

National Taskforce for Human Rights Leadership – Minutes
Fourth Meeting
1 July 2020
10:00 – 12:30

Taskforce attendees

- **Shirley-Anne Somerville** - Cabinet Secretary for Social Security and Older People
- **Christina McKelvie** - Minister for Older People and Equalities
- **Professor Alan Miller** – Independent Co-Chair
- **Alastair Pringle** - Equality and Human Rights Commission
- **Claire Sweeney** – Public Health Scotland
- **Councillor Kelly Parry** – Convention of Scottish Local Authorities (COSLA)
- **Fiona Killen** - Member of the Constitutional Law Sub-Committee, Law Society of Scotland, and Head of Parliamentary and Public Law Unit, Anderson Strathern
- **Judith Robertson** - Scottish Human Rights Commission
- **Mhairi Snowden** - Co-ordinator, Human Rights Consortium Scotland
- **Murray Hunt** - Barrister specialising in Human Rights, and Legal Adviser to the All-Party Parliamentary Group on the Rule of Law
- **Professor Elisa Morgera**-Co-Director of Strathclyde Centre for Environmental Law and Governance

Guest attendees:

- **Kavita Chetty** – Scottish Human Rights Commission
- **Mirren Kelly** – COSLA
- **Professor Nicole Busby** – Academic Advisory Panel

Scottish Government attendees:

- **Lisa Bird** – Deputy Director for Equality and Human Rights Division
- **Elisabeth Campbell** – Strategic Lead, Human Rights
- **Cristina Dello Sterpaio** – Human Rights Taskforce Team Leader
- **Shumirai Mhonda-Kapora** – Secretariat to the National Taskforce
- **Ciar Nixon** - Secretariat to the National Taskforce
- **Fraser Meechan** - Secretariat to the National Taskforce

Apologies:

- **Nils Muižnieks** – Former Commissioner for Human Rights, Council of Europe

1 Welcome and introductions

1.1 The Cabinet Secretary started the meeting by thanking Taskforce members for their attendance, and apologised that the previously scheduled meeting could not proceed as planned due to the COVID-19 response.

1.2 The Cabinet Secretary welcomed Claire Sweeney to the Taskforce, having recently been appointed as a representative of Public Health Scotland. It was also recognised that Cath Denholm would be a big loss to the Taskforce, and thanks were extended to Cath Denholm for all her work to date.

2 Papers for agreement

2.1 The minutes from the 26 February 2020 meeting and action log were agreed by Taskforce members.

2.2 It was agreed that Professor Miller will undertake a series of political engagement with parliamentarians from both Scotland and beyond.

3 Reflections on response to COVID-19 pandemic

3.1 The Cabinet Secretary explained that she recognised there will be frustrations caused by delays to Taskforce's public participation work, as focus shifted towards the response to the COVID-19 pandemic. Now the acute phase of the response has passed it is expected the pace will begin to pick up in the coming months. In addition, the Cabinet Secretary added COVID-19 has highlighted the importance of the Taskforce's work aligning with the overall recovery work from COVID-19, providing recommendations that will enshrine human rights protections within Scotland

3.2 The Minister thanked Taskforce members for their help during the COVID-19 response. Thanks were also extended to Taskforce members for their assistance in striving to mainstream human rights within Scotland, referencing health, justice and social care as being a few examples of spheres which are aiming to take a human rights approach to decision making. Furthermore, the Minister pointed towards work that is happening within the Scottish Government regarding mainstreaming to ensure the rebuild from COVID-19 is a person-centric rebuild, which has equalities and human rights central to the conversation.

3.3 Members of the Taskforce recognised that the Scottish Government had to prioritise the response to COVID-19. The Scottish Human Rights Commission (SHRC) and the Equality and Human Rights Commission (EHRC) also confirmed a lot of their work was re-prioritised to the demands of the pandemic response, Furthermore, SHRC noted some resource difficulties, caused by COVID-19.

3.4 Furthermore, data published during the pandemic highlighting the disproportionate impacts of COVID-19 on specific groups within the community, stressing the importance of the framework. It has become essential to offer protections to these groups and consider practical ways to improve lives.

4 Brief update on Professor Busby - *The Essential Features of an Equality Clause and the Potential Incorporation of CEDAW* Academic paper

4.1 The Cabinet Secretary introduced Professor Nicole Busby to discuss the Academic Advisory Panel Paper on *The Essential Features of an Equality Clause and the Potential Incorporation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*.

4.2 Professor Busby thanked the Taskforce for her invitation to discuss the paper and explained it had two main aims. Firstly she explained the paper was to consider the rationale and scope of the equality clause on the Taskforce work, and secondly, to provide views on the incorporation of CEDAW.

4.3 It was agreed that Taskforce members would review the potential incorporation of CEDAW in detail at future working group and Taskforce meetings, assessing the capacity to include within the framework. In addition, other treaties will also be considered such as the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of Persons with Disabilities (CRPD).

4.4 A further challenge raised in the paper was how to incorporate rights to protect characteristics that do not currently have protections under treaties.

4.5 Taskforce members agreed the aim is for the framework to achieve the gold standard. Therefore it is essential to consider treaties and characteristics in more detail, assessing the complexities through the prism of devolved and reserved matters.

4.6 The Cabinet Secretary thanked Professor Busby for presenting her very insightful piece of work.

(11:00 - Professor Busby left the meeting).

5 Brief update on working group meetings

5.1 Professor Miller provided a brief update on the working group meetings, noting they have provided great value as a platform to express views and explore issues with Taskforce members.

5.2 Furthermore, Professor Miller highlighted the important work the Academic Advisory Panel (AAP) are doing to explore complex issues facing the Taskforce, with Professor Busby's paper providing great detail and value. Further papers from the AAP are nearing completion, and these will be discussed at future working group and Taskforce meetings.

5.3 The Cabinet Secretary advised it is great to hear there has been considerable progress, while working under difficult circumstances, and asked Taskforce members for an update on their capacity over the coming weeks and months. Some Taskforce members highlighted there may be some short-term capacity issues, particularly within health and social care and local authorities, as the COVID-19 pandemic is still creating a very challenging environment. SHRC have advised that resources are still quite stretched, while EHRC workloads are moving in the right direction, but not yet at pre-COVID-19 levels.

6 Update following the Civil Society Reference Group and the Healthy Environment Roundtables

6.1 Mhairi Snowden provided an update on the civil society roundtables, which took place on 25 June and 26 June. There was representation from approximately 50 organisations' from a wide range of spheres including faith groups, children's organisations' and groups' from a justice background. The structure of the civil society roundtables centred on the opportunities and challenges of a framework for human rights and features that could be included within the act. There was a short discussion on the key themes that attendees had raised.

6.3 In addition to the civil society roundtables, Professor Morgera undertook a roundtable on the Human Right to a Healthy Environment, with a presentation from John Knox, former UN Special Rapporteur on Human Rights and the Environment. This roundtable also had attendees from a range of backgrounds, such as duty bearers and non-governmental organisations. Professor Morgera provided Taskforce members with an update on the key themes discussed at the roundtable. Prior to this roundtable attendees were provided fact sheets regarding the human right to a healthy environment, and how the environment relates to certain groups within society. It was agreed these fact sheets would be shared with Taskforce members.

6.4 The Access to Justice roundtable was scheduled for Easter, but was cancelled due to the outbreak of COVID-19. It is expected this roundtable will now take place in August or September. Professor Miller noted that there is a range of cross-cutting themes and topics arising from roundtables which Taskforce members will need to be informed of. The Programme Office will liaise with members to discuss cross-cutting issues.

7 Taskforce work product

7.1 Papers were shared with Taskforce members prior to the meeting outlining the anticipated timescales and proposed key dates, until the March 2021 deadline for the Taskforce to provide its recommendations. The Cabinet Secretary accepted COVID-19 had caused considerable challenges, particularly regarding public engagement, but the March 2021 deadline can still be met. Taskforce members agreed that the March 2021 deadline is achievable.

7.2 Taskforce members recognised the need to have a broad discussion to address substantive issues. It was also noted that it would be important for the Taskforce to remain in dialogue with Scottish Government Bill team and UNCRC team in the coming months.

7.3 At the next Taskforce meeting a discussion was proposed on a range of issues. These included the upcoming papers of the AAP, themes of the summer roundtables and a wide discussion on treaties in relation to the framework.

8 Communications and engagement strategy

8.1 It was agreed at the February meeting this would form a standing agenda item. Papers were shared prior to the meeting. The Cabinet Secretary asked the Taskforce if they have any comments to make regarding the paper.

8.2 Members agreed that COVID-19 had shown the importance of the Taskforce's work and emphasised the need to amplify this work during the COVID-19 recovery. It will be imperative to give the work a greater profile with the wider public.

8.3 Some Taskforce members advised there was some capacity issues caused COVID-19 response, therefore unable to look at the communication and engagement strategy in great detail. As capacity increases in the coming weeks and months, members will be in a position to continue dialogue and provide more feedback.

9 Any other business

9.1 No other business was raised by the Taskforce, so the Cabinet Secretary concluded the meeting.

9.2 The next Taskforce meeting is scheduled for 9 September 2020.

Meeting concludes.