

PAPUR BRIFFIO

Mawrth 2020

CEDAW

Cryfhau ac ymgorffori hawliau
menywod yng Nghymru

CYFLWYNIAD

Cytundeb hawliau dynol yw Confensiwn y Cenhedloedd Unedig ar Wahardd Pob Math o Wahaniaethu yn Erbyn Menywod sy'n aml yn cael ei ddisgrifio fel 'bil hawliau rhwyngwladol i fenywod'.

Mae CEDAW wedi cael ei gymeradwyo gan 189 genhedloedd, a gwnaeth y DU gymeradwyo CEDAW ym 1986.

Yn ei 30 o Erthyglau, mae'n nodi hawliau dynol menywod i gydraddoldeb a dim gwahaniaethu, gan gynnwys mewn bywyd cyhoeddus ac yn y cartref. Mae'r hawliau hyn yn cynnwys y canlynol:

- Cydraddoldeb mewn Gwleidyddiaeth a Bywyd Cyhoeddus
- Cydraddoldeb economaidd
- Hawliau diwylliannol
- Hawliau cymdeithasol
- Hawliau sifil

Ar hyn o bryd, mae bwlch gweithredu ar gael rhwng rhwymedigaethau CEDAW, y mae Llywodraeth Cymru wedi'i gymeradwyo, a phrofiad go iawn menywod a merched. Nid yw CEDAW wedi cael ei ymgorffori mewn cyfraith ddomestig. Heb ei ymgorffori, gall hawliau dynol gael eu trin gan lywodraethwyr fel safon ddyheadol, yn hytrach na rhan o'r fframwaith cyfreithiol cenedlaethol. Byddai ymgorffori CEDAW yn cynnwys hawliau menywod yng ngwaith llywodraethau'r DU heddiw ac yn y dyfodol.

Mae ymgorffori'n gam angenrheidiol i sicrhau bod llywodraethau ac awdurdodau cyhoeddus yn fwy atebol ynghylch hawliau dynol a chaniatáu i ddinasyddion fynd â llywodraethau i'r llys am dorri eu hawliau. Am y rheswm hwn, mae RhCM Cymru a'r CU yn parhau i argymhell bod CEDAW yn cael ei ymgorffori mewn cyfraith a pholisïau domestig.

Petai CEDAW yn cael ei ymgorffori'n llawn mewn cyfraith ddomestig, byddai gan fenywod a merched eu hawliau i fyw heb wahaniaethu wedi'u hymgorffori mewn cyfraith yn y DU a gallai ddefnyddio CEDAW mewn llysoedd a thribiwnlysoedd domestig os bydd yr hawliau hynny'n cael eu torri.

BETH OEDD PRYDERON PWYLLGOR CEDAW YNGHYLCH Y DU YM 2019?

Ym mos Chwefror 2019, archwiliwyd Llywodraeth y DU a chynrychiolwyr o'r gweinyddiaethau datganoledig gan Bwyllgor CEDAW y CU. Ar ôl hyn, gwnaeth y Pwyllgor gyhoeddi ei adroddiad o argymhellion ym mis Mawrth 2019.¹ Yn hwn, gwnaeth amlinellu mwy o gamau gweithredu i'w cymryd i ddiogelu hawliau menywod yn y DU a gwahardd pob math o wahaniaethu yn erbyn menywod a merched.

MANTEISION YMGORFFORI

Ymgorffori

- Codi ymwybyddiaeth o CEDAW a hawliau menywod yng Nghymru
- Rhoi mwy o ddiogelwch i fenywod, sy'n gallu defnyddio CEDAW mewn llysoedd domestig i amddiffyn eu hawliau
- Ymgorffori hawliau menywod i'r tymor hir – eu gwneud yn ehan o'r fframwaith cyfreithiol cenedlaethol y byddai'n rhaid i holl lywodraethau'r DU, nawr ac yn y dyfodol, yn gorfod eu dilyn

Heb ei gadarnhau nid

oes gan gytundeb megis CEDAW unrhyw rym cyfreithiol

¹ Committee on the Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (2019) <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GBIndex.aspx>

BETH WNAETH PWYLLGOR CEDAW DYNNU SYLW ATO LEDLED Y DU?²

- Ymgorffori CEDAW yng nghyfraith ddomestig yn ddi-oed
- Gal war ddiwedd i doriadau hawliau dynol Gogledd Iwerddon, gan gynnwys diffyg hawliau erthyliad
- Ni ddylai 'Brexit' gael ei ddefnyddio i leihau hawliau menywod
- Galw am asesiad effaith gronnus caledi
- Tynnu'r cyfyngiad credyd treth dau blentyn yn ôl
- Adolygu a diwygio Dyletswydd Cydraddoldeb y Sector Cyhoeddus
- Galw i gadarnhau 'Confensiwn Istanbul'

BETH WNAETH Y PWYLLGOR CEDAW DYNNU SYLW ATO YNG NGHYMRU?³

- Ymgorffori egwyddorion CEDAW yng nghyfreithiau a pholisïau Cymru
- Y defnydd o fesurau arbennig megis cwtâu i fenywod mewn gwleidyddiaeth, barnwriaeth a gwneud penderfyniadau a mesurau i gynyddu cynrychiolaeth menywod Du, Asiaidd a Lleiafrifoedd Ethnig (BAME) a menywod anabl mewn gwleidyddiaeth
- Gwahardd stereodeipio rhyw drwy godi ymwybyddiaeth drwy ymgyrchu ac addysg
- Gwella mynediad i fenywod a merched o ardaloedd gwledig i addysg, cyflogaeth, gofal iechyd a gwasanaethau cefnogi, gan gynnwys mwy o fynediad i'r rhyngwrwd a thrafnidiaeth
- Mesurau i sicrhau nad yw menywod diamddiffyn yn gorfod troi at 'ryw er mwyn talu'r rhent' a phuteindra

BETH MAE RHCM CYMRU A'N HAELODAU DWEUD BOD ANGEN EI WNEUD NAWR?

Bydd RhCM Cymru a'n haelodau'n parhau i ymgyrchu i Lywodraeth Cymru a Llywodraeth y DU weithredu ar argymhellion y CU, a'n prif argymhelliad fydd i egwyddorion CEDAW gael eu hymgorffori yn neddfwriaeth a pholisi Cymru.

Mae RhCM Cymru hefyd yn galw am y defnydd o fesurau arbennig dros dro i gynyddu cynrychiolaeth menywod, ac yn arbennig menywod BAME a menywod anabl drwy'r defnydd priodol o gwotâu cyfreithiol ar bob lefel o wleidyddiaeth yng Nghymru. Rydym hefyd am weld darpariaethau megis Mynediad i Gronfeydd Swyddi Etholedig sydd ar gael i ymgeiswyr ag anableddau ac eraill sy'n wynebu rhystrau ychwanegol i sefyll dros swyddi etholedig, megis cyfyngiadau ariannol, diffyg darpariaeth gofal plant ac ati.

CADARNHAWYD ADRODDIAD CEDAW CYMRU AR GYFER 2019 GAN:

- Bawso
- Chwarae Teg
- Anabledd Cymru
- Yr Athro Jackie Jones
- Llamau
- Oxfam Cymru
- Yr Athro Emma Renold, Prifysgol Caerdydd
- Stonewall Cymru
- Cynulliad Menywod Cymru
- Cymorth i Fenywod Cymru

LLE'R YDYN NI NAWR YNG NGHYMRU?

- Ni does gan Gymru'r pwerau i ymgorffori CEDAW yn uniongyrchol, oherwydd Llywodraeth y DU yw llofnodwr y cytundeb, er bod rhai camau addawol ac yn cael eu cymryd yng Nghymru
- Mae'r Dirprwy Weinidog, Jane Hutt wedi siarad am fil Hawliau Dynol newydd posib i Gymru, y gwnaeth hi drafod yng Nghynhadledd Hawliau Menywod RhCM Cymru 2019, yr ydym yn ei groesawu'n fawr
- Mae Llywodraeth Cymru wedi comisiynu ymchwil sy'n archwilio sut gall egwyddorion cytundebau rhyngwladol, gan gynnwys CEDAW gael eu cynnwys ym mholisi Cymru a gweithio ar y cyd â deddfwriaeth a dyletswyddau presennol Cymru
- Mae rhag-amod eisoes yng Nghymru ar gyfer ymgorffori cytundebau'r Cenhedloedd Unedig - mae Confensiwn y Cenhedloedd Unedig ar Hawliau'r Plentyn (UNCRC) wedi cael ei ymgorffori'n anuniongyrchol ac mae angen i Weinidogion Cymru roi 'sylw dyledus' i hawliau plant
- Mae RhCM Cymru'n cefnogi'r mentrau hyn, ern a ddylai ymchwil ar ei phen ei hun gael ei hystyried yn gam gweithredu
- Mae RhCM Cymru am i CEDAW gael ei ddefnyddio i gryfhau, diogelu a datblygu hawliau menywod, yn enwedig yn dilyn y DU yn gadael yr Undeb Ewropeaidd, sy'n diogelu hawliau
- **Mae RhCM Cymru am weld egwyddorion CEDAW yn cael eu hymgorffori yng nghyfraith Cymru yn ystod y chweched cynulliad ac mae'n annog aelodau'r Cynulliad a sefydliadau'r trydydd sector i wneud hyn yn flaenoriaeth**

PWY YW RHCM CYMRU?

Gweledigaeth RhCM Cymru yw Cymru heb wahaniaethu ar sail rhyw. Rydym yn elusen rhwydwaith a hawliau dynol menywod cynrychioladol sy'n gweithio i Gymru lle mae gan fenywod a dynion awdurdod cyfwerth a'r cyfle i lunio'r gymdeithas a'u bywydau eu hunain. Rydym yn gweithio gyda chynghrair fywiog o aelodau sefydliadol ac unigol i drawsnewid y gymdeithas.

MWY O ADNODDAU

Mae gan y Comisiwn Cydraddoldeb a Hawliau Dynol offeryn newydd ar gyfer olrhain Cytundeba'r CU, gan gynnwys argymhellion ar gyfer CEDAW <https://humanrightstracker.com/en/un-treaty/cedaw/>

Mae gan RhCM Cymru fwy o wybodaeth ac mae ein hadroddiadau CEDAW ar gael ar ein gwefan: <https://wenwales.org.uk/cedaw/>

Ariannwyd gwaith diweddar RhCM Cymru gan yr Ymddiriedolaeth a'r Comisiwn Cydraddoldeb a Hawliau Dynol.

Rhwydwaith Cydraddoldeb Menywod (RhCM) Cymru
www.wenwales.org.uk. Cyswllt: admin@wenwales.org.uk
Rhif Elusen: 1145706. Rhif y Cwmni: 07891533

YR HYN Y GALLWCH CHI EI WNEUD

- Dangos eich cefnogaeth drwy anfon neges Drydar yr ydych am weld #CEDAW yn cael ei ymgorffori
- Codi CEDAW mewn dadleuon a chwestiynau yn y Senedd
- Sicrhau bod eich plaid yn rhoi ymgorffori CEDAW yn eich manifesto etholiadau'r Cynulliad ar gyfer 2021
- Ymuno â RhCM Cymru i gael y diweddaraf am hawliau merched a materion cydraddoldeb rhyw yng Nghymru www.wenwales.org.uk/join-us

TUDALEN 4

BRIEFING PAPER

March 2020

CEDAW

Strengthening And Embedding
Women's Rights In Wales

CEDAW BRIEFING PAPER

March 2020

INTRODUCTION

The United Nation's Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is a human rights treaty that is often described as an international 'bill of rights for women'.

CEDAW has been ratified by 189 states, the UK ratified CEDAW in 1986.

Within its 30 Articles, it details women's human rights to equality and non-discrimination including in public life and at home. These rights include:

- Parity in Politics & Public Life
- Economic equality
- Cultural rights
- Social rights
- Civil rights

There is currently an implementation gap between the obligations of CEDAW, which the UK Government has ratified, and the lived experience of women and girls. CEDAW has not been incorporated into domestic law. Without incorporation, human rights can be treated by governments as an aspirational standard, rather than a part of the national legal framework. The incorporation of CEDAW would embed women's rights into the work of the governments of the UK today and in the future.

Incorporation is a vital step towards making governments and public authorities more accountable regarding human rights and allowing citizens to take governments to court for a breach of their rights. For this reason, WEN Wales and the UN continue to recommend that CEDAW is incorporated into domestic law and policies.

If CEDAW were incorporated fully into domestic law, women and girls would have their rights to live free from discrimination embedded into law in the UK and could use CEDAW in domestic courts and tribunals in the event of those rights being breached.

WHAT WERE THE CEDAW COMMITTEE'S CONCERNS REGARDING THE UK IN 2019?

In February 2019, the UK Government and representatives from the devolved administrations were examined by the UN CEDAW Committee. The Committee subsequently published their report of recommendations in March 2019.¹ In this, they outlined further actions that should be taken to protect women's rights in the UK and eliminate all forms of discrimination against women and girls.

BENEFITS OF INCORPORATION

Incorporation

- Raises awareness of CEDAW & women's rights in Wales
- Gives better protection to women, who can use CEDAW in domestic courts to defend their rights
- Embeds women's rights for the long term – making them part of the national legal framework that all governments of the UK, both current & future, would have to abide by

Without incorporation

a ratified treaty like CEDAW does not have legal recourse

¹ Committee on the Elimination of Discrimination against Women: Concluding observations on the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (2019) <https://www.ohchr.org/EN/Countries/ENACARRegion/Pages/GBIndex.aspx>

WHAT DID THE CEDAW COMMITTEE HIGHLIGHT ACROSS THE UK?²

- Incorporation of CEDAW into domestic law without delay
- Call to end Northern Ireland's human rights violations including lack of abortion rights
- That 'Brexit' should not be used to reduce women's rights
- Call for cumulative impact assessment of austerity
- Repeal two-child tax credit limit
- Review & amendment of the Public Sector Equality Duty
- Call to ratify the 'Istanbul Convention'

WHAT DID THE CEDAW COMMITTEE HIGHLIGHT FOR WALES?³

- Incorporation of CEDAW principles into Welsh laws & policies
- Use of temporary special measures such as quotas for women in politics, judiciary & decision making & measures to increase representation of Black, Asian & Minority Ethnic (BAME) women & disabled women in politics
- Elimination of gender stereotyping through awareness campaigning & education
- Improved access for rural women & girls to education, employment, healthcare & support services, including increased access to internet & transport
- Measures to ensure vulnerable women do not have to resort to so-called 'sex for rent' & prostitution

WHAT DO WEN WALES & OUR MEMBERS SAY NEEDS TO BE DONE NOW?

WEN Wales and our members will continue to campaign for Welsh Government and UK Government to act on the UN's recommendations, with our key recommendation being that the principles of CEDAW are incorporated into Welsh legislation and policy.

WEN Wales is also calling for the use of temporary special measures to increase women's representation, and particularly BAME women and disabled women, through the appropriate use of legally binding quotas at all levels of politics in Wales. We also want to see provisions such as an Access to Elected Office Fund available to support disabled candidates and others who face additional barriers to stand for elected office, such as financial restraints, lack of childcare provisions etc.

WEN WALES' 2019 WALES CEDAW REPORT WAS ENDORSED BY:

- Bawso
- Chwarae Teg
- Disability Wales
- Prof Jackie Jones
- Llamau
- Oxfam Cymru
- Prof Emma Renold, Cardiff University
- Stonewall Cymru
- Wales Assembly of Women
- Welsh Women's Aid

WHERE WE ARE NOW IN WALES?

- Wales does not have powers to directly incorporate CEDAW, as the UK Government is the signatory of the treaty, though some promising steps are being taken in Wales
- Deputy Minister Jane Hutt has spoken about a possible new Human Rights bill for Wales, which she discussed at WEN Wales' Women's Rights Conference 2019, which we very much welcome
- Welsh Government has commissioned research to explore how the principles of international treaties including CEDAW may be incorporated into Welsh policy & fit alongside existing Welsh legislation & duties
- There is already a precedent in Wales for embedding United Nations treaties – the United Nation's Convention on the Rights of the Child (UNCRC) has been indirectly incorporated & requires Welsh Ministers to have 'due regard' to children's rights
- WEN Wales supports these initiatives, though research alone must not be mistaken for action
- WEN Wales wants CEDAW to be used to strengthen, protect & advance women's rights, particularly following the UK's exit from the European Union, which safeguarded rights
- **WEN Wales wants to see the principles of CEDAW enshrined in Welsh law & urges Assembly Members & Third Sector organisations to make this a priority**

WHO IS WEN WALES?

WEN Wales' vision is a Wales free from gender discrimination. We are a representative women's network and human rights charity working for a Wales where women and men have equal authority and opportunity to shape society and their own lives.

We work with a vibrant coalition of organisational and individual members to transform society.

FURTHER RESOURCES

The Equality and Human Rights Commission (EHRC) has a new tool for tracking UN Treaties, including recommendations for CEDAW <https://humanrightstracker.com/en/un-treaty/cedaw/>

WEN Wales has further information and our CEDAW reports are available on our website: <https://wenwales.org.uk/cedaw/>

WEN Wales' recent work on CEDAW was funded by the Baring Foundation and the Equality and Human Rights Commission.

Women's Equality Network (WEN) Wales

www.wenwales.org.uk

Contact: admin@wenwales.org.uk

Charity No: 1145706. Company No: 07891533.

WHAT YOU CAN DO

- Show your support by tweeting that you want to see #CEDAW incorporated
- Raise CEDAW in debates & questions in the Senedd
- Make sure your party puts incorporation of CEDAW into your 2021 Assembly election manifesto
- Join WEN Wales to stay up to date with women's rights & gender equalities issues in Wales www.wenwales.org.uk/join-us