



Llywodraeth Cymru  
Welsh Government

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# Human Rights Legislative Options Working Group meeting: 10 January 2023

Summary of the minutes of the meeting held on 10 January 2023.

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## Attendees

- Charles Whitmore (Chair) (CW), Cardiff University
- Rhian Davies (RD), Disability Wales
- Alicja Zalesinska (AZ), Tai Pawb
- Nazir Afzal (NA)
- Catherine Fookes (CF), Women's Equality Network (WEN) Wales
- Sarah Nason (SN), Bangor University

## Welsh Government officials

- Dawn Da Silva (DDS), Legal Services
- Karyn Pittick (KP), Equality and Human Rights Division
- Kimberley Mortimer (KM), Equality and Human Rights Division
- Chrisan Kamalan (CK), Equality and Human Rights Division

## Apologies

- Stuart Evans (SE), Equality and Human Rights Division
- Simon Hoffman (SH), Swansea University

## Welcome and apologies

The chair welcomed attendees and informed members the meeting was to be transcribed for note taking purposes, no objections were raised.

Apologies were given from SE and SH.

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# Approval of previous meeting minutes and actions arising

CW noted that an amendment was required in regard to their representing organisation.

CW requested all members emailed consent for email addresses to be able to be shared within the group for LOWG and Human Rights Advisory Group (HRAG) purposes. This consent will be stored and will need to be renewed annually.

CW then advised an update on actions from last meeting.

Welsh Government officials:

- confirmed a timescale in respect of proposed legislation cannot be clearly identified until content is agreed. At that point, we can then take this forward to ascertain a legislative timescale
- noted all other actions for WG were complete, with the exception of publication of the minutes which is still in hand and will be actioned in due course
- updated members on the UKBoRB and advised a date had not been given for second reading
- raised it may be helpful to raise this on Scotland day and ask colleagues in Scotland how they factored the uncertainty around the Human Rights Act and the Bill of Rights bill, into their planning

CW reviewed the remaining actions, which were mainly complete.

- One outstanding action is to write to the Minister for Social Justice in relation to the groups work and resourcing, which will be undertaking following the evidence sessions. No further comments were made.

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- AZ asked if a further meeting could be scheduled to consider outcomes before 14 March. Chair agreed and asked if this could be actioned or the March meeting be brought forward.

## Planning for the evidence sessions with stakeholders from Scotland

CW added they would like to invite someone from the housing sector, such as Shelter and inclusion Scotland.

CW asked members to consider and share outcomes and themes they would like from the Scotland evidence day and confirmed the agenda was near final.

- Discussions were held around devolution and competence and how this was navigated.
- How legislations layers up with what is already in place in Wales, such as the Violence Against Women Act.
- How long the process took from beginning to end.
- What resourcing was made available.
- What the sticking points were, and how these were resolved.
- How different perspectives in relation to organisations, politics and political dimension and human rights perspectives were navigated.
- Any pitfalls, specifically that completely threw them.
- How the speakers considered legislative and non-legislative options and how these were specifically considered.
- The remit of the work of the Scotland task force and how this differs from HRAG group.

Discussions were held and agreed of the format of the day to ask speakers to:

- give an opening statement

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- their reflections on the process
- top tips
- if anything would be done differently

It was discussed and agreed anything factual could be asked in advance, in the form of preliminary questions. This would leave the sessions to collect opinions rather than facts.

WG officials could receive preliminary answers and collate these into a document and share with members.

Members discussed legal differences between Scotland and Wales, which would also need to be considered, and could pose some barriers. CW would ask if SH could offer some clarity around this.

Members stated it would be useful to do background reading around speakers, and share any blogs and documents that may be useful. The following links were shared:

- [National Taskforce for Human Rights Leadership: Academic Advisory Panel papers](#)
- [Bonavero report](#)
- [Right To Housing Executive summary](#)
- [Kavita Chetty joins Scottish government as deputy director for human rights](#)
- [What Remains Following the UNCRC \(Incorporation\) \(Scotland\) Bill Reference Judgment?](#)
- [Miller Alan Professor University of Strathclyde](#)
- [Oxford Human Rights Hub](#)

CW requested members also vocalise if they have shared anything in chat, so it was easier to link this up at both the meeting and completing the meeting note.

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CW informed members they would pull together relevant paperwork and share this with members prior to the day.

CW then asked WG colleagues if WG had any information WG want to put together for the group prior to the meetings on the 23<sup>rd</sup>.

Discussion was then held in relation to the research paper SN and SH had completed and that it was important to reflect which questions have been answered through the research and which ones still require an answer.

SN provided a comprehensive response to members and advised they would put together a paragraph with their thoughts of what the research did cover, what it didn't cover and where there is intersection and overlap with the Scottish group that could be included in the pre-session.

Members discussed barriers associated with devolution and competence in relation to this work. It was noted this did not influence the research.

Members discussed sessions would be recorded for note taking purposes and should be taken under Chatham House Rules so people can be frank and open and can really share sticking points and challenges.

Students and further guests with a professional interest in human rights would also be invited to observe the sessions. Note taking would be largely provided by colleagues from the Wales Governance Centre.

It was discussed and agreed, following the sessions, CW would produce a small report which summarised the main lessons and takeaways and an action plan with timescales, which would be shared at the Human Rights Advisory Group to advise Ministers and stakeholders of the outcome.

Members discussed concerns about timescales, and it was agreed a deadline of the end of March 2023 for the group to arrive at the list of rights they wanted to recommend are taken forward.

Discussions were held in relation to giving members clarity of understanding of first and second tier rights as generally, second tier rights tend to appear in declarations. Members felt having a clear understanding from the outset would be very helpful.

## Upcoming meeting dates and times

CW asked if members were able to move future meeting times to 10:30 to 11:45. No objections were raised. CW asked for people to check diaries and raise any objections with himself or the secretariat immediately following on from the meeting.

## Any other business

No further matters were raised, CW thanked attendees and brought the meeting to a close.

- Action 1: amend CW representing organisation in previous meeting notes to Cardiff University.
- Action 2: members to send response to email from KM regarding consent to share information.
- Action 3: secretariat to add items to pre and on day questions / themes document.
- Action 4: secretariat to meet and then advise Chair in relation to viability of resources for a further meeting or moving the 14 March meeting to February.
- Action 5: AZ to contact Shelter to see if they have a representative to be involved for the Scotland Day and report back to Chair.
- Action 6: RD to contact Inclusion Scotland, if they have a link, to see if they have a representative to be involved for the Scotland Day and report back to



Chair.

- Action 7: themes and specific questions to be raised to be shared with chair prior to Scotland day by all members.
- Action 8: Chair to share a list of preliminary questions with speakers, broken down by specific group, asking for responses to be sent to KM's email prior to Scotland Day.
- Action 9: KM to collate preliminary responses from speakers and share document with members.
- Action 10: CW to add to agenda of next meeting that members raise all items within the vocal forum of the meeting, including if they are sharing of links / issues within the meeting chat, so context does not get lost and all matters can then be discussed within the meeting between members.
- Action 11: CW to circulate document to members with running order and speaker information prior to Scotland day.
- Action 12: CW to write to SH prior to Scotland day to see if SH can provide any further information around the remit of the Scotland Taskforce and how it differs from the HRAG group as well as any potential barriers and differences around the legal systems.
- Action 13: SE and KP to lead on WG meeting to determine any WG information which may need to be shared with members prior to Scotland Day.
- Action 14: SN to draft a paragraph in relation to what the research covered and gaps as well as overlap with the Scottish group to share with CW prior to 23 January 2023.
- Action 15: all members to share any information that is felt relevant to be included in the information document to be circulated prior to the Scotland day.
- Action 16: CW to draft relevant information document and share with members prior to Scotland day.
- Action 17: CW to put together a key summary report and timeline following the Scotland day to be shared at the following HRAG meeting.
- Action 18: group members to agree list of rights by March 31 2023.

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- Action 19: CK to share published information which clarifies the differences between first and second tier rights with CW prior to Scotland Day for CW to include this in the information shared with members.
- Action 20: members to contact secretariat directly following this meeting if new meeting time of 10:30 to 11:45 is not convenient.
- Action 21 secretariat to move meeting times for future meetings on review of any responses to action 20.

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