

Chief Ombudsman welcomes visit by international aged care expert

12 March 2020

The Chief Ombudsman, Peter Boshier, welcomes the recent visit of the UN's independent expert on older people.

The UN Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, was in New Zealand between 2 and 12 March 2020 to assess the human rights situation of older people. She travelled to Wellington, Auckland and Christchurch for discussions with government representatives, including the Ombudsman.

Chief Ombudsman Peter Boshier says the UN has an active interest in what New Zealand is doing to ensure the human rights of older people in long-term care, particularly as the global population ages.

"I was pleased to be able to report that inspections of secured aged care facilities will soon include those in the private sector," he says.

"New Zealand has made international commitments to ensure our older and disabled people are being treated in the right way," he says. "This includes putting in place protective measures such as independent inspections. It is increasingly important that we put in place safeguards as our population ages."

The Chief Ombudsman is tasked with carrying out independent inspections under an international convention, to make sure the facilities in which people are detained have sufficient safeguards in place to prevent any human rights violations. This includes people detained in health and disability facilities, such as dementia facilities and psychogeriatric wards. From 1 July 2021, the Chief Ombudsman will start inspecting the treatment and conditions of people detained in privately-run aged care facilities.

The Ombudsman is also one of three agencies in New Zealand that promotes, protects and monitors implementation of the UN Convention on the Rights of Persons with Disabilities in New Zealand. While the Convention does not have a specific article covering older people with disabilities, a number of the articles support the rights of older disabled people.

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More information

United Nations Independent Expert on the enjoyment of all human rights by older persons

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25606&LangID=E>

Inspecting places of detention

The Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is a unique international human rights agreement that New Zealand ratified in 2007. More about the purpose of OPCAT is available from the Association for the Prevention of Torture (apt.ch).

In New Zealand, the Crimes of Torture Act 1989 (COTA) provides for the designation of 'National Preventive Mechanisms' (NPMs) to inspect places of detention, as required by OPCAT. The Chief Ombudsman is an NPM and the Human Rights Commission is the Central NPM. More about New Zealand's human rights laws is available from the Ministry of Justice (justice.govt.nz).

The UN Sub-Committee on the Prevention of Torture made the recommendation to clarify who has the mandate to inspect aged care secure facilities, following its visit to New Zealand in 2013.

On 6 June 2018, the Chief Ombudsman was told by the Minister of Justice to inspect the treatment and conditions of people held securely in privately-run aged care facilities. Parliament gave him progressive funding on 1 July 2019 to develop and implement this new inspections programme, over three years. More information about the development of the Chief Ombudsman's aged care inspections programme is on his website:

<https://www.ombudsman.parliament.nz/what-we-can-help/aged-care-monitoring>.

UN Convention on the Rights of Persons with Disabilities

New Zealand has signed the United Nations Convention on the Rights of Persons with Disabilities. We are committed to ensuring disabled peoples' full and equal enjoyment of all human rights and fundamental freedoms.

To do that, the Ombudsman is part of New Zealand's Independent Monitoring Mechanism (IMM), along with the Human Rights Commission and the Disabled People's Organisations' Coalition.

More information about the Chief Ombudsman's IMM role is on his website:

<https://www.ombudsman.parliament.nz/what-we-can-help/fair-treatment-disabled-people>