

MINUTES OF THE MEETING OF THE ECNI/NIHRC JOINT COMMITTEE ON THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

**FRIDAY 16 OCTOBER 2009
10:30AM AT
EQUALITY HOUSE**

Attendance:

ECNI

Stella Burnside: Commissioner (Chair)
Evelyn Collins: Chief Executive
Fionuala Devlin: Head of Promotion and Education
Patrice Hardy: Acting Director of Policy
Tony O'Reilly: Policy Officer
Claire McKeown: Policy Officer (Minutes)

NIHRC

Colm Larkin: Commissioner
Geraldine Rice: Commissioner
Peter O'Neill: Chief Executive
Ciarán Ó Maoláin: Head of Legal Services, Policy and Research
Denise Magill: Research Worker
Brenda Madden: Policy Assistant

1. Welcome and Introductions

- 1.1 SB opened the meeting by highlighting the opportunities presented by the Convention and welcoming Committee members. A round of introductions followed.

2. Terms of Reference – standardised terminology

2.1 Terms of Reference

Point 2: The Committee agreed that Point 2 did not reflect all corporate governance standards. Rather than list each of the corporate governance standards, the paragraph should be amended to read "Committee members are expected to act in

accordance with corporate governance standards in public life”.

2.2 Point 11 (second bullet): In terms of interpretation, it was agreed that this point should not be read as meaning that consultation documents must be submitted to the Joint Committee for approval; each of the organisations may have a different perspective on policy consultations.

2.3 Terminology

It was agreed that when identifying a person with a disability, the term “person with disability” should be used to reflect the Conventions “people first” approach to disability issues.

2.4 It was agreed that, because disability organisations use the term “disabled people” and “people with disabilities” both terms could be used interchangeably, to describe the collective group.

2.5 It was agreed that the Committee should use “CRPD” as an acronym for the United Nations Convention on the Rights of Persons with Disabilities.

2.6 It was agreed that term “independent mechanisms” rather than “monitoring mechanisms” should be used to describe the collective function of the Commissions under Article 33(2)

2.7 Action Point: SB suggested that the amended terms of reference are commended to the respective Commissions. NIHRC to amend terms of reference.

3.0 UK Government Reservations

- 3.1 EC reminded the group that all four Commissions had raised concerns in respect of the UK reservations to the Convention and had requested a review of reservations after 12 months. It would be useful to raise this jointly although the timing of any intervention may be influenced by the forthcoming General Election.
- 3.2 It was agreed that the Joint Select Committee report outlined the Commissions' argument in respect of each of the reservations and that no further research was needed.
- 3.3 DM indicated that there had not been sufficient previous engagement with the disability sector on the reservations and that it would be important to highlight this in the course of correspondence with government ministers.
- 3.4 PO'N indicated that it may be worth approaching the Department of Education to enquire whether any complaint in respect of the reservation over education has been formally registered with the UN.

3.5 Action Point: To liaise with other national Commissions in engaging with government on the review of reservations. This may involve drafting a joint letter to the appropriate ministers. To be discussed at the all Commissions meeting arranged for 16th oct in the afternoon for further consideration.

4. Initial Commission work plans – progress update

Tabled Papers

- (1) The EC(NI) Paper "UNCRPD Workplan April 2009-March 2010 Progress update – October 2009"
- (2) The NIHRC Paper "NIHRC Update re: Article 33(2) Designation, Meeting of the Joint Committee - 16th October 2009"

- 4.1 First PH, then DM, outlined the work their respective Commissions had undertaken on the CPRD to date based on the papers tabled.
- 4.2 DM queried whether the ECNI had experienced any increase in enforcement cases to date as a result of ratification of the CRPD
- 4.3 EC indicated that, until last year, disability related cases were the highest number of cases assisted by the Commission. EC advised that while the Commission has not seen any rise in requests for assistance as a result of the CRPD, it was too early to provide a definitive answer on this.
- 4.4 DM indicated that the pleading of CRPD in domestic cases might be an opportunity to raise awareness of the Convention among the judiciary.
- 4.5 FD outlined some of the work being taken forward by the Promotion and Education Division of the Commission on disability issues and indicated that the Commissions intention is to mainstream the promotion of the Convention into other key areas of work.

4.6 It was agreed that the respective Commissions should report to the Committee using an agreed template at each Committee Meeting and that a Memorandum of Understanding should be drafted for discussion at the next meeting.

4.7 Action Point: Memorandum of Understanding should be drafted for discussion at the next meeting.

4.8 Action Point: Staff to work together on the development of an agreed template for reporting to the Joint Committee

5. Protocol regarding Commissions' joint monitoring role

- **Process**
- **Timing**
- **Engagement with disabled people/disability organisations**

Tabled

(1) ECNI Document: "Agenda Point 5 – Allocation of UNCRPD Articles to ECNI and NIHRC"

5.1 EC outlined that staff from the respective organisations had met to discuss allocation of Articles under the Convention. EC advised that the Excel Spreadsheet was a result of those discussions and reflected the provisional allocation of articles to one or other, or both of the organisations. Where allocation of an Article had been allocated to both organisations staff had indicated which organisation should take "lead" responsibility for the Article except in two cases: Article 8 on Awareness Raising and Article 31 on Statistics.

- 5.2 EC outlined that staff were seeking the agreement of the Committee on the provisional allocations as well as views on which organisation should “lead” in respect of Article 8 and 31.
- 5.3 Following discussion, it was agreed that, the allocation of the articles should be adopted in principle. The Committee deferred their decision in relation to lead responsibility on Articles 8 and 31 under further information is available on the specific work which might fall under each Article.
- 5.4 SB indicated that operations matters in relation to the work is not something which the Committee can deal with; it is the responsibility of each individual organisation.
- 5.5 Discussion took place around engagement with disabled people. A number of models were suggested including the establishment of an advisory group to the Committee.

5.6 Action Point: Staff to identify the UK models for engagement with disabled people,

6. Liaison with OFMDFM

- 6.1 There was discussion around engagement with the sector and whether the mechanisms being set up to engage with people with disabilities by OFMDFM should be utilised by the Independent Mechanism.
- 6.2 Action Point: Gerry Mulligan (OFMDFM) to be invited to the next joint Committee meeting to discuss what work is being taken forward by OFMDFM.**

7. Resources and Training

- 7.1 PH advised that she had been in contact with Sue Green (ODI) for clarification around the availability of funding. While Sue had indicated that the funding might be used for a broad range of purposes, there was less clarity around the mechanisms through which the funding might be provided.
- 7.2 DM advised that Gerard Quinn had been invited to make a presentation to ECNI and NIHRC Commissioners joint meeting on the 27th November. It was agreed that, if the presentation goes ahead that, the invitation to attend the presentation should be extended to relevant ECNI and NIHRC staff working on the Convention.
- 7.3 It was agreed that, training events should be provided by both organisations on a shared basis, to avoid duplication and maximize resources.
- 7.4 DM advised that the Real Network AGM will be holding their AGM on the 13th and 14th November. Geraldine Rice (Commissioner) has been asked to speak in relation to three questions. Tony O'Reilly has also been asked to speak at the event.
- 7.5 The Committee discussed the formal launch of the Commissions' joint role as independent mechanism. It was agreed that a joint statement would be issued prior to the International Day of Persons with Disabilities on 3rd December and that the organisation of a formal event should follow the next Committee meeting.

- 7.6 Action Point: ECNI and NIHRC jointly to draft a high level funding proposal to ODI, (with more detailed proposals to follow if positive indications given), with some urgency and to follow this up with Sue Green from ODI.**

- 7.7 Action Point: Relevant staff from both Commissions to attend if Gerard Quinn is confirmed to attend.**

- 7.8 Action Point: Staff to arrange for Geraldine Rice and Tony O'Reilly to be jointly briefed prior to the Real Network event.**

- 7.9 Action Point: FD to liaise with NIHRC on the issue of a joint press statement on the Commissions' role as independent mechanism.**