

GETTING IT RIGHT

# CHILDREN'S RIGHTS IN THE COVID-19 RESPONSE

The Children's Convention  
Monitoring Group

MARCH 2021

## **The Children’s Convention Monitoring Group**

The Children’s Convention Monitoring Group (CMG) monitors the Aotearoa New Zealand Government’s implementation of the United Nations Convention on the Rights of the Child (the Children’s Convention), its Optional Protocols and the Government’s response to recommendations from the United Nations Committee on the Rights of the Child (the UN Committee). We advocate for the adoption of processes that embed children’s rights across government and advance children’s rights, such as collecting good information, planning and budgeting for children and listening to children. The Office of the Children’s Commissioner convenes this group under the Children’s Commissioner’s statutory mandate to advance and monitor the application of the Children’s Convention by departments of State and other instruments of the Crown (see Children’s Commissioner Act 2003). Permanent members include the Children’s Rights Alliance Aotearoa, the Human Rights Commission, Save the Children New Zealand and the United Nations Children’s Fund New Zealand (UNICEF).

## **The Getting it Right series**

This is the third thematic report in a series of reports prepared by the CMG prior to Aotearoa New Zealand’s next review by the UN Committee due in 2021. These reports highlight where Aotearoa is making progress and identify areas where action is still needed. New Zealand is currently undertaking its sixth review since ratifying the Children’s Convention in 1993. The UN Committee last reviewed New Zealand in 2016 and made 105 recommendations to improve the rights of children. The first thematic report in the series, *Building Blocks* (2018), focussed on steps required to enable the implementation of the Children’s Convention. The second report called *Are we Listening?* (June 2019) focussed on children’s participation in government policy. This report looks at the impacts of COVID-19 on the rights of children and young people in Aotearoa New Zealand.

## **Acknowledgements**

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Dr Amanda Kvalsvig, Senior Research Fellow in the Department of Public Health, University of Otago Wellington; and the Aotearoa New Zealand Centre for Indigenous Peoples and the Law. The final text reflected in the report is the CMG’s.

We also wish to acknowledge the children and young people around the world and in Aotearoa New Zealand, who continue to be impacted by the COVID-19 pandemic.

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# CONTENTS

<b>Message from the Children’s Commissioners</b>	<b>4</b>
<b>Introduction</b>	<b>6</b>
<b>Section one: Building blocks for children’s rights in responding to COVID-19</b>	<b>10</b>
Te Tiriti o Waitangi, children’s rights and the COVID-19 response	10
COVID-19 and children’s rights in law	13
Coordination, monitoring and evaluation	14
Budgeting and resource allocation	16
Improving the quality and use of data about children and young people	17
Prioritising children’s rights when responding to emergencies	19
<b>Section two: Are we getting it right? Learning from COVID-19 to strengthen child and youth wellbeing</b>	<b>20</b>
1. Children and young people are loved, safe and nurtured	21
2. Children and young people have what they need	26
3. Children and young people are happy and healthy	35
4. Children and young people are learning and developing	40
5. Children and young people are accepted, respected and connected	46
6. Children and young people are involved and empowered	49
<b>Concluding recommendations</b>	<b>58</b>

## **MESSAGE FROM CHILDREN'S COMMISSIONER JUDGE ANDREW BECROFT AND ASSISTANT MĀORI CHILDREN'S COMMISSIONER GLENIS PHILIP-BARBARA**

In Aotearoa New Zealand, we showed the world what can be achieved by coming together and working collectively to protect each other from COVID-19. Now, a year after the pandemic took hold in our country, we have an opportunity to reflect on our response to the virus and look ahead to a future changed forever by it.

This important report centres children in that reflection. It asks how our country's COVID-19 response is working for children and young people and what we have learned about how they are being considered in the Government's actions. Finally, it makes some suggestions for how we might steer a better course for a future where every child and young person can thrive.

One of the biggest challenges in the COVID-19 recovery will be ensuring that it works for all children and young people, not just those who are already doing well. At the Office of the Children's Commissioner we heard from more than 1,400 children and young people about life during last year's Alert Level 3 and 4 lockdowns. We learned that while most did well, stayed connected, and really enjoyed the extra time they had with their parents and whānau, others found it really hard. Unsurprisingly, those who found it hardest were children and young people who were already experiencing disadvantage.

By listening to the views of children and young people and putting their rights at the centre of every response, policy makers have a unique opportunity to genuinely build back better and to address current inequities for children in Aotearoa.

This report highlights the lessons learned about what has worked in the COVID-19 response so far. It draws on the lessons learned by our coming together, including in the way that Te Tiriti o Waitangi intended – shoulder to shoulder as equals with important contributions to make for the wellbeing of everyone.

In designing the future, we can learn from the way many whānau, hapū and iwi continue to mobilise in response to the pandemic. These responses have been successful at drawing on years of experience, and the power of manaakitanga and togetherness, to provide protection for communities and a way through the crisis. If we are serious about honouring Te Tiriti o Waitangi as a nation, it's worth reflecting on the value - to all of us - of the leadership provided by Māori acting in accordance with tikanga Māori.

The Office of the Children's Commissioner is proud to convene the Children's Convention Monitoring Group (CMG), which monitors the Government's implementation of the United Nations Convention on the Rights of the Child (the Children's Convention).

This report is intended to help guide policy and decision makers in guarding against the negative impact of the pandemic, while continuing to listen to children and young people about what works for them, and why.

Aotearoa now has an opportunity to apply the lessons learned over the past year and to redesign our systems to tackle the big issues facing children and young people. Rather than an excuse to do less for children and young people, COVID-19 should be the reason to do more for them. This coming year provides us with a powerful opportunity to ensure all children and young people have what they need to flourish.



*Assistant Māori Commissioner Glenis Philip-Barbara and Children's Commissioner Judge Andrew Becroft (Credit: Radio New Zealand)*

# INTRODUCTION

## Getting it right by centring children and young people in the COVID-19 response

The COVID-19 pandemic is continuing to have an extraordinary impact on the lives of children and young people in Aotearoa New Zealand.

As a small Pacific nation with important social, economic and environmental ties to the rest of the world, the severe and ongoing impacts of the global pandemic are undeniably affecting children's rights in Aotearoa - to health, education, housing, safety, play, food, culture, an adequate standard of living and more.

When New Zealand ratified the United Nations Convention on the Rights of the Child (the Children's Convention) in 1993, and recommitted to the Convention in 2019,<sup>1</sup> the Government promised to prioritise children in social and economic policy and to create and maintain the conditions that enable all children to grow up well, healthy and happy. As well as meeting children's needs, the Children's Convention – understood and applied in the context of Te Tiriti o Waitangi and the UN Declaration on the Rights of Indigenous Peoples - lays the foundations for respecting children; their rights to privacy and information, to expression, to know who they are and where and how they belong.

This report canvasses what COVID-19 has taught us so far about children's rights and wellbeing. It is the third in the *Getting it Right* series prepared by the Children's Convention Monitoring Group (CMG) and builds on previous reports, which have called on the Government to put the Children's Convention into practice<sup>2</sup> and to listen to children and young people.<sup>3</sup> Implementing children's rights requires the systematic and deliberate consideration of children's best interests in laws, policies and practices. It means taking action based on good information, including from children themselves, to ensure that all children have the best possible childhood and adolescence, even in times of crisis.

## In Aotearoa, the Children's Convention needs to be understood and applied in the context of Te Tiriti o Waitangi

Te Tiriti o Waitangi is the crucial starting point for considering children and young people's rights in the COVID-19 response. Te Tiriti establishes the framework for the co-existence of tino rangatiratanga<sup>4</sup> and kāwanatanga<sup>5</sup> within which the rights of tamariki and rangatahi Māori must be read. In doing so, Te Tiriti provides for an equitable, transparent and culturally appropriate way to uphold and implement the

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<sup>1</sup> 30th Anniversary of the Children's Convention: New Zealand Pledge, Ministry of Foreign Affairs and Trade (2019) <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Human-rights/New-Zealand-pledge-CRC30.pdf>

<sup>2</sup> Building Blocks, The Children's Convention Monitoring Group (2018) <https://www.occ.org.nz/publications/reports/getting-it-right-building-blocks>

<sup>3</sup> Getting It Right: Are We Listening? The Children's Convention Monitoring Group (2019) <https://www.occ.org.nz/publications/reports/getting-it-right-are-we-listening>

<sup>4</sup> Tino rangatiratanga is interpreted as "absolute authority, including freedom to be distinct peoples, right to territorial authority, and the right to exercise autonomy and self-government." Whaia te Mana Motuhake Report on the Māori Community Development Act Claim, Waitangi Tribunal (2014), page 2

<sup>5</sup> Kāwanatanga describes the Crown's right to govern the country which is neither absolute nor exclusive but includes "power to make law for peace and good order" and to "pursue the policy agenda upon which they were elected to office." Whaia te Mana Motuhake Report on the Māori Community Development Act Claim, Waitangi Tribunal (2014), page 35-36

rights of tamariki and rangatahi Māori and all children and young people in Aotearoa New Zealand, in the COVID-19 response and beyond.

There have been positive examples of government collaboration with Māori in the COVID-19 response over the last year such as government funding to support Māori-led initiatives, and police support for community COVID-19 checkpoints.<sup>6</sup> Māori have demonstrated leadership and decisive action against COVID-19, seeking to protect their most vulnerable to avoid a repeat of the devastation from previous pandemics such as the 1918 Spanish flu.<sup>7</sup>

The extent to which the Government is discharging its obligations to tamariki and rangatahi Māori during COVID-19 is not covered in detail in this report and is an area that requires further consideration.

Based on the principles of partnership, equity and protection, more work is needed to ensure the rights of tamariki and rangatahi Māori under both Te Tiriti and the Children's Convention, are upheld, including in times of crisis.

### **Our 'team of 5 million' includes 1.18 million children and young people under the age of 18**

By keeping the border closed to all but citizens and permanent residents, requiring arrivals to isolate and quarantine and using an alert level system to impose restrictions, the Government's response to COVID-19 in Aotearoa has so far succeeded in keeping rates of infection relatively low and contained.

Children and young people, adults, whānau, hapū, iwi, families, community groups, service providers, the business and philanthropic sectors and government entities, have all worked together under a common goal - to curb and then eliminate COVID-19 from our shores.

Children and young people have played an important role in this collective effort to contain COVID-19. During lockdowns, children and young people did not go to school, play sport or attend cultural activities. They avoided playgrounds and missed visiting their friends and family in order to comply with government orders to stay home and save lives. While infection rates remain relatively low, there continue to be varied and ongoing impacts for children and young people.

### **Preliminary data and surveys of children and young people suggest a diverse range of experiences**

It is too soon to fully understand the impacts of COVID-19 on children and young people, especially the long-term impacts. However, it is possible to start to understand the short-term impacts in order to inform policy responses to the pandemic now and into the future. Evidence gathered from preliminary data and results of surveys show

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<sup>6</sup> Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 in Aotearoa New Zealand, Human Rights Commission (2020) [https://www.hrc.co.nz/files/6615/8819/4763/Human\\_Rights\\_and\\_Te\\_Tiriti\\_o\\_Waitangi\\_COVID-19\\_and\\_Alert\\_Level\\_4\\_FINAL.pdf](https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi_COVID-19_and_Alert_Level_4_FINAL.pdf)

<sup>7</sup> Ngātōkōwhā Peters, K. "How Māori survived the influenza crisis 100 years ago" (2020) <https://www.newsroom.co.nz/how-mori-survived-the-influenza-crisis-100-years-ago>

there is no one single narrative to describe children and young people's experiences of the pandemic so far.

For many children and young people, the lockdowns were a welcome opportunity to spend more time with family and to learn in new ways. The lockdowns also brought stress and anxiety to families, testing relationships. For some, there was insufficient food and online learning was difficult or not even possible. Children missed their teachers and being with their friends.

The results of surveys that asked children and young people about their experiences of the national lockdown show significant variability. For example, young people who identified as Māori, Pacific, disabled, and/or LGBTQI+ in the Youth Pulse survey for 12-24 year olds shared by the Ministry of Youth Development, were less likely to feel accepted or respected in their bubble during the lockdown at least some of the time.<sup>8</sup> A survey from the Office of the Children's Commissioner showed that many children and young people enjoyed the national lockdown because they had more control over their time, had more free time and had opportunities for new activities.<sup>9</sup>

While these types of surveys cannot be directly compared, they can help build the overall picture of experiences for children and young people in Aotearoa during the lockdowns. This overall picture is one of diversity - diversity of experiences and diversity of children and young people themselves. It is a picture that underscores the importance of inclusive policies and practices that strive to uphold the rights of all children in all circumstances.

### **COVID-19 presents a unique opportunity for inclusive responses that counter historic patterns of discrimination and disadvantage**

COVID-19 has shone a light on children and young people's issues in Aotearoa, including those arising from pre-existing and deeply entrenched disparities in society. These persistent and significant issues affecting children and young people include the ongoing impact of colonisation, racism, child poverty and inequity, family violence and the lack of affordable and warm housing.

While there have been increased efforts in recent years to reduce child poverty and improve child and youth wellbeing, the economic, social and environmental policy settings in Aotearoa continue to fail many children and young people. COVID-19, like climate change and other global challenges, poses a threat to the gains made in recent years. This moment in time presents a unique opportunity for innovative thinking, to change policy settings and address discrimination and disadvantage.

During and after the lockdowns, government officials have worked hard to create policies to house the homeless, strengthen financial safety nets, and harness technology for online learning and more efficient service provision. Changes were made to allow for flexible work and childcare arrangements. The willingness to do things differently and to accelerate action shows us these things are possible. Nothing need stay in the too hard basket.

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<sup>8</sup> Youth Pulse Check Survey, Ministry of Youth Development (2020) <https://www.myd.govt.nz/documents/young-people/youth-voice/final-youth-pulse-check-survey-a3-snapshot.pdf>

<sup>9</sup> Life in Lockdown: Children and young people's views on the nationwide COVID-19 Alert Level 3 and 4 lockdown between March and May 2020, Office of the Children's Commissioner (2020) <https://www.occ.org.nz/assets/Uploads/LifeinLock-down-OCC-Nov2020.pdf>



## About this report

This year, the UN Committee on the Rights of the Child is due to review Aotearoa New Zealand's progress since 2016 in embedding children's rights into the fabric of our laws, policies and practices. The Committee has called on the Government to take measures to protect the rights of children in responding to the impacts of COVID-19 and to mitigate the adverse impacts of the pandemic.<sup>10</sup> In this report, the CMG amplifies this message and calls upon the Government to seize the opportunity to apply lessons learned from the pandemic to advance children's rights and improve child and youth wellbeing.

This report aims to:

- Accelerate progress for children and young people by centring their rights in the Government's response to COVID-19;
- Inspire renewed efforts to address pre-existing and current issues for children and young people; and
- Ensure Aotearoa is well placed to weather future shocks for children and young people.

In the first section of this report we draw attention to the building blocks required to ensure the Government's response to COVID-19 delivers for children and young people. In the Children's Convention, these building blocks are called the General Measures of Implementation. They include things like ensuring laws and policy processes incorporate the rights of children and making sure good quality data for children is collected so issues are identified, understood and responded to appropriately. These building blocks lay the foundations for the work required to improve the wellbeing of children and young people.

In the second section we highlight some of the impacts of COVID-19 on children and young people and the policy responses to them, grouped under the six wellbeing outcomes of the Child and Youth Wellbeing Strategy.<sup>11</sup> The report concludes with a list of recommendations.

This report is informed by answers to a questionnaire sent in 2020 asking government agencies how they considered children's rights in the development of policy responses to COVID-19. While agencies provided useful information about children and young people, most were unable to provide examples of how the rights of children and young people, or the rights of tamariki and rangatahi Māori under Te Tiriti o Waitangi, were considered in their responses to COVID-19.

This report also draws on data and information from surveys, the analysis of media reports, research and knowledge of children and young people's issues informed by the Children's Convention and other human rights reporting processes.

The COVID-19 crisis continues to evolve and the impacts of the pandemic on children and young people will emerge slowly over time. The information in this report is therefore based upon the evidence available at the time of writing. The CMG acknowledges that this report does not reflect the different ways tamariki and rangatahi Māori are experiencing the pandemic with regards to their rights under Te Tiriti o Waitangi.

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<sup>10</sup> List of issues prior to submission of the sixth periodic report of New Zealand, Committee on the Rights of the Child (2020)

<sup>11</sup> While the Child and Youth Wellbeing Strategy is intended to improve wellbeing for children and young people 0-24 years, and the Government's youth portfolio is 12-24 years, the Children's Convention refers to children as those under the age of 18. This report will refer to children and young people as those under the age of 18 years.

## **SECTION ONE: BUILDING BLOCKS FOR CHILDREN'S RIGHTS IN RESPONDING TO COVID-19**

The following section looks at the infrastructure required under the Children's Convention to deliver all rights to all children in Aotearoa in all circumstances, including during global pandemics.

As well as being central to upholding children's rights, the following building blocks provide a strong foundation for the delivery of the Child and Youth Wellbeing Strategy which is further explored in section two.

### **Te Tiriti o Waitangi, children's rights and the COVID-19 response**

Understood and applied together in the context of COVID-19, Te Tiriti o Waitangi, the United Nations Declaration on the Rights of Indigenous Peoples and the Children's Convention recognise tamariki and rangatahi Māori have rights to be protected from the impacts of COVID-19, to be provided for, and to have their best interests and views considered in the COVID-19 response.

Like many constitutional documents, Te Tiriti o Waitangi sets out the high level framework for constitutional decision making, but it does not attempt to describe every situation which may subsequently arise.<sup>12</sup> The relationship between and application of tino rangatiratanga and kāwanatanga must be the starting point and remain central to government decisions and actions in responding to COVID-19 and other crises, particularly where those decisions or actions impact either directly or indirectly on Māori, including tamariki and rangatahi.

Aspects of the nature of the Crown's obligations in relation to tamariki and rangatahi Māori, whānau, hapū and iwi are currently being considered by the Waitangi Tribunal in the Oranga Tamariki Urgent Inquiry (Wai 2915). The Tribunal's findings in this inquiry will offer further insight on how the Children's Convention is upheld and implemented here in Aotearoa New Zealand.

### **Māori-led COVID-19 responses have been swift and powerful**

Māori-led initiatives that have taken place during the lockdowns such as community testing for COVID-19, the delivery of essential items to whānau in need, marae-based food and housing support and COVID-19 checkpoints can be seen as a demonstration of tino rangatiratanga in action. Research into Māori-led COVID checkpoints found that they were ultimately driven by the urgent need to protect the health and wellbeing of Māori communities.<sup>13</sup> Those leading the checkpoints drew on tikanga as a source of authority to justify their actions rather than seeking permission from the Government. In many cases the checkpoints were also a response to inadequate healthcare provision (particularly in rural and remote areas) and government failing to act quickly enough.<sup>14</sup>

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<sup>12</sup> Jones, C. "Our Truth, Tā Mātou Pono: How the Treaty of Waitangi relates to Covid-19" (2021) <https://www.stuff.co.nz/pou-tiaki/our-truth/300221675/our-truth-t-mtou-pono-how-the-treaty-of-waitangi-relates-to-covid19?rm=a>

<sup>13</sup> Fitzmaurice, L. "On Whose Authority? Māori-led COVID Checkpoints as an Expression of Tino Rangatiratanga" Ngā Pae o Te Māramatanga Matariki Internship Report (2020)

<sup>14</sup> Ibid

Global emergencies, like COVID-19, have the potential to cause devastating social, economic and cultural consequences for tamariki and rangatahi Māori through the exacerbation of inequities Māori already experience.<sup>15</sup> Dr Elana Curtis, Associate Professor at Auckland University's School of Medicine points out that these inequities are visible in the disproportionate risk of COVID-19 for Māori and Pacific communities. These communities are more likely to supply essential workers for managed isolation and quarantine facilities, or to work in supply warehouses, meaning Māori and Pacific people are more at risk of being infected and infecting those around them including tamariki and rangatahi:

*“Our increased risk of experiencing more severe outcomes from Covid-19 once infected is a reflection of our existing inequities in underlying health conditions, differential access to healthcare, and our unfair experience of socio-economic inequities and poverty. And that means that the impact of another outbreak could have dire consequences on Māori and Pacific communities.”*

Dr Elana Curtis, Auckland University School of Medicine<sup>16</sup>

Māori health experts were so concerned about the lack of COVID-19 planning for Māori communities, they formed their own group - Te Rōpu Whakakaupapa Urutā – to provide expert public health advice for whānau, Māori health providers, community groups and iwi.<sup>17</sup> Tamariki Māori, as well as kaumatua and kuia, were at the heart of this response.

### **Recognising, learning from and resourcing by Māori for Māori approaches**

The rapid policy response to the lockdowns has shown how problems that seemed difficult to address prior to the pandemic, could be resolved quickly in an emergency situation, for example in housing the homeless. However, in acting swiftly, the government missed early opportunities to work alongside and to resource iwi and community organisations, with the most intimate knowledge of what families need. For example, in some situations, iwi and community networks who were already responding to the needs of their whānau were excluded once Civil Defence became the funding mechanism used to reach communities.

Following criticism about the lack of support for Māori, the Government announced a \$56.5 million Māori-specific COVID-19 response package to provide targeted support to Māori communities.<sup>18</sup> Such support, which came in April 2020, included the distribution of hygiene kits by the Ministry of Health and Te Puni Kōkiri in partnership with Whānau Ora Commissioning Agencies. This partnership approach enabled local Māori organisations to design distribution systems to suit local customs and requirements. Support also included one-off grants provided by Te Arawhiti to support 43 iwi groups with their COVID-19 response planning.<sup>19</sup>

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<sup>15</sup> In July 2019, the Waitangi Tribunal called the depth of inequity suffered by Māori in the New Zealand health system a very serious failure by the Crown, Waitangi Tribunal (Wai 2575) “Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry” (2019), page 161

<sup>16</sup> Curtis, E. “Time for a new recipe for pandemic management” (2020) <https://e-tangata.co.nz/comment-and-analysis/time-for-a-new-recipe-for-pandemic-management>

<sup>17</sup> Te Rōpū Whakakaupapa Urutā: National Māori Pandemic Group <https://www.uruta.maori.nz/about>; Parahi, C. “Coronavirus: New pandemic group says Māori ‘left out’ of planning” (2020) <https://www.stuff.co.nz/national/health/coronavirus/120448243/coronavirus-new-pandemic-group-says-mori-left-out-of-planning>

<sup>18</sup> Māori-led response and recovery, Te Puni Kōkiri <https://www.tpk.govt.nz/en/whakamahia/covid-19-information-for-Māori/community-responses>

<sup>19</sup> Te Arawhiti. “2020 Briefing for the Incoming Minister for Māori Crown Relations” (2020) <https://www.beehive.govt.nz/sites/default/files/2020-12/Māori%20Crown%20Relations.pdf> page 20

These examples reinforce the need for the Government to listen to and work with iwi, hapū and Māori organisations. Services must deliver culturally appropriate solutions to ensure tamariki and rangatahi Māori receive equitable support and resources. In order for government agencies to provide resources and then respond appropriately (i.e. by partnering with Māori or stepping aside), foundational relationships and networks need to have been invested in outside of times of crisis.

Where elements of Te Tiriti based relationships and structures did exist prior to COVID-19, communities were able to rapidly respond to the unique needs of their whānau. For example, in Te Tairāwhiti, members of the community, leaders, businesses and organisations mobilised quickly and put together a plan to protect whānau from the impacts of COVID-19.<sup>20</sup>

Cabinet's Te Tiriti o Waitangi/Treaty of Waitangi Guidance<sup>21</sup> and the Te Arawhiti partnership framework are constructive tools designed to guide and support Crown agency processes and decision-making when working with Māori.<sup>22</sup> However most agencies who responded to the CMG's questions were unable to provide examples of how the rights of children and young people or the rights of tamariki and rangatahi Māori under Te Tiriti were considered in their responses to COVID-19.

The CMG welcomes examples of Te Tiriti partnership and recognition and support for rangatiratanga in the Government response to COVID-19. These approaches need to be expanded, strengthened and embedded fully into all agencies. We encourage the Government to do better to understand the collective nature of Te Ao Māori values, including mātauranga Māori and strengthen efforts to ensure that tamariki and rangatahi Māori can exercise their rights collectively with their whānau, hapū and iwi. We urge the Government to recognise the legitimacy of Māori-led solutions and to support them as a priority.

### **How government agencies can better honour Te Tiriti o Waitangi**

1. In responding to COVID-19 and all crises, expand, strengthen and embed mechanisms to understand and apply government's responsibilities and obligations under Te Tiriti o Waitangi and the Children's Convention.
2. Recognise the legitimacy of Māori led emergency response approaches and ensure they are supported with the funding and infrastructure required to be successful.

<sup>20</sup> Response and Recovery Plan – Rau Tipu Rau Ora, Gisborne District Council <https://www.gdc.govt.nz/response-and-recovery-plan-2020>

<sup>21</sup> Cabinet Office. "Te Tiriti o Waitangi/Treaty of Waitangi Guidance" (2019) <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/CO-19-5-Treaty-of-Waitangi-Guidance-for-Agencies.pdf> page 9

<sup>22</sup> Te Arawhiti. "Building closer partnerships with Māori" <https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Building-closer-partnerships-with-Maori-Principles.pdf>

## COVID-19 and children's rights in law

International human rights law recognises that lawful restrictions can be placed on human rights in a public emergency. Governments are obliged to take effective steps for the "prevention, treatment and control of epidemic [...] and other diseases."<sup>23</sup>

Human rights law also recognises that to protect the right to health, particularly in a public emergency, other rights may have to be limited.

The UN Committee on the Rights of the Child recognises that in crisis situations, international human rights law *"exceptionally permits measures that may restrict the enjoyment of certain human rights in order to protect public health. However, such restrictions must be imposed only when necessary, be proportionate and kept to an absolute minimum."*<sup>24</sup>

Since the Prime Minister declared COVID-19 a quarantinable disease on 24 March 2020, the Government has enacted 14 new pieces of legislation and 87 legislative instruments in response to COVID-19. The vast majority of this legislation was created under urgency, while the rest underwent a very condensed legislative process with little or no input from people (including children and young people) outside of government. Significant concern was raised at the haste at which much of the legislation created in response to the pandemic has been passed.<sup>25</sup>

Most government agencies who responded to our questions were unable to provide clear examples of how they considered the rights of children or the rights of tamariki and rangatahi Māori under Te Tiriti o Waitangi and the UN Declaration on the Rights of Indigenous Peoples during the passage of urgent legislation during the COVID-19 pandemic. Rather than specifically evaluating the rights of children and young people during the passage of legislation, agencies responded that all Bills were subject to consideration of "relevant international standards and obligations" and Bill of Rights Act analysis through the Crown Law Office and the Ministry of Justice.<sup>26</sup>

### How to deliver better on embedding children's rights in law

3. In responding to COVID-19 and all crises, explicitly consider the rights of children and young people including the rights of tamariki and rangatahi Māori under Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples. This includes the requirement to report on how these rights have been considered in new and amended legislation

<sup>23</sup> Article 12(c), International Covenant on Economic, Social and Cultural Rights

<sup>24</sup> UN Committee on the Rights of the Child COVID Statement (2020) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CRC/STA/9095&Lang=en)

<sup>25</sup> McLean, J. "Risk and the Rule of Law" (2020) <https://ojs.victoria.ac.nz/pq/issue/view/712/PQ16-3>

<sup>26</sup> Ministry of Health response to CMG questions

## Coordination, monitoring and evaluation

The coordination, monitoring and evaluation of laws and policies affecting children and young people is an area the UN Committee on the Rights of the Child has consistently and repeatedly recommended New Zealand improve.<sup>27</sup>

The All of Government COVID-19 Group situated in the Department of Prime Minister and Cabinet worked across government to provide advice to Cabinet, non-health advice to the Director General of Health and to coordinate the operational response to COVID-19 with a focus on health, the border, the economy, and the social sector.

Rather than have a designated lead for children and young people in the All of Government Group, this group drew on expertise and contributions from central government agencies – including the Ministries of Social Development, Education, Health, Pacific Peoples, Oranga Tamariki and Te Puni Kōkiri - to develop Cabinet papers and inform advice. These agencies are required to consider the perspectives and rights of population groups including children and young people but are not required to undertake an analysis of children’s rights.

The Caring for our Communities Governance Group comprised of social sector Chief Executives looked at potential vulnerable communities and the supports they require as a result of the social and economic impacts of COVID-19. As part of this work, some agencies worked to support COVID-19 related responses for marginalised children and young people and their whānau.

***“Within the Ministry of Health there is no one specific lead for children, but issues which have implications for children and especially healthcare for children were consulted with teams that work in this area and have existing relationships across contracted services (i.e. DHBs and NGOs), and other agencies that consider children across government such as the Ministry for Education and Oranga Tamariki.”***

Ministry of Health response to CMG questions, 2020

While the CMG acknowledges the swift and overall effective results from the Government-coordinated approach to COVID-19, we recommend more explicit mechanisms are instated to ensure children’s rights are considered in this ongoing crisis and in other future emergency responses. A designated person, or a group of people, or an agency, could be made responsible for ensuring the rights, needs and voices of children and young people, including the tino rangatiratanga rights of tamariki Māori, are considered in government policy responses and not forgotten in rapid decision making. The CMG is encouraged to see agencies such as Oranga Tamariki investing in research to understand lessons learned from the pandemic to improve their approach to protecting children and young people in state care.<sup>28</sup>

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<sup>27</sup> CRC/C/15/add.71 (1997), paras 11-14, 22-26; CRC/C/15/Add.216 (2003), paras 10-17; CRC/C/NZL/CO/3-4 (2011), paras 12-17; CRC/C/NZL/CO/5 (2016) paras 7-11

<sup>28</sup> Oranga Tamariki “Proactively supporting children and young people during COVID-19 and beyond” <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/Research/Latest-research/Proactively-supporting-children-and-young-people-through-COVID-19-and-beyond/Proactively-supporting-children-and-yozscan.pdf>

We recommend that the current mechanisms in place to respond to the needs and rights of children and young people in crisis situations are evaluated, to both assess the sufficiency of the current approach and to improve future preparedness in relation to wellbeing outcomes for children and young people.

### **How to deliver better on coordination, monitoring and evaluation**

4. Embed accountability and compliance mechanisms in central government policy responses that prioritise the rights and views of children and young people. Mechanisms include providing designated leads for children and young people in decision making, and requirements to report on how children's rights and tino rangatiratanga rights of tamariki Māori have been considered, included and resourced.
5. Require government agencies and initiatives such as the Policy Project to assess, evaluate and share outcomes and lessons learned from policy responses to COVID-19 with a focus on the rights of children and young people including tamariki and rangatahi Māori as tangata whenua.

## Budgeting and resource allocation

With the exception of spending related to education and some specific welfare provisions linked to reducing child poverty,<sup>29</sup> it is difficult to assess how money or resources for responding to COVID-19 have been targeted to specifically benefit children and young people or cohorts of children and young people, for example, children under five or disabled children.<sup>30</sup>

While the Government maintains that the Child and Youth Wellbeing Strategy framework has remained a critical lens for their response to the COVID-19 pandemic, there is no clear evidence to show how resource allocation decisions consider the rights of children within this framework.

In responding to COVID-19, many resources have been allocated to initiatives that benefit families and households, for example, funding for accommodation supports and food security. But without the means to track spending specifically allocated for children and young people, it remains unclear how effective this spending has been in mitigating the immediate and long-term harm caused to children and young people by COVID-19 or ensuring positive initiatives arising from the pandemic are budgeted for in the longer term.

### How to deliver better on budgeting and resource allocation

6. Embed mechanisms to transparently track, measure and evaluate budget and resource allocation for children and young people, both in and out of times of crisis.

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<sup>29</sup> Department of Prime Minister and Cabinet "COVID-19 response and Budget 2020 reflect ongoing commitment to child and youth wellbeing" (2020) <https://childyouthwellbeing.govt.nz/about/news/covid-19-response-and-budget-2020-reflect-ongoing-commitment-child-and-youth-wellbeing>

<sup>30</sup> For guidance see the UN Committee on the Rights of the Child's General Comment 19 on Public Budgeting for the Realisation of Children's Rights



## **Improving the quality and use of data about children and young people**

The availability and quality of data on children and young people, especially disaggregated data, is a longstanding children's rights issue in Aotearoa.<sup>31</sup> We encourage government agencies to collect high quality disaggregated data about children and young people. We also recommend resourcing and utilising external sources of data to inform policy responses to COVID-19.

### **COVID-19 has caused some delays in collecting data**

Some government surveys were significantly affected by COVID-19, particularly those reliant on face-to-face data collection methods. This has made it difficult to get a clear overall picture of the impacts of COVID-19 on children and young people.

The Statistics NZ Household Economic Survey, which produces child poverty statistics was required to stop during March 2020. This led to the 2020 results being produced from the nine-months data that was collected to March 2020.<sup>32</sup> The General Social Survey which was due to run from April 2020 was also stopped due to COVID-19. However, the Household Labour Force Survey was able to continue over the phone so questions on wellbeing, housing costs and material hardship were added to help mitigate changes to the Household Economic Survey and to help understand the wellbeing of people through the lockdown periods.

### **Survey data can help make sense of the impacts of COVID-19 on children and young people**

There have been several surveys conducted by government agencies to understand the impact of COVID-19 on children and young people.<sup>33</sup> Ongoing data collection will help to show the longer term impacts of COVID-19 on children and young people and should continue to be funded.<sup>34</sup>

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<sup>31</sup> See CRC/C/15/add.71 (1997) paras 13, 25; CRC/C/15/Add.216 (2003) paras 16-17; CRC/c/NZL/CO/5 (2016), para 10

<sup>32</sup> Statistics NZ assessed this and determined that this data was fit for purpose for reporting under the Child Poverty Reduction Act

<sup>33</sup> Examples include the Ministry of Health's COVID-19 Health and Wellbeing Survey, the Ministry of Youth Development's "Youth Pulse Check" survey, and Oranga Tamariki's Caregiver Pulse survey

<sup>34</sup> For example, the Youth 2000 survey and the Growing Up in New Zealand longitudinal study

### **Data on Māori experiences collected by Te Puni Kōkiri**

Te Puni Kōkiri collected data on the experiences of Māori during the pandemic through their 17 regional offices. They shared this information with government networks and have stored content for future analysis. Examples of the insights gathered related to children and young people include: the lack of food when schools were closed as they provided breakfast and lunch; stressed caregivers due to a lack of respite; the stress of the shift to online learning; high stress and anxiety due to virtual learning with an increased workload; and kaumātua hiding their mokopuna behind closed council unit doors knowing that they should not have them there.<sup>35</sup>

### **A coordinated approach that respects data sovereignty is required**

The CMG encourages government agencies to collaborate closely with others including local government, iwi and community groups to bring together data from multiple sources and perspectives. High-quality ethnicity data that is aligned with the principles of data sovereignty is needed to understand how the pandemic is affecting tamariki and rangatahi Māori and their whānau. This data can help to monitor the Government's response to COVID-19, and to avoid inequities in health outcomes for Māori worsening.<sup>36</sup>

Ongoing collection and analysis of disaggregated data on the impacts of the COVID-19 pandemic for different cohorts of children and young people will provide important context for reporting of children's rights and progressing the Child and Youth Wellbeing Strategy.

### **How to improve the quality and use of data about children and young people**

7. Continue to strengthen the collection of disaggregated data about children and young people, to better understand the impacts of COVID-19 and inform policies and practices for children and young people.
8. Ensure the collection, storage and sharing of data about children and young people and COVID-19 is consistent with children's privacy and information rights, views and best interests.
9. Ensure decisions on data collection and data use are undertaken in partnership with iwi and Māori in ways that respect Māori data sovereignty, and honour mātauranga Māori and Te Tiriti o Waitangi.

<sup>35</sup> Te Puni Kōkiri response to CMG questions

<sup>36</sup> Curtis, E. "An open letter to the government from a Māori public health specialist" (2020) <https://e-tangata.co.nz/comment-and-analysis/an-open-letter-to-the-government-from-a-maori-public-health-specialist>

## **Prioritising children's rights when responding to emergencies**

While Civil Defence Emergency Management plans and ways of working include engaging with regional and local government, community organisations, iwi, Māori and Pacific groups, it is not clear how children and young people are explicitly considered in those plans.

When communities are resourced and supported with what they need, they are best placed to fulfil children's rights to be cared for and have decisions made in their best interest by the people who know them best. Community-led initiatives that have been successful in responding to the needs of children and young people have drawn upon pre-existing relationships, strong governance structures, capacity for organisation and decision making systems for collective action.

The CMG encourages government agencies, including Civil Defence Emergency Management, to continue to invest in and strengthen relationships, build trust and work alongside front line services, iwi, Māori organisations, NGOs, and community groups. This will help to ensure lines of communication remain open and there are no barriers to quickly resourcing those best placed to respond and meet the needs of children and young people and their families and whānau in times of emergency.

Emergency responses should be grounded in Te Tiriti o Waitangi, guided by the Children's Convention and be planned in partnership with the communities affected in order to bring about equitable and inclusive outcomes for all children and young people.

### **How to prioritise children's rights in emergencies**

10. Establish mechanisms to ensure children's rights are understood and upheld in emergency response planning. Ensure planning is undertaken in partnership with the communities affected, including children and young people. Ensure Māori and Pacific peoples are at the centre of emergency response decision making.

## **SECTION TWO: ARE WE GETTING IT RIGHT? LEARNING FROM COVID-19 TO STRENGTHEN CHILD AND YOUTH WELLBEING**

The previous section looked at the infrastructure required under the Children’s Convention to deliver all rights to all children in Aotearoa in responding to COVID-19 and beyond. This section builds on that foundation and highlights some of the impacts of COVID-19 on children and young people and the policy responses to them under the six wellbeing outcomes of the Child and Youth Wellbeing Strategy.

The Strategy is underpinned by Te Tiriti o Waitangi and the Children’s Convention, and is intended to help the Government meet its international obligations relating to children and young people.<sup>37</sup>

The need to respect and uphold the rights of children and young people underpins the six wellbeing outcomes of the Child and Youth Wellbeing Strategy<sup>38</sup> which aims to ensure children and young people...

- 1 ... are loved, safe and nurtured
- 2 ... have what they need
- 3 ... are happy and healthy
- 4 ... are learning and developing
- 5 ... are accepted, respected and connected
- 6 ... are involved and empowered.

The Child and Youth Wellbeing Strategy is one way the Government is implementing children’s rights. In considering what we can learn from COVID-19 about child and youth wellbeing we have paid particular attention to the four general principles of the Children’s Convention: non-discrimination (Article 2), the best interests of the child (Article 3), maximum survival and development (Article 6) and respect for views of the child (Article 12). These general principles are the foundational requirements for any and all children’s rights to be realised.

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<sup>37</sup> Section 6A, Children’s Act 2014

<sup>38</sup> Child and Youth Wellbeing Strategy – Guiding Principles, Department of Prime Minister and Cabinet website <https://childyouth-wellbeing.govt.nz/our-aspirations/strategy-framework/guiding-principles>

## 1 CHILDREN AND YOUNG PEOPLE ARE LOVED, SAFE AND NURTURED

Being loved, safe and nurtured is essential to the healthy development and wellbeing of children and young people. COVID-19 has had both positive and negative impacts on children's rights to be loved, safe and nurtured.

### **Many children and young people enjoyed time with loved ones and agency over their time during the lockdowns**

For many children and young people, the COVID-19 lockdowns have meant more quality time with loved ones and this was something they valued about their experience of the pandemic.

Results from an online survey of 1,402 children and young people by the Office of the Children's Commissioner showed that having more time to spend with family was considered by most respondents as a positive of the nationwide Alert Level 3 and 4 lockdown.<sup>39</sup> The children and young people who responded to the survey predominantly thought their relationships with their caregivers had improved over this period.

**"I loved spending time with my family because I feel I could relate to them more than I could before."**

*12 year old girl, Life in Lockdown*

Developing stronger relationships with siblings and parents and having time to spend with caregivers who weren't working all the time, was seen as a positive for 35% of respondents. For young parents, it was an opportunity to spend time with their children, without having competing commitments.<sup>40</sup>

**"I got to spend more time with my child. Instead of always going to school or running small jobs for home or always cleaning when free."**

*17 year old rangatahi, Life in Lockdown*

### **But home isn't always the safest place to be**

Although the full impact of COVID-19 on child safety is still emerging, home isn't always the safest place to be and it is likely the lockdowns increased children and young people's exposure to violence.<sup>41</sup> Children and young people may have found it challenging to connect with support people or access help in the usual ways. Without access to friends, teachers, social workers and the safe spaces and services that schools provide, life may have been much harder for these children and young people.

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<sup>39</sup> As above at n 9

<sup>40</sup> Ibid

<sup>41</sup> Franks J. 'Covid-19: Family violence spiked after news of level 4 lockdown, new data shows' (2020) <https://www.stuff.co.nz/national/health/coronavirus/300126009/covid19-family-violence-spiked-after-news-of-level-4-lockdown-new-data-shows>

Some children and young people responding to the Life in Lockdown survey talked about how the stress, at times, placed strain on their family, some finding the close quarters with family incredibly challenging and at times very isolating.

**“Not getting the space I needed from my family when I felt I needed it.” 12 year old boy, Life in Lockdown**

Evidence shows that intimate partner violence and violence against children and young people can escalate during and after large-scale crises like COVID-19 and in times of economic stress.<sup>42</sup> Ongoing financial hardship, isolation, overcrowding and high levels of stress and anxiety increase the likelihood that some children and young people have experienced and observed physical, psychological and sexual abuse at home.<sup>43</sup>

The national lockdowns saw reports of family violence spike. During Alert Levels 4 to 2, the number of family harm incidents reported ranged from 345 to 645 a day, compared to between 271 and 478 in the same period in 2019.<sup>44</sup> Calls to Lifeline and text messages to Youthline increased markedly during the national lockdown.<sup>45</sup> While reports of family violence increased, reports of concern to Oranga Tamariki saw a 24% decrease during the national lockdown.<sup>46</sup> This may in part be due to teachers, doctors and other external agencies not being able to provide the community oversight that helps keep children and young people safe.

Government agencies responded to increased family and sexual violence by providing messaging about the availability of services and where to seek help, funding services, coordinating government agency and community services and ensuring services were equipped to safely respond to demand.

Violence in the home is a long-standing and significant issue for children and young people in Aotearoa.<sup>47</sup> It will be essential that research is carried out to more fully understand the impacts of COVID-19 on child and youth safety.

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<sup>42</sup> Understanding the impacts of COVID-19, New Zealand Family Violence Clearinghouse <https://nzfvc.org.nz/covid-19/FAQ-part-1#escalate>

<sup>43</sup> Joint Leaders' statement – Violence against children: A hidden crisis of the COVID-19 pandemic, World Health Organisation (2020) <https://www.who.int/news/item/08-04-2020-joint-leader-s-statement---violence-against-children-a-hidden-crisis-of-the-covid-19-pandemic>

<sup>44</sup> Daily Occurrences of Crime and Family Violence Investigations, New Zealand Police (2020) <https://www.police.govt.nz/about-us/statistics-and-publications/data-and-statistics/daily-occurrences-crime>

<sup>45</sup> Oranga Tamariki Statistics: Covid-19 response snapshot, Oranga Tamariki (2020) <https://www.orangatamariki.govt.nz/assets/Uploads/About-us/How-we-work/COVID-19/COVID-19-Oranga-Tamariki-Statistics-June-2020.pdf>

<sup>46</sup> Family and sexual violence prevention, Unite against COVID-19 website <https://covid19.govt.nz/health-and-wellbeing/family-and-sexual-violence-prevention>

<sup>47</sup> See: CRC/C/15/add.71 (1997), para 29; CRC/C/15/Add.216 (2003), para 28; CRC/C/NZL/CO/3-4 (2011), para 30; CRC/c/NZL/CO/5 (2016), para 23. In 2016 the Committee identified violence, abuse and neglect of children as a priority issue

## **COVID-19 and online harm**

Striking the proper balance between upholding children and young people's information rights while protecting them from harm is challenging at the best of times, and even more so during the pandemic.

While online communities are central to maintaining many children and young people's learning, support and play through COVID-19, they are also increasing exposure to cyberbullying. Incidents of harm skyrocketed both during and after the COVID-19 lockdowns according to data collected by Netsafe.<sup>48</sup>

Between April and June 2020, Netsafe received 6,880 reports overall which is a 51 percent increase compared to the previous quarter. It was also Netsafe's highest personal harm report quarter on record.<sup>49</sup> Lockdown, isolation and quarantine situations can increase the risk of child sexual abuse and sexual exploitation online, especially as not being at school increases the time children and young people may be unsupervised.

## **Children and young people separated by border controls**

The Aotearoa New Zealand border has been closed to almost all travellers since March 2020 in order to protect those living in Aotearoa from COVID-19.<sup>50</sup> While the border closure and managed isolation and quarantine measures have been mostly successful in keeping COVID-19 out of the community, many children and young people have been separated from their loved ones for long periods of time. The consequences for children and young people of these separations need to be carefully assessed to ensure their rights – including to know and be cared for by their parents, to not be separated from parents, and to not be discriminated against – are compromised to the least possible extent.

As of November 2020, there has been approximately 85 expressions of interest from non-citizens or residents or those groups exempt from border restrictions for visas to enter Aotearoa New Zealand.<sup>51</sup> Fifty of these had been declined at the time of writing. This number includes situations where one parent has come to New Zealand to find employment while the rest of the family remains off-shore. Many more children and young people are missing immediate and extended family members who are not able to visit Aotearoa because of barriers to entry such as, not being citizens, waitlists for places in quarantine facilities and not being able to afford the cost of quarantine.

A number of policy changes to allow further groups of people into Aotearoa New Zealand have been implemented in recent months.<sup>52</sup> However, the current restrictions – while protecting the physical health of people living in Aotearoa – are still separating some children and young people from loved ones.

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<sup>48</sup> Netsafe Quarterly Report April – June 2020, Netsafe (2020) <https://www.netsafe.org.nz/the-kit/fy20q4>

<sup>49</sup> Netsafe. "Online harm skyrocketed during New Zealand's COVID-19 Lockdown" (2020) <https://www.netsafe.org.nz/wp-content/uploads/2016/12/Netsafe-COVID-19-online-harm-insights.pdf>

<sup>50</sup> The Government gave priority to the right to return for New Zealand citizens as required in section 18 of the New Zealand Bill of Rights Act 1990, and most residence class visa holders also have a right to enter under the Immigration Act 2009 <https://www.immigration.govt.nz/about-us/covid-19>

<sup>51</sup> These expressions of interest have been applied for under the humanitarian category and are only granted in extremely limited cases <https://www.immigration.govt.nz/about-us/covid-19/border-closures-and-exceptions>

<sup>52</sup> Officials are now able to grant residence visas to Australian partners of New Zealanders which may include their dependent children for the purpose of reuniting.

## Children and young people living in places of detention

For children and young people living in places of detention, care and protection or youth justice secure residences became their bubble during the lockdowns. Oranga Tamariki developed guidance for staff, carers and service providers including topics such as how to keep children and young people safe during COVID-19 and tamariki and whānau engagement.<sup>53</sup> Innovative responses were used to ensure children and young people in secure residences were safe and well and able to keep in contact with whānau during lockdowns through the use of remote video call technologies.

### **'Virtual' monitoring of children and young people in Oranga Tamariki secure residences**

Staff at the Office of the Children's Commissioner had to quickly adapt the way they monitored care and protection and youth justice residences during the lockdowns, using remote technologies to monitor the safety and wellbeing of children and young people detained in secure locked facilities. Overall, they heard that most children and young people in these residences felt safe and knew about COVID-19 and the lockdowns. For some, video calls were a new way to connect with their whānau. However, children and young people in residences were worried about the impact of COVID-19 on their whānau, especially older family members, and were concerned about delays to their transitions and family visits.<sup>54</sup>

## Children and young people in managed isolation and quarantine

All people who enter Aotearoa New Zealand, including unaccompanied minors, are required to isolate at managed isolation and quarantine facilities for at least 14 days.<sup>55</sup> Managed isolation and quarantine facilities are places of detention under the Optional Protocol to the Convention Against Torture, the Crimes of Torture Act (1989) and the Children's Convention and are therefore subject to independent monitoring. The Chief Ombudsman has implemented a monitoring programme and the CMG is encouraged by the Chief Ombudsman's commitment to ensuring the rights of children and young people are being adequately provided for in these facilities.<sup>56</sup>

While stays in managed isolation and quarantine facilities are temporary, they can amplify psychological stressors on children and young people such as fear of catching the virus, frustration and boredom, and lack of in-person contact with friends.<sup>57</sup> These stressors can negatively impact on children and young people's wellbeing. The managed isolation and quarantine facilities provide online support for mental wellbeing and various toys and schooling supports to children and young people during their stay. Processes are in place for unaccompanied children and young people

<sup>53</sup> Alert Level 1: Maintaining COVID-19 safe and aware practice, Oranga Tamariki (2020) <https://practice.orangatamariki.govt.nz/covid-19-implications-for-our-practice/alert-level-1-maintaining-covid-19-safe-and-aware-practice>

<sup>54</sup> COVID-19 Monitoring, Office of the Children's Commissioner (2020) <https://www.occ.org.nz/our-work/monitoring/covid-19-monitoring>

<sup>55</sup> Managed Isolation and Quarantine, Ministry of Business, Innovation and Employment <https://www.miq.govt.nz>

<sup>56</sup> Monitoring COVID-19 managed isolation and quarantine facilities, Office of the Ombudsman <https://www.ombudsman.parliament.nz/what-ombudsman-can-help/monitoring-covid-19-managed-isolation-and-quarantine-facilities>

<sup>57</sup> Anderson, D., Dominick, C., Langley, E., Painuthara, K., and Palmer, S. "The immediate and medium-term social and psychosocial impacts of COVID-19 in New Zealand" (2020) <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-re-sources/statistics/covid-19/social-impacts-of-covid-19.pdf>



with a specific focus on physical, social and mental health taking into consideration their sleeping, eating, exercise, contact with family and friends and, schoolwork.

The Office of the Children’s Commissioner has provided advice to government officials and advocated for the regulations, procedures and guidance regarding managed isolation and quarantine to be clear and provide details on children and young people’s rights including their rights to health (including mental wellbeing), play, education, to be with family, and to express their culture. The CMG is encouraged by the progressive implementation of regulations, procedures and guidance that incorporate the rights of children and young people in managed isolation and quarantine but remains concerned about the wellbeing of children and young people who are detained in these facilities, particularly unaccompanied minors who are without the immediate support of family members and may require additional supports.<sup>58</sup>

### **How government agencies can better deliver on children’s rights to ensure children and young people are loved, safe and nurtured**

11. Invest in research to understand the impact of COVID-19 on family and sexual violence. Ensure family violence services and supports that protect children and young people from violence, neglect and abuse in emergencies are sufficiently funded and able to adapt and continue to operate.
12. Continue to support efforts to detect and stop harmful activity against children and young people online.
13. Evaluate how Oranga Tamariki cared for children and young people in state care during COVID-19. This must include how the rights of tamariki and rangatahi Māori to live as Māori were considered, and apply lessons learned to improve policies and practice.
14. Prioritise children’s rights in all immigration decisions that may impact on the health and wellbeing of children and young people. This includes the right of children and young people to know and be cared for by their parents, to not be separated from their parents, and to not be discriminated against.
15. Ensure children’s rights are adequately upheld and monitored in managed isolation and quarantine facilities, and that their best interests and views are prioritised.

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<sup>58</sup> Standard operating procedures for unaccompanied young people take into account all relevant legislation and UN Conventions including: Crimes of Torture Act 1989, Oranga Tamariki Act 1989, Privacy Act 1993, Victims’ Rights Act 2002 Care of Children Act 2004, Children’s Act 2014, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The United Nations Convention on the Right of the Child, and the United Nations Committee on the Rights of the Child Statement on COVID-19

## 2 CHILDREN AND YOUNG PEOPLE HAVE WHAT THEY NEED

Even before the COVID-19 pandemic, 18.2% of children and young people lived in low-income households.<sup>59</sup> While the exact impact of COVID-19 on measured rates of child poverty is still being determined, job losses and falls in income mean rates of material hardship are expected to rise.<sup>60</sup> This will impinge on the rights of children and young people to an adequate standard of living, to nutritious food, and to warm, safe housing.

Responding to COVID-19 offers us a chance to create an economic system in which the right of all children and young people to an adequate standard of living is realised; where all families have enough money, universal public services are prioritised, parents and carers are protected from precarious employment, and the rights and best interests of children and young people are put first.

### Material hardship is expected to increase

Prior to COVID-19, income levels for families receiving core benefits were already insufficient with 11% of children and young people living in households experiencing material hardship.<sup>61</sup> The impacts of COVID-19 are expected to increase material hardship. Low and inadequate family incomes increase toxic stress, debt, food insecurity, social isolation, and limit opportunities for children and young people to participate in their communities.

Almost half of all children and young people in poverty live in sole parent families, with the rate of poverty for these children and young people almost four times that of children and young people in two-parent households. The amount of hardship assistance provided by the government has increased overall since 2017 and increased steeply in the quarters reported to September 2020. Undoubtedly the impact of COVID-19 is responsible for a significant amount of the increase in 2020. The All-of-Government Rapid Evidence Review indicated that COVID-19 is expected to have disproportionately negative impacts on Māori and Pacific children and young people because of pre-existing social and economic inequities.<sup>62</sup> Previous research suggests there will also be a disproportionate impact on children and young people with disability.<sup>63</sup>

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<sup>59</sup> This data is according to <50% fixed-line median – the fixed-line measure is anchored to 2017/18 median household income. Child poverty statistics: Year ended June 2020, Statistics New Zealand (2021) <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2020>

<sup>60</sup> The reference period for these rates means that it will not provide a picture of the COVID-19 impacts. Child Poverty Report: What is the impact of COVID-19?, The Treasury (2020) <https://budget.govt.nz/budget/2020/wellbeing/child-poverty-report/impact-of-covid-19.htm>

<sup>61</sup> Figures relate to 2020 and low material hardship, quantified as having to go without six or more items that most people regard as essential. The 2020 data is produced from the nine-months data that was collected to March 2020 due to COVID-19 ceasing data collection  
Child poverty statistics: Year ended June 2020, Statistics New Zealand (2021) <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2020>

<sup>62</sup> Mitigating the social impacts of COVID-19, Office of the Minister for Social Development (2020) <https://covid19.govt.nz/assets/resources/proactive-release-2020-july/SM5-Paper-and-minute-Mitigating-the-social-impacts-of-COVID19-17-Jun-20.pdf>

<sup>63</sup> Murray, S. "The state of wellbeing and equality for disabled people, their families, and whānau" (2019) <https://ccsdisabilityaction.org.nz/assets/resource-files/The-State-of-wellbeing-and-equality-FINAL-ONLINE.pdf>

As part of the COVID-19 response and in Budget 2020, the Government introduced a range of economic relief packages aimed at ensuring access to supports and services for children and young people, families, whānau, communities and businesses. These included the Wage Subsidy to help keep people in employment and the temporary COVID-19 Income Relief Payments to reduce financial stress for those who lost their jobs due to COVID-19, increasing main benefits by \$25 per week, temporarily doubling Winter Energy Payments for 2020, and removing the need to meet the hours test for the In-Work tax credits permanently. Temporary steps were also taken to make it easier for people to access income support. Following the national lockdown, a survey found that 44 percent of people receiving main benefits reported the frequency with which they were unable to meet basic household costs had increased. Sixty percent of the respondents receiving a main benefit indicated that they needed around \$250 more per week to cover basic household costs.<sup>64</sup>

### **A welfare system that provides an adequate standard of living for all children and young people**

Short-term welfare policy responses to COVID-19 have shown what Aotearoa New Zealand's welfare system could look like – a responsive high trust safety net maintaining the financial wellbeing of families at a liveable rate.<sup>65</sup>

The COVID-19 income relief payment was worth nearly twice as much as the single person's unemployment benefit and was also available to people whose partners were earning \$1,999 or less in wages or salary each week before tax.<sup>66</sup> The high trust model of the COVID-19 Wage Subsidy application process and the remote handling of Work and Income processes during lockdowns had positive impacts for those who might usually find costs of travel, childcare and time needed to access Work and Income services prohibitive.

The COVID-19 payments raised issues of direct and indirect discrimination in the realisation of children's rights with levels of financial support to parents varying according to when and why jobs were lost rather than children's needs. The impacts of COVID-19 underscore the importance of the welfare overhaul work programme including the need to speed up the implementation of the remaining recommendations from the Welfare Expert Advisory Group.<sup>67</sup>

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<sup>64</sup> Humpage, L. and Neuwelt-Kearns, C. "Income support in the wake of Covid-19: survey" (2020) <https://www.cpag.org.nz/assets/Covid%2019%20survey%20report%2012%20October%20final.pdf>

<sup>65</sup> Prickett, K. "COVID-19 is predicted to make child poverty worse. Should NZ's next government make temporary safety nets permanent?" (2020) <https://theconversation.com/covid-19-is-predicted-to-make-child-poverty-worse-should-nzs-next-government-make-temporary-safety-nets-permanent-147177>

<sup>66</sup> Otago Daily Times "Two-tier welfare: Pakeha more likely to get new, more generous benefit" (2020) <https://www.odt.co.nz/star-news/star-national/two-tier-welfare-pakeha-more-likely-get-new-more-generous-benefit>

<sup>67</sup> Welfare Expert Advisory Group. "Whakamana Tāngata: Restoring Dignity to Social Security in New Zealand" (2019) <http://www.weag.govt.nz/assets/documents/WEAG-report/aed960c3ce/WEAG-Report.pdf>

## Children, young people and their whānau require better access to nutritious food

Prior to COVID-19 the 2020 Child Poverty Monitor reported that 56% of children and young people living in families receiving financial assistance do not always have enough healthy food to eat. Most studies show approximately 20% of children and young people in Aotearoa live in households with moderate-to-severe food insecurity.<sup>68</sup> Food insecurity increased significantly during the national lockdown. Increased food costs, and bulk purchasing due to fears of supply chain disruptions, affected low-income families first. Reduced and low household income is known to force families to cut back on spending on essential food and health supplies.<sup>69</sup> Restrictions on movement reduced low-income families' access to food sources such as friends, family, whānau, school and community food providers. Those families caring for children and young people with immune compromised children, and sole parent families also experienced increased restrictions on how they usually accessed food.<sup>70</sup>

## Hardship grants and foodbanks provided support during lockdowns

Use of foodbanks and hardship grants spiked in lockdowns. Community organisations providing food parcels reported more than double their usual provision in the first national lockdown and smaller peaks during the second period of lockdowns and at the end of the COVID-19 Wage Subsidy. While provision of food parcels has declined overall since it peaked in May 2020, figures have not yet returned to pre-COVID-19 levels, with some reports that levels are still twice those before the pandemic with clear regional variation.<sup>71</sup>

With children and young people returning to school after the lockdowns, demand from schools to provide food rose. This demand is likely to have been caused by households experiencing heightened financial stress, due to job and income losses as a result of COVID-19. To cushion this impact, Ka Ora, Ka Ako the healthy school lunches programme is being expanded to reach around 200,000 students by the end of 2021, including secondary students.<sup>72</sup>

Due to the exceptional circumstances presented by COVID-19, the limits for how much people could receive in food grants over a six-month period through hardship assistance was temporarily increased by \$400. This change simplified access to financial assistance for people who had an immediate and essential need for food costs and contributed to the sudden rise in grant numbers in early April 2020.<sup>73</sup>

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<sup>68</sup> Gerritsen, S., D'Souza, A., Goodsell-Matthews, T., Pillai, A., Swinburn, B. and Wall, C. "Food hardship and early childhood nutrition: Findings from Growing Up in New Zealand with a focus on food hardships among tamariki Māori and Pacific children" (2020)

<sup>69</sup> Walton, M., Signal, L. and Thomson, G. "Household Economic Resources as a Determinant of Childhood Nutrition: Policy Responses for New Zealand" (2009)

<sup>70</sup> Duncanson, M., Richardson, G., Oben G., Wicken A., van Asten H., and Adams J., New Zealand Child and Youth Epidemiology Service "Child Poverty Monitor 2020" (2020) <http://nzchildren.otago.ac.nz>

<sup>71</sup> Baber, P., Tanielu, R. and Ika, A. "State of the Nation 2021 Summary: Disturbed Present, Better Future? Whakararu o ināianei e pai ake kia anga whakamua." (2021) [https://www.salvationarmy.org.nz/sites/default/files/files/%5Bfile\\_field%3Atype%5D/tsa\\_sotn\\_2021\\_summary\\_0.pdf](https://www.salvationarmy.org.nz/sites/default/files/files/%5Bfile_field%3Atype%5D/tsa_sotn_2021_summary_0.pdf)

<sup>72</sup> Ka Ora, Ka Ako healthy school lunches programme, Ministry of Education (2020) <https://www.education.govt.nz/our-work/over-all-strategies-and-policies/wellbeing-in-education/free-and-healthy-school-lunches>

<sup>73</sup> The Impact of COVID-19 on one-off hardship assistance grants, Ministry of Social Development <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/statistics/covid-19/impact-on-hardship-grants.html>

## Community-led responses to food security helped feed families

During lockdowns there have been many examples of communities working collaboratively to ensure families and whānau have access to food. For example, iwi joined forces with Māori fishing agencies, Sealord and Moana New Zealand to provide seafood and ready-to-eat meals to whānau at less than cost price<sup>74</sup> and the Sikh Temple in Takanini distributed thousands of meals to the community.<sup>75</sup>

Te Puni Kōkiri provided marae kai grants for the establishment of kaupapa Māori food gardens. Such initiatives can empower communities to provide what their members need most.<sup>76</sup>

### Kōkiri Marae

During the lockdowns Kōkiri Marae in Lower Hutt was one of many marae to deliver food parcels, with between 800-1000 parcels a week distributed to the wider community. The marae ran Facebook live events and virtual whānaungatanga during lockdowns, offering everything from dance exercise classes to community cooking tips. This was in response to the realisation that whānau wanted to engage with other whānau during lockdowns and bring a sense of normality to their lives.

Following the lockdowns a Pātaka Kai (foodbank) and kākahu shop (clothing exchange) were set up in Wainuiomata to provide ongoing support to families in need. This was made possible with contributions from organisations around the motu, the contribution of space by the Māori Anglican pastorate, government support from the Ministry of Social Development and the local council. Children and young people from Pukeatua school, the rangatahi learning centre and Kōkiri marae came in to help prepare the food for distribution. With funding the greatest challenge, the marae ran fundraisers for pūtea to buy the food for the food parcels.<sup>77</sup>

The CMG is encouraged by steps government agencies have taken to fund and better coordinate responses to food insecurity, including support for initiatives that aim to boost community food security and minimise food waste.<sup>78</sup> While maintaining support for foodbanks, especially in times of crisis, we encourage the government to learn from community-based initiatives, take a holistic approach and invest in long term sustainable solutions that build resilient food systems and contribute to environmental sustainability, economic prosperity, improved health and increased equity while respecting food sovereignty.

<sup>74</sup> Iwi Collective Partnership. "Collaborative Effort Helps Whanau Impacted By COVID-19" (2020) <https://www.scoop.co.nz/stories/AK2005/S00571/collaborative-effort-helps-whanau-impacted-by-covid-19.htm>

<sup>75</sup> Tan L. "Covid-19 coronavirus: Sikhs to hand out thousands of free food parcels to needy" (2020) <https://www.nzherald.co.nz/covid-19-coronavirus-sikhs-to-hand-out-thousands-of-free-food-parcels-to-needy/YHJY26UXVWEHOE5P4RO6SM5IX4>

<sup>76</sup> Shaping the Future: Enabling Community-led Change, Inspiring Communities (2020) <https://inspiringcommunities.org.nz/wp-content/uploads/2020/07/Shaping-The-Future.pdf>, page 7

<sup>77</sup> Child Poverty Monitor – Kokiri Marae, Office of the Children's Commissioner Facebook page (2020) <https://www.facebook.com/childrenscommnz/videos/1233618963705952>

<sup>78</sup> See Food Secure Communities: Strategic Approach and Update, Ministry of Social Development (2020) <https://covid19.govt.nz/assets/resources/proactive-release-2020-july/ISM15-Report-Food-Secure-Communities-strategic-approach-and-update-29-Jun-....pdf>

## **All children and young people have the right to stable, warm, dry, affordable housing**

The right to housing and a home is central to child and youth wellbeing. Constant moving and insecure housing can take children and young people outside of familiar environments, disrupt schooling and disconnect them from important relationships in their lives. Prior to the pandemic, the right to housing was compromised for many children and young people and their families and whānau.

There has been increased demand for urgent accommodation due to housing shortages and rising rents combined with changes to people's employment and circumstances caused by COVID-19. During the lockdowns, the Government initiated a temporary freeze on rent increases and limitations on tenancy terminations. These have since ended and house prices and rents have continued to trend upwards.

Finding accommodation for the most vulnerable was a priority during COVID-19.<sup>79</sup> During March to June 2020 there was a 47% increase in the number of 16-24 year olds receiving emergency housing special needs grants. In the June 2020 quarter 1,738 young people needed grants for motels or hotels.<sup>80</sup>

## **Homelessness was temporarily managed during the national lockdown**

Not having a place to live impacts a child's right to education, to access healthcare, to be part of their community, to make friends and to have somewhere to play. A survey of those providing temporary accommodation during the lockdowns found that 11% of the people in COVID-19 motel accommodation were single parents, couples with dependent children and young people, and a small number of multi-generational families.<sup>81</sup>

It is expected that the social and economic impacts of COVID-19 will exacerbate existing inequalities for groups who already experience high rates of homelessness. Māori, Pacific peoples, young people, and in particular trans and non-binary young people,<sup>82</sup> experience disproportionate levels of homelessness and barriers to housing.

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<sup>79</sup> Weekes, J. "Huge jump in number of homeless young people needing help nationwide" (2020) <https://www.stuff.co.nz/national/300130195/huge-jump-in-number-of-homeless-young-people-needing-help-nationwide>

<sup>80</sup> See <https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/official-information-responses/2020/september/20200929-number-of-people-aged-16-24-currently-in-temporary-accommodation-and-have-been-in-temporary-accommodation-this-year.pdf>

<sup>81</sup> The same survey recorded more than 200 children and young people aged 0-19 being supported with their families in temporary accommodation. COVID-19 Motel Whānau Summary, May 2020, Ministry of Housing and Urban Development

<sup>82</sup> Veale J., Byrne J., Tan K., Guy S., Yee A., Nopera T. and Bentham R. "Counting Ourselves: The health and wellbeing of trans and non-binary people in Aotearoa New Zealand" (2019)

### **Manaaki Rangatahi – Youth Housing and Homelessness Collective**

During the 2020 lockdowns there were 16 and 17 year olds unable to access emergency accommodation. The COVID-19 response to homelessness made little provision for those under the age of 18.

While older homeless people were supported into motels during COVID-19, many homeless rangatahi were forced to live in unsafe, and unsuitable environments due to the lack of youth specific supports and services available to address their housing needs. Manaaki Rangatahi report that rangatahi often feel unsafe in motel emergency accommodation, preferring to return to the streets or to rough sleep in cars or stay with unsafe whānau or friends instead of staying in motel accommodation next to adults. Without access to emergency accommodation, rangatahi can begin a journey of rough sleeping which can lead to entrenched and chronic homelessness.

Manaaki Rangatahi are calling on the Government to invest in research to better understand the size and scope of youth homelessness and to prioritise the development of a Youth Homelessness Strategy and action plan to close the pipelines into homelessness for young people.<sup>83</sup>

In response to emerging impacts of COVID-19 the Government has brought forward the development of previously longer-term actions in the Aotearoa New Zealand Homelessness Action Plan (2020-2023). This includes actions to respond to at-risk cohorts with an initial focus on young people and ensuring that kaupapa Māori approaches are applied to all existing homelessness responses.<sup>84</sup>

The Homelessness Action Plan includes a guiding principle that support is whānau-centred and strengths-based. The Ministry of Housing and Urban Development is delivering 1,000 additional transitional housing places to reduce demand for emergency motel accommodation. Places will be targeted to priority groups such as families with children. Transitional housing provides families and individuals with a warm, dry, safe place to live and wraparound services while they are supported in finding longer-term accommodation.

The CMG welcomes these initiatives. Focussed, sustained efforts must be made to include and prioritise children and young people and their rights in the response to Aotearoa New Zealand 's housing crisis, including as part of the COVID-19 response.

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<sup>83</sup> Hendry, A. "Without access to emergency housing, our young homeless are left out in the cold" (2020) <https://thespinoff.co.nz/society/28-07-2020/without-access-to-emergency-housing-our-young-homeless-are-left-out-in-the-cold>; Manaaki Rangatahi. "Manaaki Rangatahi Finds Youth Left Out In The Cold (2020) <https://www.scoop.co.nz/stories/PO2008/S00227/manaaki-rangatahi-finds-youth-left-out-in-the-cold.htm>

<sup>84</sup> Aotearoa New Zealand Homelessness Action Plan, Ministry of Housing and Urban Development <https://www.hud.govt.nz/community-and-public-housing/support-for-people-in-need/aotearoa-homelessness-action-plan>

## Reshaping work to better support family life

COVID-19 is shining a light on how work arrangements impact children and young people. The lockdowns have forced many employers to review flexible work options for staff, and some of the most direct impacts of the pandemic have been job losses and the associated downturn in local economies.

In the national Alert Level 4 lockdown, all but essential workers were ordered to stay home. While some people were able to continue to work remotely, those occupations were typically in higher income roles. As lockdown levels reduced and the country returned to Alert Level 1 in 2020, people returned to work. Many families experienced a reduction in income from job losses or reduced hours and those already unemployed faced even more difficult prospects of finding work. Statistics New Zealand's September 2020 quarter employment statistics reported a national rise in unemployment to 5.3% with regional variation. The subsequent December quarter statistics recorded a decline in unemployment to 4.9%. While these are lower than predicted levels of unemployment, the September quarter rise was the largest since 1986 and the impact of the pandemic has varied across regions and industries.

## COVID-19 has changed how we work and who is working

Women undertake more unpaid labour than men, including care for children.<sup>85</sup> During lockdowns, demands on childcare increased due to school and early childhood education (ECE) closures. Structural inequalities such as the gender pay gap and occupational segregation mean it is likely to be more financially viable for women to sacrifice their incomes in order to absorb the necessary care responsibilities required by family.<sup>86</sup> With women having been more negatively impacted by job losses and under-employment, this too will impact on children and young people in their care.

Māori are over-represented in industries with less employment security and are therefore more likely to be hit the first, hardest and longest with job losses and income insecurity.<sup>87</sup>

For those able to work from home during lockdowns, workload demands on parents and caregivers did not necessarily reduce to compensate for childcare and schoolwork support. During lockdowns, mothers of young children reported experiencing the largest increases (70% more) in family time demands. They reported more negative feelings and less positive feelings throughout the day compared with fathers and parents of older children and people without children at home.<sup>88</sup> This insight, coupled with research findings about stress on families parenting through lockdowns,<sup>89</sup> highlights the need to address the gender imbalance in paid and unpaid work.

### **“Step mum had to look after 10 kids while dad had to work”**

*11 year old Pacific girl, Life in Lockdown*

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<sup>85</sup> COVID-19 and Women, Ministry for Women (2020) <https://women.govt.nz/news/covid-19-and-women>

<sup>86</sup> Ibid

<sup>87</sup> Māori Employment – Impact of COVID-19, July 2020, Te Puni Kōkiri (2020) <https://www.tpk.govt.nz/en/a-matou-mohiotanga/employment-and-income/māori-employment-impact-of-covid19-july-2020>

<sup>88</sup> Prickett, K. “What can we learn from the last lockdown?” (2020) <https://www.wgtn.ac.nz/rmc/news/what-can-we-learn-from-the-last-lockdown>

<sup>89</sup> Prickett, K., Fletcher, M., Chapple, S., Nguyen, D. and Smith, C. “Life in lockdown: The economic and social effect of lockdown during Alert Level 4 in New Zealand” (2020) [https://www.wgtn.ac.nz/\\_data/assets/pdf\\_file/0010/1865512/WP-20-03-covid-19-life-in-lockdown.pdf](https://www.wgtn.ac.nz/_data/assets/pdf_file/0010/1865512/WP-20-03-covid-19-life-in-lockdown.pdf)



Being able to work from home during lockdowns increased the time families were able to spend together. Children and young people surveyed about their experience of the national lockdown talked about how one of the positive things about it was being able to spend time with family.

**“They [family relationships] are better we spend way more time doing fun stuff becose [sic] they didn’t have to drive to work.”**

*12 year old rangatahi, Life in Lockdown*

Maintaining this positive aspect requires reconceptualising how people work to enable more time for families to be together. This includes finding new and innovative policy solutions that allow for minimal commuter time, flexible work hours, job sharing, adequate sick leave, parental leave options, and adequate pay levels so low wage workers don’t have to work excessive hours. The Government has introduced a COVID-19 Leave Support scheme which is available to help employers to pay employees who need to self-isolate or care for someone with COVID-19 and are unable to work from home. The Government also introduced a bill in December 2020 to increase the minimum entitlement to sick leave from five to ten days a year.<sup>90</sup> After the national Alert Level 4 lockdown the Government provided additional funding for Out of School Care and Recreation Services (OSCAR) to support parents to gain and maintain employment, further education and training.

COVID-19 provides an opportunity to think more creatively about policies to support wider communities of social support for whānau juggling work and children.<sup>91</sup>

### **COVID-19 and children and young people who work**

Participation in part-time employment is a common activity for many school children in Aotearoa, with around 40% of secondary school students working in regular part-time employment during the school term.<sup>92</sup> During lockdowns some young people found employment as essential workers stocking shelves and working in supermarkets. Early indications are that some young people have not returned to school after lockdowns and instead are working to help support household income.<sup>93</sup> There is a lack of up-to-date data on children and young people who work in Aotearoa, which makes it difficult to report accurately on the impacts of work on children and young people, or whether their rights, including to be safe and not have their education compromised, are adequately protected.<sup>94</sup>

A lack of awareness surrounding employment rights, low union membership and lack of experience means that children and young people are particularly vulnerable to low pay, less job security, health and safety risks and economic exploitation in the workplace.<sup>95</sup>

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<sup>90</sup> Increasing the minimum sick leave entitlement, Ministry of Business, Innovation and Employment <https://www.mbie.govt.nz/business-and-employment/employment-and-skills/employment-legislation-reviews/increasing-minimum-sick-leave-entitlement>

<sup>91</sup> As above at n 88

<sup>92</sup> O’Neill, D. “Schoolchildren in Paid Employment” (2010) <https://www.mbie.govt.nz/dmsdocument/1008-schoolchil-dren-in-paid-employment-pdf>

<sup>93</sup> 1 News “Too many students forced to leave school as ‘act of sacrifice and love’ for families – head girl” (2020) <https://www.tvnz.co.nz/content/tvz/onenews/story/2020/08/26/students-leaving-school.html>

<sup>94</sup> The last known report on this being in 2010 see above, n 92

<sup>95</sup> For a discussion about the challenges and opportunities for rangatahi Māori in the new work order post COVID-19 see: Schulze, H. and Hurran, K. “Ka whati te tai: a generaton disrupted” (2020) <https://knowledgeauckland.org.nz/media/1954/challenges-opportunities-Māori-post-covid-19-ka-whati-te-tai-berl-april-2020.pdf>

Increased levels of unemployment and business instability impact on young people who have not yet found employment or whose inexperience in the labour market make them particularly at risk of unemployment. Disabled young people who are already often locked out of employment due to discrimination are even more impacted by an uncertain job market.<sup>96</sup> Actions specific to improving disabled young people's job prospects like those in the Youth Plan are vital.<sup>97</sup>

### **How government agencies can better deliver on children's rights to ensure children and young people have what they need**

16. In responding to COVID-19 and other crises, develop labour market and welfare policies that are equitable and designed to ensure all children and young people live in households with an adequate income. Increase support for sole parent families and continue to implement the recommendations of the Welfare Expert Advisory Group. Ensure that high trust processes used during lockdowns, which enabled quicker and easier access to income support, are made permanent.
17. Continue to develop and roll out initiatives to ensure all children and young people have access to nutritious food including in times of crisis. This includes the school lunch programme, funding of local food sovereignty initiatives, and investment in resilient food systems. Increased accessibility to hardship assistance must be made permanent to ensure it is easier for families to afford and access healthy food.
18. Prioritise the rights of children and young people, and those caring for children, in policy responses to the housing crisis. This includes initiatives to increase the availability of affordable and healthy housing, the implementation of housing standards, and initiatives to address youth homelessness and provide transitional pathways into safe, healthy homes. Expedite implementation of the Homelessness Action Plan and ensure data on homelessness includes disaggregated data on children and young people.
19. Increase opportunities for children and young people to spend quality time with their parents, family and whānau. This includes labour market policies such as flexible work, shared parental leave and extra sick leave for parents and caregivers. Ensure children and young people are adequately protected from economic exploitation and work that is unsafe, interferes with their education, or harms their development. Withdraw the reservation to Article 32(2) of the Children's Convention.

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<sup>96</sup> In the June 2019 quarter, the unemployment rate for disabled people was 10 percent; yet the 2013 Disability Survey found that 74 percent of disabled people not in paid employment said they wanted to work.

<sup>97</sup> Youth Plan 2020-2022: Turning Voice into Action – Rebuilding and Recovering, Ministry of Youth Development (2020) <https://www.myd.govt.nz/documents/young-people/youth-plan/youth-plan-2020-2022-turning-voice-into-action-rebuilding-and-recovering.pdf>

### 3 CHILDREN AND YOUNG PEOPLE ARE HAPPY AND HEALTHY

While children and young people make up approximately 13% of all COVID-19 cases,<sup>98</sup> few have been hospitalised and there have been no deaths of children and young people to date.<sup>99</sup> This does not mean that this group are immune to the health impacts of COVID-19. The long-term effects of COVID-19 are currently unknown. Emerging evidence about serious and long-term post-infectious complications in children is concerning and an increasing number of children and young people are arriving back in Aotearoa having experienced COVID-19 infections abroad.

While most cases have originated overseas, the largest community outbreak (the Auckland August 2020 cluster) included a higher than expected proportion of cases in children and young people, particularly Pacific peoples, consistent with previous inequities in infectious disease outbreaks in Aotearoa. As a result of this outbreak there are concerns that existing health inequities may result in some children and young people in Aotearoa experiencing worse impacts on their health from widespread community transmission than children overseas have experienced.<sup>100</sup> This has implications for the vaccine strategy and for ongoing protection of communities from the risk of COVID-19 outbreaks. Ensuring equity of outcomes, especially for Māori and Pacific peoples in health responses to COVID-19 is critical.<sup>101</sup>



*Child with teddy bear and mask (Credit: istock.com)*

<sup>98</sup> Undertesting of children may mean that this is an underestimate. Chhibber, A., Muttaiyah, S., McAuliffe, G., Fox-Lewis, S., De Almeida, M., Blakiston, M., Playle, V., Fox-Lewis, A. and Roberts, S. "Age-related differences in SARS-CoV-2 testing in the Northern Region of New Zealand" (2020) <https://www.nzma.org.nz/journal-articles/age-related-differences-in-sars-cov-2-testing-in-the-northern-region-of-new-zealand>

<sup>99</sup> As at 5 Feb 2021, 13.4% of all reported COVID-19 cases in New Zealand were in children and young people aged 0–19 years with no deaths from COVID-19 in this age group. COVID-19: Case demographics, Ministry of Health (2021) <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-data-and-statistics/covid-19-case-demographics>

<sup>100</sup> Kvalsvig, A., Wilson, N., D'Souza, A. and Baker, M. "Children and young people and COVID-19: The urgent need for improved guidance in NZ" (2020) <https://blogs.otago.ac.nz/pubhealthexpert/children-and-young-people-and-covid-19-the-urgent-need-for-improved-guidance-in-nz>

<sup>101</sup> Ministry of Health, Updated COVID-19 Māori Health Response Plan (2020) <https://www.health.govt.nz/system/files/documents/publications/updated-covid-19-maori-health-response-plan-jul20.pdf>

Indirect effects may also be significant. For example, some children and young people have experienced the death of a family or whānau member as a result of the pandemic, and many more have experienced contact tracing, testing, and quarantine due to illness in their whānau which can cause anxiety.

Prior to COVID-19, Aotearoa had a New Zealand Influenza Pandemic Plan: A Framework for Action 2017 that considered children – mostly in terms of their rights to education.<sup>102</sup> However this framework was largely based around the influenza virus, rather than coronavirus. Prior to the pandemic, there had been limited investment in population health, with the only increase to Public Health Services Appropriation since 2010 having been for specific new services or initiatives.<sup>103</sup> The 2019 Global Health Security Index identified that New Zealand was one of the only high-income countries without a field epidemiology training programme.<sup>104</sup> The initial experience of countries that first contracted COVID-19 provided early indication that the New Zealand public health system would not be able to cope with a COVID-19 outbreak. Fortunately, the Government responded quickly, implementing one of the strictest national lockdowns in the world. The lockdowns included severe measures such as the restriction of movement both across the border and within the country, and the closure of most businesses and schools.

### **COVID-19 affected the way children and young people access services**

It is likely that children and young people and their families and whānau who already face barriers to accessing health services in non-pandemic environments will have found doing so even harder during COVID-19. As health and disability services braced for an influx of patients, services for children and young people were less accessible and there have been reports internationally of serious consequences of delays in care.<sup>105</sup> Specific budget allocations for children and young people were not part of the health response to COVID-19, in part because children are considered less likely to contract or suffer from COVID-19.<sup>106</sup>

In Aotearoa access to antenatal care, and care in the immediate post-natal period continued with limitations on the number of people who could attend the birth and appointments with the mother.<sup>107</sup> During Alert Levels 3 and 4, B4 school checks, school-based health services, year nine checks, and oral health checks were suspended and, where possible, services were completed remotely. Suspension of routine health services for children and young people can have detrimental impacts such as missed vaccinations, and lack of access to physical surveillance checks provided through the Well Child programme. Efforts after lockdowns were made to ensure all children and young people continued to receive the health checks required in the Well Child Tamariki Ora schedule. For the year nine check and school-based health services, young people with the highest needs have been prioritised in catch-up efforts.

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<sup>102</sup> Ministry of Health. "New Zealand Influenza Pandemic Plan: A framework for action" (2017) <https://www.health.govt.nz/system/files/documents/publications/influenza-pandemic-plan-framework-action-2nd-edn-aug17.pdf>

<sup>103</sup> Health and Disability System Review. "Health and Disability System Review – Final Report – Pūrongo Whakamutunga" (2020) <https://systemreview.health.govt.nz/assets/Uploads/hdsr/health-disability-system-review-final-report.pdf>

<sup>104</sup> Boyd, M., Baker, M. and Wilson, N. "New Zealand's Poor Pandemic Preparedness According to the Global Health Security Index" (2019) <https://blogs.otago.ac.nz/pubhealthexpert/?p=3717>

<sup>105</sup> Duncanson, M., Richardson, G., Oben G., Wicken A., van Asten H., and Adams J., New Zealand Child and Youth Epidemiology Service "Child Poverty Monitor 2020" (2020) <http://nzchildren.otago.ac.nz/>

<sup>106</sup> Ministry of Health response to CMG questions.

<sup>107</sup> As above at n 105

There was a significant decrease in hospitalisations of babies and toddlers with respiratory infections during the winter of 2020 in paediatric wards throughout New Zealand.<sup>108</sup> This could be due to several public health measures put in place which helped to limit the transmission of COVID-19, as well as other viruses and pathogens including: the national lockdown; border control, physical distancing; hand hygiene; and staying at home when sick. There were initial increases in hospitalisations of children with rheumatic fever in 2020, which may be attributable to impacts of COVID-19 lockdowns such as household crowding, poor access to primary care and inability to have appropriate testing of sore throats.<sup>109</sup> Further work is required to fully understand the impact of the lockdowns on preventable diseases amongst children and young people.

Immunisation data for children whose immunisations were due since March 2020 suggest a small decrease in immunisation rates.<sup>110</sup> Some outreach immunisation services were paused through Alert Levels 3 and 4. The Government increased funding to deliver child health services including immunisations, and DHB's are also working with Māori community groups to better support whānau access. From October 2020, guidance on the immunisation schedule changed for the Measles, Mumps and Rubella vaccine, it is now given to babies aged 12 and 15 months, instead of at 15 months and then at four-years.<sup>111</sup> As a result of this change, all primary immunisation courses should be completed by age two years. It is possible that outbreaks of measles and whooping cough could re-emerge once borders open if there are large numbers of children with missed vaccinations.

Temporary prescription restrictions were put in place during lockdowns to prevent strains on the supply chain of pharmacy drugs, this was uplifted at the end of July 2020. International medical supply chains are still heavily affected by COVID-19, potentially impacting on families and whānau needing to access medication.

### **Investing in mental health and wellbeing is urgent**

COVID-19 has had an impact on many young people's mental health and wellbeing. Their lives have been impacted in terms of employment, education, accommodation, and not being able to access regular support systems. Younger children were also affected by not being able to go to school and play with their friends and having to see their parents stressed. The impacts of COVID-19 on mental health, loneliness and anxiety, positive and negative, have yet to be fully understood.

Research indicates that physical distancing measures such as 'stay at home' orders and school closures may increase anxiety and depression symptoms in young people.<sup>112</sup> Physical distancing presents the dangers of increasing social rejection, growing impersonality and individualism, and the loss of a sense of community. It negatively affects learning and growth, and it prevents people from effectively socialising.<sup>113</sup>

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<sup>108</sup> Ibid. Note: Middlemore Hospital would usually admit about 1000 under-two year olds with respiratory infections each winter; in 2020 there were fewer than 200 such admissions.

<sup>109</sup> Ibid

<sup>110</sup> Ibid

<sup>111</sup> Ibid

<sup>112</sup> Oosterhoff, B., Palmer, C., Wilson, J. and Shook, N. "Adolescents' Motivation to Engage in Social Distancing During the COVID-19 Pandemic: Associations With Mental and Social Health" (2020) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205689>

<sup>113</sup> Sikali, K. "The dangers of social distancing: How COVID-19 can reshape our social experience" (2020) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7461541>

Children and young people have been identified as a group at high risk of negative mental health impacts from the COVID-19 response and are a priority group in the psychosocial response plan.<sup>114</sup> It is likely that already stretched mental health services for children and young people will come under increasing pressure in the months ahead as a result of the pandemic.

**“I felt overwhelmed almost all the time and struggled to keep up with my schoolwork.”**

*14 year old girl, Life in Lockdown*

To provide care safely within the constraints of COVID-19, many health care assessments were provided via ‘telehealth’ where appropriate. Access to respite services for young people continued at all alert levels. However, access to mental health respite services was more difficult during Alert Level 4. Child and Adolescent Mental Health Services, reverted to phone, email, text and video call based sessions during Alert Levels 3 and 4.

Calls and text messages to services such as Lifeline and Youthline increased markedly during lockdowns. The Government’s response has included boosted support of mental health services for students, new services in regions, building on existing programmes e.g. Youthline and OUTLine, supporting new digital and app-based self-help tools,<sup>115</sup> and revision of the national psychosocial and mental wellbeing recovery plan to respond to the impacts of COVID-19.<sup>116</sup>

The OCC Life in Lockdown survey found that 10% of children and young people identified their lasting memory of the national Alert Level 3 and 4 lockdown period to be centred on feelings of sadness, anxiety, loneliness, boredom, and worry for themselves and others.<sup>117</sup>

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<sup>114</sup> Poulton, R., Gluckman, P., Menzies R., Bardsley, A., McIntosh, T. and Faleafa, M. “Protecting and Promoting Mental Wellbeing: Beyond COVID-19” (2020) <https://informedfutures.org/wp-content/uploads/Protecting-and-Promoting-Mental-Wellbeing.pdf>

<sup>115</sup> For example, Aroha Chat Bot - a messenger based psychosocial chatbot service for youth, including the enablement of a Te Reo Māori engagement capability

<sup>116</sup> COVID-19 Psychosocial and Mental Wellbeing Plan, Ministry of Health (2020) <https://www.health.govt.nz/publication/covid-19-psychosocial-and-mental-wellbeing-plan>

<sup>117</sup> As above at n 9

## How government agencies can better deliver on children's rights to ensure children and young people are happy and healthy

20. Invest in research to understand and be able to respond to the immediate and ongoing health implications of COVID-19 on children and young people. Develop an action plan for protecting children and young people during current and future outbreaks and ensure adequate access to follow up, care and testing.
21. Increase equitable access to health services for children and young people, including youth mental health services, general practitioners, and whānau-centred vaccination services. Ensure health services for children and young people are informed and guided by children, young people and their whānau.
22. Ensure COVID-19 vaccines are delivered equitably and in accordance with children's rights. Prioritise children and young people who have underlying health conditions and those who live with high-risk whānau including border workers.



*Child washing salad greens (Credit: Aaron Martin ©)*

## 4 CHILDREN AND YOUNG PEOPLE ARE LEARNING AND DEVELOPING

COVID-19 disrupted the way children and young people engage in education and formal learning, presenting both opportunities and challenges. The Government's universal approach to support every child in primary and secondary education to continue their formal learning during lockdowns brought into sharp focus the need to increase equity of access to education for all.

The pandemic has also served as a reminder of the qualitative aspects of children's right to education. Article 29 of the Children's Convention recognises that education *"...goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society."*<sup>118</sup> The pandemic may have disrupted in-person school attendance but it also provided other opportunities for learning.

### Learning in lockdown

During lockdown Alert Level 4, children and young people were unable to attend early learning, school or university. Children and young people in primary, secondary and tertiary settings were required to continue their education by learning remotely. Schools transitioned to remote teaching and the majority checked in with students and whānau regularly through a combination of phone calls, emails, video calling and other digital platforms.<sup>119</sup> At Alert Level 3, only some children and tertiary students were able to attend on-site, with the large majority of children and students continuing to learn remotely.

There was no formal requirement to support children in ECE to learn from home, although nine out of ten service providers reported being able to provide some form of remote teaching and learning in lockdowns.<sup>120</sup> The Ministry of Education provided support for primary and secondary students to transition to online learning at home and prioritised establishing remote learning for NCEA Level 1-3 secondary students. Tertiary providers were responsible for the continuation of their students' learning.

The changing nature of education during lockdowns was unsettling for some and seen as an opportunity for independence by others. Some children and young people found aspects of remote learning challenging, such as missing interactions with their friends and teachers. This included children in ECE who talked about how not being able to go to 'kindy' or see their friends made them feel sad or angry.<sup>121</sup> For some disabled students, particularly those who are neurodiverse, the change in routine was disruptive and not conducive to successful learning outcomes.<sup>122</sup>

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<sup>118</sup> General Comment Number 1: The Aims of Education (Article 29), United Nations Committee on the Rights of the Child (2001)

<sup>119</sup> How schools have stepped up to support students and whānau, Education Review Office (2020) <https://www.ero.govt.nz/publications/learning-in-a-covid-19-world/how-schools-have-stepped-up-to-support-students-and-whanau/>

<sup>120</sup> How early childhood services helped children and their whānau, Education Review Office (2020) <https://www.ero.govt.nz/publications/learning-in-a-covid-19-world/how-early-childhood-services-helped-children-and-their-whanau>

<sup>121</sup> Kahuroa, R., Mitchell, L., Ng, O. and Johns, T. "Children's working theories about COVID-19 in Aotearoa New Zealand. European Early Childhood" (2021)

<sup>122</sup> Independent Monitoring Mechanism to the Convention on the Rights of Persons with Disabilities. "Making Disability Rights Real in a Pandemic" (2021) <https://www.ombudsman.parliament.nz/sites/default/files/2021-01/Making%20Disability%20Rights%20Real%20in%20a%20Pandemic.pdf> page 47



**“It’s really stressful because my work is so hard and it’s not like I can constantly ask my teacher 100 questions and I don’t have the same support that I would at school.”**

*Senior secondary student, Learning in Lockdown, ERO Report<sup>123</sup>*

While COVID-19 presented many challenges for learning, some schools and learners demonstrated great resilience and creativity. For example a review of Māori medium schools showed that whānau, hapū and iwi pooled their resources, hosted wānanga and focused on those around them ensuring basic needs for vulnerable whānau were prioritised.<sup>124</sup> The review showed leaders identified flexible learning options and varied programme content to support learners, stayed committed to promoting te reo, tikanga and mātauranga Māori and responded to individual and collective wellbeing needs.

**“Our kaiako were awesome. They supported us in every way.”**

*Tamariki voice<sup>125</sup>*

### **For some, online learning allowed for greater flexibility and agency over time**

Some children and young people appreciated the flexibility learning online provided and the ability to control how their day ran rather than this being directed by the school. This helped to make the lockdowns a positive experience for them.

**“Sleeping in was great. I never have to get up at 6 for school it was awesome and I did school at 10 not 8.30.”**

*11 year old girl, Life in Lockdown*

This was also the case for some disabled children and young people for whom lockdowns made learning more flexible and accessible and provided respite from negative aspects of the school environment, such as bullying and inaccessible infrastructure.

The increased flexibility online learning provided was recognised as a benefit by schools. Two-thirds of schools recently surveyed by the Education Review Office (ERO) reported they intend to retain some elements of remote learning and increase the use of digital technology in their curriculum.<sup>126</sup>

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<sup>123</sup> Education Review Office. “Covid-19: Learning in Lockdown” (2020) <https://www.ero.govt.nz/assets/Uploads/ERO-19525-Covid-19-Learning-in-Lockdown-FINAL.pdf>

<sup>124</sup> Te Kahu Wakahaumarū – Ngā mahi a te rānhai mātauranga Māori, Education Review Office (2020) <https://www.ero.govt.nz/assets/Uploads/ERO-Te-Kahu-Whakahaumarū-Ngā-mahi-a-te-rangai-matauranga-Maori-English.pdf>

<sup>125</sup> Ibid

<sup>126</sup> As above at n 119

### **Not all students were able to learn from home**

A report from ERO about learning in lockdown showed that secondary school students, boys and those without access to devices faced greater challenges learning from home.<sup>127</sup> Remote learning, whether online or by television, was largely inaccessible to a range of disabled children and young people such as deaf or blind children. Some classes in New Zealand Sign Language became available on free-to-air television only after the rollout of general classes, and some blind students received printed educational material rather than a braille or digital version that could be accessed with a screen reader.<sup>128</sup>

Many students who require targeted support for their learning, for example, those who receive Ongoing Resourcing Scheme (ORS) funding, were also unable to learn effectively via these channels. In an attempt to address this, the Ministry of Education sent 6,400 hard-copy learning support packs and 3,200 sensory learning packs to families of disabled students. However, some parents reported these were not set at an appropriate learning level for some students, limiting their usability and leaving teachers to come up with ways of supporting these students' learning.

**“My son has autism. During lockdown, he was sent an education package which didn't suit his style and level of learning. But his teachers were fabulous – they worked together with the other agencies to make sure my son was supported at all times. They checked in with us on a daily basis and set some simple tasks for my son, but more importantly they advised us to have fun learning together as a family. I learnt to talk with my sons, not at them! I have four sons and learnt new things about each one of them, even my autistic son.”**

*Parent, How schools have stepped up to support students ERO survey<sup>129</sup>*

### **COVID-19 is having an ongoing impact on children and young people's education**

An ERO survey of ECE services and schools reported challenges relating to re-engaging students and contacting whānau when schools returned to physical learning.<sup>130</sup> Some young people, especially disabled young people in their final year of school, also had opportunities to make post-school plans restricted, making what is usually a tough transition for many even harder.<sup>131</sup> Data indicates that, on average, student attendance increased after the end of the national lockdown, with declines in rates of lateness, illness, and truancy compared to the same period in 2019. However, student attendance was overall slower to recover after the end of the Auckland 2020 lockdown. Local reports indicate that many whānau were hesitant to return to

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<sup>127</sup> As above at n 123

<sup>128</sup> As above at n 122

<sup>129</sup> As above at n 119

<sup>130</sup> Education Review Office. "Covid-19: Impact on schools and early childhood services: Interim Report" (2020) <https://www.ero.govt.nz/assets/Uploads/Covid-19-interim-report-FINAL.pdf>

<sup>131</sup> James, L. "Disabled students' transition from school to work made harder by Covid-19 (2020) <https://www.tvnz.co.nz/one-news/new-zealand/disabled-students-transition-school-work-made-harder-covid-19>

physical learning because of health concerns, particularly if they lived with elderly or immunocompromised family members.<sup>132</sup>

For many senior secondary school students, NCEA achievement requirements were a source of anxiety<sup>133</sup> as lockdowns affected their ability to gain credits.<sup>134</sup> To help students earn enough credits to gain NCEA qualifications, NZQA made extra learning recognition credits available to students – up to 20 percent in Auckland and up to 13 percent elsewhere.<sup>135</sup> Provisional NCEA data indicates that, after accounting for these learning recognition credits, attainment in 2020 was similar to previous years and in some cases slightly better.<sup>136</sup>

COVID-19 impacted on school-age international students, with far fewer studying in New Zealand as a result. Many schools rely on the international student income to employ staff. Without this income, some schools are warning they may be forced to cut jobs, impacting the learning of children and young people.<sup>137</sup> So far, the Government has put \$20 million towards helping schools to keep on specialist staff to teach and support international students who are still in New Zealand.

In response to the ongoing impact of COVID-19 on students' learning, many schools changed what and how they taught to support student learning after the lockdowns. In an ERO survey, four out of ten schools interviewed changed their curriculum, a third their teaching practices and how they use support staff, and a quarter their learning relationships with whānau.<sup>138</sup>



*Child playing on the playground (Credit: Office of the Children's Commissioner)*

<sup>132</sup> Webber, A. "He Whakaaro: How COVID-19 is affecting school attendance" (2020) <https://www.educationcounts.govt.nz/publications/series/he-whakaaro/he-whakaaro-how-covid-19-is-affecting-school-attendance>

<sup>133</sup> As above at n 130

<sup>134</sup> Nationally schools reported 22 percent fewer not-achieved results, 18 percent fewer achieved and merit results, and 15 percent fewer excellence results

<sup>135</sup> Gerritsen, J. "Fewer NCEA credits reported last month compared to last year – NZQA" (2020) <https://www.rnz.co.nz/news/national/431379/fewer-ncea-credits-reported-last-month-compared-to-last-year-nzqa>

<sup>136</sup> Gerritsen, J. "NCEA results 'some of the best' despite pandemic – principals" (2021) <https://www.rnz.co.nz/news/national/434955/ncea-results-some-of-the-best-despite-pandemic-principals>

<sup>137</sup> Jones, K. "Cash injection 'not a solution' for international student losses" (2020) <https://www.stuff.co.nz/national/education/122267710/cash-injection-not-a-solution-for-international-student-losses>

<sup>138</sup> As above at n 119

## Digital inclusion and resources for learning

A move to online learning for children and young people as a result of school closures revealed a 'digital divide' with internet connectivity and access to devices being a technical and financial barrier to participating in remote learning. This digital divide existed prior to the pandemic,<sup>139</sup> but the need for online learning as a result of the lockdowns has heightened its impact on children and young people.

A study of children shortly after the 2020 lockdowns found that 63% of children had their own device and 22% had to share their device during lockdowns. Only 74% had access to sufficient data. Younger children and children in low decile schools were more likely to have to share devices.<sup>140</sup>

Teachers in Māori medium schools reported shortfalls in Te Reo hard copy packs. In research undertaken by Ngāti Whātua Ōrākei, kaiako Te Reo packs were reported arriving much later than mainstream ones and were less educationally challenging.<sup>141</sup> Iwi also distributed 400 Chromebooks, filling a gap left by the Ministry of Education's device distribution programme.<sup>142</sup>

### COVID-19 impacts on learning at Massey High School, Auckland

During the 2020 lockdowns around half of the students of Massey High School did not have access to devices adequate to undertake remote learning, making it very difficult to keep their schoolwork on track. Many students were having to share devices with multiple family members.

Usually attendance at Massey High School sits at just over 93%. During the 2020 lockdowns less than 60% of students were engaging with lessons. After the lockdowns it has taken a long time for attendance to get back to this level. Some families needed personal calls to reassure them of the safety of returning to school. Principal Glen Denham knows of 23 students who have left school due to pressures caused by COVID-19 who would not have otherwise left school. Some of these students have left to work to support their families and some students have left because their families have been displaced because of financial pressures placed on them due to COVID-19.

<sup>139</sup> Grimes, A. and White D. "Digital inclusion and wellbeing in New Zealand" (2019) [http://motu-www.motu.org.nz/wpapers/19\\_17.pdf](http://motu-www.motu.org.nz/wpapers/19_17.pdf)

<sup>140</sup> As above at n 130

<sup>141</sup> Hunia, R., Salim, S., McNaughton, S., Menzies, R., Gluckman, P. and Bardsley, A. "Addressing Rangatahi Education: Challenges After COVID-19" (2020) <https://informedfutures.org/wp-content/uploads/Addressing-rangatahi-education.pdf>

<sup>142</sup> Ibid

As a response to the digital divide, the Government earmarked much of an \$87.7 million COVID-19 education package to give computers and free six-month internet packages to 82,000 homes with school-aged children that were not online when the country went into the national lockdown.<sup>143</sup> In September 2020, the Ministry of Education acknowledged that based on the needs identified by schools, the response had not yet achieved equitable device access, with approximately 65,000 devices still needed for every child to have access to one.<sup>144</sup> For many, the scheme to provide additional equipment came too late or schools received support for students that didn't need it.<sup>145</sup>

### Playing in lockdown

The COVID-19 lockdowns also impacted on children's right to play and to be involved in their communities, through for example the closure of playgrounds and the suspension of organised activities, such as sports. Positively, a range of programmes designed to encourage play and movement were broadcast on free-to-air television daily, including some aimed at children and young people.<sup>146</sup> Independent play and free time are an important part of child and adolescent development and learning. Families and whānau need to be supported and resourced so that play and free time are realistic options for children and young people, in and out of times of crisis.

### How government agencies can better deliver on children's rights to ensure children and young people are learning and developing

23. Evaluate the impacts of COVID-19 on the rights of children and young people to education and play. Apply lessons learned to improve the education system, with a focus on equity and inclusion for all children and young people, including in emergency situations.
24. Ramp up efforts to address the digital divide by funding and supporting children and young people who need it with access to data and technology.

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<sup>143</sup> Collins, S. "Covid 19 coronavirus: Education TV channels and free computers to boost home learning" (2020) <https://www.nzherald.co.nz/nz/covid-19-coronavirus-education-tv-channels-and-free-computers-to-boost-home-learning>

<sup>144</sup> Ministry of Education response to CMG questions

<sup>145</sup> As above at n 143

<sup>146</sup> 1 News "TVNZ Partners with Les Mills to broadcast daily workout classes during coronavirus lockdown" (2020) <https://www.tvnz.co.nz/one-news/new-zealand/tvz-partners-les-mills-broadcast-daily-workout-classes-during-coronavirus-lockdown>

## 5 CHILDREN AND YOUNG PEOPLE ARE ACCEPTED, RESPECTED AND CONNECTED

The COVID-19 response has required public compliance and conformity with the rules, as well as policies that respond to diversity and difference. Responses need to be sensitive to the unique and diverse needs of children and young people in Aotearoa including the rights of tamariki and rangatahi Māori to live as Māori. They also need to address racism and other forms of discrimination to ensure children and young people have a sense of belonging and connectedness to their communities.

### Reports of racism increased with COVID-19

Issues of bullying, racism, discrimination, and stigmatisation existed pre-COVID-19 and are serious issues affecting children and young people. This has been acknowledged by government initiatives to improve social inclusion and cohesion and address racism.<sup>147</sup> The need to urgently address racism and other forms of discrimination has been brought to the fore during the pandemic.

When COVID-19 was first discovered in China in January 2020, there was a rise in reports of racist incidents against Chinese and Asian people, including children and young people in New Zealand.<sup>148</sup> This included racist treatment against a number of Asian students by other students in schools.<sup>149</sup> The resurgence of COVID-19 in Auckland in August 2020 saw the Pacific communities in South Auckland subject to racist commentary, and misinformation, further complicating COVID-19 health messaging.<sup>150</sup>

In May 2020, the Human Rights Commission reported that of the 250 COVID-19 related complaints they had received, a third of them were race related.<sup>151</sup> In response, in July 2020, the Human Rights Commission launched the “Racism is No Joke” campaign to raise awareness of the issue and provide people with guidance to give them the “tools and confidence to help eliminate racism.”<sup>152</sup>

### Culturally sensitive responses are needed to promote a sense of belonging

As with the need to urgently address racism, the pandemic has emphasised the need for emergency responses to be culturally sensitive and promote a sense of belonging.

Alert Level 4 restrictions meant that families living in extended family situations were forced into Eurocentric models of what a family looks like. With only 48 hours to

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<sup>147</sup> Continuing Action to Improve Social Inclusion (CAB-20-SUB-0513 refers), Department of Prime Minister and Cabinet (2020) <https://dpmc.govt.nz/sites/default/files/2020-12/CAB-20-SUB-0513-continuing-action-to-improve-social-inclusion.pdf>

<sup>148</sup> Human Rights Commission. “Meng Foon: Covid-19 coronavirus fear no excuse for racism” (2020) <https://www.hrc.co.nz/news/meng-foon-covid-19-coronavirus-fear-no-excuse-racism>; Biddle, D-L. “Coronavirus: Asian parents remove child from school as Covid-19 racism spikes” (2020) <https://www.stuff.co.nz/national/121393022/coronavirus-asian-parents-remove-child-from-school-as-covid19-racism-spikes>

<sup>149</sup> Lewis, O. “Police investigating ‘ignorant, arrogant’ coronavirus email” (2020) <https://www.stuff.co.nz/national/119225943/police-investigating-racist-coronavirus-email-say-xenophobia-will-not-be-tolerated>

<sup>150</sup> University of Auckland. “Outbreak brings Covid reality to Pacific Communities (2020) <https://www.auckland.ac.nz/en/news/2020/08/19/outbreak-brings-covid-reality-pacific-communities.html>; University of Auckland. “Remember, Covid-19 knows no ethnicity’: Pacific mental health expert” (2020) <https://www.auckland.ac.nz/en/news/2020/08/19/jemaima-tiatia-seath-watch-the-talk-on-Covid.html>

<sup>151</sup> As above at n 148

<sup>152</sup> Racism is No Joke, Human Rights Commission (2020) <https://www.facebook.com/NoJokeNZ>

prepare for the Alert Level 4 lockdown, extended Māori, Pacific and Asian families who provide essential emotional and physical support for one another were unable to do this in a tangible way. 'Bubbles' were defined in a household context, forcing some families into overcrowded conditions to provide adequate levels of support or isolating them from primary support networks.

Pandemic responses need to take the diverse, multicultural nature of Aotearoa into account and accommodate the cultural expressions of different groups. The Government-imposed restrictions on hongi and tangihanga were initially criticised as arbitrary and not having tino rangatiratanga and mana motuhake at their core.<sup>153</sup>

### **The Kahungunu Wave**

Māori communities adapted quickly to COVID-19. For example, Ngāti Kahungunu encouraged members to replace hongi with the 'Kahungunu wave'.<sup>154</sup> Stating that "tikanga demands that we do what's tika or what's right for any occasion. Don't be naive, do the Kahungunu Wave."<sup>155</sup> Marae developed pandemic plans that adapted their specific tikanga and kawa to the conditions the pandemic presented. Māori communities' guidance on tangihanga during the lockdowns subsequently informed government policy.

We encourage government agencies to recognise, learn from and support examples of *by Māori for Māori* approaches that model Māori independent authority in determining how to respond to a crisis guided by tikanga Māori.

### **Experiences of LGBTQIA+ children and young people**

For some LGBTQIA+ children and young people, the lockdowns posed specific challenges to their rights because they were required to isolate at home with families unsupportive of their identity, with a potential toll on their mental health. Thirty-six percent of LGBTQIA+ young people surveyed in the Ministry of Youth Development's Youth Pulse Check survey stated that they felt unsafe in their bubble at least some of the time.<sup>156</sup>

Isolation from support services and safety concerns, for example, unsupportive whānau overhearing conversations, can make accessing support challenging. Online services to support rainbow young people developed during lockdowns are now facing pressure as they transition to providing both in-person and online services.<sup>157</sup>

<sup>153</sup> Tyson, J. "Tangihanga restrictions don't have indigenous rights at core – Public health physician" (2020) <https://www.teaoMāori.news/tangihanga-restrictions-dont-have-indigenous-rights-core-public-health-physician>

<sup>154</sup> The practice of Ngāti Kahungunu's identifying ancestor of raising his eyebrows

<sup>155</sup> The Kahungunu Wave kicks in to combat the spread of Coronavirus, Ngāti Kahungunu (2020) <https://www.facebook.com/kahungunu/posts/the-kahungunu-wave-kicks-in-to-combat-the-spread-of-coronavirus-covid-19-march-e/2900570753314904>

<sup>156</sup> As above at n 8

<sup>157</sup> COVID-19 Support, Te Ngākau Kahukura <https://www.tengakaukahukura.nz/covid19>

## Experiences of disabled children and young people

Many families with disabled children and young people experienced additional stress and challenges as a result of the loss of their children's daily routines and usual health supports, such as therapy sessions, individualised support at school and home, and respite support.<sup>158</sup> Flexibility was introduced for Carer Support and Individualised Funding services so that eligible disabled people and their families, whānau, aiga and carers could access disability supports during lockdowns. The Government had to act quickly to ensure information was provided in accessible ways broadening considerably the range of information available in accessible formats.<sup>159</sup> A carers' survey found that access to Personal Protective Equipment (PPE) was often difficult,<sup>160</sup> 45% of carers had no access during lockdowns and 51% had no information about proper use.<sup>161</sup> A resource for carers to address this issue was developed by the Ministry of Social Development, Ministry of Health and Carers New Zealand and continues to be updated as required.

Disabled children and young people are also generally more likely to experience barriers to accessing healthcare and be concerned they will not receive safe and effective support when doing so. These barriers were amplified as healthcare resources were redirected to respond to COVID-19.

### **How government agencies can better deliver on children's rights to ensure children and young people are accepted, respected and connected**

25. Ensure the Government's initiatives to address racism, social inclusion and cohesion recognise and prioritise the experiences and rights of children and young people. Prioritise the rights of tamariki and rangatahi Māori as tangata whenua and incorporate lessons learned from COVID-19.
26. Ensure emergency planning and responses are culturally appropriate and inclusive of the unique and diverse needs of children and young people. This must include the rights of tamariki and rangatahi Māori as tangata whenua, Pacific children and young people, LGBTQIA+ children and young people, refugee and migrant children and young people, and disabled children and young people.

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<sup>158</sup> How life is going for the disability community survey results, Office for Disability Issues (2020) <https://www.odi.govt.nz/guid-ance-and-resources/how-life-is-going-for-the-disability-co>

<sup>159</sup> 2 DHB Community Commissioning, Capital and Coast District Health Board <https://www.ccdhb.org.nz/for-health-professionals/covid-19-resources-for-our-community-providers/disability-team-story-avengers-assemble.pdf>

<sup>160</sup> New Zealand Carers Alliance. "Caring In Lockdown: Forgotten families during COVID-19" (2020) <https://carers.net.nz/wp-content/uploads/2020/07/Final-Caring-In-Lockdown-Report-July-2020.pdf>

<sup>161</sup> Ibid



## 6 CHILDREN AND YOUNG PEOPLE ARE INVOLVED AND EMPOWERED

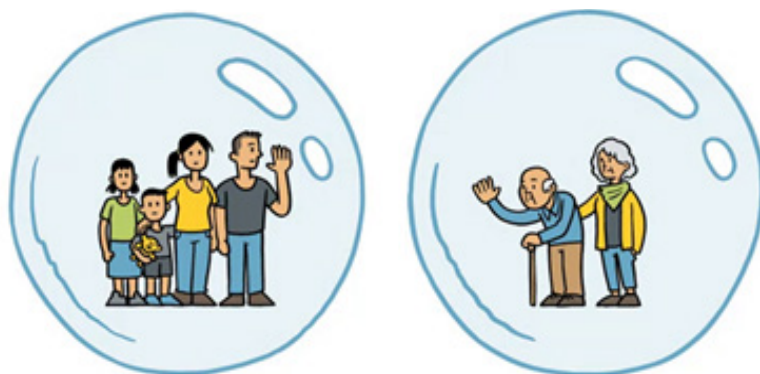
The extent to which children and young people are involved and empowered in the response to COVID-19 depends on their participation rights, including rights to good accessible information, being realised. This includes providing children and young people with information, to enable them to have their voices heard and considered, and to acknowledge the efforts and positive contributions they make to the wellbeing of their families, whānau, communities and their environment.

### Improving access to information and communication

Children have a right to access reliable information and material from a diversity of sources, and governments have an obligation to ensure this while at the same time protecting children and young people from harmful content.<sup>162</sup> Being well informed and having access to information that is appropriate for their age and development can help children feel safe and reassured.

The national four-level alert system has proven effective so far and public health messages such as 'Stay home. Save Lives' and 'Track your journey' are now well understood by people of all ages.

The Prime Minister was quick to point out that children and young people need extra help to understand COVID-19.<sup>163</sup> The Ministry of Health provided advice for parents and carers<sup>164</sup> and scientists Dr Michelle Dickinson and Dr Siouxsie Wiles helped provide information for children and young people including videos to explain what COVID-19 is and how to stay safe by washing your hands.<sup>165</sup>



@SIOUXSIEW @XTOTL thespinoff.co.nz

CC-BY-SA

Figure 1: The Spinoff. "The bumper Toby Morris and Siouxsie Wiles Covid-19 box set" (2020)

<https://thespinoff.co.nz/media/04-09-2020/the-great-toby-morris-siouxsie-wiles-covid-19-omnibus>

<sup>162</sup> Article 17, Children's Convention

<sup>163</sup> Roy, E. "Jacinda Ardern holds special coronavirus press conference for children" (2020) <https://www.theguardian.com/world/2020/mar/19/jacinda-ardern-holds-special-coronavirus-press-conference-for-children>

<sup>164</sup> COVID-19: Self-isolation, Ministry of Health <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-health-advice-general-public/covid-19-self-isolation-close-contacts-and-travellers>

<sup>165</sup> Dickinson, M. "Coronavirus Explained! (for kids)" (2020) <https://www.youtube.com/watch?v=OPsY-jLQaXM>; Dickinson, M. "How to teach your children how handwashing helps prevent the spread of coronavirus" (2020) [https://www.youtube.com/watch?v=2eqhw6yZk-c&feature=emb\\_title](https://www.youtube.com/watch?v=2eqhw6yZk-c&feature=emb_title)

Much of the public information on the official covid19.govt.nz site has been translated into accessible formats - including Easy Read, New Zealand Sign Language, braille, audio and large print - and multiple languages including te reo Māori. Social media channels, print, television and radio advertising have been used to relay public health messages, but these have been designed mostly for adults.

Māori networks and organisations were vital in ensuring relevant information and support reached Māori communities. Initiatives such as #ProtectOurWhakapapa emerged in response to a lack of relevant information for Māori whānau, covering topics such as whānau wellbeing and making a whānau plan and being prepared.<sup>166</sup> The #Manaaki20 campaign saw community-building initiatives such as haka challenges, video karakia and interviews with prominent community leaders emerge.<sup>167</sup> Te Puni Kōkiri commissioned communications to inform whānau in papakāinga and rural areas about COVID-19 during Alert Level 4. These communications included television and social media videos to encourage safety and wellness during the pandemic.<sup>168</sup>

### **Information and communication for Pacific children and young people**

The Ministry for Pacific Peoples worked on translating official key messages into nine Pacific languages that were made available through media, including TV, radio, print, online, and social media as part of a 'COVID-19 Pacific Response' to ensure Pacific communities, including children and young people can access the information and advice they need from sources they know and trust. Specialist Pacific communications expertise was also commissioned to establish a 'Prepare Pacific' social media platform for Pacific young people, churches and communities.<sup>169</sup>

All children have the right to access information including young people whose freedoms are limited— such as those in care and protection and youth justice residences and young people who may find media difficult to access, such as disabled children and young people, and children and young people who do not speak English as their first language.

<sup>166</sup> Rauemi/Resources, #ProtectOurWhakapapa <https://www.protectourwhakapapa.co.nz/rauemi>

<sup>167</sup> McMeeking, S. and Savage, C. "Māori responses to Covid-19" (2020) <https://ojs.victoria.ac.nz/pq/article/view/6553/5729>

<sup>168</sup> For example: Poppy Wants You to Stay Safe and Stay Home!, Te Puni Kōkiri Ikaroa-Rawhiti (2020) <https://www.facebook.com/watch/?v=3149400438411705>

<sup>169</sup> Prepare Pacific Facebook page <https://www.facebook.com/preparepacific>

### **Making information for children and young people accessible**

Oranga Tamariki worked with Talking Trouble to put together communication resources for young people and whānau in friendly and accessible ways. These resources were designed to work around various literacy levels and challenges and can be used verbally. They include videos so that people can hear the key information, alongside images that support the key messages. They are provided in a range of formats so they can be printed, emailed, texted or used on social media, or adapted for individuals.<sup>170</sup>

During the first lockdowns, the Ministry of Youth Development shared information via their website about general supports available to young people, their whānau and the youth sector.<sup>171</sup> They worked closely with sector partners, who provided more detailed information to young people in vulnerable situations, letting them know for example that it was okay to leave their bubble if they were in an unsafe environment.

### **Listening to children and young people and incorporating their views**

Children and young people have the right to have their views heard, considered and taken seriously especially when it comes to decisions that affect them directly.<sup>172</sup> Children and young people have unique perspectives and valuable ideas to contribute which can inform policies that may mitigate the negative impacts of COVID-19, improve long-term outcomes, and maintain the gains identified during the pandemic.

The UN Committee on the Rights of the Child has set out an expectation that governments provide opportunities for children's views to be heard and taken into account in decision-making processes on the pandemic. Children and young people have a right to understand what is happening and feel that they are taking part in the decisions that are being made in response to the pandemic.<sup>173</sup>

The CMG is aware of some government agencies such as Oranga Tamariki, the Ministry for Youth Development, the Ministry of Education (and the Education Review Office) and the Ministry of Health (through their National Youth Health Leadership Group) who have sought the views of children and young people about their experiences of COVID-19 directly. Other agencies have drawn on data from external sources. For example, data from YouthLine (in addition to data from other sources), was used to inform the Youth Plan 2020-2022 which includes the aim to ensure rangatahi have a say in decisions about the COVID-19 recovery<sup>174</sup> and other government policy responses.

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<sup>170</sup> COVID-19 communication resources for Oranga Tamariki, Talking Trouble (2020) <https://talkingtroublenz.org/presentations-publications/covid-19-communication-resources-for-oranga-tamariki>

<sup>171</sup> COVID-19 Support – Resources for Rangatahi, Whānau and the Youth Sector, Ministry of Youth Development <http://myd.govt.nz/resources-and-reports/covid-19-support-resources-for-rangatahi-whanau-and-the-youth-sector.html>

<sup>172</sup> Article 12, Children's Convention

<sup>173</sup> Ibid

<sup>174</sup> As above at n 105

### **Listening to children and young people in state care**

The Voices of Children and Young People team at Oranga Tamariki sought the views of children and young people in care during the national Alert Level 3 and 4 lockdown to help understand how they were impacted, and to find out what kind of support they needed during the weeks that followed. Particular focus was placed on the impact and recovery needs of tamariki and rangatahi Māori. The views of caregivers and social workers on the impact lockdowns were having on tamariki and rangatahi were also sought. The results were shared with Oranga Tamariki leaders to help guide its operational response. The Voices team also surveyed and interviewed tamariki and rangatahi after the initial COVID-19 lockdown period to help guide its response to similar situations in the future.

#### **Some of the key themes from surveys and interviews included:**

- Mixed experiences of feeling settled during the lockdown, with those in new or unstable placements more negatively impacted during the lockdown.
- The importance of friendships and maintaining connection.
- The importance of having access to their social worker during the lockdown.
- Boredom during the lockdown being a key challenge for tamariki and rangatahi.
- Mixed experiences of schoolwork during the lockdown.
- The need for access to devices and the internet to connect with whānau and friends, and for education and entertainment.<sup>175</sup>

While these examples of engagements with children and young people are positive, it is difficult to find evidence of how the views of children and young people have been incorporated into COVID-19 policy responses. The Office of the Children's Commissioner report, *Life in Lockdown*, offers key insights that have policy implications as do survey results from other agencies such as Barnardos.<sup>176</sup>

Last year the CMG published *Getting it Right: Are We Listening?* with recommendations for improved child participation in government policy making including the additional rights of tamariki and rangatahi Māori as tangata whenua.<sup>177</sup> The CMG encourages government agencies to revisit their commitment to ensuring children's right to participation is realised by building in steps to ensure children and young people's views are not only heard but are also considered and incorporated into the policy development process.

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<sup>175</sup> These survey results have not been reported on publicly.

<sup>176</sup> Barnardos. "Children and Young People's experiences of COVID-19: Reflections on the time in lockdown and feelings about Level 2" (2020) <https://www.barnardos.org.nz/assets/Publications/FINAL-Barnardos-poll-results-Tamariki-and-rangatahi-views-on-COVID-19-Level-2-and-lockdown-life-May-2020.pdf>

<sup>177</sup> As above at n 3

## Equipping public servants to apply children and young people’s rights analysis

In July 2020, Treasury produced a report which considered the results of a rapid evidence review of the potential impacts of COVID-19 and the associated economic recession, on the wellbeing of New Zealanders. This analysis included some information about children and young people.<sup>178</sup>

However, the CMG has not seen evidence of the Child Impact Assessment tool, or other instruments such as the ‘Te Ao Māori Perspectives’<sup>179</sup> tool, being used to identify, analyse and assess impacts of proposed policies and procedures related to COVID-19 on the rights and wellbeing of children and young people. Therefore, it is difficult to ascertain the effectiveness of policy tools in mitigating harm and improving outcomes for children and young people. The CMG supports efforts across government to champion children’s rights in the policy process and notes that the roll out of the Child Impact Assessment tool and the child rights training tool for public servants are actions under both the Children’s Convention Work Programme<sup>180</sup> and the Child and Youth Wellbeing Strategy’s Programme of Action.<sup>181</sup> The CMG calls for the evaluation, updating and mandatory use of the Child Impact Assessment for the COVID-19 recovery and beyond.

## Rights-based responses to youth justice

During COVID-19 Alert Levels 3 and 4 the number of young people in custody in residences was kept at a minimum. This was carried out in order to maintain bubble sizes, ensure there was spare capacity to isolate any young person who showed COVID-19 symptoms, and to allow for the possibility of fewer available staff. During the lockdowns, Police adapted their approach to detaining young people who offend resulting in Police implementing a wider application of the Remand Option Investigation Tool.<sup>182</sup> This resulted in improved interagency cooperation and a reduction in custodial remands. There was a much lower than expected volume of proceedings for more serious offences during the lockdowns resulting in fewer first Youth Court appearances (expected to be 5-7% lower than usual amounts for the same period).<sup>183</sup> There was a 30% reduction in young people being detained in custody,<sup>184</sup> and a corresponding reduction in entries of young people into care.<sup>185</sup>

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<sup>178</sup> Cook, D., Evans, P., Ihaka-McLeod, H., Nepe-Apatu, K., Tavita, J. and Hughes, T. “He Kahui Waiora: Living Standards Framework and He Ara Waiora COVID-19: Impacts on Wellbeing” (2020) <https://www.treasury.govt.nz/publications/dp/dp-20-02>

<sup>179</sup> Te Puni Kōkiri and The Treasury (2019) <https://www.treasury.govt.nz/publications/media-statement/providing-maori-perspective-wellbeing>

<sup>180</sup> Work Programme to further enhance compliance with UNCRC, Ministry of Social Development <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/monitoring/uncroc/what-is-nz-doing-to-meet-obligations.html#WorkProgrammetofurtherenhancecompliancewithUNCROC1>

<sup>181</sup> Child and Youth Wellbeing Strategy Programme of Action, Department of Prime Minister and Cabinet <https://childyouthwellbeing.govt.nz/resources/current-programme-action>

<sup>182</sup> This tool is used to establish a shared evidence base between agencies to examine placement options and risks for young people appearing before the court and to reduce the number of young people in remand.

<sup>183</sup> Ministry of Justice “Youth Justice Indicators Summary Report” (2020) <https://www.justice.govt.nz/assets/Documents/Publications/Youth-Justice-Indicators-Summary-Report-December-2020-FINAL.pdf>

<sup>184</sup> Oranga Tamariki response to CMG’s questions

<sup>185</sup> As above at n 45

There were variations in access to education across different residences. Therefore, impacts of COVID-19 for children and young people in residential care to their education are difficult to assess. Remote online learning options were not available to young people in care due to the limited number of computers available and restrictions to internet access. Instead, young people were assigned teachers to support distance learning paper-based programmes.<sup>186</sup>

### **Changes to justice protocols, guidance and practices**

Court appearances, case management meetings, family group conferences and remand option meetings took place remotely using video calls, virtual meeting rooms, and teleconference technology during the lockdowns.<sup>187</sup> The changes to processes were reported by Oranga Tamariki to have had positive outcomes, including making the experiences outside of residence less traumatic and less disruptive.

Alert level restrictions saw a change in the way young people were supported to achieve their youth justice plans. Community service hours were adapted so that a young person could complete their service by doing home based activities such as mowing lawns, allowing for meaningful activities that kept their bubble safe. Oranga Tamariki is considering applying these changes more permanently.<sup>188</sup> Oranga Tamariki has collected data to support an evaluation of the effectiveness of remote participation.

Guidance and advice about COVID-19 restrictions, and shared parenting arrangements for children and young people and their families who belonged to more than one bubble, were published online by the Ministry of Justice.<sup>189</sup> At Alert Level 4, the Principal Family Court Judge also issued guidance on children in shared care pursuant to Family Court orders.

COVID-19 has exacerbated delays within the Family Court which can have damaging effects on children and young people, parents and whānau. In response, the Government directed funding from the COVID-19 Response and Recovery Fund to support ongoing work to strengthen the Family Court. This included passing the Family Court (Supporting Families in Court) Legislation Act 2020 under urgency during Alert Level 4. The Act came into force on 1 July 2020, reintroducing lawyers at an early stage of family court proceedings and legal aid for eligible parties aiming to reduce child and parental stress, increase personal safety, and improve greater connections with whānau.

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<sup>186</sup> As above at n 184

<sup>187</sup> COVID-19 Information, Courts of New Zealand <https://www.courtsofnz.govt.nz/publications/announcements/covid-19>; Oranga Tamariki. "Navigating virtual participation in Family Group Conferences" (2020) <https://www.orangatamariki.govt.nz/about-us/research/our-research/navigating-virtual-participation-in-family-group-conferences>

<sup>188</sup> As above at n 45. Oranga Tamariki notes that remote participation during COVID-19 reduced the risk of young people absconding and the possible harm that can come about when a young person is escorted from one location to another.

<sup>189</sup> Guidance for managing shared parenting during COVID-19 alert levels, Ministry of Justice <https://www.justice.govt.nz/about/news-and-media/covid-19-news/guidance-for-managing-shared-custody>

## Connecting and caring for the land and nature

Large numbers of children and young people in Aotearoa have voiced strong concerns about environmental sustainability and the need for urgent action on climate change.<sup>190</sup> Children have the right to a healthy environment and looking after nature and experiencing clean and healthy environments is intrinsic to the wellbeing of children and young people. This is especially true for tamariki and rangatahi Māori and is reflected in the outcomes of Whānau Ora and in He Ara Waiora which emphasises protecting the wellbeing of Te Taiao (the natural world or environment) through the economic recovery.<sup>191</sup>

During the national Alert Level 3 and 4 lockdown, children and young people noticed the benefits of improved air quality and felt more connected to their local environment.

**“How nice it was that there was no traffic noise and no waiting to cross the road when I went on my walks.”**

*17 year old girl, Life in Lockdown*

Children’s rights provide further impetus for a green recovery from COVID-19 that builds on the steps taken by the Government to address the Climate Emergency.<sup>192</sup> Our economic and social recovery from COVID-19 needs to consider environmental obligations and Māori Crown obligations with regard to land and marine and coastal areas.<sup>193</sup>



*Lucy Gray and Lennox Crowe at the UNCRC@30 event (Credit: Office of the Children’s Commissioner)*

<sup>190</sup> School Strike 4 Climate NZ <https://www.schoolstrike4climate.nz>

<sup>191</sup> As above at n 178

<sup>192</sup> Climate emergency declaration will be matched with long term action, New Zealand Beehive (2020) <https://www.beehive.govt.nz/release/climate-emergency-declaration-will-be-matched-long-term-action>

<sup>193</sup> The COVID-19 Recovery (Fast-Track Consenting) Act 2020 is intended to urgently promote employment growth and support economic recovery by providing for alternative “fast track” processes for resource consent applications and confirming or modifying designations of land. The Minister for Māori Crown Relations – Te Arawhiti (MfMCR-TA) and the Minister for Treaty of Waitangi Negotiations (MfTOWN) are invited to comment by the Minister for the Environment and Expert Consenting Panels on applications under the Act.

## **How government agencies can better deliver on children's rights to ensure children and young people are involved and empowered**

27. In responding to COVID-19 and other crises provide clear and consistent evidence-based information and advice for children and young people and their parents and caregivers, including in te reo Māori.
28. Adequately resource and embed into policy processes steps to consider and incorporate the views of children and young people, including tamariki and rangatahi Māori rights as tangata whenua. This must include reporting back to children and young people on how their views have been considered, including in times of crisis.
29. Accelerate actions to equip public servants with the knowledge and tools to apply children's rights analysis to policy design and implementation. This should include the mandatory use of the Child Impact Assessment tool and child rights training.
30. Evaluate Police, Oranga Tamariki, and the Courts approaches to youth justice during COVID-19. Apply lessons learned, along with evidence - including about children and young people's views - to rights-based approaches to youth justice.
31. In respect of the climate emergency, learn from the COVID-19 pandemic response and apply leadership, commitment and resources to addressing any implications for children's rights.



# **CONCLUDING RECOMMENDATIONS**

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## CONCLUDING RECOMMENDATIONS

**The following recommendations call on government agencies to better deliver on children's rights and strengthen the wellbeing of children and young people in responding to COVID-19 and beyond.**

### HONOUR TE TIRITI O WAITANGI

1. In responding to COVID-19 and all crises, expand, strengthen and embed mechanisms to understand and apply government's responsibilities and obligations under Te Tiriti o Waitangi and the Children's Convention.
2. Recognise the legitimacy of Māori-led emergency response approaches and ensure they are supported with the funding and infrastructure required to be successful.

### CHILDREN'S RIGHTS IN LAW

3. In responding to COVID-19 and all crises, explicitly consider the rights of children and young people including the rights of tamariki and rangatahi Māori under Te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples. This includes the requirement to report on how these rights have been considered in new and amended legislation.

### COORDINATION, MONITORING AND EVALUATION

4. Embed accountability and compliance mechanisms in central government policy responses that prioritise the rights and views of children and young people. Mechanisms include providing designated leads for children and young people in decision making, and requirements to report on how children's rights and tino rangatiratanga rights of tamariki Māori have been considered, included and resourced.
5. Require government agencies and initiatives such as the Policy Project to assess, evaluate and share outcomes and lessons learned from policy responses to COVID-19 with a focus on the rights of children and young people including tamariki and rangatahi Māori as tangata whenua.

### BUDGETING AND RESOURCE ALLOCATION

6. Embed mechanisms to transparently track, measure and evaluate budget and resource allocation for children and young people, both in and out of times of crisis.

## **QUALITY AND USE OF DATA**

7. Continue to strengthen the collection of disaggregated data about children and young people, to better understand the impacts of COVID-19 and inform policies and practices for children and young people.
8. Ensure the collection, storage and sharing of data about children and young people and COVID-19 is consistent with children's privacy and information rights, views and best interests.
9. Ensure decisions on data collection and data use are undertaken in partnership with iwi and Māori in ways that respect Māori data sovereignty, and honour mātauranga Māori and Te Tiriti o Waitangi.

## **CHILDREN'S RIGHTS IN EMERGENCY RESPONSE**

10. Establish mechanisms to ensure children's rights are understood and upheld in emergency response planning. Ensure planning is undertaken in partnership with the communities affected, including children and young people. Ensure Māori and Pacific peoples are at the centre of emergency response decision making.

## **Ensure children and young people...**

### **...ARE LOVED, SAFE AND NURTURED**

11. Invest in research to understand the impact of COVID-19 on family and sexual violence. Ensure family violence services and supports that protect children and young people from violence, neglect and abuse in emergencies are sufficiently funded and able to adapt and continue to operate.
12. Continue to support efforts to detect and stop harmful activity against children and young people online.
13. Evaluate how Oranga Tamariki cared for children and young people in state care during COVID-19. This must include how the rights of tamariki and rangatahi Māori to live as Māori were considered, and apply lessons learned to improve policies and practice.
14. Prioritise children's rights in all immigration decisions that may impact on the health and wellbeing of children and young people. This includes the right of children and young people to know and be cared for by their parents, to not be separated from their parents, and to not be discriminated against.
15. Ensure children's rights are adequately upheld and monitored in managed isolation and quarantine facilities, and that their best interests and views are prioritised.

### **...HAVE WHAT THEY NEED**

16. In responding to COVID-19 and other crises, develop labour market and welfare policies that are equitable and designed to ensure all children and young people live in households with an adequate income. Increase support for sole parent families and continue to implement the recommendations of the Welfare Expert Advisory Group. Ensure that high trust processes used during lockdowns, which enabled quicker and easier access to income support, are made permanent.
17. Continue to develop and roll out initiatives to ensure all children and young people have access to nutritious food including in times of crisis. This includes the school lunch programme, funding of local food sovereignty initiatives, and investment in resilient food systems. Increased accessibility to hardship assistance must be made permanent to ensure it is easier for families to afford and access healthy food.
18. Prioritise the rights of children and young people, and those caring for children, in policy responses to the housing crisis. This includes initiatives to increase the availability of affordable and healthy housing, the implementation of housing standards, and initiatives to address youth homelessness and provide transitional pathways into safe, healthy homes. Expedite implementation of the Homelessness Action Plan and ensure data on homelessness includes disaggregated data on children and young people.
19. Increase opportunities for children and young people to spend quality time with their parents, family and whānau. This includes labour market policies such as flexible work, shared parental leave and extra sick leave for parents and caregivers. Ensure children and young people are adequately protected from economic exploitation and work that is unsafe, interferes with their education, or harms their development. Withdraw the reservation to Article 32(2) of the Children's Convention.

### **... ARE HAPPY AND HEALTHY**

20. Invest in research to understand and be able to respond to the immediate and ongoing health implications of COVID-19 on children and young people. Develop an action plan for protecting children and young people during current and future outbreaks and ensure adequate access to follow up, care and testing.
21. Increase equitable access to health services for children and young people, including youth mental health services, general practitioners, and whānau-centred vaccination services. Ensure health services for children and young people are informed and guided by children, young people and their whānau.
22. Ensure COVID-19 vaccines are delivered equitably and in accordance with children's rights. Prioritise children and young people who have underlying health conditions and those who live with high-risk whānau including border workers.

### **... ARE LEARNING AND DEVELOPING**

23. Evaluate the impacts of COVID-19 on the rights of children and young people to education and play. Apply lessons learned to improve the education system, with a focus on equity and inclusion for all children and young people, including in emergency situations.
24. Ramp up efforts to address the digital divide by funding and supporting children and young people who need it with access to data and technology.

### **... ARE ACCEPTED, RESPECTED AND CONNECTED**

25. Ensure the Government's initiatives to address racism, social inclusion and cohesion recognise and prioritise the experiences and rights of children and young people. Prioritise the rights of tamariki and rangatahi Māori as tangata whenua and incorporate lessons learned from COVID-19.
26. Ensure emergency planning and responses are culturally appropriate and inclusive of the unique and diverse needs of children and young people. This must include the rights of tamariki and rangatahi Māori as tangata whenua, Pacific children and young people, LGBTQIA+ children and young people, refugee and migrant children and young people, and disabled children and young people.

### **... ARE INVOLVED AND EMPOWERED**

27. In responding to COVID-19 and other crises provide clear and consistent evidence-based information and advice for children and young people and their parents and caregivers, including in te reo Māori.
28. Adequately resource and embed into policy processes steps to consider and incorporate the views of children and young people, including tamariki and rangatahi Māori rights as tangata whenua. This must include reporting back to children and young people on how their views have been considered, including in times of crisis.
29. Accelerate actions to equip public servants with the knowledge and tools to apply children's rights analysis to policy design and implementation. This should include the mandatory use of the Child Impact Assessment tool and child rights training.
30. Evaluate Police, Oranga Tamariki, and the Courts approaches to youth justice during COVID-19. Apply lessons learned, along with evidence - including about children and young people's views - to rights-based approaches to youth justice.
31. In respect of the climate emergency, learn from the COVID-19 pandemic response and apply leadership, commitment and resources to addressing any implications for children's rights.

