

National Taskforce for Human Rights Leadership

Inaugural meeting, 2 October 2019, 10:00 – 12:30
St Andrew's House, Regent Road, Edinburgh, EH1 3DG

Attendees

- **Cabinet Secretary for Social Security and Older People**, Ms Shirley-Anne Somerville - Co-chair
- **Professor Alan Miller** - Co-chair
- **Ms Christina McKelvie** - Minister for Older People and Equalities
- **Paul Johnston**, Director-General Education, Communities and Justice
- **Stephen Gallagher** - Director for Local Government and Communities
- **Councillor Kelly Parry** - CoSLA
- **Professor Elisa Morgera** - Co-Director of Strathclyde Centre for Environmental Law and Governance
- **Alastair Pringle** – Executive Director Corporate Delivery and Scotland, Equality and Human Rights Commission (EHRC) Scotland
- **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 Constitutional Law Sub-Committee, Law Society of Scotland, and Head of Parliamentary and Public Law Unit, Anderson Strathearn
- **Cath Denholm** - Director NHS Health Scotland, and Deputy Chair Scottish Natural Heritage
- **Mhairi Snowden** - Co-ordinator Human Rights Consortium Scotland
- **Elisabeth Campbell**- Strategic Lead – Human Rights – Scottish Government

Observers

- Mirren Kelly - CoSLA
- Kavita Chetty – Scottish Human Rights Commission
- Miranda Geelhoed – University of Strathclyde Law School

1 Introduction and Welcome

- 1.1 The Co-chairs welcomed all members of the Taskforce to the inaugural meeting and asked each member to introduce themselves.
- 1.2 Ms Somerville noted apologies from Nils Muižnieks who, due to a prior commitment, was unable to attend the meeting.
- 1.3 The Co-chairs noted that the Taskforce work should be ambitious, should share leadership and demonstrate a 'can do' attitude. This was central to the ambition expressed by the First Minister.

2 Orientation Session

- 2.1 Professor Miller presented a short paper summarising key features of the work undertaken during 2018 by the First Minister's Advisory Group on Human Rights Leadership (FMAG).
- 2.2 Three particular features were highlighted:
 - What is Leadership?
 - The challenge facing the Taskforce, and
 - Next steps
- 2.3 Expanding on these 3 areas, Professor Miller commented that leadership should come from across Scotland. This was reflected by the organisations represented on the Taskforce. It was also illustrated by the list of contributors who engaged with the work of the FMAG (Annex D of the FMAG report). One of the challenges facing the Taskforce is the development of a new statutory human rights framework for Scotland, to be delivered by an Act of the Scottish Parliament. This would aim to incorporate human rights into domestic law and would contain the full range of rights which belong to everyone in Scotland. It was felt that it is important that these rights should appear in one place so that they are visible and accessible to everyone.
- 2.4 Professor Miller emphasised that implementation of the legislation would require detailed emphasis on capacity building and participatory processes. Although the proposed legislation would be the driving priority for the Taskforce it would be essential also to build capacity and plan for effective implementation. The FMAG had been clear that this work should include public awareness-raising, capacity building of duty-bearers and ensuring that the legislation helps improve the lives of everyone.
- 2.5 The proposed Taskforce timetable would allow for just over a year of intense work for the legislation to be developed. Having an ambitious deadline was a positive factor and would help to focus effort. It was noted that the scale of the Taskforce's ambition is matched by the scale of expectation within civil society. Importantly, the work already done by the FMAG meant that substantial progress had already been made. The Taskforce was not starting with a blank

sheet of paper and the FMAG had itself made important progress with elements of the bill development process.

- 2.6 Next steps had been clearly identified in the FMAG's report and these in turn identified areas where further work would now be required. Professor Miller indicated that he would now meet with each Taskforce member to identify the best ways to take forward the Taskforce's overall programme of work. In the light of these conversations, specific proposals for workstreams would be developed and presented to the next Taskforce meeting. The Minister for Older People and Equalities would also meet with members with whom she had not previously had regular contact.
- 2.7 Ms Somerville reiterated the Scottish Government's commitment to the Taskforce process and indicated that the First Minister would wish to be kept informed of progress.
- 2.8 Members then held a general discussion exploring points emerging from the Orientation Session.

Action Points

A1 *Professor Miller to meet with individual Taskforce members ahead of the next meeting to discuss their role further in establishing and contributing to the work.*

A2 *The Minister for Older People and Equalities to meet with Taskforce members with whom she had not had regular previous contact.*

3 Taskforce Remit and the Role of the Co-chairs

- 3.1 The Co-chairs invited comments in relation to the draft Terms of Reference and the associated paper outlining the respective roles of the Co-chairs. Members indicated that they were content with these documents subject to two specific comments.
 - 3.1.1 A short protocol covering Freedom of Information (FOI) transparency was proposed. This should provide guidance to individual members and would clarify that any FOI request made to individuals should be forwarded to the Taskforce Programme Office for action. It was noted that FOI legislation works principally on the basis of whether a public authority holds information, rather than the original authorship or ownership of a document. Data held by the Programme Office (Scottish Government) would therefore be subject to FOISA, though might in some cases be covered by statutory exemptions.
This was agreed.
 - 3.1.2 SHRC and EHRC proposed an amendment to the terms of reference to clarify that participation in the Taskforce would not compromise their institutional independence as National Human Rights Institutions. They would retain the right to express opinions which differed from the position taken collectively by members of the Taskforce and reserved the right, if necessary, to dissent from any conclusions or decisions reached by the Taskforce. It was **agreed** that this principle should also be made explicit in relation to Taskforce members in

general. Individual members would remain free at all times to express their views and opinions independently of the view taken collectively by the Taskforce.

Action Points

A3 SHRC to provide suggested wording to the Programme Office to reflect the proposed change regarding terms of engagement and institutional independence.

A4 Terms of Reference to be updated to include protocol on FOI and to clarify that members remain free to express views and opinions which may differ from positions adopted by the Taskforce as a group.

4 Structure and Proposed Work Programme

4.1 Professor Miller commented on the paper setting out a proposed structure for the Taskforce and of its associated workstreams. The workstreams would follow on from the work previously undertaken by the FMAG with each Taskforce member likely to contribute to at least one workstream. Professor Miller would discuss further with individual members (Action Point A1, above).

4.2 There was a brief discussion of the proposed workstreams. It was agreed that this should be brought back for more detailed consideration at the next meeting of the Taskforce once Professor Miller had consulted with each of the Taskforce members. The Programme Office would identify future meeting dates and canvass members for availability, and update the work programme accordingly. It was noted that school holiday dates should be avoided where possible and the timing and duration of meetings should take account of the working patterns of members, as well as travel arrangements. In order to accommodate these factors, future meetings should if possible be held in central Edinburgh.

Action Points

A5 See Action Point A1 above

A6 Programme Office to identify future meeting dates and canvass members for availability. Update work programme accordingly.

5/ Close and Next Meeting

The meeting closed at 12:30.

The next meeting of the Taskforce will take place on 20th November 2019 in Edinburgh. Details will be circulated to members by the Programme Office in due course.