

HR29

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: Ymddiriedolaeth Cydraddoldeb a deg yn unig

Response from: The Equality Trust and Just Fair

17 March 2017

**Joint Submission**  
**Inquiry into Human Rights in Wales**  
**Equality, Local Government and Communities Committee**  
**Cynulliad Cenedlaethol Cymru – National Assembly for Wales**

1. **The Equality Trust** works to improve the quality of life in the UK by reducing economic inequality. **Just Fair** works to realise a fairer and more just society by monitoring and advocating the protection of economic and social rights.
2. **The UK is one of the most economically unequal countries** in the developed world.<sup>1</sup> International evidence shows that inequality harms physical and mental health, self-esteem, happiness, sense of trust and civic participation, and that unequal societies have less social mobility and tend to have higher crime rates.<sup>2</sup>
3. The Equality and Human Rights Commission has documented that **Wales faces key challenges** in this regard, such as attainment gaps in schools, worrying child poverty rates, higher than average unemployment among young people, people with disabilities, ethnic minorities and Muslims, unequal access to justice, and inadequate mental health services.<sup>3</sup>
4. **Substantive equality is a matter of human rights.** Equality is of paramount importance for individual freedom and meaningful choice in a free society, and growing inequality within a country suggests that its government is not doing everything in its power to guarantee an adequate standard of living for all. Non-discrimination and equality are fundamental components of international human rights law and essential to the exercise and enjoyment of economic, social and cultural rights.<sup>4</sup> Socio-economic status is one of the forbidden grounds of discrimination: *“Individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping which can lead to the refusal of, or unequal access to, the same quality of education and health care as others, as well as the denial of or unequal access to public places”*.<sup>5</sup> In 2015, all countries pledged to ensure equal opportunity and reduce inequalities of outcome between and within countries.<sup>6</sup>

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<sup>1</sup> [OECD data](#).

<sup>2</sup> Find sources on The Equality Trust [website](#).

<sup>3</sup> Equality and Human Rights Commission, [Is Wales Fairer?](#) (2015).

<sup>4</sup> Article 2(2) of the [1966 International Covenant on Economic, Social and Cultural Rights](#), ratified by the United Kingdom in 1976.

<sup>5</sup> UN Committee on Economic, Social and Cultural Rights, [General Comment No. 20: Non-discrimination in economic, social and cultural rights](#) (2009), UN doc: E/C.12/GC/20, para. 35.

<sup>6</sup> [Sustainable Development Goal](#) No. 10.

5. The **exit from the European Union will pose a significant risk to equalities legislation and policies in the UK**, which in part derive from EU treaties, the 2000 EU Charter of Fundamental Rights, EU directives and the European Court of Justice. In this respect, Just Fair and The Equality Trust echo the recommendations recently made by the House of Commons Women and Equalities Committee; specifically, *“the Government needs to take active steps to embed equality into domestic law and policy [and] ensure that the same laws and rules apply after the UK is no longer a member of the EU as before it leaves”*.<sup>7</sup>
6. The new Wales Act 2017 gives a powerful tool to the Welsh Government to tackle socio-economic inequalities. **Section 45 of the Wales Act empowers the Welsh administration to commence the socio-economic equality duty of the Equality Act 2010 in Wales**. This duty requires public bodies *“when making decisions of a strategic nature about how to exercise [their] functions [to] have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage”* ([section 1](#)).
7. Despite being adopted in 2010, the UK Governments since then have refused to bring section 1 of the Equality Act into force. This refusal was criticised by the UN in 2016, which denounced that the Government was not doing everything within its power regarding non-discrimination in relation to economic and social rights.<sup>8</sup>
8. The Equality Trust and Just Fair urge the Equality, Local Government and Communities Committee of the National Assembly to **recommend the Welsh Government to bring section 1 of the Equality Act 2010 to life** in order to address inequalities of outcome and socio-economic disadvantage in Wales.

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<sup>7</sup> House of Commons Women and Equalities Committee, [Ensuring strong equalities legislation after the EU exit](#), HC 799 (February 2017), p. 3.

<sup>8</sup> UN Committee on Economic, Social and Cultural Rights, [Concluding Observations: UK](#) (2016), UN doc: E/C.12/GBR/CO/6, para. 22-23.