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| Meeting minutes for  Independent Monitoring Mechanism quarterly governance meeting  Held on 2 April 2020 from 11:00am to 12:15pm by video conferencing | | | |
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| Present Emma Leach (OOTO – Acting Chair)  Disability Rights Commissioner  Paula Tesoriero MNZM  Frances Anderson (HRC)  Chloe Longdin-Prisk (OOTO)  Leo McIntyre (DPO Coalition)  Dr Tristram Ingham (DPO Coalition)  Gaylene Te Rauna  (DPO Coalition) | | Apologies Chief Ombudsman Peter Boshier  Rose Wilkinson (DPO Coalition)  Victoria Manning (DPO Coalition)  Douglas Hancock (HRC) | Minute-taker Vicki Hall (OOTO) |
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| Item | Notes |
| 1. Karakia (Tristram) then welcome and introductions (Emma) | Karakia, welcome, apologies and confirmation of agenda. |
| 1. Agency updates | **DPO Coalition**  LM – the March DPO Coalition meeting was cancelled due to Covid-19 restrictions. A process is underway to establish an agreed governance structure during the lockdown period (and any further restrictions that follow) that is responsive to disabled people’s needs but does not exclude individual DPOs from decision making due to the need to work under urgency. A capacity increase is needed. A plan is in place to create a secretariat role and employ someone to fill this. This resource is needed now more than ever due to the Covid-19 emergency and the extra work this entails.  Publication of the DPO Coalition Housing report is yet to be discussed. The release date has not been finalised.  TI is providing advice to the Ministry of Health at a high level and has been seconded to the Disability Directorate to support its pandemic response. This collaboration has resulted in the provision of accessible information in a more cohesive manner and the duplication of information lessened. Delegation had been given to Paula, Brian Coffey of ODI, and Tristram to act as a conduit to coordinate the Covid-19 disability ‘network of networks’ to ensure the fast flow of information regarding Covid related issues direct to Government. This group is also having weekly meetings with the Department of Prime Minister and Cabinet. A result was the securing of a large accessible formats budget with oversight by ODI. It is vitally important to include the voice of disabled people as this is still absent in some critical Covid-19 related conversations. Government decisions must be made through a human rights framework.  Through his secondment, TI has seen evidence of unilateral actions by disability providers and facilities, possibly through fear/lack of knowledge or staff shortages, that have resulted in human rights violations, for example, clients locked in bedrooms.  **Office of the Ombudsman**  110 of the Office’s approximately 140 staff are successfully working from home. The remainder will commence working from home when additional devices that are currently on order arrive. All complaints teams, as well as the Strategic Advice, OPCAT and Disability Rights teams are working from home. The Office is starting to receive Covid-19 related complaints and expects this to continue. Input has been provided on legislative amendments responding to the Covid-19 emergency. As noted, the Disability Rights team is up and running, and currently recruiting for a second senior advisor.  **HRC**  Commissioners are working together to respond using a human rights framework. PT is having weekly meetings with Minister Sepuloni. The serious issues and concerns highlighted by this crisis were already areas of concern pre-Covid-19. The challenge for HRC, and other independent Crown entities, is how to hold the Government account during this time and how to adjust its operations to meet the needs of diverse communities at a time of crisis. |
| 1. *Making Disability Rights Real* update on current status | ***Making Disability Rights Real* report – update on current status of the report and discussion of whether to delay release of the report, and if so, by how long.**  CLP – the text is in good shape. Prior to the lockdown we were making very good progress towards the 7 May 2020 launch date. Comments received from agencies were relatively minor, although around five agencies are yet to respond. OOTO will make inquiries of ODI to determine when these outstanding responses will be provided (CLP will liaise with TI with regard to the Ministry of Health).  The launch function, previously scheduled for the National Portrait Gallery on 7 May 2020, has been cancelled due to the Covid-19 emergency.  IMM Governance representatives need to decide whether to delay release of the report, and if so, when the release date should be deferred to.  Relevant to this decision is that accessible formats are currently more difficult to procure as a result of the Covid-19 emergency. Producers, for example People First and PacTranz (te reo Māori), are busy providing Covid-19 related resources, which must be prioritised over other work. Commercial printers are not currently operating.  The report is current up to 19 December 2019. If release is delayed, Article 11 would need to be rewritten to include the Covid-19 response.  GT – suggests continuing with 7 May release date, and holding a smaller virtual launch with key stakeholders present. Difficulties noted that there would be only one version (English online accessible Word document), and uptake may be limited due to current crisis.  LM – DPO Coalition governance representatives will need to liaise with DPO colleagues with regard to progressing a launch/publication and what formats would need to be available if a launch is to proceed. Initial thoughts are to delay release to ensure all accessible formats are delivered simultaneously. A major issue is that if the report is delayed too long, it will become out of date, although it remains a record of a snap shot in time up until December 2019.  PT – We need to think closely about the purpose of report, in light of UN Committee examination being delayed until 2021, and possibly longer due to the Covid-19 emergency worldwide. We should view the report as a domestic report. When the UN examination date is confirmed, we can produce an updated edition of the report that includes an examination of disabled people’s experiences of the Covid-19 emergency. HRC is cautious about delaying release of the report – the longer publication is pushed out, the less relevant the report will become.  TI/FA – noted that the difficulties in producing the report in accessible formats during the Covid-19 emergency highlight deficiencies in access to information generally.  EL – one possibility is to provide the report in English directly to Government and launch more widely when providers are able to translate/provide accessible formats. Make it clear this is snapshot in time as at December 2019, and the IMM will be producing a separate Covid-19 themed report at a later date.  PT – queried how long service providers currently require to provide accessible formats. CLP and VH will make inquiries and update the Governance group as soon as possible.  TI – Agreed the report should be viewed as an interim domestic report to inform government and give chance for it to respond prior to any later report to the UN, which could include reference to the Covid-19 emergency. We should consider releasing the report to Government in English as soon as possible, so agencies have longer to respond to the recommendations prior to the eventual UN examination. Then launch more widely when accessible formats are available.  Outcome: IMM Working Group to convene and produce an options paper for consideration by the IMM Governance Group. |
| 1. IMM monitoring during the covid-19 | **IMM monitoring during the Covid-19 restrictions - what, if any, monitoring activities should the IMM undertake that are in addition to individual organisations’ responsibilities.**  TI – the IMM should not be invisible during the Covid-19 emergency, some of the work partners are currently undertaking individually could be ‘re-branded’ as an IMM joint activity. There is a critical need for on-the-ground monitoring of human rights violations or variations from standard practice, and how decisions that affect disabled people are being made. We need to consider how Article 4.3 is being operationalised now, as opposed to only reviewing post-emergency.  PT – important to be visible, perhaps we could request to appear at the Special Select Committee. Perhaps we should circulate a spectrum of options with a suggested bare minimum. We also need a way to monitor and record issues raised by each partner.  LM – the DPO Coalition is already aware of a number of issues. For example, many disabled people are reporting issues with the MSD website. A number of the Government’s response measures indicate a worrying assumption online solutions work for everyone. It is unclear whether adequate infection prevention measures are being taken in locked mental health and intellectual disability facilities. LM has sought assurances from Ministry of Health, who has deferred to individual DHBs and noted that while that while infection prevention measures are in place, it has not provided specific guidance to these facilities.  PT – there is a lot of international guidance emerging that we can draw on. Perhaps we could organise our activities around five or six key issues for disabled people in this emergency situation. The emergency raises fundamental human rights questions, for example, who in NZ gets life-saving treatment if treatment is rationed? There is also an opportunity for the IMM brand to be on some partners’ individual work.  EL – there is potential to engage in joint activities but we need options on the table to inform our decision.  Outcome: IMM Working Group to convene and produce an options paper for consideration by the IMM Governance Group. |
| 1. General business | OOTO will schedule an IMM working group meeting for early next week (Leo to join working group for the time being), and schedule another Extraordinary IMM Governance meeting for later next week. |
| 1. Closing karakia (Tristam) |  |

# Action items

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| No. | Item | Responsible | Status |
| 1. | Working group to convene and produce an:   * options paper on delaying release of the MDRR report vs. proceeding with a low key release in May 2020 * options paper on joint monitoring initiatives the IMM could undertake during the Covid-19 restrictions. | CLP / WG | Complete |
| 2. | DPO representatives to be advised of options for delaying the launch/publication of MDDR report and provide views to the Governance group. | LM | Complete |
| 3. | Ministry of Health feedback yet to be received – Chloe to liaise with Tristram on how to progress obtaining this feedback. | CLP/TI | Complete |
| 4. | Contact accessible format producers to ascertain new timeline for production of these. | CLP/VH | Complete |

# Meetings scheduled for the remainder of the year:

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| Working Group Meeting | 10am to 11am Tuesday 7 April via Zoom video conference. |
| Extraordinary Meeting | 4pm to 5pm Tuesday 14 April via Zoom video conference. |