



Llywodraeth Cymru
Welsh Government

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Human Rights Advisory Group meeting: 26 September 2024

Summary of the minutes of the meeting held on 26 September 2024.

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Attendees

- Jane Hutt MS (Chair), Cabinet Secretary for Social Justice, Trefnydd and Chief Whip (CSSJTCW)
- Charles Whitmore, WCVA/Cardiff University Wales Governance Centre (CW)
- Professor Simon Hoffman, Swansea University (SH)
- Rhian Davies, Disability Wales (RD)
- Elinor Puzey, Equality and Human Rights Commission Wales (EP)
- Prof Robert Moore, NWREN (RM)
- Victoria Vasey, WEN Wales (VV)
- Rachel Thomas, Office of Children's Commissioner for Wales (RT)
- Nazir Afzal, Independent (NA)
- Anna Mihangel, Older People's Commissioner for Wales (AM)
- Davinia Green, Stonewall (DG)
- Alicja Zalesinska, Tai Pawb (AZ)
- Sarah Rees Oxfam, Cymru (SR)
- Dr Alison Parken, Cardiff University (AP)
- Dr Emily Kakoullis, Cardiff University (EK)
- Menaka Kodur, Women Connect First (MK)

Welsh Government officials

- Lorna Hall, Deputy Director Equality and Human Rights Team (LH)
- Matt Wellington, Head of Strategic Equality Human Rights and Delivery Planning (MW)
- Karyn Pittick, Human Rights Team (KP)
- Danielle Burdett, Human Rights Team (DB)
- Amanda Woodrow, Human Rights Team (AW)
- Catrin Davies, Senedd Reform Team (CD)

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- Chris James, Justice Team (CJ)
- Phillipa Marsden, Special Adviser (PM)

Apologies

- Sean O'Neill, (Children in Wales (SON)
- Fran Targett, OBE WCVA (FT)
- Gethin Rees, Cytun (GR)
- Mitchell Jones, Cardiff and Vale University Health Board (MJ)

Welcome and previous minutes and actions

The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip (CSSJTCW) welcomed members and noted all apologies received.

One amendment to the minutes to correct a title was requested. All other actions were completed or covered in the meeting.

CSSJTCW welcomed Matt Wellington who has recently joined the Equality and Human Rights Division and noted the departure of Chrishan Kamalan and Youth Parliament members from HRAG, thanking them for their valuable contributions.

Action point: update previous meeting note with CW correct organisation.

LOWG, Scottish Government and ESJ Committee updates

CW provided an update on the LOWG's progress:

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- LOWG members have revised the treaty analysis methodology and have agreed a final version of the template to apply to all articles.
- CW presented the analysis framework to members.
- WG officials are working on one of the questions from the framework which involves identifying pre-existing Welsh Government policies that intersect with delivery of these rights.
- CW has secured third sector funding to help advance the work at a faster pace.
- Members discussed the implications of redacting equality references from the articles and the importance of maintaining the integrity of treaty texts.

Scottish Human Rights Bill

CW updated the group on recent announcements made by the Scottish Government to delay the Scottish Human Rights Bill. Shirley-Ann Somerville MSP, Cabinet Secretary for Social Justice has said that more time was needed to draft a human rights Bill as a result of realising the challenges posed by the Supreme Court ruling of Scotland's legislation to incorporate the UN Convention on the Rights of the Child. The Cabinet Secretary also highlighted concern about level of protections the draft bill afforded disabled people, women, and racial discrimination. The Scottish government plan to engage with the new UK Government and introduce the bill in the next parliamentary session. Civil society organisations in Scotland have expressed disappointed in the decision to delay.

The Equality and Social Justice Committee

CW informed the group that he [in capacity as Chair of LOWG], and Professor Simon Hoffman and Dr Sarah Nason, co-authors of the SAEHR attended an evidence session held by the Equality and Social Justice Committee on 16 September to give their views on progress of the actions from the SAEHR.

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A summary of group comments include:

- What options are being considered regarding next steps?
- DW members recently campaigned for incorporating the UNCRDP through our Bring Us Our Rights manifesto, which has important links with the Disparity Rights Taskforce and the upcoming action plan.
- The recent Geneva review was highlighted where the UN Committee on the Rights of Disabled People praised the Welsh Government's commitment to the UNCRDP.

CSSJTCW thanked members for their comments. CSSJTCW informed members of planned future engagement with the new UK Government that officials are working on.

SAEHR action plan updates

CSSJTCW informed the group that the Senedd Cymru (Electoral Candidate Lists) Bill has been withdrawn from further scrutiny. Future governments can still pursue this for 2030 if desired. The focus now is on implementing the provisions in section 30 of the Elections and Elected Bodies (Wales) Act to enhance candidate diversity for the 2026 Senedd elections, ensuring the draft guidance supports broader inclusion.

CSSJTCW invited CD to expand on this further:

- The Elections and Elected Bodies (Wales) Act 2024, which recently received Royal Assent requires Welsh ministers to publish guidance encouraging political parties to collect and share diversity information about Senedd candidates and to publish diversity and inclusion strategies. This follows recommendations from the Special Purpose Committee on Senedd Reform in 2022.

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- During scrutiny of the Senedd Cymru (Electoral Candidate Lists) Bill, parties indicated they are keen to be more transparent about their work to increase diversity and inclusion. The Welsh Government was aiming to consult on draft guidance for political parties later this autumn in order to support them with this work.
- This guidance will cover why diverse and representative elected bodies matter, barriers specific groups face in accessing elected office, and encourage parties to publish their diversity data and strategies.
- CD encouraged members to send through their thoughts on what some of the barriers were and ideas on enhancing diversity in political parties as part of the formal consultation, when launched.

Action point: AP queried in the chat bar if there is any progress on commencing s106 of EA 2010 by the UK Government. This query will be sent onto CD to answer.

KP provided an update on progress:

- The Welsh Government's human rights webpage is now live, and minutes from the HRAG and LOWG groups are available. The page aims to provide transparency and will also be a platform to raise awareness of human rights. Content will be expanded to include human rights resources, media, and links to WG strategic equality objectives and delivery plans.
- Officials joined the UK State Party to represent Welsh Government in three separate UK Dialogue sessions held at the United Nations Human Rights Office of the High Commissioner, Geneva on the ICCPR and UNCRDP (in March) and the ICERD (in August). Final reports of the examinations have been published. Members can track progress using the Equality and Human Rights Commission's Human Rights Tracker.
- The human rights statement was discussed in February and officials addressed feedback from the Working Group. After further collaboration, a new version for agreement has been drafted: "Human rights belong to everyone. We will respect, protect, and fulfil these rights so that everyone in

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Wales can live with dignity, freedom, security, and without discrimination. We commit to a human rights approach prioritising people's well-being now and for future generations."

- Officials are planning an online event to mark the UN Council of Europe's 75th anniversary, targeting the general public and public sector workers, including Welsh Government staff. The goal is to raise awareness of human rights duties within their roles, highlighting Swansea's approach as a human rights city. TUC trade union supports this event as it amplifies worker voices in policy development. Officials seek approval from the Human Rights Advisory group to proceed with planning.

MW updated the group on general impact assessment updates being undertaken in Welsh Government. Welsh Government is undertaking a review of the Strategic Integrated Impact Assessment on the Budget process and alongside this work is underway to consider the policy integrated impact assessment approach. Officials are exploring ways to simplify and improve equality impact assessments while considering integrating human rights perspectives. This work is still in its early stages.

SH raised concerns that there is nothing in the statement which public bodies might find objectionable and queried if public authorities have been consulted.

MW responded to highlight that it was important to consult HRAG members first.

CSSJTCW thanked officials for their update and asked members to send any reflections on the statement and how to take it forward to officials.

Action point: members to send any reflections on the statement and how to take it forward to secretariat.

Justice update from CJ:

- CJ highlighted 3 recommendations from the report on strengthening and advancing equality and human rights within the justice sector arising from the recommendations of the Commission on Justice in Wales chaired by Lord Thomas of Cwmgiedd, the former Lord Chief Justice.
- The Thomas Commission conducted an in-depth review of the justice system in Wales and recommended that justice should be devolved to Wales.
- The Welsh Government published its report "Delivering Justice for Wales" in May 2022, with an update in February of this year, focusing on bringing justice closer to the people of Wales and strengthening equality and human rights.
- 2 key areas highlighted:
 - improving the accessibility of Welsh law to enhance clarity and understanding, including equality and human rights
 - reforming the devolved tribunals in Wales to create a more coherent and unified system, enhancing access to justice and instilling greater independence
- The Welsh Government currently provides the administrative support for the Welsh tribunals and has made clear its adherence to the fundamental principle of judicial independence, but greater structural independence is recognized as important.
- The proposals for tribunal reform aim to create a foundation for a future justice system in Wales, capable of accommodating further devolution of justice and new rights of appeal.
- Governance and accountability of justice in the Senedd are important, with the establishment of the Legislation, Justice, and Constitution Committee playing a key role.
- The Law Society and the Law Council of Wales promote awareness of equality and human rights. The creation of the Law Council, which was facilitated by the Welsh Government, was a key recommendation of the Thomas Commission.
- The Law Council of Wales is supported by the Law Society and provides a

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forum for the legal sector to promote its voice and work on important pieces of work.

Human rights based approach and its implications

SH discussed the human rights-based approach and its implications:

- This approach was highlighted in the Strengthening and Advancing Equality and Human Rights Research Report as recommendation 15, initially aimed at the Equality Rights Commission, now being adopted by the Welsh Government.
- Recommendation 2 advocates for incorporating a human rights approach in planning policy, essential for strengthening equality and human rights research.
- Implementing all human rights from the treaties the UK is part of is challenging due to their context-specific purposes. Governments carry the primary responsibility, but different organisations may also apply human rights depending on the situation.
- The flexibility, adaptability, and range of human rights are key and beneficial aspects, making them relevant to people's lived experiences by highlighting injustice and supporting access to resources and justice.
- The human rights frame approach ensures consistency in application among various organisations and institutions.
- Evidence from literature reviews and research participants suggests a desire for a consistent human rights approach across government and the public sector in Wales, echoing calls for mainstreaming equality.
- There is no set human rights approach, leading to variations in definitions and implementations.
- In 2016, with support from the Children's Commissioner for Wales, Swansea

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University, and the Observatory on Human Rights and Social Justice, a bespoke children's rights approach was developed for government and public authorities in Wales.

- 5 principles of a human rights approach were identified: embedding human rights into all policy and action, equality and non-discrimination, participation, empowerment, and accountability.
- These principles are grounded in human rights and derived from literature, guidance, and stakeholder discussions in Wales.
- The pragmatic approach involves examining current practices in Wales that reflect these principles as good practice.
- The Children's Commissioner has developed a significant bank of case studies and examples related to a children's rights approach.
- The City and County of Swansea is working to develop a bank of examples for a general human rights approach based on the same 5 principles.
- It is important to provide clear examples of practical implementation for each principle and continue building the evidence base.
- There is no hierarchy among the principles, but embedding human rights is seen as a crucial starting point.
- Organisations may focus on different principles depending on their specific journey to support human rights implementation and recognition.

Action point: SH to update the group on Swansea's human rights based approach.

Any other business, next meeting date and meeting closure

CSSJTCW noted the date of the next meeting on the 12th December at 2pm.

SR gave an update on the conflict and humanitarian situation in Israel and Gaza:

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- latest update from the UN is that the amount of aid entering Gaza for August reached a record low of 1500
- a colleague has managed to leave Gaza and will be visiting Wales because she has seen the strength of support from Welsh Citizens
- SR will write to CSSJTCW inviting her to meet her

CSSJTCW thanked SR for the update and thanked all members for their continued support and participation in this group and brought the meeting to a close.

Links provided by the Human Rights team from the chat comments:

- **Human rights** (<https://www.gov.wales/human-rights>)
- **Human Rights Advisory Group** (<https://www.gov.wales/human-rights-advisory-group>)
- **Human Rights Legislative Options Working Group** (<https://www.gov.wales/human-rights-legislative-options-working-group>)
- **Welcome to the human rights tracker** (<https://humanrightstracker.com/en/>)

Action point: email AP to follow up question asked in the chat bar regarding an opportunity to discuss the UN rapporteur's report, details of which were circulated prior to meeting.

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