



## **The Equalities and Human Rights Dimension to EU Transition**

### **1. Introduction**

- 1.1. The third sector Equality and Human Rights Coalition (EHRCo) seeks to effect positive change to the design and implementation of policies and projects which impact on the experiences of people facing unequal and discriminatory treatment in Wales.
- 1.2. The purpose of this paper is to provide the EHRCo's perspective on the implications of Brexit and heightened tensions around immigration and terrorism on equalities and human rights within Wales.
- 1.3. Whilst we welcome the Welsh Government's acknowledgment of the positive contribution made by EU migrants to our economy and communities (Securing Wales' Future p.5)<sup>1</sup>, we believe that positive action is urgently needed to address the hostility currently directed towards minority groups in Wales.
- 1.4. The recommendations seek to secure commitments from decision makers to take action within their respective remits.

### **2. Multiculturalism in Wales**

The narrative tendered by the Vote Leave campaign blamed insecurities within the labour market and failing health care services on an influx of immigrants, regardless of the reality. Immigration became a decisive factor for many Welsh citizens to vote against remaining in the EU, even though the Welsh Valleys in particular are home to some of the lowest numbers of foreign-born populations and are among the highest recipients of EU regional development aid.

In direct contradiction to this sadly common negative narrative, immigration and multiculturalism in Wales are not new. The economic expansion, prompted by the development of Wales' seaports and coal mines at the end of the 19<sup>th</sup> century, stimulated a growth in migration to Wales. Butetown

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<sup>1</sup> Welsh Government, *Securing Wales's Future – Transition from the European Union to a new relationship with Europe* < [https://beta.gov.wales/sites/default/files/2017-01/30683%20Securing%20Wales%C2%B9%20Future\\_ENGLISH\\_WEB.pdf](https://beta.gov.wales/sites/default/files/2017-01/30683%20Securing%20Wales%C2%B9%20Future_ENGLISH_WEB.pdf) > [accessed 17 June 2017].

benefited considerably from this diverse influx of workers and is still home to different ethnic groups from a diverse range of backgrounds, including Somali, Bengali, Afro-Caribbean, Jamaican and Yemeni communities. The area retains the highest percentage of ethnic minorities in Wales, in part due to influxes of people seeking refuge from countries devastated by civil war

Many white residents within Wales have a mixed heritage. Some can trace their migration histories to Ireland and continental Europe, in particular Italy. For example, post World War II, high unemployment and an unstable government in Italy resulted in a significant wave of Italian immigration to Wales, with the majority settling in Cardiff, Newport and the Welsh Valleys. The arrival of Polish people to Wales is quite often assumed to be relatively recent but many again settled here after World War II. The Penrhos Polish Home, still in existence today, was founded in 1949 to provide accommodation and support to Polish ex-servicemen and women who remained in the UK following the Second World War.

The population of Wales is approximately 3.06million. In the 2011 census, individuals who didn't identify as "white" numbered 62,000, a clear indication of the number of Black, Asian, and minority ethnic demographic in Wales. Asian and Asian British accounted for the largest proportion of non-white respondents, followed by mixed ethnicity, Chinese, "other" and Black.

Wales is also a multi-religious country, with people representing many diverse religious traditions. In addition to 1.7m Christians, there are 45,950 Muslims, 10, 434 Hindus, 9,117 Buddhists, 2,962 Sikhs, 2,064 Jews and many smaller minority religions (including Rastafarians, Jains, and Bahais).

Multiculturalism is an everyday reality for Welsh cities and increasingly across more rural and northern regions, including within Wales' student and working populations. People of immigrant heritage contribute to the economy across a breadth of employment fields – for example the health and social care sector employs a sizeable number of people of BME heritage<sup>2</sup>.

Leading figures in public life in Wales are from immigrant families. Betty Campbell (1934 – 2017), Wales' first black head teacher and former councillor, was the daughter of a Jamaican immigrant; Gaynor Legall, was the first black female councillor. Eddie Parris played for Wales fifty years before the first black footballer player for England. In the Valleys there were workers from Spain, Russia, Poland and France, and Italian-owned cafes preceded today's Indian and Chinese take-aways. The economic and societal contributions made by immigrants must be acknowledged and celebrated to ensure that multiculturalism is, and will continue to be, an important aspect of Welsh society that makes a valuable contribution to the economy and the cultural fabric of Welsh society.

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<sup>2</sup> Equality and Human Rights Commission, Equality issues in Wales: a research review, <[https://www.equalityhumanrights.com/sites/default/files/research\\_report\\_11\\_equality\\_issues\\_in\\_wales\\_-\\_a\\_research\\_review.pdf](https://www.equalityhumanrights.com/sites/default/files/research_report_11_equality_issues_in_wales_-_a_research_review.pdf)> [accessed 14 July 2017].

### 3. Post-Referendum reality in our communities

#### 3.1. Following the EU referendum result in Wales:

- reported incidents of hate crime have risen by 28%<sup>3</sup>
- immigration issues have increased by 19%, with ‘white – other’ the largest group seeking advice<sup>4</sup>
- enquiries in relation to national citizenship have increased by 63%<sup>5</sup>
- hate crimes against Muslim women have risen by an estimated 300%<sup>6</sup>

### 4. Equality and human rights concerns

4.1. There is a fear that leaving the EU will significantly weaken human rights protections in Wales. Whilst the EU Withdrawal Bill will incorporate the majority of EU law into UK law, the Charter of Fundamental Rights of the European Union will not be converted and this is set to have a profound and significant impact on peoples’ social rights. The Charter has afforded citizens with many additional entitlements, supplementary to other human rights protections.

4.2. The EU Withdrawal Bill puts worker’s rights at risk. Current rights will be transferred into British law at the point we leave the EU but there is no certainty beyond this. Under the Bill, changes to employment and equality law could be made through regulations, preventing MPs from the opportunity to debate and discuss any potential change. Therefore, a future government could undermine rights without scrutiny.

4.3. Most people are unfamiliar with frequently used terminology such as race, religion, refugee, asylum seeker, ethnic and political correctness using them interchangeably or incorrectly<sup>7</sup>. This has the potential to create inaccurate, misleading and negative perspectives on the contributions and impacts of immigration and what Brexit will mean in terms of the future demographic make-up of society.

4.4. Gender equality is a founding value of the EU. The EU has introduced and strengthened legislation around equal pay, part-time workers’ rights, parental leave and pregnancy and maternity discrimination. Whilst the majority of this has been transposed into UK law through instruments such as the Equality Act 2010, there is no guarantee that this legislative framework will remain post Brexit. Given the well-documented impacts these areas of law have secured in terms of improving economic outcomes, tackling poverty and challenging domestic violence for example, we cannot afford for these

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<sup>3</sup> Citizens Advice Cymru. February 2017. Presentation: Information, advice and Brexit.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Women’s Budget Group, *If ‘Brexit means Brexit’ what will that mean for women?*, <<http://wbg.org.uk/analysis/brexit-means-brexit-will-mean-women/>> [accessed 7 February 2017].

<sup>7</sup> The Guardian, *The 35 words you’re (probably) getting wrong*. <[https://www.theguardian.com/science/2017/jun/05/the-35-words-youre-probably-getting-wrong?CMP=share\\_btn\\_link](https://www.theguardian.com/science/2017/jun/05/the-35-words-youre-probably-getting-wrong?CMP=share_btn_link)> [accessed 29 June 2017].

principles to be undermined and devalued in Wales and the positive gains we have made to be weakened or lost.

- 4.5.** Hate crimes against Muslim women are estimated to have increased by 300% post referendum. Many women fleeing and recovering from domestic abuse and sexual violence, who already face huge barriers when accessing specialist services, may find themselves acutely vulnerable to racial and religious prejudices. Furthermore, UK Government policies on immigration, deportation and tackling extremism could be seen to exacerbate issues of rising levels of harassment, racism and intolerance, contributing to the danger of violence and abuse that women face. The 'hostile environment' has become increasingly evident for long-established residents in Wales, including UK citizens.
- 4.6.** Certain minorities have chosen to moderate their behaviour in terms of the way they dress, speak and express their religion, for fear of attracting anger and hostility. They feel alienated and that they no longer conform to the newly narrowed notion of 'British'<sup>8</sup>.

*A German woman told us she was in Victoria Park, Cardiff with her two-year old daughter, speaking her mother tongue to her as she always does. She was then asked by a white, British man, roughly in his late forties, what language she was speaking. She responded 'German – I am one of these European citizens in this country'. To which he responded 'Oh, German. Yes, Hitler and the Jews etc'<sup>9</sup>.*

- 4.7.** Young people have grown up in a society where the dialogue within politics and the media for example is frequently anti-immigrant and anti-Muslim, heightened following 9/11. A strong public message is needed to combat reports that all Muslims are terrorists and all applications for asylum are fraudulent<sup>10</sup>.

*A patient was told to "go home" while attending an appointment at the Royal Gwent Hospital in Newport and later shouted at by workmen in a van as she was leaving<sup>11</sup>.*

- 4.8.** Brexit will impact disproportionately on younger people who know only of life within the EU. This generation has embraced free movement, unrestricted access to employment within continental Europe and educational programmes such as Erasmus+. In Welsh universities, staff from diverse backgrounds teach alongside one another and build their careers around EU-

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<sup>8</sup> Ethnic Youth Support Team, February 2017. Presentation: Brexit & Belonging. Impact on BME children and young people in Wales.

<sup>9</sup> Race Equality First, *The impact of the EU referendum on ethnic minority people in Wales* <<https://www.c3sc.org.uk/news/4355-the-impact-of-the-eu-referendum-on-ethnic-minority-people-in-wales>> [accessed March 2017].

<sup>10</sup> Ethnic Youth Support Team, February 2017. Presentation: Brexit & Belonging. Impact on BME children and young people in Wales.

<sup>11</sup> Race Equality First, *The impact of the EU referendum on ethnic minority people in Wales* <<https://www.c3sc.org.uk/news/4355-the-impact-of-the-eu-referendum-on-ethnic-minority-people-in-wales>> [accessed March 2017].

funded research programmes Younger people have married and formed both domestic and professional partnerships with non-UK EU citizens. Thus the unprecedented uncertainty surrounding Brexit is a cause of great anxiety for young people.

**4.9.** The majority of young people opposed Brexit in comparison to the majority of older people who voted in favour. This polarised opinion further strengthens the generational divide<sup>12</sup>.

**4.10.** Whilst we acknowledge the Education Secretary, Kirsty Williams', recent public commitment to equality within education, "*Our education system must be built on the principles of equality and our classrooms free of hostility and hatred*"<sup>13</sup>, the impact of inequality on educational achievement will continue to be ignored and misunderstood until Estyn is required to assess a school on its equality performance alongside its academic achievements.

**4.11.** A Show Racism the Red Card survey highlighted the prevalent use of racist language in schools with many pupils and some teachers unaware of what terminology is deemed unacceptable and offensive<sup>14</sup>. Young people who are continually exposed to racist opinion and behaviour will be less equipped to deal with or contribute to society; as targets of such behaviour they are unlikely to thrive educationally and realise their full potential.

*A white 'A' level student with a beard reported that a man shouted "Brexit" at him while he was on his way to school in his uniform and then told him that he'd "voted to get your kind out of here". Later the same day he said a man drove past him and shouted "Go back home you p\*\*\* Muslim immigrant."*<sup>15</sup>

**4.12.** This is particularly relevant in the context that 33% of teachers do not feel confident recognising racism in the classroom. Some teachers feel staff do not know what a racist incident is, or how to distinguish between "friendly banter" and serious incidents. Furthermore, 66% of teachers do not feel well trained or confident when supporting and dealing with victims or perpetrators of racist incidents<sup>16</sup>. Young people who are harassed and whose dignity is undermined by racist behaviour within the school environment therefore

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<sup>12</sup> YouGov UK, How Britain Voted < <https://yougov.co.uk/news/2016/06/27/how-britain-voted/>> [accessed February 2018].

<sup>13</sup> Wales Online, *Wales' education system must be built on the principles of equality* <<http://www.walesonline.co.uk/news/wales-news/wales-education-system-must-built-12699181>> [accessed March 2017].

<sup>14</sup> Show Racism the Red Card, *Show Racism the Red Card Survey*' <<http://www.theredcard.org/news/2014/09/10/show-racism-the-red-card-survey-finds-1-in-4-young-people-use-the-word-paki>> [accessed July 2017]

<sup>15</sup> Race Equality First, *The impact of the EU referendum on ethnic minority people in Wales* <<https://www.c3sc.org.uk/news/4355-the-impact-of-the-eu-referendum-on-ethnic-minority-people-in-wales>> [accessed March 2017].

<sup>16</sup> Show Racism the Red Card, *Racism and anti-racism in the Welsh education system* <[http://clients.squareeye.net/uploads/glpwales/Racism\\_Anti-Racism\\_in\\_the\\_Welsh\\_Education\\_system.pdf](http://clients.squareeye.net/uploads/glpwales/Racism_Anti-Racism_in_the_Welsh_Education_system.pdf)> [accessed 13 June 2017]

cannot be assured that issues will be dealt with fairly and appropriately, compounding feelings of frustration and disrespect.

- 4.13.** A number of EU directives help protect disabled people from discrimination in employment and access to transport. Withdrawing from the EU means the British courts will give rulings without consulting the European Court of Justice (ECJ), therefore legislation may not be implemented fairly, if at all.
- 4.14.** The withdrawal of the structural funds and the anticipated increase in austerity measures will affect many Welsh communities. The loss of these funding streams poses a real threat to the rights of the most vulnerable, including disabled people.
- 4.15.** Anecdotally and substantiated by a study undertaken by King's College London's Centre for Media, Communications and Power, the EU referendum has led to a significant increase in negative sentiment expressed in mainstream media around perceived "migrants" and "foreigners" in the UK. There is evidence to suggest that "retaliatory hate crimes" correspond to negative media coverage.
- 4.16.** The reduction in legal aid measures and shortage of law centres in Wales prevents the most vulnerable in society from achieving justice in relation to human rights. This is particularly pertinent in areas without coverage where refugees and those seeking asylum are resettled and dispersed. Wrexham, an asylum dispersal area, has no legal services and asylum seekers must pay for appointments with solicitors from a Manchester based firm. For refugees wanting to be reunited with their families, specialist support for family reunion claims are critical to ensure safe and legal routes for those most at risk.

## **5. Recommendations**

We ask Welsh Government to:

- 5.1.** Investigate ways to adopt the EU Charter on Fundamental Rights in Welsh legislation, to bind Welsh Government voluntarily to its principles (in a way analogous to the inclusion of the UN Convention on the Rights of the Child in the Rights of Children and Young Persons (Wales) Measure 2011), in particular to:
- Safeguard women's and disabled people's rights and commit to continuing to advance these protections without the guidance of the EU.
  - Protect the human rights of all LGBT\*+ people in Wales post withdrawal from the EU, with a commitment to continue to enhance LGBT\*+ rights and reduce all homophobia and transphobia.
  - Respect everyone's right to be treated with dignity and respect, irrespective of their race, culture or religious beliefs.

- 5.2. Strengthen Wales' independent relationship with the Council of Europe to enable Wales to be more proactive in relation to the EU conventions and International Labour Organisation.
- 5.3. Address unequal access to justice in Wales through investment into subsidised legal assistance and increase legal aid measures and support for advice and law centres within Wales.
- 5.4. Any projects in receipt of any successor funding streams to support regional development should be subject to the same mandatory requirements as those currently in receipt of EU funding, to demonstrate a collective responsibility to tackling issues such as equality, poverty and social exclusion in Wales. Mandatory education on citizenship, religion, race, ethnicity and human rights should form part of the Welsh curriculum to reflect Wales' multicultural and multi-religious history and support people's understanding of the role and function of politics.
- 5.5. Education professionals should receive guidance and support to address hate crime and promote cohesion and inclusion in schools. This should be supported by appropriate regulation which will provide an invaluable opportunity to break the cycle of weak academic performance and its contribution to poor life outcomes, undermining social capital and compounding levels of inequality that exist in Wales. Third sector organisations can provide innovative solutions to address this need and promote a positive and inclusive schooling experience for all children in Wales. See recommendations in '*The new curriculum for Wales – safeguarding and inclusion in schools – a third sector briefing for the Cabinet Secretary for Education*'.
- 5.6. Address the dangers posed by inflammatory and overwhelmingly negative press coverage of minority communities and consider whether there is any scope to strengthen the voice of these communities against such coverage.

**We ask the Equality and Human Rights Commission to:**

- 5.7. Commission action research into the experiences of those with protected characteristics, who have been affected by Brexit. The Coalition would welcome the opportunity to broker engagement with those groups affected.
- 5.8. Deliver a positive, public awareness campaign to address inappropriate language and to promote mutual understanding amongst the general public of human rights.

**We ask the Police and Crime Commissioners to:**

- 5.9. Undertake more intensive work with third sector equalities organisations to take positive action to support the reporting and development of systems that prioritise the needs of citizens as opposed to law enforcement agencies, and redress the consequences of hate crime.

## Appendix 1

### Equality and Human Rights Coalition Membership

Action for Children
Age Concern Cymru and Help the Aged in Wales
Age Connects Cardiff and the Vale
British Institute of Human Rights
Canolfan Cynghori Ynys Môn - Caergybi
Cardiff Third Sector Council (C3SC)
Cardiff Vale & Valleys Institute of Blind People
Carers Wales
Carmarthenshire Association of Voluntary Services
Carmarthenshire County Council
Children in Wales - Plant yng Nghymru
Church in Wales
Chwarae Teg
Citizens Advice Cymru
Community Development Cymru
Community Transport Association Wales
Council for Wales of Voluntary Youth Services
Cytûn: Churches Together in Wales
Disability Wales
Diverse Cymru
Evangelical Alliance Wales
EYST
Flintshire Local Voluntary Council
FNF Both Parents Matter Cymru
Glamorgan Voluntary Services
Glenview
Guide Dogs for the Blind Association
Gwent Association of Voluntary Organisations
Henna Foundation
Higher Education Funding Council for Wales
Innovation House
Inter-faith Council for Wales
Interlink
Journeys - toward recovery from depression
Mencap Cymru
MEWN Cymru
Muslim Council of Wales
National Energy Action Cymru
National Federation of Women's Institutes

National learning and Work Institute
Newport Citizens Advice Bureau
Newport Equality Group
North Wales Advice and Advocacy Association
North Wales Regional Equalities Network
NUT CYMRU
Oxfam Cymru
PAWB
Pembrokeshire Association of Voluntary Services
Pobal
Powys People First
Race Council Cymru
Race Equality First
RNIB Cymru
Royal National Institute for the Blind Cymru
Safer Wales
Shelter Cymru
Somali Integration Society
South East Wales Regional Equality Council
Stonewall Cymru
Tai Pawb
The Bevan Foundation
The Runnymede trust
Vision in Wales
Voices From Care
Voluntary Community Service Cymru Ltd
Wales Assembly of Women
Wales Audit Office
Wales Council For Deaf People
Wales Council for Voluntary Action
Wales Environment Link
Welsh Refugee Council
Welsh Women's Aid
WEN Wales
West Rhyl Young Peoples' Project
Women Connect First
Youth Cymru