



Llywodraeth Cymru
Welsh Government

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Human Rights Legislative Options Working Group meeting: 15 November 2022

Summary of the minutes of the meeting held on 15 November 2022.

First published: 15 November 2022

Last updated: 15 November 2022

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Attendees

- Charles Whitmore (CW) (Chair), Wales Council for Voluntary Action (WCVA) / Human Rights Consortium (CW)
- Rhian Davies (RD), Disability Wales
- Simon Hoffman (SH), Swansea University
- Alicja Zalesinska (AZ), Tai Pawb
- Nazir Afzal (NA)
- Patrycja Jasiurska, Guest Participant Student Observer

Welsh Government officials

- Stuart Evans (SE), Equality and Human Rights Division
- Dawn Da Silva (DDS), Legal Services
- Kimberley Mortimer (KM), Equality and Human Rights Division
- Chrishan Kamalan (CK), Equality and Human Rights Division

Apologies

- Catherine Fookes (CF), Women's Equality Network (WEN) Wales
- Sarah Nason (SN), Bangor University

Welcome and apologies

CW welcomed members to the meeting and welcomed NA who has accepted an invitation from the Minister of Social Justice (MSJ) to join the LOWG group.

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Approval of minutes and terms of reference

RD noted the previous meeting note did not record a discussion regarding timescales on proposed human rights legislation and if this would be completed within the current Senedd term. Rather than amend the previous meeting note, action will be carried to this meeting / meeting note.

Action 1: SE to take forward discussions on timescale for proposed legislation and update members at a future meeting.

Actions arising from previous meeting (including Chair and Welsh Government (WG) updates)

- Actions 1 to 3: completed
- Action 4: diary markers for proposed future meeting dates previously shared with the chair who requested these to be shared with all members.
- Action 5 : approaches have been made but no firm dates agreed.
- Action 6 and 7: in progress.
- Action 8: awaiting confirmation of dates from chair and members, these can then be shared.
- Action 9: not completed due to absence of lead official.
- Action 10: completed.

Action 2: KM to send diary markers for proposed future LOWG dates, as previously agreed with CW (up to June 2023).

Review LOWG workplan and timeline

CW set the scene for the groups workplan and shared a one drive link for all members to be able to access, view and update relevant documentation so all are working from the same documents.

Action 3: all members to bookmark SharePoint link to LOWG documentation.

Planning evidence sessions with stakeholders from Scotland

CW raised that although it was preferable to get these sessions planned in diaries, it would be increasingly difficult to organise these in December. It was agreed these sessions would be held as online sessions, rather than physical sessions and CW asked if 23 January worked for everyone and if members could block out this date in their diaries in anticipation of this being the preferred date.

Action 4: all members to block out 23 January in diaries for Scotland evidence sessions.

CW asked for any thoughts in regard to evidence sessions.

SH stated Convention of Scottish local authorities (COSLA) had identified areas around environmental rights and it may be relevant to identify who works in this field, how they identified need and invite the person to the evidence sessions. This was in relation to a right to a healthy environment, as SH stated it doesn't sit with any current convention and if it was developed from scratch, it would be useful to see how they went about drafting this. SH thought it may be worth reaching out to Alan Miller in advance of the sessions to cover some of the work

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and questions in advance.

CW agreed an email to Alan Miller in advance may be helpful.

Action 5: Chair to email Alan Millar prior to evidence sessions in relation to questions around environmental rights.

AZ added that they thought the Scottish task force had recommended additional rights for LBGTQ+ people as well and was unsure if it had been taken forward or developed separately but felt this would be great to look into as well.

CW shared the evidence sessions are about balancing what is identified and what members want to get out of the evidence sessions. In broader terms, asking in the sessions how colleagues went about identifying which rights they drew down on and where there might be gaps in international frameworks where bespoke rights are needed.

Action 6: CW and SH to reach out to Scottish colleagues around the rights to a health environment and sourcing expertise and how they identified the relevant rights.

RD named Heather Fiskin, from a sister organisation, as RD felt it would be good to engage with people from civil society as felt the list points to mainly academics and people and public sector bodies.

CW agreed they were conscious that the work Scotland had undertaken had an extensive body of engagement with civil society that goes far beyond what has been initially scoped out and suggested a conversation around key organisations in addition to also consider a civil society panel.

SH agreed this would be worthwhile.

CW asked for thoughts about how the day would be structured. CW's initial thoughts were in relation to having 3 panels:

1. Academic advisories.
2. Scottish Government and local authority colleagues.
3. Civil society organisations (2 groups, 1 group who were directly involved with taskforce and another group who engaged with by the taskforce).

SH agreed this approach but felt there was some assumption that the taskforce work had been widely welcomed and there may be a need for an opportunity to speak with people who weren't directly involved to see what the reaction is so worth testing out.

CW suggested 4 panels over the course of a day but may need to stretch to 2 days. 2 to 3 guests per panel with around 1 to 1.5 hour time slots.

SH agreed this would equate to around 30 minutes per guest, which equates to their experience in giving evidence to the Scottish task force. This allowed for a brief introduction, some discussion and questions.

CW asked if SH was provided with a list of questions before the session, SH confirmed questions were not provided in advance and felt this may be a good approach to follow for the sessions.

CW agreed and stated it would be worth sharing an introductory paragraph to invited, speakers outlining the groups work and what they are looking for.

RD added (via chat) it would be good to ask, 'What would they do differently?'

CW shared CF had also suggested the group should ask for:

- top tips
- challenges
- were challenges overcome?
- describe the process they went through

and CW agreed these are good points.

Action 7: CW and SH to draft paragraph on what is needed from sessions.

NA stated in regard to ordering the sessions, listening to civil society in regard to how they saw the process at the beginning of the day would be preferable and then move to the evidence sessions. This is preferable because what tends to happen is people tell you what you want to hear.

CW agreed and members nodded and raised virtual thumbs up in approval of this suggestion.

CW invited anymore comments and stated SH and himself would be drafting an initial brief to circulate to the group and would appreciate feedback quickly on the draft.

Action 8: CW and SH to draft an initial brief for evidence sessions and circulate to LOWG members.

Action 9: all LOWG members to feedback to CW on initial brief as quickly as possible.

RD added it would be helpful to build in time for the group to debrief and reflect on what they have heard as it will be an intense day and people could go away and lose some of what has been heard.

CW felt it may be good to add this debrief time in two different stages, time immediately after each session to briefly discuss initial reflections and agree the top takeaways from each session and then to discuss how to articulate the session findings into some sort of written document that can be attached and referred to as well as presented to the HRAG.

SH agreed and asked of any thoughts in regard to note taking and recording sessions and was looking to WG to ask for support on note taking so those involved in sessions won't have the distraction of having to note down what is said as well as asking if recording the sessions is possible.

CW Suggested when the invites go out, they could inform people the sessions are to be recorded purely for note taking then deleted promptly after the meeting note has been completed.

Action 10: CW to ensure if sessions are to be recorded for note taking purposes only, this is communicated to participants in advance.

CW asked SE if there is any capacity within the group secretariat to support with the sessions.

SE responded they would take this away and look into it but there is very limited capacity within the current team, so it may be preferable for the group to organise to record the sessions and let people know, so there is a raw transcript for them to work from.

SH asked if Teams had a transcribe function like zoom.

SE confirmed Teams had a fairly accurate transcription function.

CW requested that WG colleagues have an internal conversation about the level of capacity to support the evidence sessions and to report back to the group with concerns so the group can see what they can do.

Action 11: WG to have a conversation about the level of capacity to support evidence sessions and inform CW of the outcome.

CW invited any further thoughts about the evidence sessions.

AZ asked if the group was looking at the work plan or if this had been done already.

CW stated the work plan is in draft form and had been touched on earlier because a big part of that plan is the evidence sessions and CW welcomed any further comments on the plan.

AZ asked if work was to be completed at the end of March or if further steps are to be taken after this date.

CW thanked AZ and shared the work plan is part of a longer-term plan and will be further informed by the Scotland evidence sessions. After the sessions a more long-term definitive plan will be put together, that takes the group beyond March 2023.

AZ thanked CW for the clarity and referred to the issues mention by WG in regard to their capacity and the capacity for work of the group as AZ was unclear if there were the necessary resources to undertake the work planned.

CW was conscious there were issues in regard to capacity of WG staff and resources.

DDS suggested that the group should refer to the evidence sessions and ask what resources were available to the Scotland Taskforce to undertake their work.

CW agreed this would be a sensible approach.

Action 12: LOWG to ascertain what level of support and resources were available to Scotland Taskforce while undertaking the evidence sessions.

CW asked if Ministers were happy with the makeup of the group, and if a representative from the Equality and Human Rights Commission (EHRC) would be joining so membership of the group could be finalised, aside from ad hoc experts who would be invited to speak at future meetings.

SE stated this is correct and we are just waiting to hear from the EHRC who the representative would be to join the LOWG.

Action 13: WG to inform Chair of LOWG, CW once the EHRC representative has been confirmed by the EHRC.

CW asked if it would be positive to feedback to Ministers in relation to ensuring this valuable work is appropriately resourced.

SE agreed this would be helpful as the importance of this work needs to be highlighted and appropriate resourcing is an absolute priority. SE stated in a forthcoming meeting with MSJ this would also be raised internally but having these matters raised externally would be welcomed to illustrate the importance and need for further resourcing.

CW felt it would be good to highlight this with Ministers and state that civil society takes this very seriously and there is a need that this is resourced appropriately from the point of the WG. There is a need to have commitment that appropriate secretariat support is available for evidence sessions and moving forward, to bring in further external expertise.

SH agreed and noted the importance of minuting this important matter, so it could also be shared at the HRAG, SH felt it is of importance that civil society members of the group should be adequately resourced and WG listened to officials in regard to the level of anticipated work, so they are fully supported. Rather than placing the burden on a limited number of people, it is important to gauge what is needed and resource appropriately.

CW recognised that there was a critical and full agenda in human rights, including the UK BoRB as well as the potential work on policy and legislation to move this work forward. CW felt capacity is a crucial issue for all members at the moment.

RD raised (via Chat) there was also the disability rights taskforce and could members request a meeting with the Minister to discuss and progress the issues.

CW asked if this is then a point that the group would like representations to be made, and asked SE for advice on this.

SE was clear he did not want to suggest what the group should be saying but reinforced the BoRB is going to also be a very significant piece of work for the team's already limited resources in terms of time and response. SE felt this shouldn't then detract from capacity to support the LOWG, but in reality, resources are already limited.

CW stated reflecting on discussions today and given the BoRB is also going to cause everyone a significant drain in resources and capacity, there is definitely something to address with WG to ensure there are sufficient staff in the team to undertake the level of work required, and suggested he draft a letter to the Minister, which would be circulated to the LOWG group before sending it.

RD suggested requesting a meeting with the Minister, agreeing a letter would be quicker however a meeting can raise things in a different way but would take more time, but may be good to keep this in mind following the Scotland evidence sessions,

CW asked if it was worth reaching out to the Minister following the evidence sessions.

AZ felt communication with the Minister in regard to budgetary concerns and resources is necessary and asked about potentially a best time to do this, to make it easier for the Minister to consider in terms of budgets.

CW asked for SE to come in in regard to budgets and planning.

SE shared budget decisions are ongoing throughout the year, and it may be best to review the outcomes and work from the evidence sessions first because this would give a better perspective in terms of work strands and timelines.

CW felt there is nothing to stop the group from reaching out to the Minister by an initial letter outlining the group is planning the evidence sessions with Scottish colleagues and that the LOWG would like to draw attention to the issue around

capacity with the BoRB and initial concerns around capacity to support the work of the LOWG group and they would like WG to consider this when they review the groups activities.

RD thought this sounded good as it can take a while to set up a meeting and just flagging it up in a letter would be worthwhile, with an opportunity to meet with the Minister following the evidence sessions. RD suggested trying to meet with the Minister around February time, but setting the meeting up in advance to get a date in the Ministerial diary, as this meeting may not happen until March.

CW agreed this was a sensible approach to take forward as an action.

Action 14: CW to draft a letter to MSJ in relation to the limited capacity of resources to undertake the volume of work and support the valuable work of the LOWG and to also request a meeting in February to discuss the work of the LOWG and resourcing.

CW moved to dates for the Scotland day and asked members to check diaries in relation to do as much on the 23 January, with a view of also identifying 27 January in case septate sessions are required.

RD, AZ, SH and CW were also available.

KM shared that availability secretariat support may be limited to Mondays, Tuesdays and Wednesdays dependent on what is agreed with WG in terms of resourcing for sessions.

CW suggested 24 January, alongside the 23 in view of this. RD can do the PM of the 24 January; AZ can do all day and SH can do 24 January.

CW noted NA had left the meeting so was unaware in regard to availability on 24 January but moved this was a potential date but CW would send out a doodle poll to members.

Action 15: CW to send out a doodle poll to be shared with members in relation to availability for 2 days for Scotland sessions.

CW requested emails of the group, KM and SE agreed the members present (SH, RD and AZ could be shared with their agreement, this was given by SH RD and AZ however, NA, SN and CF were not present to give consent so until this consent is given, email correspondence can be forwarded to KM who will forward this on.

Action 16: KM to send email addresses of SH, RD and AZ to CW and CW to forward any relevant member correspondence to KM to forward to NA, SN and CF until consent to share email addresses is given.

Action 17: KM to email NA SN and CF to request permission to share email with LOWG members and chair.

Action 18: secretariat to organise publication of minutes.

CW stated this brings discussions to an end and he will follow up on actions and work through them. CW asked KM if a date was set for the next LOWG meeting.

KM gave dates of Tuesday 10 January, Tuesday 14 March, Tuesday May and Tuesday 7 June. Meetings would be held 11:00 to 12:15.

CW asked members if they could make 10 January, SH couldn't but was happy to have a separate meeting with CW. CW said the meeting would go ahead on 10 January and thanked everyone for their time. CW stated he was looking forward to the evidence sessions and to see what lessons could be drawn from it. CW commented it is an interesting chapter in relation to human rights across the UK and a little bit of living history at the moment. CW closed the meeting.

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- Action 2: KM to send diary markers for proposed future LOWG dates, as previously agreed with CW (up to June 2023).
- Action 3: All members to bookmark SharePoint link to LOWG documentation.
- Action 4: All members to block out 23 January in diaries for Scotland evidence sessions.
- Action 5: Chair to email Alan Millar prior to evidence sessions in relation to questions around environmental rights.
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