

Senedd Cross Party Group on Human Rights

Minutes – meeting 17th October 2023 – by zoom

In attendance:

- Sioned Williams MS (chair)
- Professor Simon Hoffman (secretariat)
- Professor Geraldine Van Bueren KC (speaker)
- Madeleine Stone, Big Brother Watch (speaker)

The meeting was also attended by interested persons. The CPG is open to interested persons and organisations. As the meeting is held via zoom with a large number of attendees (30+) it is not possible to keep a record of all attendees.

Minutes

Matters arising:

The Chair welcomed everyone to the meeting and updated attendees that a letter had been sent by the Chair on behalf of the CPG to the Chief Whip and Minister for Social Justice urging the Welsh government to urgently continue plans to progress human rights in Wales through incorporation. The Chair noted that a response had been received from the Minister (5th September 2023) noting concern about the UK government's attempts to undermine human rights in the UK, and confirming the Welsh government's commitment to pursue work with a view to implementing the recommendations on incorporation in the report Strengthening and Advancing Equality and Human Rights, including by establishing a Legislative Options Working Group (LOWG).

Update on incorporation:

Charles Whitmore sent apologies to the meeting, in whose absence Professor Hoffman gave a brief summary of LOWG's work noting that the initial focus is on methods of incorporation, and which international human rights are capable of incorporation within devolved competence. Professor Hoffman informed the meeting that LOWG is progressing its work through two working groups which are examining the aforementioned issues in relation to the UN Convention on the Rights of Disabled People and the Convention on the Elimination of Discrimination Against Women. LOWG selected these treaties as treaties where the Welsh government has previously made a commitment to examine incorporation. Professor Hoffman also explained that it was now very unlikely that a draft Human Rights Bill for Wales would be possible during the current Senedd, but the intention is that LOWG will make recommendations for adoption as a Green Paper which might be supported in party manifestos prior to the next Senedd elections.

Facial recognition roll-out in Wales - Madeleine Stone, Senior Advocacy Officer, Big Brother Watch

The CPG received a presentation by Madeleine Stone of Big Brother Watch on the implications of live facial recognition (LFR) on human rights, and on its use in Wales where South Wales Police has taken a lead in using the technology.

Key points from the presentation:

- The use of LFR is 'widespread' in public spaces, and increasingly used by the private sector in shops, outside nightclubs etc.
- There is an inherent discriminatory bias in the use of LFR, as people of colour are more likely to be subject to LFR scanning.
- The use of LFR reverses the presumption that suspicion precedes surveillance, in that surveillance is of general populations without the need for suspicion of commission of an offence.
- LFR interferes with the notion of policing by consent, as there is no meaningful consent to LFR.
- LFR references 'watch lists' (collections of images): but there is no regulation of how watch lists are prepared, meaning that anyone could be placed on a watch list (suspects, witnesses, victims, associates of these people, or any other group the police select to prepare a watch list).
- The use of LFR engages Art 8 (private life), Art 10 (freedom expression) Art 14 (non-discrimination) of the European Convention on Human Rights, and raises concerns that these rights are being breached.

The speaker noted that Sarah Murphy MS has tabled a motion in the Senedd raising concerns about the use of LFR. The Chair indicated she will put her name to the motion.

The CPG believes LFR is a human rights issue and will keep developments in this area through contributions from participants and Big Brother Watch.

Addressing socioeconomic discrimination via human rights in Wales - Professor Geraldine Van Bueren KC

The CPG received a presentation by Professor Geraldine Van Bueren KC on how Wales might address socioeconomic disadvantage using existing legal frameworks.

Key points from the presentation:

- Class-based discrimination is an intersectional issue, affecting diverse communities.
- Evidence confirms that people from working class backgrounds are often discriminated against and 'held back' in areas such as employment.
- Social mobility schemes, as a mechanism to tackle socioeconomic disadvantage, are often designed without input from working class people.
- Referring to working class issues is often portrayed negatively, as associated with the discourse of the far-right, or the far-left.
- Neither of the above should apply, as class discrimination and socioeconomic disadvantage are a human rights issue.
- It is difficult to understand why class is not more prominent as an issue engaging rights under the Human Rights Act 1998: as rights protected by the

HRA 1998 should be available without discrimination as to social origin, property, birth or other status.

- A possibility for influence is to focus on education, in particular targeting Welsh universities.
- The Alliance of Working Class Academics has adopted the University Code on Equal Opportunity for Working Class Students and Academics.
- The Chair indicated that she would be willing to prepare a letter to be sent to the VCs of Welsh universities encouraging them to adopt the code.

The CPG, via the Chair and Secretariat will liaise with Professor Van Bueren to take forward this issue with Welsh universities.