



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY

CORPORATE GOVERNANCE ASSURANCE AGREEMENT

17 May 2017



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**Corporate Governance Assurance Agreement
between the
Irish Human Rights and Equality Commission
and the
Department of Justice and Equality**

The Irish Human Rights & Equality Commission (the Commission) is an independent statutory body, established on 1 November 2014 under the Irish Human Rights and Commission Act 2014.

The statutory mandate of the Commission is to protect and promote human rights and equality in Ireland and to build a culture of respect for human rights, equality and intercultural understanding. The Commission is Ireland's National Human Rights Institution (NHRI) and National Equality Body (NEB).

The provisions of the Act are designed to ensure the independence of the Commission in its work. Members of the Commission are appointed by the President, following a vote in both Houses of the Oireachtas and the members independently determine the Commission's policy and activity. The Commission is funded through a Vote of the Oireachtas and the Director of the Commission is the Accounting Officer for its Vote. The Commission is the employer of its staff who are civil servants in the civil service of the State. The structural independence of the Commission, in accordance with the Paris Principles, has been recognised in its A-Status accreditation as an NHRI with the UN.

As a public body the Commission is subject to the standard provisions that apply to civil service offices and other bodies in relation to staff numbers and remuneration and corporate governance. The Commission is subject to the *Corporate Governance Standard for the Civil Service* and is required to publish its own *Corporate Governance Framework*.

As the responsible Minister in relation to the Commission, the Minister for Justice and Equality is responsible for securing the Commission's budget and, as a member of Government acting collectively, for seeking Dáil approval for the relevant Estimates and appropriations. The Minister is also accountable to the Dáil for the discharge of her functions in relation to the Commission, including in relation to answering certain parliamentary questions (see below).

In the light of the above, this Corporate Governance Assurance Agreement sets out how the Commission and the Department seek to engage in relation to a number of key matters, as follows:

(i) Parliamentary Questions

The Commission recognises that the Minister has a responsibility to the Dáil to answer Parliamentary Questions, not on the activities the Commission undertakes in discharge of its functions, but on the use of funds which the Commission receives.

The Commission will provide any information to the Minister which might assist in responding to those Parliamentary Questions. These questions typically relate to levels of expenditure and Commission composition and are quantitative in nature.



Where Parliamentary Questions relate to qualitative issues or the discharge by the Commission of its functions, and could therefore reasonably be perceived as presenting the NHRI in a non-independent capacity, the answer will restate the independence of the Commission on the record of the House.

(ii) State Reporting to the EU and to human rights treaty monitoring bodies

It will be necessary from time-to-time for Ireland to report on matters that are within the Commission's statutory remit, including its function as Ireland's equality body for purposes of EU law. As a key part of Ireland's human rights and equality infrastructure, IHREC's activities are often pertinent to a response on questions about the situation in Ireland on an issue. In this regard the Commission will respond, through its Director, to the Department on any Departmental requests for relevant information.

This involves no conflict of interest as between the Commission's fulfilling of its statutory obligations under the Act and reporting on these on the one hand, and its capacity to make contributions through public consultation and reporting, independently of Government, on the other.

(iii) Information exchange and policy dialogue

The Senior Managements of the Department and of the Commission will meet twice a year. The primary purpose of these meetings is to exchange information on the progress of the Department's legislative programme and the Commission's strategic plan and to consult on relevant policy developments. They will also consider governance matters as required.

(iv) Legislative proposals

Given the statutory role and particular expertise of Commission, where the Department is developing legislation which is likely to have significant human rights or equality implications, it will invite the Commission to engage at the very earliest stage of development of these legislative proposals. The Commission will respond, where possible, in the light of its work plan and where its resources allow.

(v) Policy advice and development

The Department will invite the Commission to participate in an independent capacity in the National Steering Committees that advise on and monitor implementation of relevant Strategies with a human rights dimension, such as the National Women's Strategy, the National Disability Inclusion Strategy, the National Traveller and Roma Inclusion Strategy, and the LGBTI Inclusion Strategy etc. The Commission will respond, where possible, in the light of its work plan and where its resources allow.

(vi) Finance and corporate governance

As provided for under the 2014 Act, the Appropriation Accounts of the Commission are kept in such a form as approved by the Minister for Justice and Equality, with the consent of the Minister for Public Expenditure and Reform. A Report of the Accounts of the Commission, following audit by the Comptroller and Auditor General, is submitted annually by the Commission to the Minister for Justice and Equality, to be laid before each House of the Oireachtas. The Commission will ensure



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that the final approved accounts for the previous year will be received by the Minister by 31 October of the given year.

As the Accounting Officer and the person responsible for management of IHREC as an organisation, the Director will engage with the Department's Finance Division as required in relation to its responsibilities for overall management of the Department's suite of Votes. Specifically, the Commission will prepare monthly Appropriation Accounts detailing the year to date expenditure and will submit monthly returns to the Department and to the Department of Public Expenditure and Reform.

The Director will meet quarterly with the Department's Equality Division (as the Division with policy responsibility for the Commission, including legislative matters) in relation to corporate governance issues, including compliance with the code of practice for state bodies, staffing requests and reviews and annual budget requests.

Signed: Laurence Bond
Laurence Bond
Director
Irish Human Rights and Equality Commission

Date: 11/07/17

Signed: Deaglán Ó Briain
Deaglán Ó Briain
Principal Officer
Equality Division
Department of Justice and Equality

Date: 17/07/17

