

HR 12

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: WEN Wales

Response from: WEN Wales

WEN Wales is a representative women's network<sup>1</sup> and human rights organisation working to influence policy-making and empower women to achieve equal status in corporate and civil life. Our charitable objects are to promote equality and human rights with specific reference to women and gender equality in Wales.

We would like to submit the following response based on our experience as an organisation working in this area and the information which members have shared with us in answer to our own call for evidence in relation to this inquiry. We have focused specifically on the human rights of women and girls in Wales, but many of the points made are more broadly applicable.

## **1. The impact of the UK's withdrawal from European Union on human rights protection in Wales**

1.1. WEN Wales will be working to ensure that women's voices are included in the decision-making process following the outcome of the EU Referendum. You can read our full [position statement here](#). As discussed in our response to the External Affairs and Additional Legislation Committee's consultation on the implications for Wales of Britain exiting the European Union, WEN Wales wants the National Assembly for Wales to commit to resisting any weakening of human rights protections following the UK's departure from the EU. We are concerned with three areas in particular:

i. The EU has guaranteed standards for women's rights that are reflected in current UK legislation. We appreciate that EU Directives won't immediately

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<sup>1</sup> Over 800 individual members and 150 organisational members, including women's rights and allied organisations from across the third sector, academia, international and national NGOs

disappear from legislation following the UK's departure from the EU, but there is a risk that, over time, rights could be rolled back because their continuance in legislation will depend on the political will of future governments. A number of key protections are either derived from, or guaranteed by, European law, e.g., maternity discrimination, maternity rights, equal pay, pension rights, part-time workers rights and the application of European discrimination law to all employers without exception. We are concerned that discrimination legislation which has been implemented via secondary legislation, e.g., maternity and parental leave regulations (1999) could be easier to repeal than primary legislation and could therefore be particularly vulnerable to being rolled back.

- ii. EU membership also ensures that women are protected across and within borders from domestic violence and the EU has provided significant amounts of funding for women's services e.g., Daphne Programme. Work on tackling Female Genital Mutilation (FGM) and trafficking (for sexual exploitation or forced labour) also requires co-operation across borders and it is vital that this co-operation continues following our departure from the EU. We would recommend that the Welsh Government consult further with our members who work on these issues (e.g., BAWSO, Safer Wales, Welsh Women's Aid).
- iii. We are also concerned by the lack of clarity about whether the EU Charter of Fundamental Rights will be included in the "Great Repeal Bill" and we would ask the National Assembly to seek clarity of this point from UK Government. We also need clarity on the UK's membership of the European Convention of Human Rights and whether previous case law from the Court of Justice of the European Union (CJEU) will continue to apply and UK citizens will have access to the CJEU. The Prime Minister has made it clear that she will campaign to leave the Convention which would mean that the UK is no longer bound by the CJEU.

1.2. The majority of the respondents to our call for evidence were of the view that leaving the EU could have a negative impact on women's rights in Wales, e.g., *"I feel that there will be no one to oversee our rights and our government's actions"* and *"It is of very serious concern for women, disabled individuals and ethnic minorities."* This view was based on concerns about the EU's current role in guaranteeing certain rights protections, especially in relation to employment legislation and the possible rolling back of these rights once EU oversight has been removed. Respondents referred to the role of the EU as "double protection" or a "safety net". Our organisational members at Fair Treatment for the Women of Wales (FTWW) have informed us that the consensus within their network is that "leaving the EU could indeed have potentially negative impacts for women in Wales". Again, the concern is that rights put into place by the EU could be "eroded" or "diluted". A number of respondents view UK Government as being against human rights legislation and said that minority women (e.g., disabled women, migrant women) could be particularly affected by changes. Several respondents were unsure about the possible impact of leaving the EU and some did not think that leaving the EU will have a negative impact because, they argued, the UK has led on human rights legislation in the past and is unlikely to dismantle protections in future. A selection of quotes from our members in response to this question is included below.

"Yes, if the UK Gov't follows through on its intention to resile from the EU Human Rights Convention and develop a UK Bill of Rights. Currently there is a Private Member's Bill seeking to ratify the Istanbul Convention (European Council, not EU) on VAW since the UK has failed to do so far."

"I am very worried about many of women's hard won human rights being removed when we leave the EU. Things such as maternity pay and leave, equal pay. Women are currently being exploited and discriminated against in the workplace with the current human rights laws, so goodness knows

would will happen if these laws are downgraded. Many very able and educated women are being forced out of senior roles because employers are not flexible enough to accommodate those with childcare or other caring responsibilities. This has a massive impact on society in terms of reducing the economic contribution women can give and also have a diverse workforce which is good for business.”

“I am terrified about the impact on human rights of leaving the EU. I feel that currently there is a safety net which affords an additional level of protection, regardless of the actions of the government of the day. I also see the EU as enabling best practice – eg taking ideas from other countries such as Sweden and encouraging their more widespread adoption, in addition to sharing best practice from the UK.”

“Bendant. Credaf byddai hawliau dynol yn fwy diogel gyda'r UE na'r DU.”

“Possibly. However political changes such as Brexit are shrouded in such complexities of rhetoric and disillusionment with those who run the country that who can tell what the future holds? Many many people do not trust any politician these days.”

“It should not have any affect or effect, but with everything we need to ensure it doesn't have an impact.”

“No, it was UK law that first introduced maternity legislation and I don't think the government will reduce other rights that have come out of EU law e.g for part time women to”.

“No, I don't think it would. My only concern might be that a 'common sense' approach could bring with it more inequality for women from minority backgrounds.”

## 2. The impact of the UK Government's proposal to repeal the Human Rights Act 1998 and replace it with a UK Bill of Rights

- 2.1. As a Human Rights based organisation, WEN Wales would be extremely concerned by any proposals to repeal the Human Rights Act (1988) and replace it with a UK Bill of Rights and the potential impact that such a change could have in Wales. Repealing the Human Rights Act could lead to years of legal confusion and division in the UK and send a message that, after playing a leading role in protecting human rights, the UK now intends to distance itself from recognised international standards. It is difficult to comment without any more detail at this stage, but if this proposal does become concrete, at the very least, WEN Wales will be calling for no weakening of human rights protections and a full, meaningful consultation with the people of Wales.

Responses to our call for evidence presented a range of views on this question. Again, the majority expressed concern, some simply because they disagree with the proposal to repeal the Human Rights Act ("*Undemocratic and of serious concern*") and others because they are concerned about whether people in Wales will be properly consulted and have a say on any new legislation. One respondent cited the example of the USA which has a Bill of Rights. I have included the full quotation here:

"Definitely a retrogressive move. The USA, which has a Bill of Rights, empowers its women far less than provided for under the UN Convention which it has not ratified. This has contributed to such comparative statistics with the UK as higher overall mortality rates (All causes, Communicable & other group, Non-communicable disease and injuries), a less favourable Gender Inequalities Index (GII = Gender Inequality Index – A composite measure reflecting inequality in achievement between women and men in three dimensions: reproductive health, empowerment and the labour market.), a lower proportion of women in 'parliament' and a lower proportion of women as public leaders. These disadvantages are underlined each year at

*CSW. A UK Bill of Rights could significantly affect all these indices if we water down the rights under the UN Convention and thus the EU legislation.*

Other respondents said they didn't know enough about the issues to be able to comment. E.g., *"I don't know alot about it but it sounds something we need proper information about"*. This suggests the need for more awareness raising in Wales to ensure that people fully understand the implications if this proposal is taken forward by UK Government. Two respondents said this could be positive development ("I think this is an excellent proposal and will take account, of what is needed in Wales and the UK." A selection of quotes is included below.

It depends how the people of the U.K. are consulted and involved in the changes. If the changes are made by a bunch of suited and privileged people rather than those people who's human rights are not upheld (homeless people, children left in abusive families and then shunted round the care system, the elderly and the folks who work and earn just enough so that they don't get any help in any way who fall into the 'working poor' category etc) then these people's rights will never be considered.

Leaving the EU may prove that this is the only option for the UK Government. If so, it should be done openly and democratically, with plenty of time and huge publicity for people to be able to read, contribute to, debate and ensure that everything within the Human Rights Act 1988 is safeguarded. Even including the potential to add to the content.

I think the Welsh MP's and Welsh Assembly Members may well need to campaign to ensure the Bill corresponds with the International Law of Human Rights and scrutinise it thoroughly, perhaps also making recommendations where needed.

The government is already committing manslaughter through the DWP, while the act is in place. There won't be a substitute for the act just an 'end solution' for the undeserving and undesirables.

To ensue that human rights especially women's and girl's rights are maintained it is essential that organisations like WEN monitor the changes and petition the government body overseeing the changes.

I think this would be a backward step and would give less rights to women in Wales. I think this would mean an increase in exploitation of women, particularly women with childcare responsibilities who have to work part-time.

Trychinebus. Bydd hyn yn effeithio mewn ffordd andwyol iawn ar hawliau merched a dynion yng Nghymru. Mae angen cyfreithiau cadarn i warchod hawliau merched a byddai diddymu Deddf Hawliau Dynol yn gam mawr yn ôl.

“FTWW considers it potentially very dangerous when individual governments, with their various political agendas and priorities, have the power to create their own ‘version’ of what should be absolutes in terms of human rights”.

### **3. Public perceptions about human rights in Wales, in particular how understandable and relevant they are to Welsh people.**

- 3.1.** Based on our experience at WEN Wales, we are of the view that women in Wales care very much about their rights, but often lack awareness of the legislation and tools that protect them. For example, we have found low awareness of the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) among the women we have spoken to, but high levels of interest in learning more once they are made aware of the convention. Our recent CEDAW training for

organisations sold out within 48 hours. We are of the view that women in Wales would be empowered by having more access to information about their rights and this is especially vital in the current climate of uncertainty following the EU Referendum.

- 3.2. The majority of responses to this question tended towards the view that women in Wales do not have a thorough understanding of their human rights. The overall message was that women's knowledge and understanding of human rights is variable in Wales and depends on a number of factors, including social and educational privilege e.g, "*I don't think they understand them very well because we are not actively armed with the knowledge*". This was not generally ascribed to a lack of interest, but rather a lack of reliable information and accessible learning opportunities. For example, our members at FTWW said that their members "*do not necessarily have an in-depth understanding of human rights. Whilst they might have a general grasp of what those rights 'should' be, they lack detailed knowledge, particularly as those rights pertain to their circumstances*". A number of respondents commented that women are often too focussed on "survival" to increase their awareness of their rights. As one respondent said "Our human rights are relevant, but not always accessible". A number of respondents commented on the lack of education about human rights in schools, colleges and universities. Some were of the view that people tend to get their information from the media and this can create negative attitudes to human rights. A selection of quotes is included below:

Certainly, they do not seem to be covered in any great detail in schools as part of PSHE ... but it seems that Welsh education authorities do not routinely incorporate citizenship into their provision (FTWW).

The socio-economic situation in much of rural Wales (or, indeed, simply areas outside of Cardiff) is such that most girls and women in the region are focused purely on survival. Poverty, ill health, domestic abuse, lack of local infrastructure, are of significant and immediate concern to women in Wales (ironically making them even more in need of the protections afforded by human rights legislation). However, understandably, there is a perception that such things are theoretical / academic concepts, far-removed from the everyday reality of most Welsh women. (FTWW)

Fairly well although many extra pressures on women (maternity issues, childcare, working mothers having to juggle, pay inequalities etc) are not even questioned as its just assumed that there's nothing we can do and traditional women's roles are also just 'part of life'.

I do not think that women in Wales understand the importance of human rights in Wales nor the relevance to women and girls world wide. This is due to a lack of communication by those in power to explain fully the importance of women rights which also affect men and children

I think there is a percentage of women who understand it quite well, with a larger percentage not that interested until it affects them. The issue as I see it is that when our human rights are ignored or railroaded, it is a costly and stressful process to fight/protest for our human rights.

Not well at all. They have not been given the information about them through school or other education. This should be part of the national curriculum because they will experience discrimination just for being a women.

I think many women especially disabled women are not aware of their human rights; the European and International Law of Human Rights.

Social workers do not give disabled women or any disabled this information.

There is only a small proportion of women who are aware of their human rights and how they are protected by UN conventions, EU legislation and UK law. This has been evidenced through my work with the Soroptimists across Wales and my time as a trustee of the British Red Cross.

Our human rights are relevant but not always accessible to many and there are very few pathways free of cost and stress to implement them, this leaves women feeling isolated and often frightened. Sometimes creating illness that then saps their strength to fight for their human rights.

Yn gyffredinol byswn ond mae gormod o enghreifftiau ble mae merched yn cael eu gormesu mewn gwahanol ffyrdd felly nid yw merched bob amser yn gweithredu ar eu hawliau.

No, many don't as they don't know what their human rights are. Ignorance plays a major factor here. I think an information pack should be provided to mothers on the birth of their first child at the very least. For me and I suspect many other women, most discrimination starts when you have children.

Awgrymaf bod hyn yn amrywio , gellid awgrymu bod gan rhai merched ddealltwriaeth dda o'u hawliau ac eraill hefo ychydig iawn, neu gall rhai fod yn ddi hyder ac felly heb yr hyder i weithredu ar yr hawliau hynny.

- 3.3. Our members at Fair Treatment for the Women of Wales (FTWW) have submitted an in-depth response based on the views of their members,

especially pertaining to health and reproductive rights for women and girls in Wales. Please see attached.

#### **4. Conclusion**

Based on the evidence submitted above, WEN Wales would call on the National Assembly and Welsh Government to:

- i. Make a firm commitment to resist any weakening of human rights protections following the UK's departure from the EU and ensure that women's voices are at the heart of decision-making in relation to any new arrangements created with the EU.
- ii. Demand a full and meaningful consultation with the people of Wales on any proposals to repeal the Human Rights Act and replace it with a British Bill of Rights
- iii. Take more action to raise awareness about human rights in Wales and, especially, increase education about human rights in schools and colleges.