARIC needs to be clarified.

5.10 Although it is encouraging to see there is a refugee case study in Welsh Government's Employability Plan, there is no other detail on specialist employment support for refugees. The UNHCR/OECD 10-point plan for engaging with employers on the hiring of refugees has some excellent recommendations that Welsh Government and other stakeholders could take forward<sup>4</sup>. Welsh Government also have levers at their disposal to encourage employers to recruit refugee talent, for example, through procurement and grant giving mechanisms such as the Economic Contract and Community Benefits Toolkit or through its work with Anchor Companies – the Coalition would like to see these links made more explicit.

5.11 The Coalition welcomes a commitment to ensure that refugee women are encouraged to consider entrepreneurship opportunities. However, evidence from Oxfam Cymru's Sanctuary in Wales<sup>5</sup> project indicated that the Business Wales service was inaccessible to refugee women

<sup>4</sup> <http://www.unhcr.org/5adde9904>

<sup>5</sup> <https://policy-practice.oxfam.org.uk/publications/final-evaluation-sanctuary-in-wales-project-581107>

involved in the project. The generic advice and courses available on the website and on the phone were not adequate in providing the holistic support which refugees often require to get a sound grounding in the UK economy, local markets and opportunities as well as HMRC and employment law requirements which will likely be very different to the set-up in countries of origin. Additionally, Refugee women are particularly disadvantaged in terms of finding suitable employment for a variety of reasons including social and cultural barriers but also due to caring responsibilities and a lack of childcare. As such it is essential that Welsh Government works with partners to ensure gender-disaggregated monitoring, evaluation and assessment of all refugees in refugee employment programmes recognising that refugee women's experiences and needs are qualitatively different from those of men.

5.12 On the *Community Based Entrepreneurship Scheme*, the Coalition would like to see more detail on how incentives and support for refugee business owners to act as peer mentors.

5.13 On promoting financial inclusion for refugees and asylum seekers to avoid destitution, reduce or mitigate the impacts of poverty and improve living conditions for those on low incomes, it would be helpful if the described actions were specific about who Welsh Government was targeting to raise awareness of the appropriate strategies and plans and available support and how this will happen.

5.14 Beyond this general point, we welcome the focus on action to alleviate destitution, which can pose critical welfare and human rights issues for those seeking sanctuary – not least homelessness, poverty, mental and physical ill health. It is vital that Welsh Government support local authorities to be informed and equipped to identify and provide for the most vulnerable, in line with the Social Services and Wellbeing (Wales) Act 2014.

5.15 In addition, the Coalition urge Welsh Government to invest in a *Crisis Fund* or in capacity building Third Sector infrastructure to respond to destitution (as per Welsh Refugee Coalition's June 2018 proposal and ongoing discussions).

Key areas that urgently require investment that would make a significant impact are:

- I. Training in the relevant legal, risk assessment and safeguarding processes and skills so that the voluntary sector can advocate and progress cases more effectively and ensure that the public-sector acts in line with its statutory obligations
- II. Capacity building in provision of temporary shelter to allow destitute asylum seekers to progress their claims and reapply for public support – involving support for the training and recruitment of volunteers, identification of new housing options and developing a whole-system approach so that a range of voluntary and public agencies are equipped to address this issue
- III. Targeted support for para-legal advice on applications for extension of leave, fresh claims and section 4 applications, such as through Asylum Justice, so that cases are progressed promptly, and periods of destitution avoided or minimised.

5.16 In addition to investing in the above areas, the Coalition also urge Welsh Government, in its delivery plan to:

- I. Acknowledge that asylum support rates mean that individuals and families supported by the Home Office are living in poverty
- II. Assess the potential impacts the Immigration Act's 2014 & 2016, as well as forthcoming Immigration legislation will have on homelessness in Wales, present findings to the Home Office and seek funding to cover any costs arising in Wales because of UK legislation.

- III. Ensure revised health guidance acknowledges and fully addresses the needs of destitute asylum seeking, refugee and NRPF populations.
- IV. Use Welsh Government's position within the UK's devolved settlement to advocate on behalf of people seeking asylum and those with refugee status living in Wales, to highlight the challenges being faced, and to call for reforms to UK immigration and asylum policy. Changes to UK policy and practice that would have major impacts on poverty reduction in Wales include:
  - a) Regarding asylum support: introduce a timeframe for decisions on Section 4 support, apply existing policy and guidance consistently and continue support until decisions on appeals are made.
  - b) Make legal aid available for asylum support appeals.
  - c) Permission to work be granted to any person seeking asylum that has been waiting for longer than six months - the Home Office's standard target for asylum decisions – and that permission should no longer be restricted to jobs on the Government's Shortage Occupation List.
  - d) Home Office to consider destitution when making decisions on applying conditions to status - rather than assigning NRPF conditions and subsequently removing them.
  - e) An extension of the 'move on' period for new refugees to 56 days - reflecting the time it takes for refugees to access accommodation and financial support.
  - f) The rate of asylum support to be raised from its current level of 50% of job seekers allowance to at least 70%.
  - g) Ensure that local authorities, particularly social and homelessness services, in Wales are fairly and fully financially resourced to support people with NRPF (recognising their role as key stakeholders in a successful compliant migration environment).

5.17 The commitment to monitor the effect of recent welfare reforms, including the benefit cap and expansion of the Universal Credit 'full' service during 2018 to identify barriers for refugees is welcome, though the Coalition is disappointed that there is no commitment to tackle those barriers once they have been identified, a significant shortcoming which the Coalition would like to see addressed. The Coalition requests that that Welsh Government's commitment on this action be strengthened to 'Welsh Government commit to monitoring and seeking to mitigate any adverse effects of welfare reforms including the benefit cap and expansion of the Universal Credit 'full' service during 2018 to identify barriers for refugees'.

5.18 Underneath the action *work towards preventing refugees or asylum seekers becoming human trafficking or modern slavery victims*, the monitoring and reporting risks of trafficking and improving awareness and training in this area is beneficial for all asylum seekers and refugees, including children and young people. The Coalition strongly feels that this needs to include people with the NRPF condition and that, as in the last bullet point above, local authorities need to be supported financially to work with people with NRPF. This work includes:

- I. Identifying a lead officer with sufficient authority and influence to actively participate in the Wales NRPF network.
- II. Improving awareness, as well as up-to-date technical and practical knowledge within any local authority of destitution amongst asylum seeking, refugee and NRPF populations, to ensure support entitlements amongst these populations are fully understood and acted upon.
- III. Ensuring Social Services departments and homelessness services that respond to referrals, undertake assessments of vulnerability and risk and offer required support in a timely manner in line with Housing (Wales) Act 2014 and Social Services and Well-being Act 2014 requirements.
- IV. Developing a common recording system across local authority departments to capture consistent data across time and locations (e.g. on numbers of people supported, needs of

those supported, legislation used to support, cost and length of support and case resolutions).

- V. Developing a system for capturing the costs of supporting NRPF cases.
- VI. Ensuring that asylum seeking, refugee and NRPF populations are acknowledged and their needs addressed at local / regional homelessness local authority fora.
- VII. Ensuring homelessness provision within any local authority is culturally and gender appropriate and safe.
- VIII. Working in partnership with the health and voluntary sectors to tackle destitution.
- IX. Considering becoming a beacon authority of NRPF good practice and leadership in Wales.

5.19 In addition, Welsh Government's Code of Practice for Ethical Employment in Supply Chains should be mentioned in this section of the plan as a positive step public bodies, private businesses and third sector organisations can take to help eradicate unethical and unlawful employment practices. This Code of Practice should also form part of Welsh Government's Economic Contract. It should also be recognised that early intervention in the form of ESOL, education & skills, job readiness, confidence building, employment rights education and employment support are all key measures to help with integration and prevent refugees and asylum seekers becoming victims of human trafficking or modern-day slavery.

## **6. Healthy & Active**

6.1 *On ensuring barriers to healthcare for refugees and asylum seekers are reduced*, the Coalition is pleased to see that free health care will be maintained in Wales, including for people with NRPF and we welcome the consultation on health policy guidance. We urge Welsh Government to take full account of the HEAR research on health access by refugees and asylum seekers currently being led by Public Health Wales and Swansea University and to ensure that this research informs the forthcoming Practitioner Policy Guidance.

6.2 Whilst asylum seekers and refugees are currently supported at initial accommodation and at point of dispersal to access primary healthcare and health screening, those arriving under family reunification would not necessarily receive this structured support. We urge Welsh Government to review the support and access to services for families arriving under family reunification and develop work with agencies to ensure that they receive equality of access and support.

6.3 We also urge Welsh Government to ensure that the needs of asylum seekers and refugees are reflected in the new Isolation and Loneliness Strategy due in 2019.

6.4 The Coalition would like the delivery plan to provide clarity on the 'awareness training' mentioned in this section. The Coalition suggests this needs to ensure that the experiences of refugees and asylum seekers are sought and reflect improvements in this area.

6.5 In response to *creating the conditions for every child to have a healthy start in life*, the Coalition notes that there is likely to be a whole tranche of work needed under adverse childhood experiences (see ELGC evidence from psychologist in relation to UASC, but also for accompanied children, including those arriving through family reunification<sup>6</sup>). These experiences could have significant implications for mental health in later life and the Coalition would like to see a more robust commitment from Welsh Government than the 'consider the circumstances of refugee and asylum seeker children in relation to work on ACEs' currently detailed in the plan.

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<http://senedd.assembly.wales/documents/s500003171/RAS%2003%20-%20The%20British%20Psychological%20Society%20BPS.pdf>



6.6 The coalition strongly supports the recommendations of the recent Children's Committee report<sup>7</sup> on the step change needed in emotional and mental health support for children and young people in Wales. Although containing nothing specific to refugee and asylum-seeking children, we support the principles of early intervention and prevention and urge Welsh Government to consider refugee and asylum seeker children in its response.

6.7 *Re supporting refugee and asylum seeker participation in sport and physical activity*, this is welcomed by the Coalition, though the action is sparse on detail. The costs of participation need to be acknowledged and addressed and the action could benefit from having a lead organization identified. An option could be to work with local authorities to ensure facilities meet the needs of deprived populations, such as free outdoor facilities, supporting Park Lives programmes or widening access and information about Passport to Leisure.

## **7. Ambitious & Learning**

7.1 As highlighted in the introduction, we cannot emphasise enough the critical role of education and training from day one as cutting across many areas of this plan and as vital for integration and success. This means that funding is vital for quality ESOL, education, training and employment readiness services. Appropriate access to statutory (pre-16) services is of course important, though it is especially vital that barriers are removed to young people and adults accessing support.

7.2 *On ensuring access to independent counselling services for refugee and asylum-seeking children*, as already highlighted, for children and young people (including UASC), access to mental health and counselling support is the top priority for many. Based on recent experience by Tros Gynnal Plant, investment in interpretation is critical to the success of counselling and therefore the Coalition would like to see commitments to this reflected in the delivery plan. Also, without interpretation, many children and young people simply will not benefit from investment in counselling provision.

7.3 By way of background, Tros Gynnal Plant report that UASCs and the other vulnerable children and young people they work with between the ages of 11 and 25 often report low mood, anxiety or depression and in a few cases more complex mental health conditions as well as what's likely to be PTSD. Slow outcomes in immigration claims impacts negatively on mental health, as do disputed age assessments which conclude that a person is over 18 and result in a change of accommodation to a mixed household with adults. Currently, at least 3 young people waiting for an age assessment in Cardiff are in initial accommodation sharing rooms and say they feel unsafe and distressed. Many children and young people are bereaved and traumatized and report physical pains and headaches which appear to relate to their feeling of distress. On occasion, children and young people have reported that they have lost important items such as Arc cards, wallets or backpacks and attribute these losses to their 'head being confused' and their 'thoughts being jumbled'. There can be improvements once children and young people engage in appropriate support and in participatory activity, though for many their anxious or depressed mood returns regularly.

7.4 GPs need to be better equipped to assess the mental health needs of these children and young people. Some GPs appear unwilling to refer to CAMHS and unfortunately, even if a referral is made, individuals often face a lengthy wait for assessment and it seems there are no specific provisions for the kind of support needed. UASC are affected by local authority budgets allowing for less money to be allocated to therapy and instead only free locally sourced courses or counselling

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<sup>7</sup> <http://www.assembly.wales/laid%20documents/cr-ld11522/cr-ld11522-e.pdf>

accessed via schools or third sector providers (e.g. new Pathways, Mind or anxiety courses on skills-based programmes), which do not meet the needs of these children and young people.

7.5 Another barrier to accessing suitable therapy which needs acknowledging and addressing is the cost and availability of appropriate interpreters in cases where a child or young person doesn't possess sufficient English or Welsh to manage without it. Access to specialist mental health services need to be more readily available and accessible. Regular mental health checks should also be available as PTSD can take a period of time to arise.

7.6 Complementary activities such as resilience classes, yoga, mindfulness and sport play a role in good mental health, as do mentoring schemes. These should be considered important, though are no substitute for high quality, bespoke mental health support.

7.7 *On supporting and challenging Local Authorities and regional education consortia on actions they are taking directly, and through support to schools, to improve educational outcomes for all learners,* the Coalition is concerned about the threat to the MEAG (Minority Ethnic Achievement Grant) funding to local authorities. The foundation of integration for sanctuary seeking families is access to schooling for their children. As an example, the Ethnic Minority Achievement Unit (EMAU) at Swansea Council, funded by MEAG, is invaluable in providing support for learners and their families to achieve their potential at school, whether that be through language provision, specialised classes or advice and guidance. Swansea Council has already announced a consultation into significantly reducing the EMAU service as a direct result of the removal of MEAG funding and moving to a school-led approach. This raises alarm bells as the support available to ethnic minority learners will then depend on the commitment of each school to this issue and we know there are discrepancies amongst schools about how resources are prioritised.

7.8 *On exploring ways to raise take-up rates of the Foundation Phase early education entitlement by refugee and asylum-seeking families,* to add weight to the actions around Early Years provision, Welsh Government should commit to increase take up rates of the Foundation Phase early education entitlement by asylum seeker and refugee families, rather than encourage increased take-up rates. The Coalition would also like to see detail on how this could be achieved.

7.9 On the promotion of essential skills for refugees and asylum seekers to improve employability prospects, social cohesion and school attainment levels for children, the Coalition is disappointed that there is no additional funding for ESOL, though understand that Welsh Government has submitted a bid to the Home Office AMIF fund with a view to expanding ESOL and employability provision, to roll out the REACH programme beyond Cardiff to other dispersal areas in Wales. We welcome this bid and hope it is successful. Should it be successful we would urge an evaluation of the REACH model before either the ESOL policy for Wales is updated or prior to further roll out. Any such evaluation should include:

- a gender and age analysis of need and uptake
- the need for culturally appropriate provision and childcare facilities
- waiting times at different times of the year
- input from frontline agencies such as Oasis, Welsh Refugee Council and ACE
- the role of Adult Learning Wales and its ability to deliver accredited classes in communities with little or no ESOL infrastructure

7.10 Additionally, the existing work of Adult Learning Wales collaboratively with Cardiff and Vale College to develop flexible ESOL provision as part of the REACH project is referenced, though the Coalition would like to see a commitment to this ongoing collaboration.

7.11 Under the heading *promote awareness of apprenticeship opportunities with refugees to enable increased employment and learning opportunities*, the Coalition urges Welsh Government to consider ESOL plus, where individuals can study ESOL alongside a trade such as catering or plumbing. There are opportunities for this FE colleges dotted around Wales and examples to explore are formal courses available in Cardiff and emerging schemes such as those offered as Coleg y Cymoedd which is delivering a joint ESOL & carpentry course to SVPRS participants in Rhonda Cynon Taff.

7.12 On *increasing opportunities for refugees and asylum seekers to access further and higher education*, a key concern is the lack of teeth relating to this ambition. This is a crucial area of action that could truly support people seeking sanctuary to learn new skills, integrate and contribute to the Welsh economy. Resolving and widening access to higher and further education for asylum seeking children and young people is critical. Given the time the asylum process can take, which is years in some cases, young people moving through the asylum process should not have access to higher education barred to them. Even if their long-term future turns out not to be in Wales they should have a right to study here and appropriate financial help to sustain this. As well as personal benefits to themselves in terms of reaching their full potential and leading a prosperous and fulfilling life their contribution to University life for others in terms of diversity, equality and culture will be positive.

7.13 It is of concern that there appears to be no key organization to lead on this action. Due to the recent (January 2018) Section 10 changes on restrictions on the right to study, there needs to be a section of Welsh Government to keep a watching brief on Home Office policy, to ensure Welsh Government is fully able to exercise its devolved responsibilities. The Coalition would like to see Welsh Government reiterate its support for asylum seeking young people with the following statement included in the plan: "It is Welsh Government's policy that all asylum seekers should have the right to study in Wales as access to education plays a fundamental role in community cohesion and national prosperity" and for this to be supported with a clear lead with responsibility for making it a reality.

7.14 The Coalition welcomes the commitment to *explore possible changes to the Education Maintenance Allowance and Financial Contingency Fund to enable asylum seekers to be eligible from the September 2019 term, though we urge haste on this to enable students to benefit from this from September 2018.* Whenever introduced, this change will overcome many of the barriers to Further Education experienced by asylum seekers. University admissions teams should work with Further Education institutions to provide information, advice and guidance on the application process and financial support available to go to university.

7.15 On Higher Education, feedback from universities at the Sanctuary in Higher Education Working Group, currently coordinated by DPIA, is that this requires an approach adopted by HEFCW, similar to how the Buttle Quality Mark resulted in a sector-wide response for care leavers. This needs to include funding for scholarships or bursaries to enable asylum seekers in particular, to overcome the financial barriers to higher education. However, there is a wide range of things universities can do to be places of sanctuary for refugees and asylum seekers and these should all be considered by Welsh Government and HEFCW.

7.16 On the commitment to *work with the Higher Education Funding Council for Wales (HEFCW), Universities and their partners to audit and publish practice on supporting refugees and asylum seekers, it would be good to see a commitment to highlighting to universities that a major barrier to entering university is English / Welsh language competency.* Many forced migrants meet the academic requirements for entering university and, admirably, receive the same support as home students from the start point of a degree award. However, many individuals don't meet linguistic requirements, and this is a major barrier to study. At present, there is no financial support to

overcome this barrier. ALL universities in Wales run comprehensive pre-degree language programmes for international students from wealthy countries (e.g. Saudi, China, UAE) and thus, the frameworks are in place, but the high costs of entry onto these pre-university language courses prevent forced migrants from access. Schemes such as the University of Wales refugee sanctuary scheme<sup>8</sup> should be promoted to other universities. There is attraction to universities in this scheme also, since they can increase their student numbers without changing any existing support framework.

7.17 On education generally, support for global citizenship education is a useful way of making schools more welcoming to asylum-seeking and refugee children and to help mitigate and minimise instances of discrimination/racism on the part of children, teachers and parents. There are also specific resources available like the Schools of Sanctuary<sup>9</sup> resource that could be useful for schools to improve awareness and understanding of refugee issues amongst future generations, to embed welcoming and inclusive practices in schools and to promote community cohesion (especially in non-dispersal areas).

7.18 The development of the new curriculum in Wales offers an excellent opportunity to ensure that all children and young people are ethical, informed citizens who ‘respect the needs and rights of others, as members of a diverse society’ and are ‘healthy, confident individuals who ‘form positive relationships based on trust and mutual respect’.

7.19 *On supporting unaccompanied refugee and asylum-seeking children to ensure they have access to the advice and advocacy they need, the Coalition urges Welsh Government to cement the ‘Guardianship’ service in specific deadlines to ensure it progresses.* This is not a new commitment, though it has been slow to develop.

7.20 *On supporting unaccompanied refugee and asylum-seeking children to ensure they have access to the advice and advocacy they need, the Coalition urges Welsh Government to acknowledge that ARP funded provision is insufficient to meet required needs.* Tros Gynnal Plant’s ARP Advocacy Caseworker is working with the targeted number of young people, though anticipates that there is need in parts of Wales from which referrals are not currently received and referrals to assist with further education issues are expected as awareness around these issues increase. The number of age disputed cases continue to increase and forms the core of the advocate’s current caseload. Tros Gynnal Plant have concerns that in Cardiff, young people are not being given the benefit of the doubt in terms of age in age assessments and that they are in initial accommodation, in some cases for weeks, while waiting to be age assessed. Having sufficient legal advice to deal with age disputed cases has been a challenge with only one firm in Wales being identified by Tros Gynnal Plant as being suitable and willing to take these cases on. We request Welsh Government consider capacity and adequate resourcing when the ARP is reviewed.

7.21 We ask Welsh Government to ensure that all work to *gather the views and opinions of children and young people* is carried out in line with the National Participation Standards<sup>10</sup>. Further, any consultation with children and young people should adhere to National Participation Standards. Tros Gynnal Plant have in the past used child friendly consultation documents interactively with children and young people which have proved popular and helpful. Regarding the assessment indicating that face-to-face discussions are considered preferable due to low English language proficiency and lack of trust in Government institutions, Tros Gynnal Plant agree that is the case,

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<sup>8</sup> <https://www.southwales.ac.uk/study/fees-and-funding/undergraduate/undergraduate-home/usw-refugee-sanctuary-scheme/>

<sup>9</sup> <https://schools.cityofsanctuary.org/resources/>

<sup>10</sup> [http://www.youngwales.wales/images/ParticipationStandards\\_Poster\\_9.pdf](http://www.youngwales.wales/images/ParticipationStandards_Poster_9.pdf)

with many UASCs and many of the other vulnerable young asylum seekers they see. There are however, other asylum seeking and refugee children who have good English and can be accessed to take part in this consultation. Tros Gynnal Plant suggest a few sessions with the same children and young people, especially those with little or no previous experience of participatory engagement. Children and young people often work better with people they know and trust, especially when sensitive issues are involved. Introducing the concepts of participation and setting the scene so that the consultation makes sense takes some time before getting onto the subject matter of the consultation itself pays dividends. Time should be allowed for children and young people to ask questions and whenever possible set their own ground rules on how participation sessions run. Participatory methods used should also have regard to age and understanding.

7.22 *On supporting local authorities to ensure unaccompanied refugee and asylum-seeking children can be adequately looked after*, there is a clear need for appropriate skills training for professionals who are responsible for the care of and charged with making 'best interest' decisions for UASC. Welsh Government funded training for social workers and foster carers on age assessments is a positive step and will be welcomed by many social workers, as well as by the third sector. Other training around cultural awareness, issues experienced by UASC, immigration processes and the role and responsibilities of social workers in this area would be beneficial too. Approximately once a month, Tros Gynnal Plant experience social work teams and foster carers who are working with people seeking asylum for the first time or where they have had few previous cases. In some local authorities where they have had more experience with this cohort, but no specific training, there is an interest in training by both local authorities and by foster carers. In the past, some local authorities had specialist teams working with UASC, though now the practice of allocating children and young people to whichever social worker has capacity at the time. Some UASCs find it difficult and confusing to have a change of social worker within a couple of months of their initial involvement with children's services, especially if they have got on well with their Duty & Assessment Social Worker. Several UASC taking part in a recent Tros Gynnal Plant consultation workshop on Welsh Government's Delivery Plan expressed confusion about who does what and what a LAC Review is. They have no recollection of someone explaining what an advocate does or being offered one. The Coalition welcome the forthcoming Welsh Government factsheets being prepared for such young people (translated into all required languages) and professionals as an aid to helping life easier for UASC. The possibility of having a specialist UASC lead social worker within each local authority is something the Coalition would like to see explored.

7.23 The Coalition welcomes the commissioning of a re-draft of the Age Assessment toolkit to ensure it is fit-for-purpose and the involvement of third sector agencies in its review.

7.24 In relation to UASC, it is positive that *suitable accommodation is to be promoted and that looking for foster carers from refugee backgrounds be encouraged*. The Coalition would also like to see a commitment to working with the All Wales Heads of Children's Services and the National Fostering Framework Strategic Steering Group to explore ways in which fostering provision can be improved and responsive to the needs of asylum seeking children and young people. Listening to what children and young people say about their accommodation is the first step. Tros Gynnal Plant highlight that some foster placements do not provide the right nurturing environment for UASC and that children and young people are wary about making any type of complaint. They are generally respectful of all those involved in their care, though when trusted relationships are built, several children and young people have reported being cold and explained the heating only goes on in accommodation when visitors are coming. Others have stomach ache from eating western food and some report not being supported to visit a religious place of their choice or not being supported to visit friends or attend events with people from their communities. An additional issue is that a lack of sufficient suitable foster care placements results in children and young people being moved into

semi-independent living arrangements before they are ready. Although children and young people can find the constraints of foster care a challenge after the independence they have had on their journey to Wales, they lose out on the opportunity of being part of a nurturing household if foster placements are not available or appropriate. Communication around cultural issues which may be easily resolved can be one of a few issues which affect how well foster placements work.

## **8. United & Connected**

8.1 *On the provision of cohesion support around the widening of dispersal areas and the resettlement of refugees and fostering good relations between refugees and asylum seekers and wider society*, the Coalition notes the absence of reference to Welsh Government's Community Cohesion plan. We seek assurances that the ELGC inquiry recommendations relating to this plan to i) include a communications strategy that emphasises the benefits of immigration to Welsh society and dispels myths and inaccuracies about refugees and asylum seekers and ii) a Wales wide publicity campaign like the one undertaken in Scotland are included in this delivery plan. Welsh Government committed to updating the Community Cohesion plan by summer 2017 and so the Coalition is disappointed that this has not yet been achieved. In a letter to the First Minister<sup>11</sup> the ELGC Committee recommended that Welsh Government 'update the Community Cohesion Plan before summer 2018 to take account of recent rises in hate crime and new challenges to community cohesion in Wales' post Brexit.

8.2 We also urge Welsh Government to clarify the existence and role of Welsh Government's Asylum Seeker & Refugee Communications Group in the delivery plan. The Coalition urges Welsh Government to take a lead on positive communications around migration, as well as continuing its role of facilitating coordination between communications campaigns led by the third sector. The Coalition also urges asylum seeker and refugee participation in Welsh Government's Communication's Group.

8.3 *On the commitment to provide coordination and leadership in relation to the resettlement and integration of refugees and asylum seekers in Wales*, the Coalition would like to see reference to a workplan for both the Taskforce and Operation's Board, as well as accompanying commitments to monitor & evaluate these workplans.

8.4 *On the promotion and understanding of Welsh culture and heritage to refugees and asylum seekers*, the Coalition would like to see cultural exchange and learning as a 2-way process. Native and relatively new populations have a lot to share and learn from each other – we'd like to see this recognised and embraced by the delivery plan.

8.5 *On endeavour to provide equal access to the internet for refugees and asylum seekers in Wales*, Tros Gynnal Plant highlight that a lack of laptops or Wi-Fi in semi-independent living accommodation is an issue for UASC, as well as other children and young people. The lack of these provisions impedes children and young people progressing in education and being able to do homework. Most teenagers in Wales have access to these facilities in their own homes. Accessing a local library or alternative public building is not always easy for a variety of reasons. The Coalition requests that provision be made for UASC to have laptop and Wi-Fi in semi-independent living spaces.

8.6 The Coalition is aware that some local authorities are beginning to look at developing exit strategies for their SRVPS. We are mindful that many local authorities who have welcomed families

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<http://senedd.assembly.wales/documents/s73986/Letter%20from%20the%20Chair%20of%20the%20External%20Affairs%20and%20Additional%20Legislation%20Committee%205%20April%202018.pdf#>

are non-dispersal areas, which is a fact we commend and welcome, however this also means that they lack many of the support structures that exist within dispersal areas available to the families once SRVPS support ends. The Coalition wonders whether Welsh Government has a role in supporting local authorities to develop effective exit strategies for SVPRS families. The Coalition would like to see Welsh Government work with local authorities to ensure that effective strategies are put in place, impact is evaluated, and good practice shared. We would like to see Welsh Government continuing to work with stakeholders across Wales, so that we play a full role in refugee resettlement schemes such as the SVPRS as part of a commitment to global responsibility.

**9. We want to ensure that other organisations and communities across Wales take action to support the concept of Wales as a ‘Nation of Sanctuary’. How can we best work with others to achieve this?**

9.1 Welsh Government’s plan should remain solely your responsibility so that Welsh Government can be held to account for the commitments within it. However, some changes that are needed cannot be delivered without support of other sectors, and this level of detail cannot be covered within Welsh Government’s plan. Other sectors should therefore be encouraged to develop ‘Nation of Sanctuary’ plans, which may be much shorter and certainly more focused, covering their areas of responsibility (e.g. especially Local Authorities, HEFCW on HE, PHW on Health, WCVA on Volunteering). These plans should be Welsh-specific but can learn from Welsh Government’s strong statements on UK policy which impacts their area of work. Welsh Government should exercise its authority wherever possible to make these sector-specific plans obligatory and implement reporting regimes so that progress can be tracked pan-Wales.

**10. Our aim is that everyone will have the opportunity to reach their full potential and lead a healthy, prosperous and fulfilling life, enabling them to participate fully in their communities and contribute to the future economic success of Wales. How can we better achieve this for refugees and asylum seekers?**

10.1 It must be highlighted that this aim will be difficult, if not impossible to achieve without revision of the removal of MEAG (Minority Ethnic Achievement Grant) funding to local authorities, as highlighted above. The foundation of integration for sanctuary seeking families is access to schooling for their children and support for parents and young people to enter the workforce.

10.2 Many of the elements of this delivery plan reference a mentoring scheme of one kind or another. Experience of the Welcome to Swansea project, a partnership between DPIA and Swansea City of Sanctuary, is that the management of these needs to be funded. The investment required is not large – one full-time post will support over 100 people a year and supervise up to 50 volunteers – but feedback from those involved in the current scheme has told us that without any staff support, the mentoring scheme simply cannot run. Therefore, the action to ‘encourage existing refugee entrepreneurs to act as mentors for new-start refugee businesses’ will not get off the ground without some form of funded resource.

10.3 Crucial to achieving this aim is community cohesion. There needs to be a greater, and consistent understanding amongst the community about asylum and refugee issues. This should include promotion of the Schools of Sanctuary programme, which will help prevent bullying, rather than tackling it when it does occur. The contribution of asylum seeker and refugee volunteers should be promoted by Welsh Government as part of its communications strategy. Equally important to the communications strategy is encouraging everyone to play their part and promotion of the valuable work of community groups.

10.4 We also believe that Welsh Government has a role to play in positively influencing the debate around refugees and asylum seekers at a UK level. Welsh Government’s ‘Nation of Sanctuary’ approach is in stark contrast to the UK Government hostile environment and we believe that the

humanitarian approach adopted by Wales delivers better outcomes for people, communities and the country. It is essential that the Welsh Government uses best practice from Wales to help change the debate at a UK level.

10.5 Refugees and asylum seekers must be supported not only to report Hate Crime but also to recover from it.

**11. We want everyone to live in a home that meets their needs and supports a healthy, successful and prosperous life. How can we better achieve this for refugees and asylum seekers?**

11.1 In addition to the details outlined in previous sections, the possibility of a mentor for young adults in dispersed accommodation is beneficial for many of the young people Tros Gynnal Plant work with, who often feel isolated and, in many cases, desperate about their situation.

**12. We want the Welsh social care sector to support people to lead independent lives. How can we better achieve this for refugees and asylum seekers?**

12.1 In Swansea, the Health of Homeless and Vulnerable Groups Steering Group meetings are very useful and contribute to a well-joined up approach to health and social care. These should be made obligatory in all dispersal areas and their remit to include asylum seeking, refugee and NRPF populations. This should be a clear action under ‘establish mechanisms to promote sharing of good practice for the improved health outcomes of refugee and asylum seeker communities’.

12.2 Awareness training for staff in the health and social care sectors on the rights and needs of people seeking asylum people, refugees and people with NRPF is vital to ensure they approach people sensitively and with confidence. The Coalition would like Welsh Government to either make it compulsory or incentivize local health boards and local authorities to make asylum awareness and NRPF training available to all staff.

**13. We want to ensure that mental health problems are not a barrier to achieving potential in all areas of life. How can we better achieve this for refugees and asylum seekers?**

13.1 Welsh Government have acknowledged the value of volunteer and mentoring schemes in ‘combatting isolation and depression for those living in dispersed accommodation’. A commitment to rolling this out to the four dispersal areas would be very welcome. Where this is referenced again on page 23, it should be ‘asylum seekers and refugee mentors’.

**14. Every person should be equipped with the skills they need to get a job and the opportunity to develop new skills through their working life. How can we better achieve this for refugees and asylum seekers?**

14.1 It is vital to provide employment support and ESOL that can target the needs of a range of skilled adults - not least for those seeking professional roles where English language requirements can be high, learning from the successful programme to support doctors.

14.2 In addition to the detailed feedback on specific delivery plan action points outlined previously, Digital Communities Wales are refreshing their Train the Trainer toolkit for people working with sanctuary seekers, though the funding to deliver the training is coming to an end in the next year. This toolkit could be referenced here, with a commitment to support its wider roll-out.

14.3 For children and young people, funding could be made available to learn new skills in fun ways, in the community and with other young people. For those not able to access employment, volunteering opportunities and work experience is critical to integration and positive mental health. Projects like the Sanctuary in Newport offer activities and outings with under 18s to enhance wellbeing and in some cases, contribute to the learning of new skills. EYST In Swansea have projects



which also teach important skills. Tros Gynnal Plant's Participation aims to help with the development of skills over time. More funding and initiatives like these are needed in other areas.

**15. Can you identify any additional effects of this document (positive or adverse) on the Welsh Language, Equality or Children's Rights? To assist with this you will need to refer to the Welsh Language, Equality and Child Rights impact assessments which accompany this questionnaire. Please explain your view and any suggestions for how the document could be revised so that positive effects could be increased, and negative effects mitigated**

15.1 With regard to focus group consultation with UASC referred to on page 3 of the Children's Impact Assessment, it says that 'specific consultation question is to be included in the consultation about the most appropriate and beneficial way of communicating with Refugees and Asylum Seekers, including children and young people'. There doesn't appear to be a question of this kind in the and the Coalition would like this shortcoming addressed.

15.2 The Coalition is disappointed that there is no child friendly version or citizen/person friendly version which of consultation documents that people could access independently.

**16. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.**

16.1 The Coalition remains deeply disappointed that the Welsh Government rejected recommendation 6 of the ELGC's report 'I used to be someone', which called for **extending concessionary transport schemes** to refugees and asylum seekers to improve access to education, employment and volunteering opportunities. Cost of transport is a particular issue for asylum seekers living on asylum support rates, which are insufficient to cover bus travel. This is of huge detriment to social inclusion and community cohesion. In particular, for those children and young people Tros Gynnal Plant work with who are not eligible for a bus pass, this restricts access to sport and other activities and can add to issues of isolation and poor mental health. While Coalition partners continue to work on grant-funded projects and with local councils to address this issue where possible, the Coalition would like to impress upon Welsh Government the importance of this issue and urge them to reconsider its approach.

16.2 **Language barriers and issues around finding suitable interpreters** is a significant issue which many individuals and support agencies encounter. The WITTS Language service in Cardiff will only take bookings from Statutory Bodies and to alter this arrangement to include third sector agencies would require the agreement of the approximately twenty statutory agencies who signed up to use the service when it was initially set up. Alternative services are expensive and not always reliable or suitable. There is a wealth of language expertise in the sanctuary seeking community itself that is not currently used to its greatest advantage. The Coalition asks the Welsh Government to consider investing in a scheme that will allow public and third sector services to access that reservoir of interpreting talent. Options may include working with education providers to operate or subsidize a basic, accredited translation course for sanctuary seekers which would offer public and third sector organizations quality assurance when recruiting volunteers. There will be many organizations who would be interested in offering students experience in translation and interpreting which could contribute to a portfolio for assessment. Public sector organizations could be encouraged to identify such opportunities where volunteers can support services, resulting in a cost reduction for them. These savings could contribute to the cost of the translation course. Ultimately, this course could offer access to the labour market for interested refugees.

16.3 The Coalition are disappointed that the plan makes no reference or commitments to **family reunion**. There is little support available specifically for families being reunited under Family Reunion legislation, despite those joining the sponsoring refugee adult having protected characteristics, they themselves also being refugees, and predominantly being women and children. These families

require practical support to navigate and access complex systems such as housing, benefits, education and health. Reunion itself can be another transition crisis point at which they are at a higher risk of experiencing financial hardship and homelessness or severe overcrowding. These risks place additional strain on families at a critical time as they attempt to rebuild home together after what can be years of separation and disrupted family life. These outcomes are not inevitable and that by making some changes the experience of both family reunion and subsequent integration into Wales' communities would be improved. We ask that Welsh Government make a commitment within the plan to explore the needs of families being reunited with an intention to build on current practice and improve well-being and integration. This would support the Welsh Government's principle of *integration beginning on day one*.

**For further information, contact:**

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**Welsh Refugee Coalition members:**

1 day without us	Migrant Help
Aberystwyth University	Mind Cymru
African Community Centre	Novo Jibon
Amnesty Cardiff	Oasis Cardiff
Asylum Justice	Oxfam Cymru
Asylum Matters Project	Race Council Cymru
Barnardos	Race Equality First
Bethel Sanctuary Project	Refugee Info Bus
British Red Cross	Save the Children
Cardiff City of Sanctuary	SEWREC
Children in Wales	Share Dydd
Christian Aid	Share Tawe
Citizens Wales	Show Racism the Red Card
City of Sanctuary	Snap Cymru
Colwyn Bay Amnesty Group	Space4U
Community Housing Cymru	Swansea City of Sanctuary
Croeso Penarth	Swansea University
Croeso Teifi	Syria Association in Wales
Diverse Cymru	Tai Pawb
DPIA	TCC
Evangelical Alliance	The Equality and Human Rights Commission
EYST	The Gap
Focal Point Merthyr Tydfil	Trinity Centre
Hay Brecon & Talgarth Sanctuary for Refugees	Tros Gynnal Plant
Henna Foundation	WCIA
Hope not Hate Cymru	Welsh Refugee Council
Mental Health Foundation	Women Connect First
Mid Wales Refugee Action	

Mae cyfyngiadau ar y ddogfen hon