



Llywodraeth Cymru  
Welsh Government

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# Human Rights Advisory Group meeting: 8 November 2022

Summary of the minutes of the meeting held on 8 November 2022.

**First published:** 8 November 2022

**Last updated:** 8 November 2022

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## Attendees

- Mick Antoniw MS, Counsel General and Minister for the Constitution (CGMC)
- Jane Hutt MS, Minister for Social Justice (MSJ)
- Natasha Davies, Chwarae Teg (ND)
- Joseph Lewis, WGLA (JL)
- Charles Whitmore, WCVA / Human Rights Consortium (CW)
- Dr Alison Parken, Cardiff University (AP)
- Prof Robert Moore, NWREN (RM)
- Rhian Davies, Disability Wales (RD)
- Davina Green, Stonewall Cymru (SC)
- Sean O'Neill, Children in Wales (SON)
- Nicola Evans, Older People's Commissioner for Wales (NE)
- Catherine Fookes, WEN Wales (CF)
- Maria Mesa, Women Connect First (MM)

## Welsh Government officials

- Stuart Evans, Deputy Director, Equality and Human Rights (SE)
- Paul Dear, Deputy Director, Cohesive Communities (PD)
- James Gerard, Deputy Director, Justice Policy (JG)
- Chrishan Kamalan, Equality Team (CK)
- Anthony Pugh, Equality Team (AP)
- Kimberley Mortimer, Human Rights Team (KM)
- Sian Pope, Communications (SP)
- Riyadh Issa, Communications (RI)
- Sam Edwards, Cabinet Division (SE)
- Amanda Williams, Cabinet Division (AW)
- Sally Thomas, Betsi Cadwaladr UHB (ST)

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## Apologies

- Fran Targett OBE, WCVA (FT)
- Rachel Thomas, Children's Commissioner for Wales (RT)
- Aled Edwards OBE, Cytun (AE)
- Keithley Wilkinson, Cardiff and Vale UHB
- Emily Kakoullis, Cardiff University (EK)
- Julie Cook, Wales TUC (JC)
- Nancy Lidubwi, BAWSO (NL)
- Prof Simon Hoffman, Swansea University (SH)
- Alicja Zalesinska, Tai Pawb (AZ)
- Sara Rees, Oxfam Cymru (SR)
- Rev Ruth Coombs, EHRC (RC)
- Lisa Reynolds, EHRC (LR)
- Karyn Pittick, (WG Senior Human Rights Policy Manager)

## Welcome and opening comments by CGMC

The Counsel General and Minister for the Constitution (CGMC) welcomed all attendees to the second meeting of the Human Rights Advisory Group (HRAG) as co-chair and confirmed the Minister for Social Justice (MSJ) would be joining the meeting at 10am. CGMC welcomed Stuart Evans to the meeting, who is now in post as Deputy Director of Equalities and Human Rights Division. Paul Dear has moved to a new role as Deputy Director of Cohesive Communities but will continue to support Stuart until the head of Human Rights vacancy can be filled. Apologies were not discussed but will be listed in the meeting note.

## Minutes of the first meeting of HRAG: 26 July

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# 2022

CGMC asked for comments on these minutes which were circulated prior to this meeting. No comments were given and are now approved.

## **UK Government Bill of Rights Bill (BoRB): update and discussion**

CGMC summarised the recent developments with the BoRB and the UK Government since the last HRAG meeting. The planned second reading of the BoRB was initially paused on 7 September 2022 and it was unclear if the BoRB was going to reappear and in what form.

Following the recent appointment of the new Prime Minister and Cabinet media reports on the Deputy Prime Minister indicates the UK Government will likely proceed with the BoRB.

CGMC opened up the discussion for comments.

CW had recently been in contact with the Ministry of Justice (MoJ) and indicated their response on the matter indicated a second reading imminently, possibly with amendments.

CGMC concluded we will wait to see if we receive official notification and react accordingly but would keep members informed on developments.

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# Update on the Welsh Government Human Rights Action Plan

## Legislation options

CGMC invited SE, PD and CW to provide an update on legislative options to the meeting attendees. PD invited CW to provide an update on the Legislation Options Working Group (LOWG) as it's Chair.

CW confirmed he was delighted to accept the invite to Chair the LOWG and MSJ had invited Nazir Afzal to join the group following the last HRAG meeting where a gap in membership was identified.

The first meeting was held on 22 September 2022, which was used to establish the initial operational parameters of the group and its proposed transparency. The intention is for the group to meet every 6 weeks.

Whilst the main focus of LOWG is legislative options, the group had taken on board WG colleagues' suggestion there may be a role and a place for non-legislative options. To reflect this requirement, SH provided amended (terms of reference) ToR's for the HRAG's consideration. These will be considered where they are felt they could be more effective; however, the desire of the group is to keep the focus on legislative options.

CW referred to the recent BoRB developments and the challenging timescale and the potential impact on civil society's desire to see legislative proposals introduced into the current Senedd's term.

CW concluded by stating LOWG is aiming to arrange evidence sessions with colleagues from Scotland who were involved in the national task force on human rights leadership in January 2023. These will then help to use their experience to move our own work forward. It is hoped by March 2023, the first milestone of

drafting an outline proposal on which UN conventions the group would like to see incorporated.

CGMC opened this up for comments and raised 2 matters. Firstly, what may impact on existing legislation, specifically there are serious concerns around the Retained EU Law Bill (REUL) as we are still unsure where this will go and therefore the implications.

Secondly, there is no simple solution in terms of legislating so the ground preparation in terms of what may be legislated and how we might approach as well as the impact in terms of competence is very significant. CGMC shared he looked forward to learning about the approach by Scotland and what they have undertaken.

CGMC highlighted that much of the work is preparation of what we can do and how we might do it before any assumptions can be made in terms of the capacity to legislate.

PD updated members that whilst there had been some capacity challenges in the Human Rights team due to staff sickness, initial conversations had been held to progress meetings with Scotland colleagues as soon as possible.

CF thanked CW for the update and agreed on the importance of meeting with Scotland colleagues as soon as possible especially given how fast things were progressing in the UK. CF stated a suggested list of names had been shared with WG.

CGMC thanked all for their input and moved onto invite Stuart Evans to update on guidance.

## Guidance

SE stated work on guidance could not commence until a clear policy direction is clear. In the meantime, background work will commence which will involve work across departments, timeline and road map to help preparation in this area.

CGMC welcomed the MSJ joining the meeting.

## PSED review

CGMC invited CK to provide an update on the PSED review.

CK gave a presentation outlining the background on the development of public sector duties in Wales which have been enforced since 2011 and subsequently amended.

The review commenced in 2019 and there have been positive outcomes from meetings of an external reference group, which commenced in September. The group includes EHRC advisors and is a high-level group to consider the application of the duties.

Public bodies in Wales who are listed in the Act have a duty under which they are required to publish equality objectives and accessibility of published information.

The overall approach is for Equality impact assessments (EIA), a Strategic Equality Plan (SEP) as well as action plans should be in place as an exemplar. The SEP will monitor progress and an annual report should be produced; this is in regard to the legislation.

CGMC stated the legislation referred to is the Social Partnership and



Procurement Bill and invited comments.

AP Thanked CK and stated it may be helpful for CK to share the timetable, as this was mentioned it may be useful for people to know the timetable and therefore process.

CK shared the following timeline:

- a literature review was happening at the moment
- engagement exercises will be happening in the new year
- a consultation will follow
- regulations are unlikely to come into force until 2024
- under affirmative procedure, debated in the Senedd

RD thanked CK for the update and highlighted many members would be keen to be involved in consultation as it is felt PSED isn't really delivering on the ground and there are huge gaps. RD highlighted the 'Locked Out' report, where disabled people weren't engaged with or consulted during the pandemic and shared consultation is a good way to get to the heart of such matters.

CK echoed RD's comments and strategic equality plans could be varied depending on the local authority.

## Human Rights impact assessment

CGMC invited PD to provide an update on the development of a Human Rights impact assessment.

PD stated the work on this was at an early stage. The purpose was to develop a human rights impact assessment process to be included with the other current integrated impact assessment and this work is closely linked to the current PSED review.

PD provided a link to the [recent report by Audit Wales](#), which raised the issues of making any the quality impact assessments more than a tick box exercise.

Action 1: share link to Equality impact assessment report by Audit Wales in meeting minutes.

The Human Rights team are now carefully considering how the human rights impact assessment will meet the audit Wales report's findings and how it can be impactful, proportional, sustainable and effective, without adding additional burdens which will improve nothing.

This initial work is being led by Andrew Charles and his team, but the Human Rights team will ensure that the final human rights impact assessment developed for that process adds value and makes a difference.

## **Raising awareness of Human Rights**

CGMC invited SE and SP (Communications Division, WG) to provide an update on raising awareness of human rights.

SE introduced SP and explained this is the first HRAG meeting for the communications team, so SE will be supporting them for this first update.

SE stated work with communications (comms) colleagues is in the early stages and initial discussions have focused on comments, statements and press releases to date to help with building and up to strengthen, advance, and raise awareness on human rights.

A comms strategy will be carefully planned and will build on this as well as drawing similarities to recent comms campaigns in response to Ukraine and Wales as a nation of sanctuary.

Future approaches will help to highlight Human Rights in Wales and include

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MSJ attending and speaking at an Edinburgh conference as well as SE attending the UN Universal Periodic Review (UPR) dialogue in Geneva, both scheduled for the end of the week.

SP confirmed there would be further meetings with the Human Rights team to develop a strategy and to highlight the different approaches taken by the Welsh Government and UK Government.

CGMC raised a query on the re-emergence of the BoRB and how will that be accommodated in the pending human rights comms strategy.

SP acknowledged this would need careful handling and thought in terms of support and it would require some additional technical briefing to ensure clarity on our approach.

Action 2: Human Rights team to meet with SP from comms to share any further information to support the comms team to develop a detailed comms plan.

PD invited comment from CW on previous work undertaken with civil consortiums around any action that might be taken by civil society in response to the BoRB.

CW confirmed there had been previous work that could be amended to account for an announcement of the second reading and offered to link the Comms team with relevant organisations, who have already prepared responses and Comms strategies in place to respond to the BoRB before it was withdrawn. These organisations included as Liberty and Amnesty International, who are also trying to deliver training and strategic comms plans around the bill.

CGMC agrees with CW to approach the organisations as it will ensure an element of consistency and invites SP to comment.

SP also agreed, as this will ensure messages are aligned and close work continues with all our stakeholders and partners.

Action 3: KM to put CW in touch with SP to enable CW to share relevant comms information to further support the development of a (Welsh Government) WG comms plan.

CGMC comments on the upcoming Human Rights Day on 10 December 2022 and the potential to include publicity on the WG response to the BoRB.

CF agrees with CGMC and requests the upcoming Human Rights Day is also used to announce the upcoming meeting between LOWG with Scotland colleagues in January.

Action 4: Comms team to meet with human rights team to get relevant information so comms team can maximise opportunities for comms announcements in regard to Scotland day (23 January 2023) and Human Rights Day (December 10).

CGMC refers to CW to respond and CW agrees with CF request and requests the LOWG members confirm they will be attending the planned January event with himself asap to enable planning.

Action 5: LOWG members to confirm diary dates availability for Scotland day in January directly with CW.

CGMC acknowledged the volume of work in progress was very positive and highlighted there would be more to report at the next meeting. No further comments were noted so CGMC invited JG to discuss justice policy with the HRAG members.

## Justice

JG explained he is taking forward the recommendations of the Strengthening and advancing equality and human rights in Wales (SAEHR) report. There are

several recommendations from this report which have linked up with the work on the 'Thomas Commission' on Justice in Wales, which his team is also responsible for producing a WG response.

JG also highlights his team are also pushing for the devolution of justice and policing to Wales. As this is a large topic area, JG will not discuss in detail for this meeting. JG invited HRAG members to view the 'Delivering Justice' document, which was published in May.

Action 6: share link to [Delivering Justice document](#) in meeting minutes.

JG highlighted they had been able to work on the recommendations of the Law Commission around creating a first-tier tribunal system in Wales. This would be brand new and give a degree of structural independence as well as the building blocks to move to a more devolved justice system.

There is close working with the Law Council of Wales and more recently, within undergraduate education so law schools can come together under 1 syllabus on Welsh law and support the lawyers of tomorrow.

The next steps will include on-going engagement with the UK Government, as we are making a case and asking the MoJ to conduct a review as the Thomas Commission recommended physical and digital access to justice in Wales. This was in regard to the reduction of Legal aid and recommended a move towards more online provision for court hearings. The MoJ haven't agreed as yet, but equally have not said no. This is something the CGMC and MSJ will be picking up with Lord Bellamy.

People who don't meet the criteria for legal aid, often have funding streams dry up. JG highlighted engagement with the MoJ on this to match funding given in the previous years. Funding is in place to the end of this financial year and there is another bidding exercise ongoing to continue this funding, so we remain optimistic.

CGMC thanked JG and no-one came forward to comment or raise any matters. CGMC urged HRAG members to consult the Delivering Justice for Wales paper, as it embraces a number of areas human rights impacts on and moved to item 5 on the agenda.

## UN Universal Periodic Review of the UK: update and Geneva dialogue

CGMC confirmed UN Universal Periodic Review (UPR) of the UK was taking place later in the week on 10 November in Geneva and SE along with colleagues from the UK Government and Scottish Government were attending to provide evidence on behalf of the UK.

Following on from the limited proportion of Welsh evidence included in the UK State report, WG published its own report, now referred to as a position statement. The position statement was published on 17 October 2022 aligned with the date the Scottish government published their own positions statement. CGMC encourages all HRAG members to distribute the WG position statement to all their networks and stakeholders as it will help form the human rights development plan.

Action 7: all members to share the **WG Action to strengthen human rights in Wales 2018 to 2022** position statement through as many networks and stakeholders as possible.

CGMC invited comments.

CF commented due to the likelihood of the UK BoRB being revisited, it was even more urgent that we press ahead with the incorporation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Convention on the Rights of Disabled People (CRDP) or rights may be lost

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before being instigated.

MSJ thanked CF for making that important point and highlighted the key point of HRAG is around what we can do and how we can do it, along with our devolved colleagues in Scotland. MSJ acknowledged this is a very challenging time, particularly in relation to CEDAW and migrant women, and again highlighted the importance of sharing the WG position statement as highlighted by the CGMC, to make it as public as possible and to gain endorsement.

CGMC thanked MSJ and everyone for their valuable contributions and invited any further comments. No further comments were raised. CGMC stated he looked forward to the feedback in relation to the UPR dialogue in Geneva, which will be discussed at the next meeting.

Action 8: UPR Geneva dialogue feedback to be added as an agenda item at the next HRAG meeting.

CGMC moved to the final agenda item and invited AOB.

## **Any other business**

RM asked for clarification that the Position Statement and action to strengthen human rights in Wales were the same documents.

CGMC confirmed they are.

RM asked if these are open for comment / further discussion as there were no page numbers included.

AP confirmed page numbers are included in the PDF format however, these do not appear when published in web format so advised downloading the PDF format if page numbers are required.

CW shared that in relation to his work on the Civil Society Forum and Domestic Advisory group, there has been work to get human rights included and on the agenda and there is a seat available if there is anyone who would like to sit on the civil forum, to get in touch with CW.

Action 9: anyone wishing to fill the civil forum seat or get involved to contact CW.

CGMC thanked everyone for their valuable input today and looked forward to the next meeting and wished SE all the best in Geneva.

CGMC summarised, in accordance with the ToR, meetings should happen quarterly so requested Officials liaise with Ministerial offices to secure a date Early February or March and then share a diary marker with the group.

Action 10: HR team to liaise with MSJ and CGMC office to determine a date for the next meeting.

Action 11: diary marker date for next meeting to be shared with meeting attendees.

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