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Equality and
Human Rights
Commission

Jenny Rathbone MS

Chair, Equality and Social Justice
Committee

Senedd Cymru

Sent by email only

Our ref: 20241128 RathboneJ

Thursday 28 November 2024

Dear Jenny,

Strengthening and Advancing Equality and Human Rights in Wales

I write in response to your letter of 15 October, following the evidence session on the Strengthening and advancing equality and human rights in Wales report. The Committee sought an update on collaboration between the Commission and the Welsh Government to promote human rights.

I attach a briefing which sets out our role as an A-status National Human Rights Institution, our work with the Welsh Government, and actions we have taken to promote human rights since the publication of the report.

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

The Commission welcomes correspondence in Welsh or English.

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I hope the Committee will find the briefing useful. Should you or Committee members have any further questions please do not hesitate to contact us.

Yours sincerely,

Ruth Coombs
Head of Wales

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Briefing for the Senedd's Equality and Social Justice Committee

The Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) is an independent statutory body and A-status National Human Rights Institution. It has a mandate covering equality in Great Britain, human rights in England and Wales, and human rights in Scotland for issues reserved to the UK Parliament.

As an A-status National Human Rights Institution (NHRI) we are assessed against the [Paris Principles](#). They require NHRIs to:

- To be competent to promote and protect human rights
- To have a broad, clear constitutional and legislative mandate
- To submit advice on human rights issues to government and Parliament
- To cooperate with the United Nations and other international organisations to protect and promote human rights
- To promote education of human rights in schools, universities and professional circles
- To combat all forms of discrimination by increasing public awareness of human rights
- To ensure plural representation in its appointments
- To have adequate funding
- To be independent in its decision-making and operation

The Commission was last re-accredited as an A-status NHRI in May 2024.

Collaboration with, and advice to the Welsh Government to promote human rights

The Equality Act 2006 places duties on the Commission to provide advice to governments on equality and human rights enactments.¹

Since the publication of the Strengthening and advancing equality and human rights in Wales report (SAEHR) and commitments made in the Programme for Government, the Commission has been working with the Welsh Government as an observer on its Human Rights Advisory Group and Legislative Options Working Group. We have provided advice on taking forward the recommendations of the SAHER, in particular advising on steps to incorporate international human rights treaties into Welsh domestic legislation. The Commission supports the incorporating of international human rights treaties into domestic law, which would promote and strengthen human rights protections for people in Wales.

We have collaborated with the Welsh Government and partners on the development 'a statement of commitment to human rights' for Welsh public services. Additionally, we have committed to provide further advice to the Welsh Government on key principles for a human rights-based approach, which would underpin the statement.

Following the enactment of the Socio-economic duty by the Senedd in 2021, we collaborated with the Welsh Government and the Future Generations Commissioner on guidance for public bodies. The Mapping the duties guidance was prepared to support public bodies to consider the opportunities of applying the socio-economic duty, the public sector equality duty and the wellbeing duties in an aligned way.² The realisation of socio-economic rights, protection from discrimination and the wellbeing duties, and the sustainable development principles have important roles to play in the fulfilment of human rights.

As part of the process for finalising our reports to the UN on the UK's compliance with its international obligations, Welsh Government officials provide a factual check of our reports. This ensures that the information provided to the UN is accurate and robust.

¹ [Equality Act 2006, section 11](#) [accessed 22 November 2024]

² [A more equal Wales: Mapping the duties \(2021\)](#) [accessed 22 November 2024]

Our work to promote and protect human rights

The Commission has a statutory duty to promote understanding and protection of human rights and to encourage good practice.³ We fulfil this duty in a number of ways.

Human Rights Tracker

Our [Human Rights Tracker](#) is a searchable online tool to track how well the UK is putting its human rights duties into practice. The tracker contains all the most recent recommendations made to the UK by the UN treaty bodies and the Universal Periodic Review (UPR). It allows parliamentarians, civil society and the public to search by [UK](#) and [Wales](#) so you can see which government is responsible for implementing the recommendations and the progress they are making to fulfil their international obligations.

As part of this work, we provide free training sessions to introduce civil society organisations to the UK's international human rights obligations and demonstrate how to use the Human Rights Tracker.

We have trained a number of Welsh Government officials on the Human Rights Tracker.

Capacity building work

Ensuring a vibrant, strong civil society is recognised in a number of human rights treaties. Through our capacity building work, we help civil society organisations to understand their rights and support them to engage with UN human rights processes as a means of asserting those rights.

Since 2021 we have provided funding for civil society organisations to produce shadow reports to inform UN Committee examinations of the UK and Welsh Governments on a number of treaties including the:

- Convention on the Elimination of all forms of Racial Discrimination (CERD) – Race Equality First
- Convention on the Rights of Disabled People (CRPD) – Disability Wales
- International Covenant on Economic, Social and Cultural Rights (ICESCR) – Just Fair

³ [Equality Act 2006](#), section 9 [accessed 22 November 2024]

We have provided funding for organisations to travel to and engage with the UN examinations including:

- Convention on the Rights of the Child (CRC) – Children in Wales
- Convention on the Rights of Disabled People (CRPD) – UK coalition of Disabled People’s Organisations including Disability Wales

UN treaty monitoring

As the A-status NHRI for England and Wales we have a responsibility to promote the effective implementation of the human rights treaties the UK as the state party has ratified.

Our human rights monitoring work includes providing advice to the UK and Welsh governments and to stakeholders to ensure that human rights breaches are prevented and challenged. We engage with international human rights reviews, including submitting independent reports on implementation of treaty obligations in the UK.

Since 2021, we have submitted reports to the UN on the following international treaties:

- [Convention on the Elimination of all forms of Racial Discrimination \(CERD\)](#)
- [International Covenant of Civil and Political Rights \(ICCPR\)](#)
- [International Covenant of Economic, Social and Cultural Rights \(ICESCR\)](#)
- [Convention on the Rights of the Child \(CRC\)](#)
- [Convention on the Rights of Disabled People \(CRPD\)](#)

Reporting on progress on equality and human rights

Reporting on progress in protecting equality and human rights is a statutory duty for the Commission.⁴ In 2023 we published our [Equality and Human Rights Monitor: Is Wales Fairer report](#).

This report provides an evidence-based overview of progress on equality and human rights in Wales. It is organised by the protected characteristics established in the Equality Act 2010. It also contains a chapter focused on key priority areas including human rights, socio-economic status and the Welsh language.

⁴ [Equality Act 2006](#), section 12

We have engaged extensively with stakeholders across Wales to highlight the key findings and encourage action on the inequalities and human rights issues highlighted by the report.

Advising government and the Senedd on human rights

In fulfilling our statutory duty to provide advice to governments and parliaments we regularly provide expert advice to the Senedd and the Welsh Government on human rights and the international human rights framework, through:

- submissions to Committee inquiries
- responding to Government consultations
- briefings for Senedd Members
- sharing information with Senedd Research Service

Recent examples include giving advice on the human rights framework to the Senedd Children and Young People's Committee inquiry into education access for disabled children. Following our advice the Committee announced that its inquiry would use the UNCRC and UNCRPD as a frame of reference.

In 2023, we submitted evidence to both the Welsh Government and the Senedd Equality and Social Justice Committee on the draft Child Poverty Strategy. We highlighted the need to strengthen the strategy's alignment with the Welsh Government's obligations under the UNCRC, and the recent concluding observations of the UN Committee.