**First Minister’s Advisory Group on Human Rights Leadership**

**Inaugural Meeting, 17/18 January 2018, Edinburgh**

**Minutes**

**17 January 2018**

In attendance: Katie Boyle, Nicole Busby, Paul Hunt, Tobias Lock, Alan Miller, Elisa Morgera, Aoife Nolan, Judith Robertson.

Apologies: Shelagh McCall

Supported by: Duncan Isles, Marisa Strutt and Gill Scott from Scottish Government and Kavita Chetty from Scottish Human Rights Commission (SHRC)

1. **Introduction and Welcome from the First Minister**

The First Minister began by emphasising the independence of the Group. This could well include challenging recommendations and this is why she had appointed Alan Miller as its Chair.

The Group’s work will be underpinned by three key principles which have been identified by the Standing Council on Europe:

* that there is non-regression from current EU rights;
* that nobody is left behind future progressive EU developments in rights;
* that Scotland takes leadership in the protection and promotion of all human rights.

These three principles should be applied by the Group across all of the potential post-Brexit scenarios.

Above all the work of the Group should be directed at assisting public institutions in Scotland to respect, protect and realise internationally-recognised human rights in ways that address the concerns and aspirations of people across Scottish society. The recommendations should contain practical proposals for improvement which recognise that human rights matter across the whole of everyday life in Scotland.

Members introduced themselves to the First Minister and after a period of discussion the First Minister left.

1. **Remit and Workplan – General**
   1. **Terms of Reference**

The Group considered the Terms of Reference established by the First Minister. Members were content to agree the Terms of Reference.

* 1. **Workplan**

It was agreed by all members that the working methodology of the Group and recommendations should adopt the human rights-based approach of **Structure, Process and Outcomes**.

* 1. **Division of labour**

**The following division of labour was agreed by all members.**

**Katie Boyle** – Structure, models of incorporation including a Bill of Rights

**Shelagh** **McCall** – Structure, interaction among executive, legislature and judiciary; lessons from experience of 20 years of Scotland Act/Human Rights Act

**Paul Hunt** – Process, operationalisation of Structure, policy making, empowerment of people, forms of accountability and development of culture

**Aoife Nolan** – Structure, UNCRC, SDGs and European Committee on Social Rights

**Nicole Busby** – Structure and Process, application of 3 principles on Structure and Process with specific reference to equality and employment and interface with relevant UN treaties

**Tobias Lock** – Structure and Process, application of 3 principles on Structure and Process with specific reference to the Charter of Fundamental Rights and interface with relevant UN treaties

**Elisa Morgera** – Structure and Process, application of 3 principles with specific reference to environmental rights and interface with relevant UN treaties, including Aarhus Convention

**SHRC** – across Structure, Process and Outcomes, with specific reference to participatory process and evidence base and being a “sense check”

**Alan Miller** – Leading across everything internal to the AG and external to the Reference Group and other key actors including the political parties and Parliament as well as media, briefing the FM and pulling together and shaping proposed recommendations for interim and final report

1. **Decisions Taken**

It was agreed by the Group that:

1. Members would prepare working papers for discussion within the Group
2. The Group will present a summary of initial thinking emerging from the papers to the Reference Group. Evidence from the Reference Group can be taken to inform the Group’s ongoing work and support recommendations
3. Minutes will be published
4. Skype or videoconferencing can be arranged for members unable to attend meetings
5. Key milestones for the work of the Group would be:

* Reference Group meeting quarterly (late March and again in June and October/November)
* Plenary meetings of Advisory Group bi-monthly (late March and in May, July, September and November/December)
* Interim findings and Chair’s update to First Minister (end August). Format to be discussed with SG officials.
* Final report and recommendations by end of 2018

1. The Group should aim to produce a concise and accessible report and suite of recommendations

**18 January 2018**

**Remit and Workplan – Specific**

1. **Evidence baseline**
   1. **SHRC presentation**

The presentation sought to address the following questions posed by the Chair of the Group, using Scottish examples that SHRC is aware of:

* + 1. What evidence exists?
    2. What evidence is on the horizon?
    3. What evidence is missing?

The presentation was delivered using the human rights-based approach of **Structure, Process** and **Outcome**. For each measurement it looked at indicators, examples, and evidence sources.

* 1. **Gap analysis**
     1. Structure – Further models of international practice
     2. Process - Baseline of Scottish Government, Parliament and public bodies understanding and implementation of human rights standards and HRBA . Group can obtain qualitative evidence by holding a roundtable of public authorities under Chatham House rules
     3. Process - Analysis of existing scrutiny and regulatory body findings (many reports do not make explicit reference to human rights)
     4. Process - Case studies and international comparators needed
     5. Process - gap in advocacy services and redress
     6. Outcome - Presentation to Group on process of refreshing the National Performance Framework

1. **Reference Group, participatory process and additional members**

Discussion, agreements and actions:

* Reference Group could act as a key part of a participatory process with a final meeting including a transparent online forum for participation of rights holders to test draft recommendations
* Take steps to ensure rural and “hard to reach” groups represented
* Convene separate Chatham House roundtables of public sector and the private sector bodies
* Potential members of the Reference Group:
  + Existing members of the SHRC Incorporation Steering Group
  + SG Equality, Human Rights and Third Sector Equality Network
  + Attendees of Scottish Universities Legal Network on Europe and Standing Council on Europe roundtables on Brexit, human rights, social protections and the environment
* The Group could tender for a consultant to facilitate the participatory process.

1. **Next steps**

* 23 March – working papers due
* 28 March – first Reference Group meeting to obtain an early input (tbc)
* 29 March – Advisory Group meeting (tbc)
* May – Advisory Group meeting
* Early June – Reference Group meeting to sense check direction of work
* July – Advisory Group meeting, potentially with visiting UN Special Rapporteurs
* August – interim report due
* September – Advisory Group meeting
* October – Reference Group meeting to sense check draft recommendations
* Early November – Advisory Group meeting to agree recommendations
* December – final recommendations due

Dates for Advisory Group meetings can be agreed among members as soon as practically possible.

**Action points**

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| **who** | **action** | **Date to be reviewed**  **or completed** |
| Members | Draft working papers | Due 23 March |
| Secretariat | Arrange for Dr Alison Hosie, SHRC and SG official to present on National Performance Framework | For March meeting |
| Secretariat  and SHRC | draw up a list of organisations and individuals to invite to Reference Group meeting | immediately |
| Secretariat  and SHRC | Cost and consider participation tender alongside capability of Secretariat | Once Secretariat in post |
| Secretariat | set up Knowledge Hub or similar private online collaborative space for papers to be shared | End of February |
| Secretariat | Arrange meetings of Advisory and Reference Groups 28 and 29 March (tbc) | Mid-March |
| Nicole Busby | Arrange meeting rooms at Strathclyde | Once dates of meetings agreed |