



Llywodraeth Cymru
Welsh Government

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Human Rights Legislative Options Working Group meeting: 18 January 2024

Summary of the minutes of the meeting held on 18 January 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

Welsh Government officials

- Karyn Pittick (KP), Senior Policy Manager Human Rights
- Amanda Woodrow (AW), Policy Manager Human Rights officer

Apologies

- Hena Thorne, Human Rights Policy lead
- Simon Hoffman, Swansea University
- Jessica Laimann, Women's Equality Network (WEN) Wales

Welcome and apologies

The Chair welcomed members and apologies were noted.

To recap on events since the last LOWG meeting was held, the Chair mentioned

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the following:

- the event held by the Welsh Government marking the 75th anniversary of the declaration of Human Rights in December
- the ongoing budget concerns and potential impact in the Welsh Government
- the passing of the Rwanda Bill by the UK Government and its impact on human rights and the UK courts

For forthcoming meeting dates and frequency for 2024, members agreed to return for further discussion at the end of the meeting or via email.

Review of the methodology for analysing treaty rights

Prior to the meeting, the Chair had circulated an email with the following questions for members to review the current methodology for analysing treaty rights and establish a timeline:

1. What is the main objective / purpose of the article?
2. Are there definitions and/or interpretative elements in the article that need to be recognised in Welsh policy / legislation?
3. Are there any gaps / deficits in the provision of the rights in this article at the UK, Wales level?
4. What protections, guarantees, duties do you see arising from this article?
5. Does this article address equality / equal opportunities. If so how?
6. Are there non-legislative steps that need be considered alongside or instead of stricter compliance duties. E.g.: What elements should we consider as a part of a Human Rights Scheme in relation to this article?
7. Are there steps we can take in Wales to improve administrative justice, access to justice and accountability in relation to the rights in this article?

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The Chair confirmed to all the purpose of the questions is to help with focus the core of each right in these questions and requested comments/feedback from members. A summary of themes/responses is listed below:

- Concerns were raised on the capacity of group members to give the appropriate time to review the questions and whether a request should be made to WG to fund this work. Group comments and suggestions on these points included:
 - considering narrowing the number of articles and rights to review to a more manageable level for the current voluntary group
 - identify the articles that relate to reserved equal opportunities and only focus on the articles that are not reserved
 - review the known gaps, issues and deficits within CRDP and CEDAW and list the reasons why there may be a gap. Are gaps due to policy, lack of enforcement or accountability?
 - consider conducting a light touch approach and a broader focus to provide a framework of recommendations
- It was agreed that RD and EK would work together on the UNCRPD and that VV and EJ would work together on CEDAW, with other members contributing to the draft analysis.

Welsh Government attendees provided comments for consideration:

- For the Welsh Government to progress to a green paper, they will need detailed information to run a consultation. Advice provided by LOWG will help frame the next steps and should outline:
 - What articles are being considered?
 - Where are the gaps within the articles?
 - What is required to address these gaps? Is it due to legislation, lack of enforcement or a lack of awareness for example?
- Currently, the Welsh Government do not have the detail to progress the programme for government commitments towards a green paper.
- The LOWG needs to help with the initial analysis via a deep dive into the

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Convention rights. Even if only one or two rights are explored for each convention, we will then have something on which to base a recommendation on how to proceed and to form the basis of advice to Ministers.

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