## Speech notes for Peter Boshier – Launch of the IMM UN Disability report

Tēnā koutou katoa.

In what has been a tumultuous year, it is a pleasure to help launch this report, a very important one for the sector, and I believe New Zealand as a whole.

First, I would like to thank Minister Sepuloni for taking the time to come and celebrate with us today.

I would also like to acknowledge and thank our International Monitoring Mechanism partners, the Human Rights Commission, and the Disabled People’s Organisations’ Coalition.

This is not the time to name names, as there are so many within the triumvirate who have contributed from a little to a lot, and many other parties in the sector have been vital in creating this report.

It has truly been a team effort, perhaps not of five million, but certainly many hundreds …to you all, tēnā koutou, tēnā koutou, tēnā koutou.

The heft of the three parties and all the others who have contributed means we have produced one of the most comprehensive reports I have dealt with in my time as Chief Ombudsman.

It is worth pointing out, that the report focuses not only on issues faced by the sector, but it also gives recommendations and possible solutions.

This makes it a living document, and one I am sure the Minister and many Government agencies will be looking at closely, and hopefully taking swift and decisive action … I admit, it’s a tough task at a time like this, but many of the solutions are, as the current lingo has it, pretty much ‘shovel ready’.

My Office focussed on specifically on several articles which are intrinsically linked to my other work, in Particular articles 14 and 15 – liberty and security of person, and freedom from torture or cruel, inhuman or degrading treatment or punishment.

While we do not have a constitution in New Zealand, our laws imply that personal freedoms are for all people on an equal basis.

Alas, this is not always the case, and the report highlights that some legislation have been criticised for their lack of human rights principles, or the absence of free and informed consent.

For example, the move from substituted decision-making to a supported decision-making model is in step with up-to-date thinking in the sector.

I would consider the move to a recovery model rather than detainment model is pretty much ‘shovel ready’ …the thinking has been done, the information is available about how this could happen, so what is needed now is getting it implemented legislatively, and then into action.

For my part, protecting the liberty and security of disabled people who are in restrictive environments is paramount, and must continue to be monitored.

Freedom from torture or cruel, inhuman or degrading treatment or punishment is, of course, a key to my mandates around prisons, aged-care facilities, and mental health in general.

There was an interesting comment made at one of the hui that helped inform this report – broaden the definition of seclusion and restraint beyond physical—include social and emotional deprivation.

The unseen side of discrimination is often just that – unseen and not acted on. This is a particular problem for the wider disability sector.

People of my generation, and even those much younger than me, were often brought up to think disability meant something that was tangible – and worse than that, pity or isolation was be the correct response.

We’ve largely moved on, and that’s good …but I think we all acknowledge that there is so much more to do.

That is why this report, when acted upon, will be a sizeable move forward to empower disabled people and give them the support they need to be equal and valued members of society.

Another of the themes we led on is, alas, now far too close to our hearts – situations of risk and humanitarian emergencies.

Well, when this report went into production, no one had heard of COVID-19.

In retrospect, had it been in the public domain, the report would have cast a very different opinion and recommendations in this Article.

Article 11 requires governments to take all necessary measures to protect and ensure the safety of disabled people during situations of risk including armed conflict, humanitarian emergencies, and natural disasters.

In the past three months in particular, we have seen what a real emergency looks like, and there will be many years of reflection and recalibration because of it.

Many people have danced around the theme that the ‘new normal’ is a chance for not just regrowth, but new growth …how could we build things better? How could we address previous inequities with better models and processes?

The disability sector is one that could, indeed should, be overhauled for the better during the rebuilding of our economy and society.

But it must be done in an informed and consultative manner …we have one real chance to get this right, and while it may have taken a pandemic to put us in this position, an opportunity has been given to us which we must maximise.

I realise this government and probably several governments to come, will be wrangling with the COVID fallout for many, many years, and the help of sector groups needs to help shape what the future will look like.

The three Independent Monitoring Mechanism partners have already started this work in the disability sector.

Before the end of the year, we hope to release a report on experiences of disabled people going into and through the pandemic.

It will be very focussed on the lockdown time, and will cover a raft of issues from mental health to access and receiving important communication information related to COVID-19, and access essential services.

As I mentioned, it has taken a disaster to more keenly focus on these issues, which is why from the ashes, we may be able to create a phoenix.

I certainly know my Office is up for the challenge, and I am sure my partners are as well. In the past year I have looked at our capacity to engage with disabled people, and on boosting resources in this area …it’s the right thing to do, and I do so willingly.

The report will be a challenge, and its outcomes no doubt challenging, but I would be very surprised if it did not highlight the need for a sea change in the disability sector.

And with that, I would like to pass you over to Disability Rights Commissioner Paula Tesoriero.