# Annex 6: Terms of reference of the Commissioner Working Group on Treaty Monitoring and Related Matters

## Version Control Note:

The Commissioner Working Group (the Working Group) was established by the Equality and Human Rights Commission’s Board (The Board) in December 2013. The Board subsequently approved the Terms of Reference, membership and method of working of the Working Group at its meeting on 26 March 2014. These revised Terms of Reference were agreed by the Board on 23 January 2018.

## Purpose

1. The purpose of the Working Group is to oversee the effective implementation of the EHRC’s monitoring and reporting function through the current UPR and UN Treaty Monitoring Strategy (‘the Strategy’), and to advise on reviewing and amending the Strategy.
2. The principal aims of the current Strategy are to:
3. fulfil our Equality Act 2006 and NHRI monitoring and reporting responsibilities on the UK's compliance with UN treaties and the recommendations of treaty bodies;
4. support the implementation of UN recommendations at domestic level and advise UN bodies about the issues they should focus on, in order to improve the extent to which equality and human rights are respected;
5. consult NGOs and civil society and to facilitate their engagement with the UN; and to improve our external work with a range of interested organisations and government; and
6. have a consistent approach to our submissions that maximises our impact, while informing our wider strategic and business planning.

## Responsibilities

1. The Board has delegated to the Working Group the responsibility to:
2. approve the scope and approach of reports to Parliament and the UN of Britain’s progress and compliance with international equality and human rights instruments
3. ensure the effective implementation of the UPR and Treaty Monitoring Strategy. This may include engaging with Government, Parliament, other NHRIs, NGOs, experts, the media and UN bodies to promote and further the aims of the Commission's UPR and Treaty Monitoring Strategy;
4. inform and approve specific policy positions and recommendations emerging from the UPR and Treaty Monitoring Strategy that are new or have significant reputational or operational risk, referring to the full Board where appropriate (see para 7); and
5. ensure the Commission fulfils the requirements of Equality Act 2006 and complies with the Paris Principles in relation to monitoring and reporting to the United Nations.
6. The Board may vary, revoke or add to these delegations. The Terms of Reference of the Working Group will be reviewed annually.

## Accountabilities

1. The Board remains responsible for all of its functions under the Equality Act, even those delegated to a Working Group, Commissioner, or a member of staff.
2. Where the Working Group is concerned that a decision is outside of its Terms of Reference, or has significant operational or reputational implications or risks, then it must consult the Chair and Chief Executive to determine whether the matter should be referred to the Board.
3. The Working Group must engage the Disability Advisory Committee and consult the Statutory Committees for Scotland and Wales where their decisions relate to issues that fall within their respective mandates.
4. The minutes of Working Group meetings will be recorded by the Working Group’s Secretariat and shared with the Commission’s Board, Statutory Committees and Executive Group (EG).

## Members

1. The Working Group consists of serving members of the Board.
2. To be quorate, at least two Commissioners must be present.
3. The Working Group may nominate a Chair from its membership, or alternatively operate a rotating system.

## Attendance

1. The Lead Officer for the Working Group shall be the Director of Human Rights and Research.
2. The Secretariat for the Working Group shall be provided by the Commission’s Treaty Monitoring Team.
3. The following officers shall receive a standing invitation to attend meetings of the Working Group:

* Treaty Monitoring Principal
* Treaty Monitoring Senior Associates
* Director of Human Rights and Research
* Executive Director, Corporate Strategy and Policy and Wales

1. The Working Group may, in discussion with the Director of Human Rights and Research, extend an invitation for other officers, stakeholders or experts to attend its meetings, as appropriate.

## Working methods

1. The Working Group shall convene at least twice a year at the Commission’s offices. Other meetings shall be convened as required.
2. The Director of Human Rights and Research must approve all papers to the Working Group, escalating to the Executive Director, Corporate Strategy and Policy and Wales where appropriate. The Secretariat shall circulate the agenda and papers to the Working Group in good time to allow members to prepare for the meeting at least one week in advance of the meeting.
3. The Secretariat shall minute each meeting, and coordinate communication between the Working Group, officers, non-executives and external stakeholders, as appropriate.
4. On occasion, comments or a policy steer by email may be requested where Commission submissions and Working Group meetings cannot easily be aligned.

## Conflict of interest

1. Any Commissioner or attendee who becomes aware of a potential conflict of interest relating to matters to be discussed by the Working Group must give prior notification to the Secretariat. If this is not possible, or if the conflict only becomes apparent at the meeting, they should declare this at the meeting and, where necessary, withdraw during discussion of the relevant agenda item.
2. Declaration of interest will be a standing item on the Working Group agenda.