|  |  |  |  |
| --- | --- | --- | --- |
| Meeting minutes for  Independent Monitoring Mechanism extraordinary governance meeting  Held on 14 April 2020 from 4pm to 5pm by video conferencing | | | |
|  |  | | |
| Present Chief Ombudsman Peter Boshier (Chair – OOTO)  Chloe Longdin-Prisk (OOTO)  Disability Rights Commissioner  Paula Tesoriero MNZM  Frances Anderson (HRC)  Douglas Hancock (HRC)  Leo McIntyre (DPO Coalition)  Dr Tristram Ingham (DPO Coalition)  Rose Wilkinson (DPO Coalition)  Victoria Manning (DPO Coalition)  NZSL Interpreter: Jeremy Borland | | Apologies Emma Leach (OOTO)  Gaylene Te Rauna  (DPO Coalition) | Minute-taker Vicki Hall (OOTO) |
|  |  | | |

|  |  |
| --- | --- |
| Item | Notes |
| 1. Karakia (Tristram) then welcome and introductions (Peter) | Karakia, welcome, apologies and confirmation of agenda.  Minutes of meeting on 2 April 2020 approved. |
| 1. Agency updates | **DPO Coalition**  RW – DPO Coalition met with the Police to highlight issues for disabled people that have arisen during this crisis. Comments will be passed to PT. DPO Coalition to meet with Minister Sepuloni to discuss DPOs being considered as essential services to enable community outreach and provision of ongoing advice to the Government. Good statistics are being provided around the incidence of Covid-19 in Māori, Pasifika, and Asian communities. DPO Coalition has raised the need for disability statistics to also be collected.  LM – Balance Aotearoa received a positive response from the Ministry of Health regarding protection of people in locked facilities, where query had been raised around safety of detained people where others are infected. Further information being provided by the Ministry and will be circulated. DPO Coalition is aware of ongoing issues around provision of PPE for community based service provision (carers and clients).  **Office of the Ombudsman**  CLP – the Disability Rights team is busy supporting OPCAT and the OOTO complaints teams, collection of disability complaints data has been enhanced by adding Covid-19 specific keywords in our internal databases.  PB – Independent Crown entities and integrity agencies are meeting each week during the lockdown to discuss protection of disabled and vulnerable people. A key issue for OOTO is how to perform OPCAT role in a safe way. OOTO will very shortly begin inspections of locked aged care facilities, and continues to monitor prisons and mental health/intellectual disability facilities. The position of aged care facilities is of concern with regard to rate of infections and restrictions placed on residents, including prohibition on outside visitors.  **HRC**  PT – HRC continues to perform its key roles. In terms of disability rights, PT wrote to NZ Police about how they are dealing with disabled people, and is doing a podcast to reinforce these messages. PT has written to Minister of Health seeking involvement in drafting of any policies on life saving treatments and any guidelines around rationing this care. This issue has not arisen in New Zealand but has arisen overseas. Ongoing issue with regard to disabled people, including elderly, around the use of appropriate PPE. The other role is staying in touch with our community – TI, Brian Coffey and PT have set up a disability ‘network of networks’. Third role, holding government to account – an expert group has been set up to help with this (including legal experts and tāngata whenua). Working with Ministry of Education to ensure online learning/home schooling is catering for young disabled people. Having regular meetings with HDC (Rose Wall and Kevin Allen). |
| 1. *Making Disability Rights Real* Discussion of whether to publish the full report in te reo Māori. | RW – Kāpo Māori has strongly recommended that this is progressed (full report translated into te reo). DPO Coalition has funds available. TI supported and noted it is that we acknowledge the Treaty partnership by publishing IMM information in reo Māori. LM advised it is highly likely that DPO Coalition will agree to contribute $8,000.00 but he will confirm this in writing over the coming days.  PT – is fully supportive and agreed in principle that HRC will contribute $8,000.00. Formal confirmation will be provided over the coming days.  PB – OOTO agrees with IMM partners and will pay the $8,000.00 contribution.  Outcome: IMM agreed in principle to translate the full *Making Disability Rights Real* report into te reo Māori. HRC and DPO Coalition will provide formal written approval to OOTO in the coming days. OOTO will co-ordinate the translation. |
| 1. Release of *Making Disability Rights Real* report (refer Options Paper prepared by IMM working group) | LM – personal view would be Option 2 (publishing report in all accessible formats simultaneously), delay release until June 2020 to ensure we act as role model on accessibility.  TI – preference is to provide the digital Word version to Government as soon as possible and launch more widely when all accessible formats are available (Option 1).  RW – information should be available to everyone at the same time to ensure equal access to information. Supports Option 2.  VM – Agrees with RW and LM. Adding that the Covid-19 crisis has exacerbated pre-existing issues around access to public information. Option 2 gives the IMM an opportunity to act as a role model.  CLP – Agrees with expediting the report, Option 2.  PT – Preference is Option 2. Delaying release until June 2020 will also offer a better chance of getting traction on the issues raised in the report, as the worst of the Covid-19 crisis may have passed. The introduction to the report should acknowledge that it does not include reference to rge Covid-19 pandemic (but rather is a snapshot in time up until December 2019) but that the IMM is monitoring this closely and will report on it in due course.  PB – Noted consensus for Option 2.  Outcome: IMM agreed to expedite completion of the *Making Disability Rights Real* report in the coming weeks (after consideration of comments from government agencies) and move quickly to have the report translated into the necessary formats so that the disability community can access it at the same time as the Government. This process should be completed by early-June 2020. While it is unlikely a launch function can be held, as Covid-19 restrictions will likely still be in place, the report can be provided directly to Government and made online in the full range of formats. |
| 1. IMM monitoring during the Covid-19 restrictions (refer Options paper prepared by IMM working group) | Discussion of options 1 to 4 in the Options Paper, the scope of partners’ current activities, capacity to undertake additional activities and views on how to fulfil the IMM’s mandate to monitor disability rights during the Covid-19 pandemic.  Outcome: rather than confining itself to options 1 to 4 of the Options Paper, the Governance Group agreed as follows:  *The IMM has a key role to ensure disabled people’s rights are protected during the Covid-19 crisis. Each of the IMM partners is working to ensure this. For example, the Ombudsman has commenced a programme of inspections of detention facilities that will include consideration of the rights of detainees with disabilities. The Disability Rights Commissioner continues to advocate for disabled New Zealanders and is meeting regularly with the Minister for Disability Issues. The DPO Coalition is providing advice to Government on the Covid-19 response and responding directly to the needs of its communities. Its voice is critical to ensure article 4.3 of the Disability Convention is upheld.*  *It is vital that the IMM meets regularly during the Covid-19 crisis to share information on priorities and progress on specific issues. There is also potential for a joint proactive response. However, the Ombudsman’s ability to advocate for a certain position, or set of circumstances, in respect of which the Ombudsman could be asked to independently investigate or inspect, is necessarily limited.*  *It is therefore agreed that each IMM partner will continue its key work, much of which will be driven by the current emergency. Where a piece of work is identified that the IMM could collectively address, either proactively or reactively, the partner raising the issue will seek the input of other partners. Decisions on whether pieces of work by one partner can be jointly endorsed by the IMM will be made on a case-by-case basis.*  *There is scope to make a public statement about the function of the IMM during the Covid-19 crisis. Once approved, these messages can disseminated by the respective partners to inform Government and the disability community. The Chief Ombudsman has agreed that his office will actively monitor issues concerning disabled people’s experiences of Covid-19 and that this information may form the basis for a future thematic report.* |
| 1. General business | LM – HRC and DPO Coalition will liaise around drafting a letter to Minister Sepuloni on behalf of the IMM setting out expectations around adherence to UNCRPD during current crisis.  PT – HRC will circulate a draft public statement to partners. |
| 1. Closing karakia (Tristram) |  |

# Action items

|  |  |  |  |
| --- | --- | --- | --- |
| No. | Item | Responsible | Status |
| 1. | DPO representatives to be advised of options for delaying the launch/publication of MDDR report and provide views to the Governance group. | LM | Complete |
| 2. | DPO Coalition and HRC to confirm approval for costs associated with producing the full MDRR report in te reo Māori. | LM/PT | Complete |
| 3. | Comms messaging drafted to advise how the IMM is operating and what its function is during the covid-19 crisis. | PT / HRC Comms | Complete |
| 4. | Draft a letter to Minister Sepuloni on behalf of the IMM, advising of the function of the IMM during the Covid-19 crisis and confirming its priorities in response to the pandemic. | HRC/DPO Coalition | Complete |
| 5. | OOTO to draft a position statement regarding IMM monitoring during the Covid-19 restrictions | OOTO | Complete |

# Meetings scheduled for the remainder of the year:

|  |  |
| --- | --- |
| Working Group Meeting | TBC via Zoom video conference. |
| Extraordinary Meeting | TBC via Zoom video conference. |