

## **National Taskforce for Human Rights Leadership – Minutes**

Second meeting, Wednesday 20 November 2019, 10:00 – 13:15  
St Andrew's House, Regent Road, Edinburgh, EH1 3DG

### **Taskforce Attendees**

- **Cabinet Secretary for Social Security and Older People** - Ms Shirley-Anne Somerville - Co-Chair
- **Professor Alan Miller** - Co-Chair
- **Councillor Kelly Parry** - Convention of Scottish Local Authorities (CoSLA)
- **Professor Elisa Morgera** - Co-Director of Strathclyde Centre for Environmental Law and Governance
- **Judith Robertson** - Scottish Human Rights Commission
- **Murray Hunt** - Barrister specialising in Human Rights, and Legal Adviser to the All-Party Parliamentary Group on the Rule of Law
- **Fiona Killen** - Member of the Constitutional Law Sub-Committee, Law Society of Scotland, and Head of Parliamentary and Public Law Unit, Anderson Strathern
- **Alastair Pringle** - Equality and Human Rights Commission
- **Cath Denholm** – Director of NHS Health Scotland and Deputy Chair of Scottish Natural Heritage
- **Mhairi Snowden** - Co-ordinator, Human Rights Consortium Scotland
- **Lisa Bird** - Scottish Government Deputy Director for Equality, Human Rights and the Third Sector

### **Guest Attendees**

- **Professor Nicole Busby** – Chair, Academic Advisory Panel

### **Observers**

- **Kavita Chetty** – Scottish Human Rights Commission
- **Mirren Kelly** – CoSLA

### **Apologies**

- **Christina McKelvie** – Minister for Older People and Equalities
- **Paul Johnston** – Scottish Government Director General of Education, Communities and Justice
- **Nils Muižnieks** – Former Commissioner for Human Rights, Council of Europe

## **1 Introduction and Welcome**

- 1.1 The Cabinet Secretary welcomed members of the Taskforce and noted that apologies had been received from the Minister for Older People and Equalities, Paul Johnston and Nils Muižnieks.
- 1.2 Professor Nicole Busby was welcomed to the meeting as a guest attendee in her capacity as Chair of the new Academic Advisory Panel (Agenda item 5).

## **2 Minutes of the previous meeting (2 October 2019) – for agreement**

- 2.1 The minutes from the inaugural meeting of 2 October 2019 had been circulated in draft prior to today's meeting. Members indicated that they were content. The Cabinet Secretary noted that the minutes would be published in due course by the Taskforce Programme Office.

## **3 Action Log**

- 3.1 The Cabinet Secretary explained that an Action Log had been established to record and track all action points arising from Taskforce meetings. The current actions currently identified in the Action Log were all either completed or currently in progress. Members indicated that they were content with the action log.

## **4 Terms of Reference – for agreement**

- 4.1 The Cabinet Secretary invited members to consider proposed adjustments to the draft Terms of Reference. These reflected comments made at the first meeting in relation to Freedom of Information requirements and the independence of the National Human Rights Institutions. A minor related adjustment had subsequently also been proposed in order to clarify that the Taskforce is government-led.
- 4.2 Members indicated that they were content with the proposed changes. The text of the Terms of Reference was therefore agreed by members and formally adopted by the Taskforce.

## **5 Update on the Academic Advisory Panel**

- 5.1 Professor Miller introduced Professor Busby, who had been asked to establish and chair an Academic Advisory Panel. A paper outlining the purpose and proposed members of the Panel had been circulated in advance of the meeting.
- 5.2 Professor Busby explained that the Panel will support the Taskforce in its work and will be made up of four core members who have all agreed to join:

- **Dr Katie Boyle**, University of Stirling, whose specialism is models of incorporation of international human rights
  - **Professor Tobias Lock**, University of Maynooth University, Ireland whose specialism is the EU Charter of Fundamental Rights
  - **Dr Kasey McCall-Smith**, University of Edinburgh, whose specialism is the international human rights treaty system
  - **Dr Elaine Webster**, University of Strathclyde, whose specialism is human dignity
- 5.3 Input will also be invited from other contributors on an ad hoc basis. The Panel will establish a work programme in due course, which will be shaped by the identification of key priorities by the Taskforce.
- 5.4 Members welcomed the establishment of the Panel. There was discussion around areas for potential research gaps and Professor Busby invited Members to put forward suggestions including the names of both academics and practitioners who might be interested in assisting with the work of the panel. Specific proposals included using expertise from within the academic community to address areas of significance such as the realisation of cultural (including linguistic) rights.
- 5.5 It was also noted that the National Human Rights Institutions, whilst not themselves academic bodies, are a source of important expert knowledge in the fields of both human rights and related areas of equality policy, legislation and practice.
- 5.6 The desirability of ensuring that the Scottish Parliament (including the Equality and Human Rights Committee and the Scottish Parliament Information Centre) is kept informed in relation to the work of the Taskforce and the Academic Panel was discussed. The relevance of the remits exercised by other parliamentary committees was also noted, including in relation to areas such as environmental rights which were of direct interest to the Taskforce. Members agreed that the Co-Chairs should write to the Equality and Human Rights Committee and other relevant committees to ensure that they are kept abreast of relevant developments.
- 5.7 It was agreed that Murray Hunt and Judith Robertson would have further discussions around parliamentary engagement throughout the process and feed this back to the Taskforce.
- 5.8 It was proposed that there should be a standing agenda item focusing on communications and engagement. Members were keen to keep other interested parties up to date with the work being undertaken by both the Taskforce and the Academic Advisory Panel. Members agreed it would be helpful to have a communications strategy.

## Action Points

*B1 – Programme Office to publish the agreed minutes of the 2 October Taskforce meeting in due course.*

*B2 - Programme Office to share Professor Busby's contact details with members so they can nominate potential members for the Academic Advisory Panel.*

*B3 – Co-Chairs to write to the Equality and Human Rights Committee and other relevant committees to keep them updated on the work of the Taskforce in due course.*

*B4 – Programme Office to develop a draft Communications Strategy to be agreed at a future Taskforce meeting and to add a standing agenda item covering communications and engagement.*

*B5 – Murray Hunt and Judith Robertson to further discuss parliamentary engagement and feed this back to Taskforce.*

## **6 Overview of Draft Outline Work Programme**

- 6.1 Professor Miller thanked the group for participating in the 1:1 meetings held since the last Taskforce meeting, which have been positive and constructive in discussing the best way forward. He updated the members about the meetings he had with Audit Scotland, SOLACE<sup>1</sup> (Malcolm Burr, Chief Executive of Comhairle nan Eilean Siar and SOLACE spokesperson for Equalities, Justice and Human Rights), and the Health and Social Care ALLIANCE. Professor Miller commented that he was extremely encouraged by these meetings with important collaborators and further discussions would take place.
- 6.2 Professor Miller talked attendees through his outline work programme and invited them to consider the proposals.
- 6.3 As part of the work programme, Professor Miller identified that the Taskforce will require condensed briefings from the Academic Advisory Panel on a number of pertinent matters, for example:
- The challenges of including a potential Equality Clause in the Bill;
  - Interpreting the meaning and application of specific rights (internationally and in the national context);
  - How the interpretation of the proposed duties should be understood by public authorities and for the national context.
- 6.4 Professor Miller clarified that the proposed roundtables and work of the Academic Advisory Panel outlined in the draft work programme would be parallel processes, aiming to provide output in June 2020 for the Taskforce then to consider in order to make its recommendations.
- 6.5 Professor Miller asked for the Taskforce to be kept updated on collaborative work between Scottish Government and the Scottish Human Rights Commission in relation to the First Minister's Advisory Group on Human Rights Leadership (FMAG) recommendations 4 and 5.

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<sup>1</sup> Society of Local Authority Chief Executives

- 6.6 Members sought clarity around the expected output of the Taskforce for December 2020. Professor Miller directed members towards the FMAG recommendations and Terms of Reference. He suggested that the Bill team and Parliamentary Counsel would be thinking about drafting requirements at the same time as the Academic Advisory Panel work and roundtables would be underway so that by December 2020 what is produced will reflect the broader work being done. The Taskforce will provide the Scottish Government with information on what it needs to make a decision and progress the legislation.
- 6.7 The Cabinet Secretary confirmed that the work of the Taskforce is not being done in isolation and that everything is being put in place to allow for the drafting a Bill at the appropriate point. She emphasised that the process should not be rushed to allow adequate time for proper public engagement including pre-legislative consideration.
- 6.8 It was agreed that it would be important to have a shared understanding of what the Taskforce's final product in December 2020 would contain. It was also suggested that it would be helpful for Scottish Government's Parliamentary Counsel to speak to the Taskforce about the drafting process. Professor Miller agreed a brief for Taskforce members would be prepared outlining the expected end product/output of the Taskforce work (based on FMAG report and Terms of Reference) so members have clarity and can consider this in relation to their own organisations and sectors.
- 6.9 The Cabinet Secretary agreed that the work of the Taskforce requires the right messaging, key people to attend the roundtables and for those people to have enough knowledge about human rights and the work of the Taskforce in order to get the most out of the roundtables. She advised members to discuss and agree messaging between now and the next meeting in February.

#### Action Points

*B6 – Professor Miller to follow up on initial discussions with important collaborators, including Audit Scotland, SOLACE and the Health and Social Care ALLIANCE.*

*B7 - Academic Advisory Panel to develop condensed briefings on the issues identified in the draft work plan and pertinent issues emerging from further Taskforce meetings and the work of the roundtables.*

*B8 – Taskforce to be kept updated on Scottish Government and related work on FMAG recommendations 4 and 5.*

*B9 – Programme Office to invite colleagues from the Parliamentary Counsel Office, Scottish Government Legal Directorate, and Bill team to present to the February 2020 Taskforce meeting about the Bill production process.*

*B10 - A brief to be produced for Taskforce members outlining the expected end product/output of the Taskforce work.*

## **7 Detailed Discussion of Draft Outline Work**

- 7.1 Professor Alan Miller indicated that there will be different stages of human rights readiness in different sectors. He indicated Taskforce members and organisations should have individual discussions and liaise with each other,

requesting coordination support from the Programme Office as required. Professor Miller stated that members should not underestimate the resources they already have.

7.2 [The Cabinet Secretary left the meeting at this point]

7.3 There was a detailed discussion around the purpose of the proposed roundtables. It was recognised that for some roundtables it may be helpful to host an event (like a world café) to bring people together and to set the scene before the sectoral roundtables commence. It was agreed it may be important for some roundtables to outline the aims of the Taskforce and help attendees to understand key principles of human rights as there will be different knowledge levels across the various groups of people. It was recognised that there would be attractions in agreeing a core script, in order to support consistency across the work of the different roundtables. It was suggested that MSPs, key stakeholders (including duty bearers) and Committee chairs could potentially be invited along to this event and that it could be an opportunity to introduce attendees to the work of the Taskforce as well as building capacity of roundtable contributors. It was felt that starting broadly before moving into sectors would be useful to capture the interdependence of rights and avoid too narrow a focus.

7.4 It was agreed that a separate discussion might be needed about awareness-raising for the wider public.

7.5 Professor Miller welcomed the broad discussion among Members and summarised that the following had been agreed from the detailed discussion:

- 1(a) and 4(a) in the work programme should be combined together as the participative process is so interlinked with capacity building.
- There should be a further internal discussion between himself and the Cabinet Secretary and the Minister to flesh out the work programme. He also indicated that he would have further conversations with Taskforce members in order to inform that further work.
- Roundtables will be undertaken next year.
- The Taskforce should give further consideration to messaging and the proposed pre-roundtable event.

#### Actions

*B11 – Programme Office to combine 1(a) and 4(a) in the draft outline work programme to reflect that the participative process is interlinked with capacity building.*

*B12 - Programme Office to set up a meeting between Professor Miller and Cabinet Secretary and the Minister to discuss work programme and expected output of the Taskforce.*

*B13 – Professor Miller to have further meetings with Taskforce members to discuss the work programme.*

*B14 – Taskforce members, working with Professor Miller and supported by the Programme Office, to have non-plenary discussions to agree messaging and the proposed pre-roundtable event.*

*B15 – Sectoral roundtables to be planned and delivered in early 2020.*

**8. AOB / Date of next meeting**

The next meeting of the Taskforce will take place on 26 February 2020 and details will be circulated to members by the Programme Office in due course.