



Llywodraeth Cymru  
Welsh Government

CYFARFOD, DOGFENNU

# Cyfarfod y Grŵp Cyngkori ar Hawliau Dynol: 26 Gorffennaf 2022

Crynodeb o funudau'r cyfarfod a chynhaliwyd ar 26 Gorffennaf 2022.

Cyhoeddwyd gyntaf: 10 Medi 2024

Diweddarwyd ddiwethaf: 10 Medi 2024

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# Cynnwys

## Attendees

Welcome and Opening Comments by MSJ

Minutes of Final Meeting of SAEHR: 25 April 2022

HRAG Terms of Reference and Membership

UK Government Bill of Rights Bill: Verbal update and Discussion

Update on the Welsh Government Human Rights Action Plan

UN Universal Periodic Review

Next Meeting

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# Attendees

## Present

- Jane Hutt MS, Minister for Social Justice (MSJ)
- Sally Thomas, Betsi Cadwaladr UHB (ST)
- Rev Ruth Coombs, EHRC (RC)
- Rhian Davies, Disability Wales (RD)
- Sean O'Neill, Children in Wales (SON)
- Shahien Taj, Women Connect First (ST)
- Nicola Evans, Older People's Commissioner for Wales (NE)
- Aled Edwards OBE, Cytun (AE)
- Daniel Hurford, WLGA (DH)
- Prof Simon Hoffman, Swansea University (SH)
- Emily Kakoullis, Cardiff University (EK)
- Prof Robert Moore, NWREN (RM)
- Catherine Fookes, WEN Wales (CF)
- Daniel Hurford, WLGA (DH)
- Nancy Lidubwi, BAWSO (NL)

## Welsh Government officials

- Paul Dear, Communities Division (PD)
- Tana Giles, Communities Division (TG)
- Anthony Pugh, Equality Team (AP)
- Karyn Pittick, Human Rights Team (KP)
- Kimberley Mortimer, Human Rights Team (KM)

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## Apologies

- Mick Antoniw MS, Counsel General and Minister for the Constitution (CGMC)
- James Gerard, Deputy Director, Justice Policy (JG)
- Julie Cook, Wales TUC (JC)
- Charles Whitmore, WCVA / Human Rights Consortium (CW)
- Maria Mesa, Women Connect First (MM)
- Alicja Zalesinska, Tai Pawb (AZ)
- Sara Rees, Oxfam Cymru (SR)
- Fran Targett OBE, WCVA (FT)
- Natasha Davies, Chwarae Teg (ND)
- Vineet Simms, EHRC (VS)
- Lisa Reynolds, EHRC (LR)
- Dr Alison Parken, Cardiff University (AP)
- Rhianydd Williams, Wales TUC (RW)
- Rachel Thomas, Children's Commissioner for Wales (RT)
- Jessica Laimann, WEN Wales (JL)
- Cllr Mary Sherwood, WLGA (MS) (Note Cllr Sherwood has now left office)

## Welcome and Opening Comments by MSJ

MSJ welcomed all to the first meeting of the newly named Human Rights Advisory Group, with an increased focus of human rights reaching out to all forums and networks. She gave apologies for the co-chair CGMC and stated other apologies will be recorded in the minutes.

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# Minutes of Final Meeting of SAEHR: 25 April 2022

MSJ asked for comments on these minutes which were circulated prior to this meeting. All actions from that meeting were either completed or would be covered in updates in this meeting.

## HRAG Terms of Reference and Membership

MSJ introduced the draft Terms of Reference (ToR) documents, for this advisory group, which had been shared prior to this meeting and invited comments and any suggestions for representation additions to the HRAG group.

CF suggested Aliya Mohammed of Race Equality First could be a welcome addition. MSJ asked officials to cross reference with Wales Race Equality Forum to look for wider representation.

Action: WG to approach Wales Race Equality Forum for representation in HRAG group.

RC felt the ToR needed to recognise the independence of HRA members (in particular regulators such as EHRC) and mentioned Scotland had recently used some wording which may be helpful.

Action: WG to consider wording around independence of the Group and its members to add into the ToR.

DH informed the group Mary Sherwood is no longer a Councillor or a spokesperson for WLGA. DH will update on the successor representative. MSJ thanked DH and will send a letter of thanks to MS for her contribution to the SAEHR.

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Action: DH to inform WG who will replace MS as spokesperson for WGLA.

Action: MSJ to write to MS to thank her.

SH felt there was an omission from the membership from legal professions and suggested Michael Imperato who is a practicing solicitor and human rights representative for Law Society Wales. MSJ thanked SH for this suggestion and agreed the need for legal representation however, wished to discuss this with CGMC on his return and shared that membership can always be added where it is felt there are gaps.

Action: MSJ to discuss legal representation with CGMC

PD noted that James Gerrard, WG Head of Justice Policy had sent apologies for this meeting but would normally attend.

## **UK Government Bill of Rights Bill: Verbal update and Discussion**

MSJ gave an update on the Bill of Rights Bill (BoRB), which was introduced in the House of Commons on 22<sup>nd</sup> June. The second reading of this Bill is now scheduled for 12 September, but this may be affected by the change of PM.

MSJ reiterated WG concerns around the BoRB, as many others have also done, but it is unclear if these concerns have been considered. The BoRB is very technical, and officials are working cross Government on a detailed assessment of each clause to analyse the potential impact.

MSJ reminded everyone the BoRB would repeal the Human Rights Act 1998, impact the Government of Wales Act 2006 and have implications for the positive agenda for human rights in Wales and the work of this advisory group. The

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consent of the Senedd will also be required. If the Senedd does not give consent, it is unclear what will happen. Consent has been withheld on other Bills previously, but this has made little difference. A Legislative Consent Motion (LCM) will be brought forward. WG is also working with Scottish Government colleagues and ministers have met with the Senedd Cross Party Group on Human Rights, and the Council of Europe Commissioner, to discuss concerns regarding the BoR and Wales' own human rights agenda.

AE thanked MSJ for the update and stated churches were getting a sense of the potential impact, including abandonment of the Sewell Convention and intrusion into devolved matters with implications for human rights. AE would welcome a Wales Bill of Rights if this were possible, to provide some safeguards for Welsh people. There is concern from faith communities across the board of the impact on vulnerable lives, including people fearing being sent to Rwanda.

RM stated the BoR should not be seen in isolation, there are other restrictions around Police, Crime and Sentencing Bill, action to restrict immigration, trade unions and protests.

MSJ agreed and while she feared opposition may not change things, people need to be clear on the collective impact of the UK Government's actions. We will do more to show what we are doing in Wales, where powers allow.

Contributions via chat bar:

- SH - The Wales Civil Society Human Rights Stakeholder Group is meeting CoE Commissioner's Officials on 10<sup>th</sup> August. They will want to hear views on the BoRB. SH is confident these will be consistent with WG views - but if anything can be shared from the 30 June meeting it will enable them amplify concerns. They are coordinating evidence to provide insights into the likely impact of the BoRB if enacted, via Wales Stakeholder - BoR resource [template\\_final.docx](#).
- RD agreed there is a wider context and is concerned specifically at the plans

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to introduce voter ID which could disenfranchise many from the democratic process including disabled people.

- CF highlighted impact on women's rights, esp women with intersecting protected characteristics.

MSJ stated the importance of raising concerns. Welsh Parliament will express themselves when the Senedd gets back into session however, civil society, academics and everyone need to be vocal about their opposition. MSJ asked people to let Welsh Government know any activities they were undertaking and asked this group to think of ways to assert themselves as a voice.

Action: All asked to share with Welsh government any activity to raise awareness of the impact of BoRB.

## Update on the Welsh Government Human Rights Action Plan

PD introduced KP, newly appointed Senior Human Rights Policy Manager at WG. The update on how WG is moving forward the actions from the research report had been sent out prior to this meeting. The BoRB impact and influence on this work is unclear but we are still moving forward with the preparatory work.

Legislative options:

- A Legislative Options Working Group (LOWG) is now being put into place, which will report to the HRAG. Following initial discussions, SH has captured the intended approach in draft ToR shared prior to this meeting.
- The aim is to keep the group small and agile, but recognised that some additions to the initial suggestions may be needed
- Dawn Da Silva from WG Legal Services is supporting the group. The work of the group will be to develop clear policy aims around human rights, to

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provide the basis for WG lawyers to develop legal advice for Welsh Ministers.

ST noted there was no representation in relations to race matters and someone with legal knowledge of these matters should be included. ST suggested Hillary Brown or Amir Anwar and the previous suggestion of Aliyah Mohammed was also noted, together with Nazir Afzal.

RD (via chat) suggested a roundtable to bring in experts, in the field, including international experts.

SON welcomed the direction of travel and the working group but felt the ToR omitted the expansion and incorporation of Children's rights

CF agreed with ST but noted there was no mention of CEDAW incorporation.

AE suggested Clive Lewis, Helena Kennedy or Phillipe Sands as all have a great understanding of devolution and the impact on devolved matters.

PD noted all suggestions, which would be followed up in revised ToRs and membership.

MSJ thanked everyone for suggestions and added it would be very helpful to look outside of Wales to allies in England. She noted some experts and people named may be invited to engage with the group, rather than becoming members.

PD clarified that the absence in the ToR of explicit mention of specific areas or rights did not indicate these had been overlooked or excluded. It would be difficult to include all possible issues within scope, but officials would review the ToR with a view to being clearer that a broad and inclusive approach was intended, including in relation to incorporation of UN conventions; ministers have been clear about this.

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PD added both groups were fortunate in having the expertise of SH who has strong links with Scottish Government.

MSJ agreed that SH expertise was critical and that the ToR and membership would be reviewed. PD and KP can be contracted directly with any further ideas on these.

Action: WG to review ToR and membership of LOWG group in lights of members' comments.

MSJ stated guidance is currently being worked on and impact assessment and promoting human rights comms plan would be discussed at the next meeting.

## **PSED Review**

TG updated on work underway to review the Welsh PSED regulations. This had been delayed by Covid, but events held prior to the pandemic will now be revisited to enable rapid progress. Progress was summarised as follows:

- Consultation and close working with stakeholder groups.
- Thematic research identified.
- Renewed engagement with Scottish Government.
- Working with EHRC, Alison Parken, WG Legal Services.
- Working group consulting with stakeholders, with first meeting held.
- Away day booked for September agreed with working group and social partners including the third sector.

TG noted some barriers to progress, including clarity of regulations and some elements becoming a tick box exercise but these were to be discussed and taken forward at the planned away day.

MSJ thanked TG and invited comments on the report.

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CF noted positive work underway in relation to mentoring and gender quotas.

PD thanked TG for the work on this and shared TG would be leaving in August for a new post but there had been someone else identified to pick up this work before TG leaves so there is a smooth transition. MSJ thanked TG for the work in this area.

## UN Universal Periodic Review

MSJ referred to the draft Wales report which had been shared prior to the meeting. Wales shares their information with the UK Government however, as only a limited amount is included in the UK State Report, Wales are for the first time publishing a distinct Wales UPR evidence report, as the Scottish Government is also doing, targeted for September. The final WG Report will be shared with all members of the group to share as they wish. Scotland have asked for official representation at the UN hearing and Wales will now be pressing for the same. MSJ invited comments on the draft report.

CF wondered where we have the information, for example, on the Convention on the Rights of Disabled People and the access to elected office fund.

RM felt a timed co-ordinated response to the Westminster Government from the Government of Wales, Northern Ireland and Scotland is very important.

MSJ agreed and also added working closely with international and European networks was vital as we must not be separating at a time when we have so much to share and learn. This is also the view of the First Minister.

ST agreed that, as Wales is a Nation of Sanctuary, working on an international dimension is essential and advisors will need a good strong legal understanding of intersectionality and international matters.

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PD reminded the group Charles Whitmore, who had sent apologies to this meeting, was part of the group and is very well connected particularly in the EU and will be an asset to keep these links strong.

## Next Meeting

MSJ thanked everyone for their input today and there is further work now the human rights team can take forward. The next meeting will be co-chaired with CGMC. MSJ closed the meeting thanking everyone for their support for the human rights agenda for Wales, noting that this was not just a WG agenda, but much wider.

**Efallai na fydd y ddogfen hon yn hollol hygyrch.**

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

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