Independent Monitoring Mechanism (IMM)

Quarterly Strategic Meeting

19 November 2018

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| **Date** | 19 November 2018 |
| **Time** | 11.30am – 1.30pm |
| **Location** | **Wellington:** Office of the Human Rights Commission, Level 8, Vector Building, 44 The Terrace  **Auckland:** Office of the Human Rights Commission, Level 7, AIG Building, 41 Shortland Street |

**Attendees:**

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| **Human Rights Commission (HRC)** | Paula Tesoriero **(Chair)** Frances Anderson, Douglas Hancock, Rebekah Armstrong |
| **Office of the Ombudsman (OOTO)** | Peter Boshier, Paul Brown, Emma Leach, Yu-Lina George |
| **Disabled People’s Organisations Coalition (DPO Coalition)** | Rose Wilkinson, Esther Woodbury (by phone), Victoria Manning |
| **Secretariat** | Douglas Hancock |
| **Other invited guests** | Rose Wall, Kevin Allan - Health and Disability Commission (HDC) |
| **Office for Disability Issues (ODI) from 12.45pm** | Brian Coffey, Jacinda Keith |
| **Apologies** | Andrew Becroft (OCC), Simon Latimer replaced by Yu-Lina George, Geoff Short has left SSC |

*An Independent Monitoring Mechanism (IMM) was designated by the New Zealand Government in 2010 to fulfil obligations under Article 33 (National implementation and monitoring) of the Convention of the Rights of Person with Disabilities (CRPD). It is made up of the Human Rights Commission, the Office of the Ombudsman and the Disabled People’s Organisation Coalition (DPOs).*

# Action from IMM meeting 19 November 2018

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| **No.** | **Description** | **Responsible** | **Status** |
|  | **Organise IMM preparation meeting prior to the Dec Minister’s Meeting (Rebecca M).** | Rebecca M | Completed |
|  | **Follow up with ODI to ensure update papers on priorities, requested from the relevant officials, are received as soon as possible.** | Doug | Completed |
|  | **Discuss the IMM strategic direction in February, in the New Year.** | All | Completed |
|  | **IMM working group to develop an agenda for the February meeting. Ensure that IMM strategic direction is included on the agenda.** | Working Group Members | Completed |
|  | **DPOs to report back by end of November on their view on Chairing the IMM for 6 months** | Rose | Completed |
|  | **Review the IMM Terms of Reference, including the role of the Chair in February (All)** | All | Completed |
|  | **Kevin to share the Mental Health Commission Report with the IMM when it is published.** | Kevin | Completed |
|  | **Rose to confirm who is attending the Dec 5th meeting from the DPOs** | Rose | Completed |
|  | **OOTO to update IMM on the progress of the bodily integrity working group** | Emma | Completed |

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Meeting minutes

## Welcome and introductions

The Chair welcomed attendees

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## Agenda Check

There were no agenda items additional to those circulated, and the agenda was confirmed.

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## Review of actions and minutes from the previous IMM September 2018 meeting

The minutes were confirmed.

All actions were either completed, in progress, or to be updated as agenda items during the meeting. Action 7 was agreed to be discussed in general business.

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## Update on ‘Making Disability Rights Real’ Report: (MRR)

Emma Leach gave an update on progress and explained the IMM working group is proposing to have a third to a half of its articles for the MRR report drafted by the end of 2018. Draft sections will be sent to Vicki Hall at OOTO for collation. Emma noted the material would be classified by Article, Theme and Vignette.

It was noted that venues for public consultations (scheduled for March 2019) needed to be booked by the end of December 2018.

Emma, Douglas, Paul and Rose spoke about aspects that worked well in the Blind Citizens Association AGM trial run through of a proposed IMM CRPD consultation format.

80 blind people attended. Each table was responsible for a theme and agreed on one point to pass back to the IMM. This will feed into larger CRPD consultation. Ensuring everyone had a role was very important, for example, time keeper, chair, minutes and facilitation.

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## Preparation for Ministers Meeting 5 December 2018

The Office of Disability Issues had sent a proposed agenda for this meeting. Paula apologised on behalf of the Minister for the speed at which discussion about the themes for the meeting had progressed. She said the Minister asked for accessibility to be included on the agenda as a separate item.

The meeting discussed the feedback that members would provide to ODI when they arrived at the meeting. This included:

* Process for the next reporting cycle to get a more uniform and useful approach to getting update material prior to the Ministerial meetings
* Clarity around which partner was leading the discussions
* That the time spent at the meeting on the report backs would be best spent on asking questions about the briefing material from agencies, rather than on receiving verbal updates themselves.
* Discussing the additional item in the agenda (Article 12)

Paula noted the IMM preferred to be receiving updates in the last week of November. Paula suggested a pre-meeting to agree on key points. Paula stressed that the dashboard must be accessible.

**Action:** Organise IMM preparation meeting prior to the Dec Minister’s Meeting (Rebecca McGill).

**Action**: Follow up with ODI to ensure update papers on priorities, requested from the relevant officials, are received as soon as possible (Douglas)

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## Strategic Direction of IMM

Paula spoke to a paper on the strategic direction of the IMM; sent to the IMM on 16 November 2018. The paper provided some prompts for a discussion on how the IMM would like to work to realise its purpose as an independent monitoring body. Paula suggested the IMM to consider whether there are other advocacy or communications opportunities for advancing the rights in the Convention that the IMM may want to utilize.

Paul Brown noted the paper was a ‘starter for ten’ for a broader strategic discussion.

Paula asked the IMM whether they wished to discuss contents of the paper at this meeting or defer the discussion to have a more in-depth discussion at another point.

Victoria noted that the DPOs needed more time to read the paper and engage with it.

The meeting agreed to return to this discussion in the new year. The IMM working group could develop an agenda for the discussion.

**Action:** Discuss the IMM strategic direction in February, in the New Year. (All)

**Action:** IMM working group to develop an agenda for the February meeting on the strategic direction of the IMM. (Working Group)

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## Chair of IMM

The IMM Terms of Reference outlines that ‘Chairing of the meetings will be rotated six-monthly’. The HRC has held the IMM Chair for over six months. The OOTO (previous Chair) held the role for over a year. The Chair is due to rotate to the DPO Coalition.

Paula raised that it was timely to discuss the operating function and duration of the Chair at this meeting.

The meeting discussed topics such as:

* what would be an optimal amount of time for a partner to hold the Chair
* what is the nature of the ‘Chair’ (just for conducting the IMM meetings or more like the Chair of a Board for example).
* partner capacity for secretariat support

Emma suggested these topics could be discussed at a February 2019 meeting which should also include discussion on governance and a joint work programme.

Rose said she would take the issue of Chairing to the DPOs meeting of 28/29 November 2018.

**Action:** DPOs to report back by end of November on their view on Chairing the IMM for 6-month term (Rose)

**Action:** Review Terms of Reference, including the role of the Chair in February (All)

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## Updates from each agency (ODI join)

**(HDC)** Kevin Allan for HDC noted that since the previously released HDC report, HDC had been tracking populations of concern (for example Pacific Peoples, Maori, young people, prisoners). Kevin also noted HDC would comment on proposals for a new Mental Health Commission from the recommendations of the upcoming Mental Health Review Report. He outlined that the growth in the prisoner population (and for example the move to create a 100-bed medical unit on the new Waikeria prison site) was concerning.

There was discussion of the upcoming Mental Health Review Report (Report). Victoria noted that there was a higher rate of mental health issues in marginalised populations. She also hoped that the Report would be released in an accessible format. Kevin suggested DPOs contact the Secretariat of the Report urgently if they wanted to ensure the Report was accessible.

Rose Wall noted the HDC research on adult participants who were unable to give informed consent. Paula asked Rose Wall how this work tied into the supported decision-making work. Rose clarified that the work was about the most unresponsive individuals and research. Peter noted a number of people had been identified in the ‘This is not my home’ report who had not given consent to be in the detention situations they were in.

**Action:** Kevin to contact IMM Partners once the Mental Health Inquiry Report is released.

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**Guests: Update from ODI**

(ODI) Brian Coffey gave an update on preparation for the upcoming Ministers Meeting. He expected individual agency reports before the end of November 2018. Brian noted he would try to collate these. He expected more formal dashboard reporting would start once the Disability Action Plan was formalised. Peter noted he didn’t mind staggered individual reports and that staggering them can have benefits. He reiterated that the IMM needed the reports by November 30, 2018.

The IMM discussed what numbers of people should attend from each partner to the 5 December 2018 meeting. Rose Wilkinson undertook to get the names of the DPO attendees to the IMM.

**Action:** Rose Wilkinson to advise who is attending the 5 December 2018 meeting from the DPOs

Brian gave an update on the Government Response to the Committee on the Rights of Persons with Disabilities’ List of Issues. He said a draft response was up on the ODI website for comment by 9 November 2018. ODI did not receive a lot of submissions and received some late. He noted the difficulty of people engaging with the report. Brian noted ODI wanted to produce something that people could engage with as well as informing the UN.

On the Disability Action Plan, Brian noted that two meetings had been held in the prior week, 42 people attended a meeting at MSD during the day and 12 people attended a meeting in the evening. Paula asked what issues had been coming up in in consultations. Brian indicated issues coming up were similar to those that came up in the Minister for Disability’s regional meetings. He said employment, accessibility (transport), respite care, education. HRC said they could share any information about Disability Action Plan consultations meetings to aid people being aware (for example, links to ODI websites for feedback).

Upcoming meetings in Auckland will have a youth focus. There will also be meetings in Hastings, Palmerston North.

Six to seven meetings would occur in February 2019. These meetings would be co-hosted with DPOs.

Brian advised that Paul Dickey who is currently on secondment be replaced.

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**(IMM Partner updates continue)**

**DPOS:** have been doinggovernance training. There were still actions in the previous Disability Action Plan needed to be reviewed as to progress. ODI was undertaking a budget bid to consider ways to better support the DPOs.

**OOTO** noted they were focussed on the MRR report. They were scoping their new role with regards to monitoring aged care facilities. Peter noted that Ministers seemed open to the concerns of the IMM (for example, the Minister of Justice’s response to the OOTO letter on court procedures affecting disabled people.

Douglas asked for an update on the bodily integrity working group that Simon Latimer was on. OOTO undertook to provide that update.

**Action: OOTO to update IMM on the progress of the bodily integrity working group**

HRC updated on its ‘Attitudes Survey Presentation’ to the Minister of Disability Issues who seemed supportive of a social change program. HRC was invited to deliver this to CEs.

HRC also noted:

* A proposed inclusive education summit proposed for later in January.
* A meeting with Minister Shaw on Family Funded Care and the Ruby Knox case
* A video interview with Robert Martin which will be created to celebrate 70 years of the UDHR.
* HRC will be hosting an event during Disability Pride week focussed on empowering the disability sector and boosting advocacy, as part of a Human Centred Design Experience Week.

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## Any other business

No other business

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**10. Close**

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# Actions from IMM meeting of September 2018

# Action items

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| --- | --- | --- | --- |
| **No.** | **Description** | **Responsible** | **Status** |
|  | HRC to circulate information about the Universal Periodic Review to IMM members. | Frances | Complete -accompanied September Minutes |
|  | Publish the July 2018 IMM minutes on the HRC website. | Doug | Completed |
|  | Circulate the updated timeline for the Making Rights Real Report to the IMM for approval. | Emma | Completed 12/09/18 |
|  | IMM Chair to write to the CRPD secretariat to seek greater certainty around the dates for NZ’s examination by the Committee | Paula | Completed 10/09/18 |
|  | HRC to liaise with ODI to advise of the requirements for the meeting between relevant Ministers and the IMM in December. Written updates on the IMM priority issues to be circulated to the IMM in advance of the December meeting. | Doug | Completed |
|  | IMM members to advise HRC of topics additional to IMM priorities, to be discussed with relevant Ministers in the December Meeting. Due 26th September 2018. | Doug  All respond | Completed |
|  | IMM members to confirm with the HRC whether to initiate meetings with officials and advise of topics for discussion. | All |  |
|  | Link to Have My Say, the State Sector Act reform website to be circulated to members.  <https://www.havemysay.govt.nz/> | Frances | Completed Link provided in this Action Table |
|  | Provide a background briefing to Minister Sepuloni’s office on the proposed topics for the interactive dialogue with relevant Ministers at the meeting in December. | Doug | Completed |
|  | Write to Liz MacPherson Government Statistician regarding the critical importance of disability data collection. | Paula | In-progress |
|  | ODI to advise IMM members when the August Cabinet paper and associated documents have been published on the ODI website. Expect mid-September. | Brian |  |
|  | Advise ODI of the updated Making Rights Real Report timeframe and the corresponding government agency consultation timeline. | Emma |  |
|  | HRC to add as agenda items to the next working group and December IMM meetings, whether the IMM wishes to make a response to the draft government report. | Doug | Completed |

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**Actions from IMM meeting 2 July 2018.**

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| --- | --- | --- | --- |
| **No.** | **Description** | **Responsible** | **Status** |
| 1. | **Review of previous actions and minutes (Item 3):**   1. Request from the Chair, an additional fourth column headed with “Status” | 1. Rebecca | Completed |
| 2. | **Update on the List of Issues paper and preparations for ‘Making Disability Rights Real’ Report. Planning and process discussion (Item 4):**   1. Agencies Coalition consultation work-stream to be provided at the next IMM Quarterly meeting 2. Update from meeting with Jorge Araya, secretary of the Committee for the CRPD. | 1. Emma 2. Rebekah | Update to be provided  Update to be provided |
| 3. | **UPR submission:**   * 1. Priority Issues circulated to IMM   2. Invite the HRC legal team to the next IMM Quarterly Meeting to present on submission | 1. Emma 2. Rebekah | Completed  Updated to be provided |
| 4. | **Updates from agencies (Item 7):**   1. Mental Health and Addiction Inquiry update meeting will be held in early November 2018 | 1. Kevin | Completed |
| 5. | **Future meetings (Item 8):**   1. ODI to circulate Action Plan 2. Collate and distribute consultation to appropriate agencies when received | 1. Brian 2. Jacinda | Update to be provided  Update to be provided |

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**Previous Action List from IMM Meeting 1 March 2017**

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| **No.** | **Description** | **Responsible** | **Status** |
| 1. | **Review of previous actions and minutes (Item 3):**   1. DPO Coalition to consider TOR as soon as practicable and send through revisions. 2. HRC to circulate link to IMM minutes 3. Paul Brown to liaise with the 1. Department of Corrections (Bronwyn Donaldson) to 2. obtain a copy of the presentation for the rest of the IMM | Rose  Doug  Paul | Completed  Completed  1. Completed  2. In progress |
| 2. | **Preparation for Video Conference with CRPD Committee (Item 4):**   1. Previous draft of ‘Traffic Lights’ report to be circulated. 2. The DPO Coalition to confirm attendees to the Video Conference and to provide the other IMM partners advance notice of the specific additional issues the DPOs may want to raise in the last phase of the video conference ASAP | Douglas  Rose | Completed  Completed |
| 3. | **Shadow report planning and process (Item 5):**   * 1. The OOTO with the IMM working group would ‘hold the pen’ on the first draft of this project plan.   2. HRC to coordinate with DPO coalition to develop a high-level Communications Strategy to be incorporated into the draft project plan, by the end of March 2018. | Emma  Douglas  Rose | Completed  Completed |
| 4. | **Updates from agencies (Item 7):**   1. Peter Boshier (who will be speaking on data matters in the Video Conference) and Andrew McCaw to discuss data with Geoff (and include Doug) 2. OOTO to share IMM guide with other IMM partners for feedback. HRC to add discussing the next guide to the agenda for the next meeting | Peter, Andrew, Douglas  Paul, Douglas | Completed  Completed |
| 5. | **Future meetings (Item 8):**  a. ODI to send the paper or briefing for this meeting to the HRC (Douglas)/IMM. | Brian | In Progress |

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**Previous Action List from IMM Meeting 27 October 2017**

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| **No.** | **Description** | **Responsible** | **Status** |
| 1. | **Terms of Reference (Item 4):**   1. Put the IMM ToR on the November DPO Coalition meeting agenda. 2. Discuss redrafting of ToR and putting IMM agendas and minutes online at the next IMM Quarterly Meeting. 3. IMM meeting administration notes to be sent to Paula. | Rose  Paula/All  Vicki | TBA  Completed  Completed |
| 2. | **UN Committee Issues Paper (Item 5):**   1. Draft Executive summary for the Working Group. 2. Remove column 3 in appendix 2 in finalised paper. 3. DPO Coalition representative on Working Group to be advised. 4. Finalised draft sent to ODI and SSC to seek agency feedback. 5. Finalised paper to be sent to Minister Sepuloni. | Douglas  Douglas  Rose  Douglas  Paula | Completed  Completed  Completed  Completed  Completed |
| 3. | **Making Disability Rights Real report (Item 6):**  Working Group to formulate draft project work plan to be presented at next IMM meeting. | Working Group | In progress |
| 4. | **Seclusion and restraint reports (Item 7):**   1. Rose Wilkinson to advise who will represent the DPO Coalition at this presentation. 2. Liaise with Jacki Jones to confirm when/where the Corrections’ presentation will take place. | Rose Wilkinson Paul | Completed  Completed |
| 5. | Update IMM on SSC’s Diversity and Inclusion Programme. | Geoff and Paula | Completed |
| 6. | **Future meetings (Item 11):**   1. Liaise with Carmel Sepuloni and advise LOIPR paper being prepared for UN Committee and set-up meeting as soon as possible. 2. Geoff to meet with IMM to advise most appropriate structure to ensure effective engagements with CEOs. | 1. Emma 2. Geoff | Completed  Completed |

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