

September 2018

Equality and Human Rights Commission response to the Health, Social Care and Sport Committee's consultation on the draft Autism (Wales) Bill

The Equality and Human Rights Commission welcomes the Health, Social Care and Sport Committee's consultation on the Autism (Wales) Bill.

The draft Bill presents opportunities for the further protection and promotion of equality and human rights in Wales. Therefore, we support the Bill's development and are keen to offer advice during its legislative process.

During Paul Davies AM's previous consultation on the Bill, the Commission welcomed the Bill's reference to 'protecting and promoting rights'. We called for this commitment to be reflected by the face of the Bill and any following guidance making direct reference to human rights, such as the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

It is welcome that the Bill has been amended to reflect our submission, with the Bill now placing a duty on Welsh Ministers and any relevant body exercising functions under the Act to have due regard to the UN Principles for Older Persons, the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child. The conventions provide clear principles to ensure people's human rights are at the forefront of service delivery. The Committee's may wish to consider further how the Bill can ensure the protection of human rights for autistic people in Wales.

It is important that during the Bill's development due consideration is given to the protected characteristics (as set out in the Equality Act 2010) of autistic people. For example, evidence shows that a person's age, disability status or race can have an impact on their access to services, with inequalities likely to be multiplied when a person has multiple protected characteristics.

In addition, the Bill should be taken forward with the Equality Act 2010 and its Public Sector Equality Duty (PSED) provisions in mind. This duty places responsibilities on public bodies to promote equality and tackle discrimination. The Bill includes opportunities for public bodies to take forward work relevant to these aims. It is important that the requirements of the draft Bill and the PSED complement each other. For example, this is likely to be relevant in terms of reporting requirements and the lists of bodies covered by the different legislation.

About the Equality and Human Rights Commission

The Equality and Human Rights Commission (the Commission) is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. It contributes to making and keeping Britain a fair society in which everyone, regardless of background, has an equal opportunity to fulfil their potential. The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It encourages compliance with the Human Rights Act 1998 and is accredited by the UN as an 'A status' National Human Rights Institution. Find out more about the Commission's work at: www.equalityhumanrights.com.