

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Cymunedau, Cydraddoldeb
a Llywodraeth Leol

Aflonyddu ar sail anabledd yng Nghymru

Rhagfyr 2011



Cynulliad Cenedlaethol Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl, i ddeddfu ar gyfer Cymru ac i ddwyn Llywodraeth Cymru i gyfrif.

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Sefydlwyd y Pwyllgor ar 22 Mehefin 2011 gyda chylch gwaith i archwilio deddfwriaeth a dwyn Llywodraeth Cymru i gyfrif drwy graffu ar faterion gwariant, gweinyddu a pholisi sy'n cynnwys: diwylliant, ieithoedd, cymunedau a threftadaeth Cymru, gan gynnwys chwaraeon a'r celfyddydau; llywodraeth leol yng Nghymru, gan gynnwys materion tai; a chyfleoedd cyfartal i bawb.

Aelodau cyfredol y Pwyllgor

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Argymhellion y Pwyllgor

Argymhelliad 1: Dylai Llywodraeth Cymru gyflwyno fframwaith aflonyddu ar sail anabledd, gan ddwyn ynghyd yr holl waith presennol sy'n digwydd yng Nghymru a gosod cyfeiriad strategol. Dylid datblygu hyn gan ddefnyddio'r Grŵp Gweithredu ar Droseddau Casineb Anabledd fel grŵp llywio.

(Tudalen 16)

Argymhelliad 2: Dylai'r cynllun hwn nodi atebolrwydd ar draws portffolios Gweinidogion ac annog gweithio mewn partneriaethau rhwng adrannau'r Llywodraeth, awdurdodau lleol, awdurdodau ieched, sefydliadau gwirfoddol ac asiantaethau perthnasol eraill fel yr heddlu.

(Tudalen 16)

Argymhelliad 3: Dylai'r fframwaith gynnwys darpariaeth ar gyfer hyfforddi staff rheng flaen mewn awdurdodau cyhoeddus.

(Tudalen 16)

Argymhelliad 4: Dylai Llywodraeth Cymru dreialu'r defnydd o gynadleddau asesu risg aml-asiantaeth ar gyfer achosion o aflonyddu ar sail anabledd, gan ddefnyddio'r model o gam-drin domestig fel arfer da.

(Tudalen 16)

Argymhelliad 5: Dylai Llywodraeth Cymru fonitro faint o awdurdodau cyhoeddus sydd wedi mabwysiadu aflonyddu ar sail anabledd fel amcan cydraddoldeb o dan y dyletswyddau cydraddoldeb penodol. Dylai'r amcanion hyn gael eu gwerthuso yn ôl yr hyn a gyflawnir a dylid rhannu arfer da.

(Tudalen 19)

Argymhelliad 6: Dylai'r Gweinidog sydd â chyfrifoldeb dros gydraddoldeb drafod gyda'r Dirprwy Weinidog Gwasanaethau Cymdeithasol sut y bydd hawliau dynol yn cael eu cynnwys yn y Bil Gwasanaethau Cymdeithasol arfaethedig, a rhoi nodyn i'r Pwyllgor am ganlyniad y cyfarfod hwnnw.

(Tudalen 21)

Argymhelliad 7: Dylai fframwaith Llywodraeth Cymru safoni a chydlynu canolfannau adrodd trydydd parti er mwyn sicrhau cysondeb yn y ddarpariaeth a bod canolfannau ar gael ledled Cymru.

(Tudalen 29)

Argymhelliad 8: Dylai'r fframwaith annog y defnydd o adnoddau presennol i godi ymwybyddiaeth o aflonyddu ar sail anabledd ymysg pobl anabl.

(Tudalen 29)

Argymhelliad 9: Dylai Llywodraeth Cymru gyhoeddi canllawiau i awdurdodau lleol ac asiantaethau perthnasol ar rannu data ac, yn benodol, ar sut y gall

awdurdodau adnabod patrymau o aflonyddu ar lefel is cyn i'r achosion
ddatblygu'n droseddau casineb. (Tudalen 29)

Argymhelliad 10: Dylai Llywodraeth Cymru gynnwys amcan tymor hir yn y
Cynllun Cydraddoldeb Sengl newydd o 2012 i newid agweddau diwylliannol
at bobl anabl yng Nghymru. (Tudalen 34)

Cyflwyniad

1. Cyhoeddodd y Comisiwn Cydraddoldeb a Hawliau Dynol ei adroddiad ar aflonyddu ar sail anabledd ym mis Medi 2011, a phenderfynodd y Pwyllgor gynnal ymchwiliad byr i edrych ar sut y gallai Llywodraeth Cymru gyfrannu at roi argymhellion yr adroddiad ar waith.

Cefndir – y Comisiwn Cydraddoldeb a Hawliau Dynol, “O’r golwg yng ngolwg pawb”

2. Cyhoeddodd y Comisiwn Cydraddoldeb a Hawliadu Dynol ei adroddiad, “O’r golwg yng ngolwg pawb”, ym mis Medi 2011. Er bod yr ymchwiliad yn berthnasol i Loegr, yr Alban a Chymru, cynhaliodd y Comisiwn waith ymchwil trwyadl yng Nghymru, a chyhoeddodd grynodedb i Gymru a oedd yn mynd i’r afael â phryderon sy’n benodol i Gymru.

3. Roedd adroddiad y Comisiwn wedi’i seilio ar dystiolaeth a gasglwyd ledled Cymru, drwy wefan gyfrinachol, drwy’r post, ar e-bost ac wyneb yn wyneb. Cafwyd tystiolaeth gan unigolion, awdurdodau cyhoeddus, sefydliadau ar gyfer pobl anabl, y sector gwirfoddol ac eraill. Cynhaliodd y Comisiwn ddigwyddiadau grwpiau trafod gydag unigolion a chynrychiolwyr awdurdodau cyhoeddus, sefydliadau ar gyfer pobl anabl a’r sector gwirfoddol.

4. Ar sail y dystiolaeth a gasglwyd, gwnaeth y Comisiwn argymhellion i Gymru mewn pedwar prif faes, sef:

- meithrin arweinyddiaeth a phartneriaethau;
- defnyddio’r dyletswyddau cydraddoldeb newydd;
- cyflwyno dulliau diogelu ar sail hawliau; a
- chynyddu’r achosion o adrodd.

Cylch gorchwyl ymchwiliad y Pwyllgor

5. Edrychodd y Pwyllgor ar ganfyddiadau adroddiad y Comisiwn ac ymchwiliodd hefyd i:

- sut y gall awdurdodau cyhoeddus yng Nghymru wella eu dulliau o fynd i’r afael ag aflonyddu ar sail anabledd, yn enwedig awdurdodau tai, addysg, iechyd a thrafnidiaeth;

¹ <http://www.equalityhumanrights.com/wales/projects/hidden-in-plain-sight/>

- effeithlonrwydd dulliau gweithio aml-asiantaeth, gan gynnwys rhannu gwybodaeth a chanllawiau arferion da; a
- y potensial i awdurdodau cyhoeddus gynnwys camau gweithredu i leihau aflonyddu ar sail anabledd yn eu strategaethau cydraddoldeb, fel sy'n ofynnol yn ôl y dyletswyddau cydraddoldeb penodol newydd yng Nghymru.

Y diffiniad o 'aflonyddu ar sail anabledd'

6. At ddibenion yr ymchwiliad hwn, defnyddiodd y Pwyllgor y diffiniad o aflonyddu ar sail anabledd a ddefnyddiodd y Comisiwn yn ei adroddiad, sef unrhyw ymddygiad di-angen, dilornus neu gamddefnyddiol yn erbyn pobl anabl, p'un a yw'n ddigwyddiad troseddol ai peidio. Mae'r diffiniad hwn hefyd yn cynnwys aflonyddu ar ffrindiau a theuluoedd pobl anabl ac ar bobl y credir eu bod yn anabl.

Dulliau

7. Cynhaliodd y Pwyllgor sesiynau llafar ar 21 a 29 Medi, 2011. Yn ystod y sesiynau hynny, clywodd y Pwyllgor dystiolaeth gan:

- Y Comisiwn Cydraddoldeb a Hawliau Dynol;
- Mencap Cymru;
- Prosiect Ymchwil Trosedd Casineb Cymru Gyfan;
- Anabledd Cymru;
- Anabledd Dysgu Cymru;
- Cymru Ddiogelach; a
- Chymdeithas Llywodraeth Leol Cymru.

8. Oherwydd bod yr ymchwiliad wedi canolbwyntio ar gasgliadau ymchwiliad y Comisiwn Cydraddoldeb a Hawliau Dynol, ni chyhoeddodd y Pwyllgor alwad am dystiolaeth ysgrifenedig, gan ein bod yn teimlo y byddai hyn wedi ailadrodd y gwaith yr oedd y Comisiwn eisoes wedi ei wneud.

9. Gellir dod o hyd i agendâu, papurau a'r trawsgrifiadau ar gyfer y ddau gyfarfod ar wefan Cynulliad Cenedlaethol Cymru [yma](http://www.senedd.cynulliadcymru.org/mglIssueHistoryHome.aspx?lId=1519&Opt=0).²

² <http://www.senedd.cynulliadcymru.org/mglIssueHistoryHome.aspx?lId=1519&Opt=0>

1. Arweiniad a phartneriaethau

Cyflwyniad

10. Un o brif themâu adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol ar Gymru oedd mai'r ffordd fwyaf effeithiol o gael gwared ar aflonyddu ar sail anabledd yw drwy weithio mewn partneriaethau sy'n cynnwys awdurdodau cyhoeddus, y sector gwirfoddol, sefydliadau ar gyfer pobl anabl ac unigolion. Mae hyn yn cynnwys rhannu arfer da a gwybodaeth.

11. Yn ei adroddiad, gwnaeth y Comisiwn yr argymhelliad a ganlyn yn y maes hwn:

“Mae rhaid i arweinwyr ddangos penderfyniad i gael gwared ag aflonyddu. Dylid annog partneriaethau sy'n atal ac ymateb i aflonyddu ac sy'n rhannu arfer effeithiol gan gynnwys awdurdodau cyhoeddus yn trefnu cynllun peilot Cynadleddau Asesu Risg Aml-asiantaeth”.

Arweiniad

12. Mewn tystiolaeth lafar i'r Pwyllgor, pwysleisiodd y Comisiwn y pwysigrwydd o ddangos arweiniad a phenderfyniad er mwyn ysgogi newid wrth fynd i'r afael â'r mater. Cred y Comisiwn y dylid ystyried y mater ar lefel strategol ac y dylid ei integreiddio yn y broses o ddatblygu polisiau:

“The Government has a responsibility to look at how it [disability-related harassment] can be built into its programmes and initiatives. For example, the efficiency and innovation board has a work stream on promoting new models of service delivery that can shift interventions from cure to prevention, which is exactly the territory that we are in with this disability harassment inquiry. So, we would be looking to Government to identify the mechanisms by which it can address disability harassment. As far as public authorities in Wales are concerned, leadership and advice should be a priority for them as well.”³

13. Nododd y Comisiwn y dylai gwahanol asiantaethau a sefydliadau fabwysiadu rôl arweiniol:

³ Tystiolaeth lafar, 21.9.2011

“[...] there has been insufficient determination at the highest levels to identify and resolve this problem, and it has not been a priority. The concept of leadership meshes very well with the way that things are done in Wales—the emphasis on partnership working, with different authorities such as the police, health, education and so on working together. We see that especially in the multi-agency risk assessment conferences. As a committee, you are leaders in your own right, and can take this issue up, trying to ensure that it is prioritised. Also, as scrutinisers, you have the opportunity to hold the Government and public bodies to account.”⁴

14. Mewn tystiolaeth lafar i'r Pwyllgor, dywedodd Mr Williams o Cymru Ddiogelach:

“[...] the Welsh Government needs to take the lead and to require local authorities to [...] run awareness sessions and to run media campaigns and so on, to get this out into the public domain so that more people are aware of it.”⁵

15. Cyfeiriodd y Comisiwn Cydraddoldeb a Hawliau Dynol at ysgolion, tai cymdeithasol a thrafnidiaeth fel meysydd polisi penodol y gallai Llywodraeth Cymru ddangos arweiniad yn eu cylch:

“[...] we are interested in a dialogue with the Government with regard to the guidance that is issued to a range of key agencies. In terms of changing attitudes, for example, schools are absolutely critical. Schools, for example, could discourage bullying, integrate disabled pupils more effectively, and tackle the bullying by school pupils on public transport and outside the school gates. In terms of social housing, the design of social housing can be critical and the sharing of data between social housing and other agencies is absolutely essential if incidents are to be nipped in the bud and prevented from escalating. Escalation is a real danger if social housing providers do not talk to social services or the police, for example. In terms of transport, we are interested particularly in the guidance that the Welsh Government issues around transport, because it is possible to build into the contracts for public transport that staff, for example, should be trained in intervention if there are incidents on the buses.”⁶

⁴ Tystiolaeth lafar, 21.9.2011

⁵ Tystiolaeth lafar, 29.9.2011

⁶ Tystiolaeth lafar, 21.9.2011

16. Credai tystion y gallai Llywodraeth Cymru fabwysiadu rôl arweiniol wrth ddwyn ynghyd yr asiantaethau perthnasol ac annog rhagor o weithio mewn partneriaeth. Dywedodd Ms Davies o Anabledd Cymru:

“[...] this is where the Welsh Government should step in to try to draw this together and look at how there could be a more uniform approach so that, wherever you live in Wales, you would know where to report, how to report and what was going to happen. It would mean that you would get support and that agencies would work together to tackle this and that there would be some form of redress. We are still some way from getting to that point.”⁷

17. Soniwyd mai nid Llywodraeth Cymru yn unig ddylai fabwysiadu rôl arweiniol ar lefel strategol; dylai awdurdodau lleol hefyd fabwysiadu'r rôl honno. Dywedodd Ms Alleyne o Gymdeithas Llywodraeth Leol Cymru ei bod yn bwysig i awdurdodau lleol weithio mewn partneriaeth â Llywodraeth Cymru er mwyn mynd i'r afael â'r mater yn effeithiol:

“[...] local authorities have a community leadership role and a lead responsibility in establishing a number of fora and partnerships where disability-related hate crime could and should be addressed. The examples that we highlighted in our evidence are the community safety partnership, the community cohesion strategies and the disability equality schemes that will be in place until next April, when authorities will be required to develop their strategic equality plans. Not only do local authorities have a leadership role around the strategies and partnerships that are in place, but there is also a key role to play in the services that they provide or commission. These, in turn, have a key role to play in challenging disability-related harassment, supporting the victims and dealing with the perpetrators. There is an opportunity for local authorities to undertake that leadership role.”⁸

Gweithio mewn partneriaeth

18. Yn ei adroddiad, pwysleisiodd y Comisiwn Cydraddoldeb a Hawliau Dynol mai'r ffordd fwyaf effeithiol o gael gwared ar aflonyddu ar sail anabledd yw drwy weithio mewn partneriaethau sy'n cynnwys awdurdodau cyhoeddus, y sector gwirfoddol, sefydliadau ar gyfer pobl anabl ac unigolion.

⁷ Tystiolaeth lafar, 29.9.2011

⁸ *ibid*

19. Dywedodd y Comisiwn wrthym, er mai ond megis dechrau y mae'r gwaith o sefydlu partneriaethau, bod gwaith da eisoes yn cael ei wneud:

"[...] there is a will to build partnerships that can make a difference in Wales. One example of that is the partnership between Torfaen People First and Gwent Police. Torfaen People First has trained police officers in recognising disability harassment and set up 31 reporting centres across Gwent in places where people with learning disabilities would normally go during the day. That has resulted in an increase in reporting. So, there are initiatives there that are in their infancy. The Wales Audit Office gave evidence to us and talked about its good practice exchange and the possibility of deploying that around this issue. We are keen to pick that up and pursue it."⁹

20. Awgrymodd Jim Crowe o Anabledd Dysgu Cymru fod diffyg cysondeb ymysg asiantaethau o'r ddealltwriaeth o beth yn union yw aflonyddu yn golygu yn aml bod diffyg cydweithio:

"Even though some individuals may have several agencies working with them, such as housing and social services, and they may have reported issues to the police, there is a lack of a joined-up approach and data sharing. Given that there is not a shared understanding of what disability-related harassment is, it is not recognised and there are no procedures in place for officers to follow when an incident is reported."¹⁰

21. Soniodd nifer o dystion wrth y Pwyllgor am enghreifftiau o waith da mewn partneriaeth a oedd yn digwydd gyda heddluoedd Cymru. Dywedodd y Comisiwn:

"There is also a disability hate crime action group in Wales, which is a partnership between the four police forces and disabled people's organisations. It has been developing an action plan on increased reporting and raising awareness. The initiatives are there and the good practice is developing, but we are still at early days."¹¹

22. Cyfeiriodd Ms French o Anabledd Cymru hefyd at y grŵp gweithredu ar droseddau casineb fel enghraifft o weithio da mewn partneriaeth yn y sector gwirfoddol:

⁹ Tystiolaeth lafar, 21.9.2011

¹⁰ Tystiolaeth lafar, 29.9.2011

¹¹ Tystiolaeth lafar, 21.9.2011

“[...] it is particularly important to highlight the benefits of particular expertise on disability issues in supporting disabled people to report incidences of harassment and to progress cases in Wales. One example is where Disability Wales, Safer Wales, Learning Disability Wales and others came together to create the Disability Hate Crime Action Group Cymru, which is a network of organisations. We meet quarterly and we take it in turns to host the meetings. It is a way we can exchange information on how we are helping the reporting agenda and provide information to our membership to support disabled people in Wales to raise issues at the time.”¹²

23. Dywedodd Mr. Crocker o Mencap Cymru wrth y Pwyllgor fod gweithio mewn partneriaeth yn gwella:

“What is encouraging is that there are now lots of opportunities for the police and the voluntary sector to work collaboratively. We have a project in Carmarthenshire that we are submitting to the Big Lottery for funding, working with Dyfed-Powys Police. It is for developing the role of a hate crime officer with a learning disability in Carmarthenshire, who would go into day centres to talk to people. As I mentioned in my report, I have met a number of senior officers now, and they seem very committed to tackling hate crime. It is just a case of ensuring that we can support them in their communities by developing projects they can get involved in.”¹³

24. Amlinellodd Jim Crowe o Anabledd Dysgu Cymru y manteision o weithio ar y cyd, gan ddweud wrth y Pwyllgor:

“The four police forces are working more collaboratively and there are certain areas in which consistency of approach would certainly be beneficial for disabled people. Knowing that concerns would be addressed in the same way in each police force would be helpful. Organisations such as Disability Wales, the commission and ourselves could then issue helpful easy-to-read information to disabled people to give them advice about how things will work wherever they are in Wales.”¹⁴

¹² Tystiolaeth lafar, 29.9.2011

¹³ Tystiolaeth lafar, 21.9.2011

¹⁴ Tystiolaeth lafar, 29.9.2011

Cynadleddau Asesu Risg Aml-asiantaeth

25. Cyfeiriodd adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol at y defnydd o gynadleddau asesu risg aml-asiantaeth, a gaiff eu defnyddio yng Nghymru ar hyn o bryd ar gyfer achosion o gam-drin domestig. Esboniwyd bod asiantaethau lleol yn dod at ei gilydd mewn cynhadledd i drafod dioddefwyr sydd mewn perygl mawr o gam-drin domestig sy'n byw yn yr ardal leol. Nod y cynadleddau hyn yw lleihau'r perygl o niwed difrifol i ddioddefwyr posibl, neu'r perygl iddynt gael eu lladd, a gwella iechyd, diogelwch a lles y rhai sydd mewn perygl.

26. Dywedodd y Comisiwn:

“We have searched for a partnership approach that can make a practical, real difference on the ground. We have looked at what we have learnt from these multi-agency risk assessment conferences that have been deployed on domestic abuse. The evidence shows that they have been effective in tackling domestic abuse. There seems to be a practical on-the-ground way for us to make a difference in dealing with disability harassment. We are looking for local authorities to pick that up and say that they will pilot it and see what happens. In terms of on-the-ground partnerships, it would be a big step forward if local authorities took a lead in initiating those multi-agency risk assessment conference mechanisms for addressing disability harassment.”¹⁵

27. Ategodd nifer o dystion y farn y gallai'r cynadleddau fod yn ffordd effeithiol o annog gweithio mewn partneriaethau ac y dylid treialu eu defnydd ym maes aflonyddu ar sail anabledd. Nododd Cymru Ddiogelach yn ei dystiolaeth ysgrifenedig y tebygrwydd rhwng cam-drin domestig a throseddau casineb, ac awgrymodd y byddai sefydlu grŵp strategol i Gymru gyfan i roi ar waith brosesau'r cynadleddau ar gyfer achosion uchel eu risg yn ffordd effeithiol o fynd i'r afael â'r mater.

Ysgolion

28. Yn ei adroddiad, amlinellodd y Comisiwn Cydraddoldeb a Hawliau Dynol sut y gall ysgolion chwarae rôl ganolog i atal aflonyddu. Fel engrhaifft, cyfeiriodd at ganllawiau Llywodraeth Cymru ar fwlio, sy'n cynnwys bwlio disgyblion anabl.

¹⁵ Tystiolaeth lafar, 21.9.2011

“In terms of schools, it is always valuable to bring people from different backgrounds together, whether it is through partnerships in schools, or however it is done. There is always a challenge with schools thinking that everything is landed on them, so although it is important and valuable for schools to do that, the voluntary sector and all of us, as citizens more widely, have a responsibility to do what we can to bring people together from different backgrounds.”¹⁶

29. Nododd Cymru Ddiogelach ei fod wedi cynnal sesiynau codi ymwybyddiaeth am droseddau casineb mewn ysgolion. Diben y sesiynau oedd codi ymwybyddiaeth a thrafod y rhwystrau i adrodd am droseddau casineb. Roedd Cymru Ddiogelach wedi cynnal 37 o sesiynau i gyfanswm o 596 o bobl. Nododd ei werthusiad o effeithiolrwydd y sesiynau fod:

- 87 y cant o ddisgyblion yn teimlo bod eu dealltwriaeth o beth yw trosedd casineb wedi gwella;
- 80 y cant yn teimlo bod eu dealltwriaeth o'r rhwystrau i adrodd am droseddau casineb wedi gwella drwy fynychu'r sesiynau; a bod
- 82 y cant yn credu bod y sesiwn wedi bod yn ddefnyddiol ar y cyfan.

Barn y pwyllgor

30. Rydym yn ategu argymhelliad y Comisiwn Cydraddoldeb a Hawliau Dynol mewn perthynas ag arweiniad a gweithio mewn partneriaethau. Mae'n amlwg bod angen arweiniad cryf gan Lywodraeth Cymru, ond rydym yn cydnabod barn y Comisiwn na fu hon yn flaenoriaeth uchel yn y gorffennol.

31. Rydym yn cydnabod bod Llywodraeth Cymru wedi mynd i'r afael â throseddau casineb yn y gorffennol o dan y Strategaeth Cydlyniant Cymunedol, sy'n dod i ben yn 2012. Nid oes gan y strategaeth hon unrhyw gamau gweithredu nac amcanion penodol ar droseddau casineb, ac rydym o'r farn y dylid rhoi blaenoriaeth i aflonyddu ar sail anabledd. Rydym hefyd yn nodi bod Cynllun Cydraddoldeb Sengl Llywodraeth Cymru yn dod i ben yn 2012. Rydym yn gweld hwn yn gyfle i Lywodraeth Cymru ymroi i fynd i'r afael â'r mater.

32. Rydym yn cydnabod bod gan eraill rôl arweiniol, gan gynnwys y Pwyllgor hwn, ac rydym felly yn ymroi i barhau i adolygu'r cynnydd sy'n digwydd wrth fynd i'r afael ag aflonyddu ar sail anabledd.

¹⁶ Tystiolaeth lafar, 21.9.2011

33. O ran gweithio mewn partneriaeth, roedd y dystiolaeth a gawsom yn awgrymu bod gwaith da yn cael ei wneud ond mai ond megis dechrau oedd y gwaith hwnnw a bod llawer mwy i'w wneud o hyd. Rydym yn cytuno y gallai treialu'r defnydd o gynadleddau asesu risg aml-asiantaeth ar gyfer achosion o aflonyddu ar sail anabledd fod yn ffordd effeithiol o sicrhau gweithio mewn partneriaeth gwell.

34. Rydym o'r farn bod rhannu data rhwng gwahanol asiantaethau yn hanfodol i sicrhau ymyrraeth gynnar ac y byddai'n annog Llywodraeth Cymru a Chymdeithas Llywodraeth Leol Cymru i chwarae rhan fwy rhagweithiol i sicrhau bod protocolau rhannu data mewn grym, eu bod yn cael eu defnyddio a'u bod yn cael effaith gadarnhaol.

35. Rydym yn nodi bod codi ymwybyddiaeth mewn ysgolion yn gallu cyfrannu'n sylweddol at ymyrraeth gynnar. Rydym hefyd yn cydnabod bod Llywodraeth Cymru wedi cyhoeddi canllawiau gwrth-fwlio newydd i ysgolion.¹⁷

Argymhellion

Argymhelliad 1: Dylai Llywodraeth Cymru gyflwyno fframwaith aflonyddu ar sail anabledd, gan ddwyn ynghyd yr holl waith presennol sy'n digwydd yng Nghymru a gosod cyfeiriad strategol. Dylid datblygu hyn gan ddefnyddio'r Grŵp Gweithredu ar Droseddau Casineb Anabledd fel grŵp llywio.

Argymhelliad 2: Dylai'r cynllun hwn nodi atebolrwydd ar draws portffolios Gweinidogion ac annog gweithio mewn partneriaethau rhwng adrannau'r Llywodraeth, awdurdodau lleol, awdurdodau ieuchyd, sefydliadau gwirfoddol ac asiantaethau perthnasol eraill fel yr heddlu.

Argymhelliad 3: Dylai'r fframwaith gynnwys darpariaeth ar gyfer hyfforddi staff rheng flaen mewn awdurdodau cyhoeddus.

Argymhelliad 4: Dylai Llywodraeth Cymru dreialu'r defnydd o gynadleddau asesu risg aml-asiantaeth ar gyfer achosion o aflonyddu ar sail anabledd, gan ddefnyddio'r model o gam-drin domestig fel arfer da.

¹⁷ Llywodraeth Cymru, [Parchu eraill: canllawiau gwrth-fwlio 2011](#) [fel ar 11/11/11]

2. Dyletswyddau cydraddoleb

Cyflwyniad

36. Mae'r ail o'r pedwar argymhelliad yn adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol yn cyfeirio at ddyletswyddau yn y sector cyhoeddus, ac yn datgan, er mwyn sbarduno newid yn y maes hwn, y dylai awdurdodau cyhoeddus ddefnyddio'r dyletswyddau cydraddoldeb hynny, ac yn arbennig y dyletswyddau penodol i Gymru, i fynd i'r afael ag aflonyddu ar sail anabledd.

37. Mae'r ddyletswydd gyffredinol ar gydraddoldeb yn y sector cyhoeddus yn ei gwneud yn ofynnol i awdurdodau ledled Prydain gael gwared ar wahaniaethu, annog cyfle cyfartal a meithrin perthynas dda. Mae'r dyletswyddau penodol ar gydraddoldeb i Gymru yn nodi'r camau y dylai awdurdodau cyhoeddus yng Nghymru eu cymryd i ddangos eu bod yn rhoi sylw dyledus i'r ddyletswydd gyffredinol.

38. Mae'r dyletswyddau penodol i Gymru yn ei gwneud yn ofynnol i awdurdodau cyhoeddus lunio amcanion a chynlluniau cydraddoldeb a chasglu gwybodaeth am gydraddoldeb (ymysg dyletswyddau eraill).

39. Mae adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol yn datgan y dylid ymgynghori â phobl anabl wrth ddatblygu'r amcanion cydraddoldeb, wrth gasglu data ac wrth ddatblygu'r cynlluniau gweithredu. Yn y trafodaethau a gynhaliwyd yn ystod ymchwiliad y Comisiwn, nodwyd yr angen i newid agweddau diwylliannol at bobl anabl fel prif flaenoriaeth i atal aflonyddu. Gwelwyd y dyletswyddau penodol ar gydraddoldeb fel cyfle i ymwneud ag awdurdodau cyhoeddus wrth ddatblygu ymgyrchoedd i godi ymwybyddiaeth.

Dyletswyddau cydraddoldeb

40. Mewn tystiolaeth lafar, dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol:

“[...] the Equality Act 2010 introduced a positive duty on public authorities to take action, and the specific duties have been written by the Welsh Government as far as the devolved public sector is concerned. Those are in the process of being introduced now, and will fully kick in next April. It is a good opportunity to focus on the deepest inequalities, and this is one of them. The report that we published earlier in the year, ‘How Fair is Wales?’, identified seven

major equality and discrimination problems in Wales, and hate crime is one of those. Disabled people will tell you that the top issue is low levels of knowledge, so the equality duties can be used to help raise awareness to eliminate crime. It can also be used to focus attention on training front-line staff, because it is not only members of the public who lack the knowledge about this issue and what to do, but front-line public servants as well. We will be monitoring the impact of the equality duty, but there could be an opportunity for you as a committee to scrutinise the effectiveness of the equality duty, and the specific duties in tackling hate crime. That could be done by scrutinising not only Ministers but also the WLGA.”¹⁸

41. Soniodd y Comisiwn wrth y Pwyllgor am y pwysigrwydd o ymgynghori â phobl anabl ar y dyletswyddau cydraddoldeb penodol:

“The requirement to involve disabled people in solutions is a very clear reason why the specific equality duty is important here, because there is an absolute requirement that, in setting their objectives, public authorities involve disabled people. They are going to be required to set at least one objective for each strand of equality, meaning that there will be very strong arguments that eliminating and tackling disability harassment should be considered by public authorities as something that should be set under the disability duty. It is not just a case of having a chat but of actual involvement in setting the objective and working out how it is to be delivered. It is hoped that that will be one of the major benefits of that new duty.”¹⁹

42. Dywedodd Ms Alleyne o Gymdeithas Llywodraeth Leol Cymru:

“One thing that we can contribute is that, with the new equality legislation and the new strategic equality plans, the fact that there is a need to focus on hate crime and harassment is something that has been picked up by the majority of authorities. These plans are strategic with a whole authority. Ways of taking those forward will be discussed within the whole authority, bringing the different departments together, asking how they can contribute to the fulfilment of the objectives. In relation to an objective on tackling hate crime, in most local authorities, we would certainly be talking about all the local authority departments having the discussion on that objective. Also, in north Wales, you have the wider partnership

¹⁸ Tystiolaeth lafar, 21.9.2011

¹⁹ *ibid*

with a shared objective. In south-west Wales, they are discussing the possibilities of shared objectives—whether that will be Swansea, Neath Port Talbot and South Wales Police and whether it will be expanded to include Dyfed-Powys Police and Carmarthen. It is all at an early stage. It provides a forum in which people are going to begin to discuss these things. In a way, the finger is going to be pointed at people and they will be asked, ‘How can you contribute to this agenda?’ So, that should help the flow of information.”²⁰

Barn y Pwyllgor

43. Rydym yn cydnabod bod cyflwyno dyletswyddau cydraddoldeb penodol yn gyfle i roi blaenoriaeth uwch i’r mater o aflonyddu ar sail anabledd mewn llawer o awdurdodau lleol. Byddant hefyd yn cynnig cyfleoedd ar gyfer gweithio mewn partneriaeth gwell.

44. Byddwn yn parhau i adolygu effaith y dyletswyddau cydraddoldeb, a phryd y rhoddir hwy ar waith, er mwyn sicrhau eu bod yn effeithiol.

Argymhelliad

Argymhelliad 5: Dylai Llywodraeth Cymru fonitro faint o awdurdodau cyhoeddus sydd wedi mabwysiadu aflonyddu ar sail anabledd fel amcan cydraddoldeb o dan y dyletswyddau cydraddoldeb penodol. Dylai’r amcanion hyn gael eu gwerthuso yn ôl yr hyn a gyflawnir a dylid rhannu arfer da.

²⁰ Tystiolaeth lafar, 29.9.2011

3. Diogelu ar sail hawliau

Cyflwyniad

45. Yn ei adroddiad, mae'r Comisiwn Cydraddoldeb a Hawliau Dynol yn argymhell y dylai Llywodraeth Cymru fabwysiadu dull diogelu ar sail hawliau. Esboniodd y Comisiwn fod gan awdurdodau lleol gyfrifoldebau penodol i arwain ar ddiogelu oedolion a phlant, a'r rhai sy'n agored i niwed. Mae diogleu'n golygu cadw'n ddiogel unigolion a allai fod yn agored i niwed, gan gynnwys ymyrryd mewn sefyllfa benodol ac atal sefyllfa rhag gwaethygu.

46. Ym mis Chwefror 2011, cyhoeddodd Llywodraeth Cymru *Gwasanaethau Cymdeithasol Cynaliadwy i Gymru: Fframwaith Gweithredu*,²¹ sy'n amlinellu ei chynlluniau i adnewyddu gwasanaethau a gofal cymdeithasol am y degawd nesaf. Mae'r papur hwn yn argymhell y dylid sefydlu Bwrdd Diogelu Cenedlaethol ar gyfer Oedolion a Phlant er mwyn cynnig arweiniad cenedlaethol i bob rhanddeiliad, datblygu a hyrwyddo safonau o safon uchel, a bod yn ganolbwynt ar gyfer dysgu o brofiad. Rhoddwyd rhagor o wybodaeth am y bwrdd gan y Dirprwy Weinidog ym mis Hydref 2011.²² Mae Grŵp Ymgynghorol ar Ddiogelu Oedolion a Fforwm Diogelu Plant eisoes wedi'u sefydlu i adolygu'r trefniadau presennol.

Y Bil Gwasanaethau Cymdeithasol

47. Mae adroddiad y Comisiwn Cydraddoleb a Hawliau Dynol yn datgan bod y Bil Gwasanaethau Cymdeithasol arfaethedig yn gyfle pwysig i gyflwyno system ddiogelu effeithiol a fydd hefyd yn diogelu hawliau dynol pobl anabl. Dywedodd y Comisiwn wrth y Pwyllgor:

“It is envisaged that the Bill will include provision for a safeguarding board, which we would welcome. If a safeguarding board is established, there is a specific opportunity to build human rights principles into the way that safeguarding is introduced, which in itself could be a valuable tool for protecting people from harassment.”²³

48. Mewn tystiolaeth ysgrifenedig, dywedodd Anabledd Cymru yr hyn a ganlyn:

²¹ Llywodraeth Cymru, [Gwasanaethau Cymdeithasol Cynaliadwy i Gymru: Fframwaith Gweithredu](#), Chwefror 2011 [fel ar 15 Medi 2011]

²² Llywodraeth Cymru, Gwenda Thomas (y Dirprwy Weinidog Gwasanaethau Cymdeithasol), datganiad ysgrifenedig, [Diogelu ac Amddiffyn Pobl Mewn Perygl](#), 18 Hydref 2011 [fel ar 14 Tachwedd 2011]

²³ Tystiolaeth lafar, 21.09.2011

“[We] recognise the logic of linking measures concerning Disability Related Harassment to Welsh Government proposals regarding safeguarding as highlighted in Sustainable Social Services: a Framework for Action.”²⁴

49. Fodd bynnag, trwy fabwysiadu dull diogelu, mae Anabledd Cymru'n pryderu bod Llywodraeth Cymru'n ail-adrodd y syniad bod pobl anabl yn gynhenid yn agored i niwed a bod angen eu diogelu.

50. Mae gan Anabledd Cymru hefyd ofnau y gallai hyn arwain at lunio mesurau sy'n cyfyngu ar annibyniaeth pobl ond yn gadael agweddau gelyniaethus heb eu herio ac ymddygiad troseddol heb ei erlyn. Fodd bynnag, yn ei dystiolaeth ysgrifenedig, dywedodd Anabledd Dysgu Cymru ei fod yn cefnogi'r dystiolaeth a gafwyd yn ymchwiliad y Comisiwn Cydraddoldeb a Hawliau Dynol y gall canolbwyntio ar helpu ac amddiffyn yn y system ddiogelu fod ar draul cyfiawnder a gwneud iawn.

Barn y Pwyllgor

51. Rydym yn cydnabod barn y Comisiwn Cydraddoldeb a Hawliau Dynol ac Anabledd Cymru mewn perthynas â diogelu. Rydym yn credu y dylai datblygu'r Bil Gwasanaethau Cymdeithasol gynnwys trafodaethau ynghylch sut y gellid cynnwys hawliau dynol mewn mesurau diogelu heb amharu ar annibyniaeth pobl. Dylid gwneud hyn mewn ymgynghoriad â phobl anabl.

Argymhelliad

Argymhelliad 6: Dylai'r Gweinidog sydd â chyfrifoldeb dros gydraddoldeb drafod gyda'r Dirprwy Weinidog Gwasanaethau Cymdeithasol sut y bydd hawliau dynol yn cael eu cynnwys yn y Bil Gwasanaethau Cymdeithasol arfaethedig, a rhoi nodyn i'r Pwyllgor am ganlyniad y cyfarfod hwnnw.

²⁴ Anabledd Cymru, tystiolaeth ysgrifenedig.

4. Cynyddu'r achosion o adrodd

Cyflwyniad

52. Canfu ymchwiliad y Comisiwn Cydraddoldeb a Hawliau Dynol fod diffyg parodrwydd dybryd i adrodd am achosion o aflonyddu ar sail anabledd, naill ai oherwydd embaras, cywilydd, diffyg hyder, straen neu oherwydd nad oedd pobl yn meddwl ei fod yn werth yr ymdrech.

53. Galwodd adroddiad y Comisiwn ar awdurdodau cyhoeddus i roi ar waith fesurau i sicrhau bod pobl yn cael profiad cadarnhaol o adrodd am achosion a bod cefnogaeth effeithiol ar gael iddynt. Mae'r adroddiad yn nodi mai'r cam pwysig cyntaf wrth geisio cynyddu'r achosion o adrodd yw sicrhau bod pobl yn cael profiad cadarnhaol wrth adrodd am ddigwyddiad.

Rhesymau dros beidio ag adrodd

54. Esboniodd y Comisiwn Cydraddoldeb a Hawliau Dynol fod y mater o ddiffyg adrodd yn un difrifol. Esboniodd:

“The reasons why people do not report are because sometimes they are embarrassed, ashamed or lack confidence that something would be done about it. They may feel that they may not be taken seriously or will be fobbed off. However, in the report there is checklist for a positive reporting experience, based on the evidence that people gave to us. That includes such things as clarity about who to report to and having a sympathetic and understanding reception. Critical to the experience being a positive one was that authorities responded swiftly and sought a resolution that reduced the risk of reprisals or escalation of the problem. That has got to be built into the response to reporting.”²⁵

55. Dywedodd Ms Davies o Anabledd Cymru:

“One thing that has emerged is that people are just not believed when they report issues. The view is: who would be abusive to or attack a disabled person? Given people's particular conditions, if they have a mental health issue, for example, or if they do not express themselves clearly, they are often seen as 'having imagined it' or it is 'not as bad as that'. The individuals are encouraged to change their routines or behaviour rather than trying to find the perpetrators and

²⁵ Tystiolaeth lafar, 21.9.2011

deal with them. So, people get rehoused, people get told not to go on a certain bus route or whatever; it is not taken seriously enough.”²⁶

56. Dywedodd Dr Mair Rigby o Brosiect Ymchwil Trosedd Casineb Cymru Gyfan fod gwaith y prosiect yn tanlinellu casgliadau'r Comisiwn Cydraddoldeb a Hawliau Dynol ar y mater hwn, sef bod pobl anabl yn profi llawer o rwystrau wrth adrodd am achosion o droseddau casineb ac aflonyddu:

“[...] Stakeholders have informed us that communication barriers can include the use of legal language and jargon and limited methods of communication being offered; physical barriers can include inaccessible police stations and court buildings. One thing that has been mentioned to us repeatedly and which is quite interesting is that there is a lack of confidentiality in police station foyers and in reporting areas in general. That could include those in housing associations and local authorities. That has been mentioned to us repeatedly as a social barrier to reporting. People have said that they do not want to go somewhere and talk about very personal information when there are lots of people hanging around.”²⁷

57. Esboniodd y Comisiwn Cydraddoldeb a Hawliau Dynol y gall pobl anabl hefyd fod â phryderon am eu perthynas â'r awdurdodau:

“We have found in other research that we have done that people are often hesitant to report incidents when they fear reprisals not only from their family perhaps, but from authorities. We found that asylum seekers did not want to report incidents because they thought that it would count against their bid for asylum. So, sometimes there are unfounded fears, which is why changing the public's attitude to this is important so that it is much less likely that people are fobbed off by social services or the housing provider.”²⁸

58. Esboniodd Dr Mair Rigby fod gan bobl anabl hefyd ofnau ynghylch y goblygiadau o adrodd am achosion:

“It has been said to us that people will not report if they think that doing so will make them less safe, which in turn is linked to the fear of experiencing what is called ‘secondary victimisation’ from service providers when they try to report. If you have had this experience and

²⁶ Tystiolaeth lafar, 29.9.2011

²⁷ Tystiolaeth lafar, 21.9.2011

²⁸ *ibid*

you then get a negative, dismissive and even intimidating response, you are doubly traumatised by the experience.”²⁹

59. Ategwyd hyn gan Mr Crowe o Anabledd Dysgu Cymru, a bwysleisiodd y graddau y mae pobl ag anableddau dysgu neu anableddau eraill yn anfodlon ceisio iawn o bryd i’w gilydd. Dywedodd hefyd:

“The dilemma for them is whether they potentially aggravate the problem with their neighbour or the person down the street, or whether they tolerate it and try to live with it.”³⁰

Ymyrraeth gynnar

60. Dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol fod annog pobl i adrodd am achosion o aflonyddu yn hanfodol, oherwydd y gallai ymyrraeth gynnar fel hon atal digwyddiadau rhag mynd hyd yn oed yn fwy difrifol:

“[...] what we are trying to do—and this is the reason why we have called this the disability harassment inquiry rather than the disability hate crime inquiry—is encourage the reporting of incidents before they become a crime, necessarily. That is part of the approach of early intervention and trying to prevent crime. All four police forces came together to give evidence, and they all appear to be taking a very similar approach. They are very keen to know about these incidents, to log them and to share data, as we have spoken about, at the earliest opportunity. That is the place we are starting from, rather than worrying too much about what is further down the line, because the reporting is so low that very few incidents get that far anyway. That is our priority at the moment.”³¹

61. Roedd Ms Bowen-Thomson o Cymru Ddiogelach yn cydnabod pwysigrwydd ymyrraeth gynnar, a dywedodd:

“[...] It is crucial to train people to pick up early identifiers. It might be the use of a name and not brushing off the fact that someone is being called a name, because it may mean something much more and it may be that you are just seeing the tip of what is really going on in their lives.”³²

²⁹ Tystiolaeth lafar, 21.9.2011

³⁰ Tystiolaeth lafar, 29.9.2011

³¹ Tystiolaeth lafar, 21.9.2011

³² Tystiolaeth lafar, 29.9.2011

62. Nododd Ms Bowen-Thomson o Cymru Ddiogelach hefyd y cyfleoedd ar gyfer ymyrraeth gynnar:

“Going back to the earlier question about what the Welsh Government could do, one of the things is to heighten the awareness of housing providers, such as registered social landlords, so that we can pick up some of these issues at an earlier stage and provide support at that stage, rather than wait until it gets to the criminal justice system.”³³

63. Awgrymodd Dr Rigby y gallai awdurdodau ei gwneud yn haws i bobl adrodd am achosion:

“[...]it was expressed to us as ‘send out the message that it is all right to ask’ so that people feel comfortable approaching criminal justice agencies and other relevant service providers to ask questions about hate crime and harassment without it being implied that they are wasting time or them receiving dismissive responses.”³⁴

Adrodd gan drydydd parti

64. Soniodd amryw o dystion wrth y Pwyllgor am y rôl bwysig y gallai trefniadau adrodd trydydd parti ei chwarae i gynyddu'r lefelau o adrodd am achosion. Dywedodd Mr Crocker o Mencap Cymru fod unigolion yn ymddangos yn fwy cyffyrddus yn adrodd am achosion o droseddau casineb wrth sefydliadau trydydd parti. O ganlyniad, dywedodd:

“[...] we would like to see better co-ordination and promotion of all the organisations providing third-party reporting in Wales to ensure that all parts of Wales have access to timely and appropriate third-party reporting and that those reports are captured properly to inform strategic planning around disability hate crime.”

65. Dywedodd Ms Bowen-Thomson o Cymru Ddiogelach:

“There is also an issue with regard to confidence. We know that, with third-party reporting systems, people who may not approach a statutory organisation or the police have an opportunity to report something safely. There are mechanisms in relation to feeding intelligence directly to the police [...] The system can capture it, even if the person does not want to disclose to the police who they are and what has happened. Often, the incidents can involve people who are

³³ Tystiolaeth lafar, 29.9.2011

³⁴ Tystiolaeth lafar, 21.9.2011

known to them and it can take a few steps to report it fully. We have seen this with domestic violence and abuse, and with a variety of hate crimes, so this is an opportunity for us to get to the real picture and to start targeting some of our work across Wales—not just us, but all of our partners.”³⁵

66. Dywedodd Mr Crocker o Mencap Cymru hefyd:

“[...] within a year or two, once we make people aware of the different systems in use, we should have some good data on why people are reporting to us as opposed to the police, and, if they have reported things to other authorities how long they have had to wait until they felt they had not got the resolution they needed and have come to organisations such as Mencap.”³⁶

67. Awgrymodd Dr Rigby ei bod yn bwysig fod pobl anabl yn cael mynediad at ddulliau pendant o adrodd am achosion:

“[...]there is a lack of specialist and dedicated services to support disabled people when reporting hate crime and harassment. For example, there should be dedicated helplines rather than general ones—I know that Mencap is working on that with its line. There should also be more use of intermediaries to give support to people with learning disabilities, in particular.”

68. Mewn ymateb i gwestiwn ynghylch a fyddai'n bosibl i unigolion anabl ddefnyddio eu cynrychiolwyr etholedig (ee cynghorwyr, Aelodau'r Cynulliad, Aelodau Seneddol) i adrodd am achosion o aflonyddu, dywedodd Ms Alleyne o Gymdeithas Llywodraeth Leol Cymru fod hwn yn gwestiwn rhesymol. Soniodd am yr hyfforddiant a roddir i gynghorwyr i ddatblygu dealltwriaeth o'r materion cydraddoldeb hyn:

“Local authorities with newly elected members develop their own induction processes, but the WLGA provides a whole range of induction resources. There are courses on equality issues and community safety issues, either which would be relevant to pick up these types of issues. It is about understanding the experiences of residents within their area; not necessarily having all the answers, but knowing where to seek support and assistance on behalf of constituents. The Equality and Human Rights Commissions report

³⁵ Tystiolaeth lafar, 29.9.2011

³⁶ Tystiolaeth lafar, 21.9.2011

states the need to work with disabled people to encourage the reporting of cases, but unless people feel confident and able to report, and know-how and who to report to—because not everyone knows who their local councillor is—we cannot respond. So, we need to make this process as easy as possible so that people, when they have had that experience, know who to report it to.”³⁷

Adnabod aflonyddu

69. Soniodd nifer o dystion wrthym ei bod yn broblem weithiau i bobl anabl neu eu teuluoedd adnabod bod ymddygiad yn amhriodol ac i ddeall y gellid gwneud rhywbeth yn ei gylch. Pwysleisiodd Mr Crocker o Mencap Cymru y pwysigrwydd o hyfforddi pobl anabl a’u teuluoedd i adnabod aflonyddu:

“[...] the Welsh Government should require social services departments to invest in awareness training and information targeted at people with a learning disability and their families about learning disability hate crime.”

70. Dywedodd Ms Warner o Anabledd Dysgu Cymru:

“With some of our previous work with people with learning disabilities, we undertook a project, with the help of the Welsh Government, that looked into whether people with learning disabilities actually understand what abuse is. We produced a DVD that really helped people, because people were suffering abuse, the safeguarding system was not helping, and nothing was being taken seriously. I would like to see some consistent approaches to helping people with learning disabilities and other disabilities to understand when they are being subjected to abuse.”³⁸

Rhannu data

71. Pwysleisiodd y Comisiwn Cydraddoldeb a Hawliau Dynol bwysigrwydd rhannu data, a dywedodd wrth y Pwyllgor:

“Data sharing is important in this, and we have very good opportunities here in Wales for this. We find that, although an individual might have complained 20 times to a housing association or to social services, it can be the first that the police know of it. Therefore, in order to stop problems falling through the gaps, we

³⁷ Tystiolaeth lafar, 29.9.2011

³⁸ *ibid*

need to increase data sharing. There are particular opportunities, given the way that police forces are working together, to move forward on identifying hate crime. We have heard, time and again, in taking evidence—we have taken a lot of evidence from individuals and organisations across Wales—of the importance of early intervention, data sharing and collaborative approaches, whether that is through community safety partnerships or through local service boards.”³⁹

72. Dywedodd y Comisiwn fod rhai asiantaethau yn awyddus iawn i rannu data ag asiantaethau eraill. Fodd bynnag, dywedodd hefyd,

“[...] we lack a data-sharing protocol that would enable public authorities to share data. It is an absolutely critical issue in which the Welsh Government could take a leadership role.”⁴⁰

73. Ychwanegodd nad oedd y trefniadau presennol ar gyfer rhannu data yn ymddangos yn ddigonol, a dywedodd yr hyn a ganlyn:

“[We] would be looking towards a data-sharing protocol that enabled the police, for example, to share data with social services and housing providers, so that it was a protocol that went much wider than local government itself.”⁴¹

74. Dywedodd Ms Alleyne o Gymdeithas Llywodraeth Leol Cymru:

“There are issues related to the sharing of information and we will all be aware of some of the difficulties that can be caused by that. We are awaiting further guidance from the Welsh Government about overcoming some of the issues around not sharing information. It is critical, in terms of ensuring that organisations can work together and have the information that they require to provide support in a holistic and joined-up way.”⁴²

Barn y Pwyllgor

75. Rydym yn cydnabod pwysigrwydd cynyddu’r achosion o adrodd, yn enwedig oherwydd y gall hyn helpu ymyrraeth gynnar. Rydym hefyd yn cydnabod pwysigrwydd trefniadau adrodd trydydd parti. Rydym yn credu bod angen gwneud rhagor o waith i gael gwared ar y rhwystrau i adrodd.

³⁹ Tystiolaeth lafar, 21.9.2011

⁴⁰ *ibid*

⁴¹ *ibid*

⁴² Tystiolaeth lafar, 29.9.2011

76. Rydym hefyd yn cydnabod bod gwaith wedi'i wneud i godi ymwybyddiaeth pobl anabl a'u teuluoedd o beth yn union yw aflonyddu ac, yn ein barn ni, dylid gwneud rhagor o waith i godi ymwybyddiaeth o beth yw aflonyddu. Rydym yn teimlo y gallai hyn gyfrannu at gynyddu'r achosion o adrodd.

77. Rydym yn nodi bod Mencap Cymru, yn ei dystiolaeth lafar, wedi dweud y byddai data ar gael yn ystod y flwyddyn neu ddwy nesaf mewn perthynas â defnydd pobl anabl o ddulliau trydydd parti o adrodd, yn hytrach nag adrodd yn uniongyrchol i'r heddlu. Gobeithiwn y bydd y wybodaeth hon yn sail i waith pellach ar gynyddu'r achosion o adrodd.

Argymhellion

Argymhelliad 7: Dylai fframwaith Llywodraeth Cymru safoni a chydlynu canolfannau adrodd trydydd parti er mwyn sicrhau cysondeb yn y ddarpariaeth a bod canolfannau ar gael ledled Cymru.

Argymhelliad 8: Dylai'r fframwaith annog y defnydd o adnoddau presennol i godi ymwybyddiaeth o aflonyddu ar sail anabledd ymysg pobl anabl.

Argymhelliad 9: Dylai Llywodraeth Cymru gyhoeddi canllawiau i awdurdodau lleol ac asiantaethau perthnasol ar rannu data ac, yn benodol, ar sut y gall awdurdodau adnabod patrymau o aflonyddu ar lefel is cyn i'r achosion ddatblygu'n droseddau casineb.

5. Newid agweddau diwylliannol at bobl anabl

Codi ymwybyddiaeth

78. Nododd adroddiad y Comisiwn Cydraddoldeb a Hawliau Dynol nad oedd canfyddiad cyhoeddus bod aflonyddu ar sail anabledd yn broblem ddifrifol neu eang (dyna pam y rhoddwyd y teitl “O’r golwg yng ngolwg pawb” i’r adroddiad). Pwysleisiodd yr adroddiad yr angen am ddull cydweithredol o newid agweddau yng Nghymru. Teimlwyd bod y dyletswyddau penodol yn gyfle i awdurdodau cyhoeddus ddatblygu ymgyrchoedd codi ymwybyddiaeth.

79. Yn ei thystiolaeth ysgrifenedig, dywedodd Cymdeithas Llywodraeth Leol Cymru fod newid agweddau diwylliannol tymor hir at bobl anabl yn fater allweddol. Argymhellodd y Gymdeithas y dylid darparu hyfforddiant i staff, yn enwedig i staff rheng flaen ym mesydd tai, addysg, iechyd a thrafnidiaeth, i godi eu hymwybyddiaeth o aflonyddu ar sail anabledd a’u sensitifwydd at y mater, ac i sicrhau eu bod yn ymwybodol o’r camau sydd angen eu cymryd pan ddaw gwybodaeth a adroddwyd i law, gan gynnwys dulliau cyfeirio.

80. Dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol fod hyfforddi staff rheng flaen gwasanaethau cyhoeddus yn bwysig, a bod hon yn ffordd effeithiol o godi ymwybyddiaeth:

“Our overriding impression is that front-line staff in public service have not been trained in recognising disability harassment, and therefore do not know what to do, who to refer it on to, how to intervene or what to suggest to anyone.”⁴³

Dywedodd hefyd: “[...] it is crucial that front-line staff are trained, so that they know what to do and are more confident. I was speaking to someone the other day who works in public service, and he said that there are posters up in his office saying that you should not tolerate hate crime, but as a front-line public servant he has never had any training at all on what to do if someone comes to him to report a hate crime.”⁴⁴

81. Trwy gydol ymchwiliad y Pwyllgor, soniodd tystion am effaith y mae’r ffordd y mae pobl anabl yn cael eu portreadu gan y cyfryngau yn ei chael ar unigolion a’r gymdeithas. Dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol ei fod wedi gwneud peth gwaith cychwynnol yn y maes hwn:

⁴³ Tystiolaeth lafar, 21.9.2011

⁴⁴ *ibid*

“The work that the commission in Wales has done with the media so far is to try to look at increased coverage and a more positive portrayal of some of the most disadvantaged groups, such as Gypsies and Travellers, asylum seekers and refugees. However, in this context, people with mental health conditions felt that they were receiving particularly poor media coverage. We have tried to bring the media together with voluntary sector organisations that represent people with a mental health condition to look at positive stories and to increase the media’s database of people whom it calls to talk on other topics. Someone with a mental health condition should not just get called to talk about that particular issue, but also more mainstream issues, because if that person was a garage mechanic, he or she could be called to talk about cars, for example.”⁴⁵

82. Soniodd Mr Crocker o Mencap Cymru hefyd am y ffordd negyddol y mae pobl anabl yn cael eu portreadu yn y cyfryngau:

“In 2003, Mencap Cymru was *Blue Peter*’s charity of the year, and it was fund-raising to support young disabled children to be integrated into things such as the scouts, the girl guides and other mainstream activities. However, what was shocking—and the BBC itself was shocked by this—was the number of parents who phoned up to say that they did not want their sons and daughters in the same clubs as people ‘like that’. It is incredible that this negative attitude towards disabled people is still endemic within society. It is crucial for us to start promoting the positive contributions that people with a learning disability are making in their communities, so that people do not go down the route of thinking that they can target people with learning difficulties. I am sure that you will receive evidence from other disability organisations about the way that the press malign disabled people in society as scroungers and people who are in receipt of benefit, which is dangerous and insidious.”⁴⁶

83. Dywedodd Ms Davies o Anabledd Cymru:

“In the last year or so, there has been a lot of negative reporting of disabled people in the media, particularly people who claim benefits and people who are referred to as scroungers, layabouts and workshy. A recent survey by Scope of disabled people, particularly people with cerebral palsy, said that, in the last year, they feel more

⁴⁵ Tystiolaeth lafar, 21.9.2011

⁴⁶ *ibid*

afraid because of the way that disabled people are now being characterised. Especially at a time when there are cutbacks in services, those people who might continue to receive a service could be seen as even more of a target, because they are getting things that others feel they are not getting. So, the news media has a clear role in providing a balanced view—not stereotyping people, and not characterising them one way or another.”⁴⁷

84. Cyfeiriodd Ms French o Anabledd Cymru at yr effaith gadarnhaol y gellid ei chael drwy bortreadu pobl anabl mewn ffordd gadarnhaol yn y cyfryngau:

“I want to share an example of a soap, *Casualty*, that had a storyline a few months ago in relation to mate-hate crime. A young gentleman with learning difficulties was targeted, and the story really got across the impact on him and his family. It helped to raise viewers’ understanding of that impact, but it also showed people with learning difficulties when they could be speaking up and telling their friends and family. I met with Pembrokeshire People First about a project that we are working on regarding women and domestic abuse, and I asked them when they had come across hate crime, or when they had heard about it, and someone said they had come across it through watching *Casualty*. So, at some point, something clicked for that person, and they thought, ‘This is unacceptable. I need to be talking to people about this’. I thought that that was a clear example of how the media can play a huge role.”⁴⁸

Yr angen am waith ymchwil

85. Dywedodd tystion wrth y Pwyllgor fod angen gwneud rhagor o waith ymchwil i adnabod y rhesymau dros aflonyddu ar sail anabledd, ac i adnabod yr hyn sy’n cymhell pobl i aflonyddu. Gellid defnyddio hyn i helpu ymyrraeth gynnar. Dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol:

“Regarding the police, one of the things that we would like them to do is to look at the motivation and the profile of perpetrators. The evidence that we have gathered has shown that there is a data gap around the motivations of perpetrators. Is it because people are hostile to disability or is it because the perpetrators feel that there is a weakness or vulnerability about somebody and that is why they are

⁴⁷ Tystiolaeth lafar, 29.9.2011

⁴⁸ *ibid*

harassing them? We do not really know enough about that whole sort of area around perpetrators. Until we know that, it is very difficult to develop effective interventions and to move us on to a more preventive agenda, which is where we would all want to be. So, research and analysis of perpetrators is one area for the police to work with us on.”

86. Wrth sôn am waith ymchwil ar y rhai sy'n aflonyddu, dywedodd Dr Tregidga o Brosiect Ymchwil Trosedd Casineb Cymru Gyfan:

“Very little data exists on this. The data that are generated on perpetrators are focused on physical, demographic characteristics—the location, whether they have done it before and so on. There is a little work done in the US on the motivation. Research often shows that perpetrators are not able to articulate in any meaningful way why it was that they carried out this crime, but it is certainly something that needs to be considered, particularly when you look at the often close relationship between victimisation and perpetration.”⁴⁹

87. Dywedodd y Comisiwn Cydraddoldeb a Hawliau Dynol hefyd y gellid gwneud rhagor o waith i archwilio a deall y berthynas rhwng ymddygiad gwrthgymdeithasol ac aflonyddu ar sail anabledd. Dywedodd y Comisiwn:

“At the moment, police forces are not asking who the harassment is targeted at, what the protected characteristics are of those at the receiving end of anti-social behaviour or what the protected characteristics are of the people who are carrying out anti-social behaviour.”⁵⁰

Barn y Pwyllgor

88. Mae'n amlwg bod newid agweddau diwylliannol yn ganolog i fynd i'r afael ag aflonyddu ar sail anabledd. Mae hefyd yn amlwg y gall y cyfryngau chwarae rhan hanfodol i wneud newidiadau o'r fath a datblygu dealltwriaeth ehangach o faterion anabledd. Er bod rhai enghreifftiau o bobl anabl yn cael eu portreadu'n gadarnhaol yn y cyfryngau, rydym wedi cael ein siomi gan agwedd gyffredinol y cyfryngau, yn enwedig mewn perthynas â materion ynghylch diwygio'r system les.

89. Rydym yn nodi bod y Comisiwn Cydraddoldeb a Hawliau Dynol wedi ceisio gweithio gyda'r cyfryngau ar y mater hwn a byddem yn annog y

⁴⁹ Tystiolaeth lafar, 21.9.2011

⁵⁰ *ibid*

Comisiwn i barhau i wneud hynny, er mwyn addysgu rhai aelodau o'r cyfryngau o'r effaith a gaiff sylw yn y cyfryngau ar bobl anabl.

90. Rydym yn nodi bod diffyg gwaith ymchwil mewn perthynas â'r rhai sy'n gyfrifol am aflonyddu ar sail anabled, a byddem yn annog yr asiantaethau perthnasol i gomisiynu gwaith ymchwil yn y maes hwn, gan ein bod o'r farn y gallai gwaith ymchwil o'r fath arwain at waith pellach y gellid ei wneud o ran newid diwylliannol, addysg ac ati.

Argymhelliad

Argymhelliad 10: Dylai Llywodraeth Cymru gynnwys amcan tymor hir yn y Cynllun Cydraddoldeb Sengl newydd o 2012 i newid agweddau diwylliannol at bobl anabl yng Nghymru.

Tystion

Rhoddodd y tystion canlynol dystiolaeth ar lafar i'r Pwyllgor ar y dyddiadau a nodwyd isod. Gellir darllen trawsgrifiadau o bob sesiwn lafar yma

<http://www.senedd.cynulliadcymru.org/mgIssueHistoryHome.aspx?Ild=1519>

21 Medi 2011

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|---|--|
| Kate Bennett, Cyfarwyddwr | Y Comisiwn Cydraddoldeb a Hawliau Dynol yng Nghymru |
| Sue Dye, Pennaeth Cyfathrebu a Chysylltiadau Cyhoeddus | Y Comisiwn Cydraddoldeb a Hawliau Dynol yng Nghymru |
| Wayne Crocker, Cyfarwyddwr | Mencap Cymru |
| Claire Bowler, Cyd- gadeirydd | Mencap Cymru |
| Dawn Gullis, Swyddog Materion Allanol | Mencap Cymru |
| Dr Mair Rigby, Swyddog Prosiect, Race Equality First | Prosiect Ymchwil Trosedd Casineb Cymru Gyfan |
| Dr Jasmin Tregidga, Cydymaith Ymchwil, Prifysgol Caerdydd | Prosiect Ymchwil Trosedd Casineb Cymru Gyfan |

29 Medi 2011

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|---|----------------------|
| Rhian Davies, Prif Weithredwr | Anabledd Cymru |
| Miranda French, Rheolwr Polisi a Materion Cyhoeddus | Anabledd Cymru |
| Jim Crowe, Cyfarwyddwr | Anabledd Dysgu Cymru |
| Karen Warner, Rheolwr | Anabledd Dysgu Cymru |

Gwasanaethau
Gwybodaeth

Mark Williams,
Cydgysylltydd er
Atal Troseddau
Casineb

Cymru Ddiogelach

Bernie Bowen-
Thomson, Dirprwy
Brif Weithredwr

Cymru Ddiogelach

Naomi Alleyne,
Cyfarwyddwr
Materion
Cydraddoldeb a
Chyfiawnder
Cymdeithasol

Cymdeithas Llywodraeth Leol Cymru

David Morgan,
Swyddog Polisi
(Cydraddoldeb)

Cymdeithas Llywodraeth Leol Cymru