

HR 13

Ymchwiliad i hawliau dynol yng Nghymru

Inquiry into Human Rights in Wales

Ymateb gan: Eglwysi Ynghyd yng Nghymru

Response from: Church together in Wales



Ymchwiliad i hawliau dynol yng Nghymru: Cyflwyniad i'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau gan Cytûn (Eglwysi Ynghyd yng Nghymru)

Mae Cytûn – Eglwysi Ynghyd yng Nghymru yn dwyn ynghyd 16 o'r prif enwadau Cristnogol yng Nghymru, a chanddynt ar y cyd ryw 172,000 o oedolion yn aelodau, a chyswllt ystyrion â miloedd yn rhagor o blant, pobl ifainc ac oedolion ym mhob cymuned yng Nghymru, ynghyd â nifer o fudiadau Cristnogol eraill. (Rhestr aelodaeth lawn: www.cytun.cymru/ni.html). Cyflwynir yr ymateb hwn yn dilyn ymgynghori gyda'n haelodau.

Fe fu Cytûn yn rhan o lunio ymateb Cyngor Gweithredu Gwirfoddol Cymru (WCVA) i'r ymchwiliad hwn ac rydym yn cefnogi yr holl sylwadau a waned yn y cyflwyniad hwnnw. Rydym am achub ar y cyfle hwn i gyflwyno i sylw'r Pwyllgor hefyd cynnwys cyflwyniad a wnaed gan Weithgor Cytûn am Gymru ac Ewrop i Gyd-Bwyllgor Hawliau Dynol Senedd y Deyrnas Unedig am yr agwedd gyntaf a agorir gan y Pwyllgor. Tynnwyd ambell sylw nad yw'n berthnasol i'r ymchwiliad hwn, ond fel arall fe gyflwynir y cyfan isod. Ymddiheurwn na fu modd trosi'r adrannau Saesneg i'r Gymraeg ar gyfer y cyflwyniad hwn.

Yr effaith ar y modd yr amddiffynnir hawliau dynol yng Nghymru wrth i'r DU adael yr Undeb Ewropeaidd

1 Introduction

1.2 The following note offers comment on the key issues of principle that the Working Group believes should be addressed as the UK Government and the Welsh Government consider how human rights legislation in the identified areas of concern, that are currently founded on EU legislation, should be protected for the future. This paper does not attempt to bring legislative expertise to bear on the questions raised by the Committee's Inquiry.

1.3 As a general principle, the churches would strongly advocate that any future legislation in the field of human rights should ensure that, as a minimum, the current rights that are embedded within EU legislation should be maintained in future UK law. In some key areas, it may well be that the legislative protection needs to be strengthened as compared to the current position in order to ensure that the UK has the strongest possible legislative framework for the protection of fundamental human rights.

2. Submission to Welsh Affairs Committee

2.1 Many of these areas of concern have already been identified by the Working Group in its more general submission to the Welsh Affairs Committee of the House of Commons. They are restated in the current submission within the context of the specific questions raised by this Committee.

2.2 The following paragraphs from our submission to the Welsh Affairs Committee are relevant to the present Inquiry:

7. Hawliau a chyfleoedd

7.1. *Cynnig sicrwydd buan i ddinasyddion yr UE sydd â'u statws yn ansicr ar hyn o bryd.*

7.2. *Diogelu statws a hawliau pobl fregus ac anabl, yr henoed a phlant.*

7.3. Sicrhau fod gan bobl ifanc gyfleoedd addysgol a chyflogaeth priodol yn ystod y cyfnod o ansicrwydd economaidd cynyddol sydd o'n blaen, gan gynnwys parhau i gyfranogi mewn rhaglenni megis Horizon 2000.

7.4. Bod yn groesawgar tuag at y bobl ddieithr a thlawd yn ein plith, gan gynnwys parhau i gyfranogi yn rhaglenni'r UE a rhaglenni ar draws Ewrop i ailsefydlu ffoaduriaid.

7.5. Diogelu hawliau unigolion a gweithwyr, gan sicrhau bod hawliau sydd wedi eu gwarantu gan yr UE wedi eu cynnwys yng nghyfraith y DG/y gyfraith Gymreig.

8. Cymunedau lleiafrifol

8.1. Dylai Llywodraeth EM a Llywodraeth Cymru barhau i ddiogelu hawliau Cymunedau lleiafrifol, yn arbennig y rheini sy'n teimlo dan fygythiad o ganlyniad i droseddau casineb a chamdriniaeth.

8.2. Dylai'r ddwy lywodraeth warantu, drwy ddeddfwriaeth briodol a chyllid digonol, fod ieithoedd lleiafrifol megis, ond nid yn unig, y Gymraeg, yn cael eu meithrin a'u hyrwyddo. Gan y bydd y Gymraeg yn colli ei statws cyd-swyddogol ar lefel yr UE pan fyddwn yn gadael yr UE, credwn y dylid sicrhau statws gyffelyb i'r Gymraeg (a Gaeleg yr Alban a Gaeleg Iwerddon) ar lefel y DG.

3. Privacy and family life

3.1 The Working Party regards privacy and family life as of paramount importance, since family life is regarded as fundamental to a Christian understanding of society. In the current context, we believe that family life should be defined in the broadest possible terms. Crucially, in this context, the rights of children should be paramount, whatever the nature of the relationship between their parents/guardians, and special consideration needs to be given to families that consist of one partner from the UK and one partner from outside the UK as well as families from other European or non-European states that are either officially resident within the UK or are seeking asylum or refugee status within the UK. The current status of these family units within EU legislation should be enshrined, and where necessary, strengthened within the post-Brexit UK law.

3.2 We further believe that any loopholes within current law that raise questions about the rights and security of families need to be addressed in order to ensure that 'residence rights' and the 'genuine and subsisting relationship between a parent and child' are maintained and, if possible, strengthened within the new legislation.

4. International trade

4.1 The Working Party believes that human rights protection is fundamentally important within international trade deals, as well as within employment laws within the UK. We believe that as a basic minimum they should be modelled 'in current wording in EU trade deals'. We further believe that in the process of developing a new legislative framework in this area the highest possible emphasis should be given to just and fair working conditions for all workers in companies with which trade deals are being negotiated. There should be no room for compromise on human rights in the workplace nor should there be any tolerance, within new agreements, of the exploitation of children in the workplace. No trade deal, however advantageous to the UK economy, should be agreed that does not offer full, monitored assurances in this area.

4.2 The Churches' partners in the field of overseas aid and development such as Christian Aid and Tear Fund have played a key role in advocating the maintenance of the highest standards of human rights within the field of international trade and we would wish to continue to advocate and campaign for these high standards within the context of any new agreements in the field.

4.3 The Working Party further urges the UK and Welsh Governments to ensure that these high

ideals in the field of international workplace employment should be enshrined in all employment law that is to be effective within the UK and not just in agreements reached within international trade deals.

5. Other human rights protected by EU law

5.1 It is the Working Party's view that the human rights that are currently protected within EU law should be protected and, if deemed necessary, strengthened within UK legislation post-Brexit. As noted above, we believe that this should include labour rights, disability rights and rights to freedom from discrimination. We also believe that the right to freedom of religious worship and expression needs to be safeguarded. We believe that in the areas of sexual orientation, children's rights - especially in relation to child abuse and sexual exploitation and pornography – and human trafficking, incorporating strong legislative guarantees into UK law should receive the highest priority.

DIWEDD Y DYFYNIAD

6. Mae Gweithgor Cytûn am Gymru ac Ewrop yn parhau i weithio yn y maes hwn ac yn barod iawn i fod o gymorth pellach i'r Pwyllgor wrth i'w waith barhau. Gellir cyhoeddi'r ymateb hwn yn llawn.

7. Am wybodaeth bellach, cysyllter â'r Parch. Gethin Rhys, Swyddog Polisi Cytûn, 58 Heol Richmond, Caerdydd CF24 3AT. Ffôn: 029 2046 4378. E-bost: gethin@cytun.cymru

9 Chwefror 2017.