

Inquiry into the future of equality and human rights in Wales

As Older People's Commissioner for Wales I welcome the opportunity to contribute to this early stage of the Inquiry. One of my statutory functions is to see the elimination of discrimination against older people in Wales and I am firmly committed to the human rights of older people to ensure that Wales is a good place to grow older, not just for some but for everyone.

I also provided a response to the Commission on Devolution in Wales and made it clear that I strongly support a distinct equality and human rights agenda in Wales. The policy context as it relates to older people in Wales is increasingly different to that of the rest of the UK, for example, in our health and social care provision and our approach to adult protection.

I am currently leading work to advise the Welsh Government on a Declaration of Rights for Older People in Wales. One reason I am doing this is so that rights for older people are established and upheld in a way that is closer to the Welsh people, i.e. in a national, rather than UK or international, context. In the same vein, I believe that equality and human rights should be 'brought home' to the Welsh people and the National Assembly should be given powers to build on equality and human rights legislation, including the Equality Act 2010 and the Human Rights Act 1998. The Assembly should also be given full primary legislative competence in relation to the Public Sector Equality Duty.

How well the specific public sector equality duties are functioning in Wales

It is too soon to make definitive comment on this – the duties have been functioning for just one year and public bodies are not obliged to publish their reports for 2012-13 until the end of March 2014.

I have conducted some early work to assess the Strategic Equality Plans of several public bodies in respect of their objectives around the protected characteristic of age. Plans are generally weak in relation to age, and I

believe there is much more to be done to educate and raise awareness of how to approach engagement and consultation, equality impact assessment, and the setting of equality objectives. I have already set out guidance for local health boards in respect of this and will be carrying out further work in order to promote good practice in relation to equality, human rights and older people.

Action in response to the requirements of the specific duties needs more time to become embedded in organisations before firm conclusions are reached as to how those duties are helping public bodies fulfil the general Public Sector Equality Duty.

The Equality and Human Rights Commission in Wales

It would seem sensible, if the National Assembly is given enhanced powers for equality and human rights legislation, that the Assembly also be given competence to strengthen its relationship with the EHRC and for the EHRC in Wales to reflect Wales' priorities for equality and human rights, tailoring its activity to the devolved and distinctive context in Wales.

The link between poverty and equality and the socio-economic duty

110,000 older people in Wales live in poverty and much of that poverty can be linked to socio-economic disadvantage. Socio-economic factors can have long-lasting impact on families, affecting all generations and leading to inequality in physical and mental health, housing, education, employment, financial capability, life expectancy and overall quality of life. The cost of socio-economic inequality and poverty also impacts Welsh society as a whole. Socio-economic deprivation can compound other inequalities, such as discrimination on the basis of age, race, gender or disability.

I would strongly encourage the Committee to explore in more detail how the socio-economic duty could be introduced in Wales through further devolved powers and I would also be keen to see evidence on how such a duty would tackle the poverty and disadvantage experienced by older people.

Accountability for equality and human rights legislation in Wales

Parliamentary legislation on equality can provide minimum standards for the UK, but it is my view that it is in the interests of the people of Wales that Wales should be able to amend and enhance UK legislation with

additional measures that reflect the devolved context. This would ensure that the legislation is tailored to the values, policy context and demography of Wales.

There is a precedent for this already in the Northern Ireland Act 1998 which introduced a public sector duty to promote equality that was a significant pre-cursor to the public sector duties introduced elsewhere in the UK. The Northern Ireland duty included protected grounds appropriate to the national context, such as political opinion.

Wales takes seriously its duty to ensure that legislation is compatible with the European Convention on Human Rights and has taken opportunities to build human rights principles into the Welsh legislative framework, e.g. by incorporating the UN Convention on the Rights of the Child into legislation and by requiring the Older People's Commissioner to have regard to the UN Principles for Older Persons. The specific equality duties in Wales are stronger than elsewhere in the UK and I welcome this.

However, the Government of Wales Act 2006 does not explicitly include equality and human rights in the twenty broad devolved areas and competence in this area needs to be increased so that Wales can continue to develop its distinctive approach to equality and human rights. It is also crucial that Welsh public bodies are accountable to the Welsh Government and the elected representatives of the Welsh people in the National Assembly for their delivery on equality and human rights objectives.

The future of equality and human rights is of great importance to me as Older People's Commissioner because older people in Wales struggle to have their basic rights recognised and upheld, and they need service providers, government and elected representatives to act so that this can happen. I welcome the opportunity to give oral evidence to the Committee in due course.

Yours sincerely,



Sarah Rochira
Older People's Commissioner for Wales