



Llywodraeth Cymru  
Welsh Government

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# Human Rights Legislative Options Working Group meeting: 18 April 2024

Summary of the minutes of the meeting held on 18 April 2024.

**First published:** 18 April 2024

**Last updated:** 18 April 2024

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## Attendees

- Charles Whitmore (CW) (Chair), Wales Council for Voluntary Action (WCVA) / Human Rights Consortium (CW)
- Victoria Vasey (VV), Women's Equality Network (WEN) Wales
- Dr Emily Kakoullis (EK), Cardiff University
- Katie White (KW), Equality and Human Rights Commission
- Elisabeth Jones (EJ), Independent Member
- Alicja Zalesinska (AZ), Tai Pawb
- Sarah Nason (SN), Bangor University
- Rhian Davies (RD), Disability Wales
- Simon Hoffman (SH), Swansea University

## Welsh Government officials

- Lorna Hall (LH), Deputy Director
- Karyn Pittick (KP), Senior Policy Manager Human Rights
- Hena Thorne (HT), Human Rights Policy Lead
- Danielle Burdett (DB), Policy Manager Human Rights Officer
- Amanda Woodrow (AW), Policy Manager Human Rights Officer

## Welcome and minutes of previous meeting

The Chair welcomed members and asked them to confirm accuracy of the previous meeting's minutes. The Chair noted his preference for the shorter summary note and requested one amendment to switch questions 5 and 7 around in the ordering on the bullet pointed list.

No other amendments were requested and the minutes were approved.

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Action point: secretariat to amend meeting notes to switch questions 5 and 7 around as instructed by CW.

## Future meeting dates

The secretariat circulated diary markers for future meeting dates on 19<sup>th</sup> June, 11<sup>th</sup> September, 14<sup>th</sup> November. Members were asked to check diaries and report back to secretariat if they are unable to attend.

The Chair introduced a new member of the secretariat team, Danielle Burdett, to members.

HT updated the group on the cabinet and portfolio changes. Lesley Griffiths, Cabinet Secretary for Culture and Social Justice now has portfolio responsibilities for human rights. Officials are in contact with Private Office regarding future chair responsibilities of HRAG and will update members to confirm in due course.

Action point: members to check meeting dates against diaries and inform Secretariat of suitability.

## Discussion on CEDAW and CRDP analysis

- The Chair recapped the agreed set of questions which had been approved previously to make the work of analysing CEDAW and CRDP more manageable.
- The group agreed to retain the first 5 questions and apply those as a pilot initially to Article 7 of CEDAW on women's representation in political and public life and Article 19 of CRDP on the right of independent living.

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- The group discussed whether the level of detail was enough; how long might it take to go through all the articles of the relevant treaties? What does a framework look like? Is there a recommendation needed to be made to WG around resourcing and capacity to deliver?
- Important to agree milestones and timelines for producing a report that can be submitted to one of the HRAG meetings.
- VV discussed how hard it is to dedicate time to this and how internal work had already been done on some of these issues. Article 7 could be completed quickly but as it covers a lot needs to be more researched and weightier. Queried whether it is the right time to work on article 7 with all the ongoing legislative issues and the Electoral Candidates Lists bill that has been introduced which is taking up a lot of time and effort.
- EJ highlighted that it took roughly a day to look at article analysis, general comments and report of the UN Committee on the Elimination of all forms of Discrimination Against Women (UNCEDAW) directly to the UK and what the UK and Wales submitted to the Treaty body.
- EJ raised concerns over her capacity to undertake work during the summer months.
- The revised methodology is easier than previous framework.
- Discussed the possibility to complete and feedback at HRAG meeting in September.
- At the end of the analysis there will be another body of work and these questions will be used to produce a document that can be submitted to HRAG and WG.
- To undertake this work we will need to work with organisations such as Disability Wales and those that have frontline experience and exposure. Similarly, for the guarantees the Treaties provide, we can work with those organisations to provide guidance on the types of guarantees and obligations that they see arising from the article in terms of a Welsh context.
- SH discussed refining the template and focussing on the issue of incorporation before focussing on the implications for implementation. Raised the issues that Scotland had around their CRC Incorporation Act.

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- Some overlap between question 3 and 4 in terms of implementation. The UN Committee has analysed alternative reports and decided on priorities for government.
- Future work for this group could be to liaise with stakeholders to identify any significant issues that have arisen since those reports concluded.
- Within 6 months of incorporation it's important for the Welsh Government to communicate and address these issues by reflecting on what stakeholders say. These will form the headline activities for the Welsh Government post incorporation. Some of these activities Welsh Government may already be working on.
- SH suggested a slight revision to question 5 regarding equal opportunities.
- UNCRDP more straightforward than CEDAW to get round the equality provisions as CEDAW is about addressing discrimination.
- RD provided an update on progress made:
  - Disability Wales attended the UK dialogue in Geneva as observers of the UN's review of the UK Government.
  - Disability Wales looked at the implementation of UNCRDP focussing on article 19, 27 and 28 as part of their submission to the Committee. Disability Wales are awaiting the Committee report on the findings of the review.
  - Disability Wales were involved in the COVID inquiry, the hearings took place over 3 weeks of March and the UNCRDP was used as a key part of the evidence.
  - RD referenced the Independent Living Social Care working group. Evidence presented there demonstrated a short fall in delivering against the Social Services and Well-being Wales Act. RD highlighted concerns of the delivery of the right to independent living and issues around the assessment process for example lack of take up of direct payments, which is a key way disabled people can exercise control.
  - RD anticipates that there will be a draft consultation around the action plan from the taskforce over the next few months.
- If the redrafted templates are effective then the next step could be using

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them for all the rights within, for example, UNCRDP and holding workshops and community engagement events.

- The template can bring out a range of general obligations that go along with incorporation such as taking appropriate legislative, administrative and other measures (respect, protect etc).
- EK suggested adding an introduction in the final document explaining how the CRPD lends itself more easily to identifying which provisions can be subject to an immediate obligation and which ones to progressive realisation.
- EK to email chair before the progress meeting with some comments on Article 19 (action)
- Could the implications for the progressive realisation be built into future workshops to elaborate on Question 4 (what are the implications for implementation)
- HT commented on EJ's paper on CEDAW and thought it was useful as it identifies root causes of how the right is realised which will help to inform thinking on potential solutions.
- The Chair raised a concern regarding working from the bottom up in terms of what we are trying to fix and the problem we are starting with incorporation and not implementation.
- AZ stated article 19 links to right to housing and commented on how the human rights council passed the resolution on right to housing and disability people.
- What extent are we looking at a connection and interrelation between different articles and different rights and conventions as there are a number of mutations.
- Discussed the high level implementation requirements and how it would help Welsh Government understand what they will need to do should UNCRDP be incorporated and have some additional evidence about what needs to be done immediately or in the short term.
- Think about setting up a workshop when all the templates are completed and find out if WG has any resource/capacity that they can provide to help with

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this.

Action point: Chair to raise the pace of progress of CEDAW and CRDP analysis at the next HRAG meeting.

Action point: SH to send the updated Article 19 template to the chair, VV and EJ for comment before sending to the rest of the group.

Action point: members to have a look at the revised templates.

Action point: SH to send chair revised template and VV to send update on progress with CEDAW.

Action point: RD will send information to the group regarding the social care aspects of Article 19.

## Additional actions

- Next step is to work through remainder of CEDAW and CRDP articles and agree a timeline for that to take place.
- EJ to send through each article as it's completed and the chair can circulate to group if needed.
- Article 7 if the Senedd's Members and Election list bill is passed as drafted and not successfully challenged then that would apply and be a step towards incorporating an important part of article 7.
- All members to work with the revised template and review those rights before the September HRAG meeting.
- Possibly work from the same template and divide up across articles to spread capacity in a more effective way.
- Sarah to feed in anything on access to justice.



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