



Llywodraeth Cymru  
Welsh Government

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# Human Rights Advisory Group meeting: 6 December 2023

Summary of the minutes of the meeting held on 6 December 2023.

**First published:** 6 December 2023

**Last updated:** 6 December 2023

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# Attendees

## Present

- Mick Antoniw MS (Chair), Counsel General and Minister for the Constitution (CGMC)
- Jane Hutt MS, Minister for Social Justice and Chief Whip (MSJCW)
- Hannah Blythyn MS, Deputy Minister for Social Partnership (DMSP)
- Elisabeth Jones, Independent (EJ)
- Charles Whitmore, WCVA / Human Rights Consortium (CW)
- Anna Mihangel, Older People's Commissioner for Wales (AM)
- Sean O'Neill, Children in Wales (SON)
- Rhian Davies, Disability Wales (RD)
- Victoria Vasey, WEN Wales (VV)
- Jessica Laimann, WEN Wales (JL)
- Elinor Puzey, Equality and Human Rights Commission Wales (EP)
- Sarah Rees, Oxfam Cymru (SR)
- Dr Emily Kakoullis, Cardiff University (EK)
- Jennifer Dowell-Mulloy, Betsi Cadwaladr University Health Board (J D-M) attending on behalf of Cerri Harris
- Fran Targett OBE, WCVA (FT)
- Tina Fahm, BAWSO (TF)

## Welsh Government officials

- Lorna Hall, Deputy Director, Equality and Human Rights Team (LH)
- Hena Thorne, Human Rights Team (HT)
- Amanda Woodrow, Human Rights Team (AW)
- Chrishan Kamalan, Equality Team (CK)
- Lyndon Evans, Cabinet Division (LE)
- Sam Edwards, Cabinet Division (SE)
- Dr Steven Macey, Social Justice, Communications and Poverty Research

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and Evidence team (SM)

- James Walsh-Heron, Communications (JWH)
- Ines Schmid Lopez, Communications (ISL)
- Kate Bacon, Cabinet Division (KB)

## Apologies

- Ellis Peares, Youth Parliament
- Alicja Zalesinska, Tai Pawb
- Cllr Mary Ann Brocklesby, WLGA
- Reverend Gethin Rhys, Cytûn
- Dr Alison Parken, Cardiff University
- Rachel Thomas, Office of Children's Commissioner for Wales
- Davinia Green, Stonewall
- Nazir Afzal, Independent
- Karyn Pittick, Human Rights team
- James Gerard, Justice team
- Sian Pope, Communications
- Prof Robert Moore, NWREN

## Welcome and previous minutes

The Counsel General and Minister for the Constitution (CGMC) welcomed members and noted changes to the group. Anna Mihangel is the new Rights and Equalities Lead for the Older People's Commission and replaces Nicola Evans. Cerri Harris from Betsi Cadwaladr University Health Board has replaced Sally Thomas as Head of Equality and Mitchell Jones, from Cardiff and Vale UHB has replaced Keithley Wilkinson as the Equality and Inclusion Manager.

CGMC welcomed all new members and thanked all departing members for their contributions and commitment to the Human Rights work in Wales.

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CGMC also noted the closure of Chwarae Teg in September acknowledging their valuable contribution to the work of human rights.

All actions from the previous meeting are complete or covered in this meeting.

## **Update: UK Government Legislation relating to Human Rights**

On 5<sup>th</sup> November, the Supreme Court ruled the UK Government's Rwanda policy to send migrants arriving in the UK without permission unlawful. The Court ruled deficiencies in the asylum system in Rwanda were such that there were substantial reasons for believing that there is a real risk of refoulement. In response the UK Government is proposing a new re-drafted Rwanda treaty and new legislation to declare Rwanda a safe country.

CK updated the group that the new treaty was published yesterday (5 Feb) and its general purpose was to update the memorandum of understanding and to address the concerns of refoulement.

Initial concern is that the redraft was completed at pace and doesn't address all issues. In relation to a new Bill, there are concerns that human rights will be omitted. Officials will continue to monitor any developments.

CGMC noted the importance of reviewing the details when they are available and invited any further comments from HRAG members.

Concerns were highlighted for further disapplication of the Human Right's Act in other types of domestic legislation, for example the Victims and Prisoner's bill.

Timing of the new Bill was raised. CGMC opined it is likely to happen quickly and will be reviewed by officials for more details when possible.

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# Welsh Government SAEHR Action Plan, Legislative Options Working group update

CW updated on LOWG progress:

- The LOWG had designed a framework to undertake a deep dive analysis of CEDAW and CRDP on a right-by-right basis. The analysis was to look at both, competency questions and policy questions around potential duties and other non-legislative options for delivery.
- Both Simon Hoffman and Elizabeth Jones lead subgroups looking at the competency questions on each treaty, providing an opportunity for initial analysis and a review of approach if needed.
- Initial findings have agreed a review of approach is required as there is significant difference in how CEDAW and CRDP are framed and how this lends itself to incorporation at a devolved level and the impact of the equality of opportunity reservation in the Government of Wales Act.
- The equality of opportunities reservation is proving problematic for both CEDAW and CRDP, but particularly CEDAW, where there is significant uncertainty and complexity with case law and in considering full direct incorporation. CW confirms LOWG do not think this should be any sort of barrier to being ambitious about incorporation.
- LOWG has informally concluded the question of competence is too resource intensive to take further forward and needs to be a question for the Welsh Government lawyers to consider. It would be duplication of work.
- LOWG is currently revising the rights-by-rights methodology to best suit their capacity levels and be more aspirational in pulling out the significant priorities for law and policy in Wales to capture within each article.
- Whilst there are clear legal duties that deliver for people, LOWG is also looking at where there is no clear legislative competence, but where delivery can bring improvements in people's lived experiences via other options.
- This includes looking at accountability, networks, administrative justice and

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what can be done with Commissioners, Ombudsman, education, raising awareness, training and guidance.

- LOWG will aim to establish where Wales can have legal duties, giving rise to enforceable rights before the courts, which is a crucial requirement on accountability, but also look at creative wording options on work around the equality of opportunity reservation if possible.
- To support this, LOWG is also looking at the wider framework and redefining it in quite broad terms to make these rights more accessible to people, by looking to distil the language used of the rights on an article by article basis and the organisations attending LOWG and HRAG to identify deficits in Wales impacting on the delivery of those rights in both political and legal terms, but also in non-legislative terms as well.
- LOWG overall aim is to provide a wish list of clearer rights and duties drawn from the essence of the treaty articles, to provide objectives the Welsh Government to aim for. A timeline for this can be given once this is established.
- LOWG have met with Debbie Foster and the Disability Rights Task Force and Simon Hoffman has attended the Access to Justice working Group. The purpose of these meetings was to ensure consistency and information exchange to help with LOWG's analysis and deep dive moving forward across the 2 strands of work and establish a more concrete timeline.

CGMC thanked Elizabeth Jones for the competence report prepared in relation to CEDAW. The report helps to identify some of the limitations within the devolution settlement particularly the equal opportunities' reservation. CGMC invited members to raise comments or questions for CW.

RD highlighted to members that both Disability Wales and the Deaf Association invited MSJCW to attend their offices on 4<sup>th</sup> December, as part of the UN International Day of Disabled People and to discuss BSL Recognition in Wales, UNCRDP Incorporation, and the cost of living impacts on disabled people.

RD stated the incorporation of the CRDP is very important to disabled

organisations and obtaining cross party support for it is crucial. Disability Wales continue to be actively involved in the Disability Rights Task Force and its working groups, referencing RD's attendance at the Access to Justice working group. RD notes that this work together with, the Disability Rights Action Plan could provide practical ways to incorporating the CRDP in Wales.

RD highlighted that sister disabled peoples' organisations across the UK are calling for manifesto commitments by UK political parties of incorporation ahead of the next UK general election.

J D-M queried if the current LOWG work will be aligned to the current work around the ARWAP and the LGBTQ+ action plan? In response CW, confirmed LOWG will be ensuring consistency across the other Welsh Government action plans. CW invited J D-M to review the LOWG paper submitted in September's meeting, where it's outlined the approach and the intention to looking at improving bespoke rights as well.

MSJCW thanked RD for the meeting with Disability Wales and the British Deaf Association. MSJCW updated the group that she had provided an oral statement to the Senedd on 5<sup>th</sup> December, marking the International Day of Disabled People. MSJCW remarked that both the visit and statement highlighted the importance of intersectionality and alignment of all the Welsh Government action plans, including the strategic equality plan, which is currently under consultation, Welsh Specific Equality Duties and socio-economic duties.

## **Welsh Government SAEHR Action Plan updates**

### **Presentation: baseline survey of human rights**

Dr Steven Macey (SM) from the Welsh Government Social Justice, Communications and Poverty Research and Evidence team presented key

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points from the human rights baseline survey findings. (Full report can be provided on [request](#)).

CAVEAT: the findings presented in this report have not been analysed for of statistical significance. Instead, findings are based on observed differences between the percentages reported. For this reason, care should be taken in the interpretation of the findings, particularly where sample sizes are small, and small changes in respondent selections can lead to marked changes in the percentages reported. In the case of Black, Asian and Minority Ethnic respondents and LGBTQ+ respondents, for example, the sample sizes were fewer than 100 so caution is needed when interpreting findings relating to these cohorts. The sample sizes for each breakdown can be viewed as part of the full findings in Annex B.

The survey took place in June 2023 with 1000 interviews completed by diverse groups in age, gender, social grade and geographical location.

Questions from members included:

- Does social research show a general greater confidence in men about their knowledge, while women are less confident? (EJ) SM to send a reply to EJ after further analysis.
- Linked to the point made on the new Curriculum, any plans to repeat the exercise with children/young people under 16? (SON)
- The media plays a big part in influencing people's knowledge and understanding of human rights. DW's project on developing materials about the UNCRDP for the new national curriculum now on the Hwb: [Rights Here, Rights Now Disability Wales](#). The Rights Here, Rights Now project aims to equip practitioners and learners with knowledge and information about disabled people's rights in order to promote equality and eliminate discrimination. (RD)

Action point: SM to reply to EJ regarding difference in confidence of knowledge

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between men and women.

SM to SON: (taken from chat comments) the School Health Research Network survey of 11 to 16 year olds in Wales includes questions on human rights, including knowledge of **children's rights and awareness of UNCRC**.

MSJCW highlighted education and the curriculum as playing a crucial role in developing ethical and informed citizens and asked for a note from education colleagues on the inclusion of human rights in the curriculum.

Action: Secretariat to obtain latest position of human rights education in the curriculum.

## **Welsh Specific Equality Duties (WSED)**

No updates.

## **Secretariat update: formulating a human rights statement**

All comments on the draft presented at the previous HRAG meeting has been considered by the working group and officials and the final draft is:

“ Human rights are rights that belong to everyone. We will respect, protect and promote human rights and equality to enable all people in Wales to live their lives based on shared values of dignity, fairness, security and freedom. We commit to a Human Rights Approach which puts people at the centre of all that we do in order to improve the well-being of current and future generations. ”

Next steps are to define the statement taking into consideration current

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definitions in existence in Wales in relation to children and older people. Officials will work with stakeholders within the group and wider (where desirable) to develop a suite of supporting material to give practical examples and further understanding of a human rights approach.

FT commented the statement is a good start but does have concerns about the general understanding of human rights. FT offered to share information on work the law society is currently actioning on reframing justice as this work could link closely into the statement work.

Action point: written statement working group to review document FT refers too.

## **Secretariat Update: raising awareness of human rights**

Secretariat update on raising awareness of human rights included in item 5 on agenda.

## **Human Rights Day 2023 event**

The celebratory UDHR 75<sup>th</sup> anniversary event is being held at the Temple of Peace on 7<sup>th</sup> December 2023, in partnership with the Welsh Centre for International Affairs. The event will raise awareness of human rights in line with action 36 of the SAEHR report.

MSJCW, CGMC and DMSP will demonstrate united support through human rights in their opening address to the audience. Keynote speakers include CW as Chair of LOWG and Jon Alexander, author of the book 'Citizens'. There will be creative performances by the Oasis One World choir and a band from Ukraine called the Bandura Duo.

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Ten human rights defenders will share their stories to inspire audience members and stimulate discussion. A human rights-based approach discussions will be held in round tables to consider what it means to the participants. The event will be filmed and if appropriate used for future promotion of future human rights activities. MSJCW and CGMC will be publishing a joint written statement to support the event and mark Human Rights Day.

CGMC remarked the event is one of many taking place across the UK and internationally at this time and acknowledged the hard work that's gone on behind the scenes to bring it about.

## **Summary / AOB / next meeting date / meeting closure**

MSJCW welcomed Tina Fahm, the new CEO at BAWSO, to HRAG.

CGMC confirmed the next meeting will be on 8 February at 2:00 PM. Diary markers will be circulated by the secretary at team in the new year.

CGMC thanked all for attendance and wished all a good break over the Christmas period.

Meeting closed.

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