



Llywodraeth Cymru
Welsh Government

CYHOEDDIAD, DOGFENNU

Cyfarfod y Grŵp Cynghori ar Hawliau Dynol: 8 Chwefror 2024

Crynodeb o funudau'r cyfarfod a chynhaliwyd ar 8 Chwefror 2024.

Cyhoeddwyd gyntaf: 17 Medi 2024

Diweddarwyd ddiwethaf: 17 Medi 2024

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Cynnwys

Attendees

Welcome and previous minutes/actions

Update: UK Government legislation relating to human rights

Welsh Government SAEHR Action Plan, Legislative Options Working group update

Welsh Government SAEHR Action Plan updates

AOB / next meeting date / meeting closure

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Attendees

Present

- Jane Hutt MS (Chair), Minister for Social Justice and Chief Whip (MSJCW)
- Hannah Blythyn MS, Deputy Minister for Social Partnership (DMSP)
Elisabeth Velina Jones, Independent (EVJ)
- Charles Whitmore, WCVA/ Human Rights Consortium (CW)
- Ellis Peares, Youth Parliament (EP)
- Sean O'Neill, Children in Wales (SON)
- Professor Simon Hoffman, Swansea University (SH)
- Fran Targett OBE, WCVA (FT)
- Jennifer Dowell-Mulloy, Betsi Cadwaladr University Health Board (J D-M)
attending on behalf of Cerri Harris
- Tina Fahm, BAWSO (TF)
- 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)

Welsh Government officials

- Lorna Hall, Deputy Director, Equality and Human Rights Team (LH)
- Hena Thorne, Human Rights Team (HT)
- Karyn Pittick, Human Rights Team (KP)
- Amanda Woodrow, Human Rights Team (AW)
- Chrishan Kamalan, Equality Team (CK)
- George Duff, Cabinet Division (GD)
- Kate Bacon, Cabinet Division (KB)

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- Lyndon Evans, Cabinet Division (LE)

Apologies

- Mick Antoniw MS (Chair), Counsel General and Minister for the Constitution (CGMC)
- Reverend Gethin Rhys, Cytûn
- Anna Mihangel, Older People's Commissioner for Wales
- Cllr Mary Ann Brocklesby, WLGA
- Alicja Zalesinska, Tai Pawb
- Mitchell Jones, Cardiff and Vale University Health Board
- Dr Emily Kakoullis, Cardiff University (EK)
- James Walsh-Heron, Communications (JWH)
- Menaka Kodur, Women Connect First
- James Gerard, Justice team
- Dr Alison Parken, Cardiff University
- Rachel Thomas, Office of Children's Commissioner for Wales
- Davinia Green, Stonewall
- Nazir Afzal, Independent
- Sian Pope, Communications
- Sarah Rees, Oxfam Cymru (SR)

Welcome and previous minutes/actions

The Minister for Social Justice and Chief Whip (MSJCW) welcomed members and noted all apologies received. MSJCW noted for future meetings, Menaka Kodur will be representing Women Connect First.

All actions from the previous meeting are complete or covered in this meeting.

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SON thanked Ministers and the organising team for the Human Rights Day event held in December. SON commented that the event was very good and offered a wide range of speakers and performances which resulted in informative discussions from the round table set-up.

MSJCW agreed and also highlighted her attendance at an online human rights webinar on 1 February, organised by the Older People's Commissioner to mark 75 years of Human Rights. MSJCW promoted HRAG during the webinar.

Update: UK Government legislation relating to human rights

Following from the previous meeting's update on the UK Government's Rwanda Bill and Supreme Court ruling, CK reiterated that the legislation and policy is reserved and therefore there is no opportunity to lay a legislative consent motion. Currently, UK Government are sharing little information with Welsh Government. A line-by-line reading is scheduled for 12 February. Welsh Government colleagues continue to monitor progress.

CW highlighted other draft legislation that raise human rights concerns that may require close observation including the data protection and digital information bill. CW noted it would be worthwhile regularly observing progress on these areas as well.

Welsh Government SAEHR Action Plan, Legislative Options Working group update

CW provided an update on progress:

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- LOWG members had decided to adjust their approach due to capacity issues and the level of depth required. This includes no longer focussing on devolved competencies analysis as this would be conducted by Government as part of the incorporation process.
- The analysis will now:
 - be broadly based around 7 questions, looking at the essential elements of each article and extracting any interpretative elements to help understand the rights in those articles
 - identification of any deficits in delivery of these rights in Wales and UK levels, using the pre-existing knowledge held amongst LOWG members
 - establishing whether an article had its main regulation of equal opportunities to see what options are available around the equal opportunities' reservation
 - have regard to administrative justice and what can be done with information, education and stronger duties of compliance
- LOWG is applying the new analysis to CEDAW and in particular, Article 7 on the representation of women in political and public life and for the CRDP, Article 19 on the right to independent living.

MSJCW thanked CW for updating and acknowledged the short period since the last HRAG meeting update.

MSJCW informed members of a recent visit this month by UN representative on CEDAW, who was investigating certain aspects of its implementation. The visit was managed by officials from the Violence against women, domestic abuse and sexual violence team. MSJCW has asked officials to share a note of that meeting with group members.

Action point: secretariat to share information / meeting note of the recent visit of the UN special rapporteur to the UK.

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Welsh Government SAEHR Action Plan updates

Discussion on adopting framework principle outlined in the Children's Commissioner for Wales document 'The Right Way A Children's Rights Approach' in relation to the statement of commitment.

HT informed the group the statement of commitment is at the final stages of completion and officials are now considering what supportive material/resources are required to support understanding and implementation. As part of this work, it will be necessary to define what is meant by a human rights-based approach.

The HRAG members are asked to consider the Children's Commissioner for Wales document, 'The Right Way A Children's Rights Approach' and its 5 principles in relation to the written statement of commitment. Should the principles be adopted?

HT listed the 5 principles in the chat comments for reference and invited SH (author of the principles) to provide further information on the principles:

- embedding rights
- equality and non-discrimination
- empowering
- participation
- accountability

SH contributed the following:

- The need to take forward a human rights-based approach and embedding it within the work of public authorities is listed in the Strengthening and Advancing Equality ND Human Rights (SAEHR) research report as recommendations 14 and 4. Using the Children's Rights approach as a starting point is welcomed because:

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- It shares the same principles as the Older Peoples' rights approach.
- Much of the work and research has already been conducted and reaches back to 2016.
- The model used by both the Commissioners is not fixed and provides flexibility to develop a similar model based on what literature, best practice and research available.
- There are 5 consistent principles which are rooted in human rights as a human rights-based approach, which embed rights, equality and non-discrimination empowering rights holders.
- Both the children's rights and the older person's rights approaches are bespoke iterations based on the broader human rights approach. This means the approach developed for the public sector will focus on the practice and sector specific, offering a principled and practical mechanism for working with human rights.
- The SAEHR research report recognises human rights are complex and not easy to work with. By adopting the approach taken by both Commissioners will bring a level of consistency across all organisations, primarily the public sector, as a way of working with human rights.
- This approach has also been considered by the Children's commissioner in Jersey, the Scottish Government in their guidance on incorporating and giving effect to children's rights in Scotland and by the city and County of Swansea and their work on becoming a human rights city. In conclusion, SH has confidence in the approach and commends it to the Welsh Government and the group.

MSJCW invited comments and questions from the group, a summary of which includes:

- How does the human rights approach get imbedded in policymaking? Who's responsible for it? What level does this approach happen? How do we integrate that with what is already happening on equality impact assessments? And then how might we think about mainstreaming equality and the human rights approach coming together proactively. We need to

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integrate equality and human rights, the action plans and strategic plans so that we make this possible for policymakers to do in a meaningful way.

- The Children's Commission undertook an evaluation of the Children's rights approach in terms of how well it is being picked up. The Commission found that where it is being picked it is used well and embedded. It becomes everyone's role to think about in their policy decisions. Success is largely dependent on senior leadership buy in to make it a top down and part of the whole systems type of approach. One of the recommendations from that evaluation was that the Children's Right's approach ought to be a government endorsed program. This is a conversation that is ongoing between the Children's Commission and the children's rights branch at WG.
- The principles could be developed further. Barriers in society, for example, for disabled people that there's needs to be changed. Systems change and resources are required to enable people to fulfil their rights.
- The Disability Rights Task Force and the Anti Racist Wales Action Plan are examples of embedding principles, for example, the social model of disability, understanding about what co-production really means, which has got a strong human rights dimension.
- In relation to Children's rights, there are examples of when a child may not be able to assert their rights because they are in a subordinate position. An example of this is in relation to choice of education, this is decided upon by the parent/carer. Has this been considered?
- The right way approach is highly valued and highly recognized across the children's sector. This is something that's been well established and is being well embedded, not just the public setup, but has been picked up by third sector organisations as well. Colleagues, in the children's sector, highly value the principles. This would be a natural progression in the journey of the right way framework, and we totally support this.
- It would be interesting to have an update about how Swansea and its application of the principles and how it's being adapted to cover human rights generally in relation to all strands of inequality. We have experience in testing all areas for inequality and it would be interesting to see how this has

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taken place in Swansea.

MSJCW thanked all for their questions and agreed with the last point raised regarding Swansea. MSJCW asked officials to update, at the next meeting, on how Swansea is implementing the human-rights approach, using guidance to help drive new approaches and initiatives and is in step with all the other human rights cities and what this means for people's lives. MSJCW invited HT to respond.

HT reiterated the purpose i.e. to get the views on the principles themselves as principles of human rights. It is accepted that the challenge will be how this is embedded into policy and service delivery. All comments and queries will be considered by officials and if any members have further comments and questions, to please submit them to Amanda Woodrow in the coming weeks.

Action point: group members to submit further comments and queries to Amanda Woodrow on the proposed approach.

Action point: SH/Officials to update group members on group members on how Swansea City are implementing a human-rights based approach and the implications of that on individuals.

Recap of actions and work undertaken in 2023

HT provided a recap of actions and work undertaken by the Welsh Government Human Rights team in 2023:

- Provision of secretariat report to LOWG who met 7 times in 2023.
- Establishment of the working group to commence work on recommendation 2 written statement.
- Raising awareness and recommendation 36 human rights day event held, where over 80 people attended including 3 Ministers raising awareness on a

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broad range of issues and to commemorate the Universal Declaration of Human Rights.

- Commissioned a public survey, to assist planning of future comms.
- MSJCW gave the inaugural lecture at Swansea University for their new human rights lecture series.
- MSJCW participated in the Older People's Webinar on the 1st of February.

In addition to progressing commitments made stemming from the SAEHR report, business as usual includes:

- facilitated 6 returns of evidence to UK government in relation to our international obligations including the European Commission against Racism and Intolerance, the Framework Convention for the Protection of National Minorities, the International Covenant on Civil and Political Rights.
- facilitated an in-country virtual visit from the European Commission against Racism and Intolerance. working with our colleagues in equality policy to voice human rights in the strategic equality plan that's out for consultation currently.

Coming up

In March 2024, officials are attending two Geneva conventions to support Lorna Hall, Deputy Director for Equality and Human Rights for the ICCPR on 12/13th and the UNCRDP dialogue session on 18th March.

Update of HRAG terms of reference (TOR's)

HT advised group members that the TOR needed updated to remove outdated references and membership details. The secretariat will be update and circulate to all before the next meeting.

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In the absence of any other business being raised and comments, MSJCW thanked all members for their continued support and participation in this group and brought the meeting to a close.

Links provided by the Children's Commissioner from the chat comments:

Resources on a children's rights approach:

[Home Children's Commissioner for Wales](#)

[The right way a children's rights approach](#)

[Ambition to action an evaluation of the right way](#)

Efallai na fydd y ddogfen hon yn hollol hygyrch.

Drllenwch ein [datganiad hygyrchedd](#) i gael rhagor o wybodaeth.

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