

HR31

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: Anabledd Cymru

Response from: Disability Wales

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.