

National Taskforce for Human Rights Leadership – Minutes
Fifth Meeting
9 September 2020
09:45 – 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
- **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
- **Dr Katie Boyle** – Academic Advisory Panel
- **Dr Kasey McCall-Smith** – Academic Advisory Panel
- **Dr Elaine Webster** – Academic Advisory Panel
- **Professor Tobias Lock** – Academic Advisory Panel

Scottish Government attendees:

- **Paul Johnston** – Director General, Education, Communities and Justice
- **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
- **Gill McCrum** – Joint Bill Team Leader
- **Julia McCombie** – Joint Bill Team Leader
- **Afson Barekat** – Head of Rights Branch, Scottish Government Legal Directorate (SGLD)
- **Victoria Morton** – SGLD

Apologies:

- **Nils Muižnieks** – Former Commissioner for Human Rights, Council of Europe
- **Michael Clancy** – Law Society Scotland
- **Cllr Kelly Parry** – COSLA
- **Claire Sweeney** – Public Health Scotland

1 Welcome and Pre-Cleared Papers

1.1 The Cabinet Secretary welcomed attendees to the meeting and thanked the Academic Advisory Panel for agreeing to join the meeting and discuss their papers.

1.2 The Cabinet Secretary and Professor Alan Miller noted that the momentum of the engagement had progressed at pace, making up time lost during the COVID-19 response, and extended thanks to all involved for their efforts in recent months.

1.3 It was noted that the Mid-Level Comms Plan, Minutes from the previous meeting, and Taskforce Action Log had all been cleared in advance of the meeting via email.

2 Feedback from Roundtables

2.1 Professor Miller thanked members who contributed to the recent roundtables, and noted there is more engagement being planned for the coming months. Notes from the roundtables will continue to be circulated among Taskforce members.

2.2 Taskforce members presented a short summary of the roundtables they were leading on, noting engagement had been very positive, with a wide range of participants and focussed on a wide range of backgrounds. The roundtables will allow the Taskforce to gather notes to shape their recommendations, but it was also noted participating organisations have highlighted to Taskforce members the importance of human rights as part to the COVID-19 recovery.

2.3 Taskforce members agreed it would be useful to collate the notes and key themes emerging from the roundtables to discuss further at future meetings. This would include key features roundtable participants identified, and opportunities or challenges the framework for human rights will bring.

2.4 In addition to key themes emerging from roundtables, Taskforce members also recognised the need to consider cross-cutting issues to ensure the framework can be implemented as effectively as possible. With human rights being interrelated it was highlighted that work needs to be joined up. For example, access to justice and remedy has been a recurring theme emerging from roundtables such as the right to a healthy environment, so the Taskforce will consider means for rights holders to seek remedies when rights have been breached. It was also noted consideration should be given to resolve human rights breaches as proactively as possible, with courts being used as a last resort.

2.5 Taskforce members have been maintaining dialogue with special interest groups and UN Special Rapporteurs that will expand the Taskforce's evidence base.

2.6 Members welcomed the incorporation of UNCRC, and it was noted that the Taskforce will give full considerations to incorporation of other relevant international treaties, as part of the recommendations the Taskforce will publish in March 2021. This would include consideration of CERD, UNCRPD and CEDAW, in addition to specific rights for older persons and the LGBTI communities.

3 Executive Board Proposal

3.1 The Cabinet Secretary noted the Executive Board proposal was discussed at the inaugural Taskforce meeting. COVID-19 has meant the initial proposal for the Executive Board is no longer feasible so officials have been working on revised proposals, taking in to account the changing circumstances to develop a new approach. The Cabinet Secretary passed to Paul Johnston to discuss the revised proposals.

3.2 Paul Johnson gave a summary of the revised Executive Board proposal, noting the change in approach will aim to achieve a greater impact across the public sector. He explained that it would be important for the Board to work closely with the Taskforce to achieve the shared aim of developing an effective and robust statutory framework for human rights.

3.3. It was agreed there would be further engagement among members to refine the Executive Board remit, membership and how the Executive Board will achieve the functions set out by Paul Johnston. Members noted the importance of the Taskforce and Executive Board working in tandem, but asked to be kept informed on developments to ensure there are no overlaps regarding responsibility.

3.4 It was agreed that Scottish Government leadership in terms of public sector engagement is important, and that the Executive Board is a good means of achieving that.

3.5 Professor Miller thanked Paul Johnston for presenting his paper and answering questions from Taskforce members. He noted that it would be good to further explore the relationship between the Executive Board and Taskforce, before concluding that it is important to make sure all work is co-ordinated, and that the Taskforce dimension requires a positive relationship between the two.

4 Feedback on the AAP Papers:

4.1 Professor Miller began by thanking the AAP for the work they had undertaken thus far in providing discussion papers, and for attending the meeting to discuss the papers in more depth.

4.2 Professor Nicole Busby thanked the Taskforce for their invitation and introduced advisory panel members to present their paper.

4.3 Dr Kasey McCall-Smith began by presenting highlights from her paper which focussed on economic, social and cultural rights, and the minimum standards to meet these rights. It was stressed that human rights are indivisible and interrelated so it would be essential to consider how the rights work with each other. Challenges to the incorporation of economic, social and cultural rights were also referenced.

4.4 Dr Katie Boyle provided a summary of the salient points of her paper on the meaning and content of duties. This stressed the need to ensure accountability is considered fully, in addition to mechanisms for enforcement and remedy so human rights can be fully realised in Scotland for all. It was noted this had formed part of the conversation at the recent Access to Justice Roundtable, and the conversation will continue in the coming months to shape the Taskforce recommendations.

4.5 Dr Elaine Webster gave a brief overview of her paper, noting her paper outlines relevant considerations the Taskforce should consider with regards to human dignity being an underpinning concept of the framework.

4.6 Professor Tobias Lock began by noting the three guiding principles of the First Minister Advisory Group (FMAG) recommendations; non-regression, keeping pace, and that Scotland should become a human rights world-leader. Professor Lock also discussed Scotland's future relationship with the European Union and the options available to the Scottish Government to follow the guiding principles of the FMAG report.

4.7 The Cabinet Secretary thanked the Academic Advisory Panel for their work, and advised further papers are expected in the coming months.

5 AOB

5.1 The Cabinet Secretary noted that no specific issues had been raised in advance of the meeting. The Cabinet Secretary explained that she and Professor Miller had been in discussion and were keen to keep momentum going, so would aim to have a proposed decision making timeline on substantive issues circulated as soon as possible.

5.2 The Cabinet Secretary thanked all attendees for their attendance and contributions of interesting and thought-provoking points, and hoped to see them at the next meeting in October.