

CHILDREN'S RIGHTS ALLIANCE AOTEAROA NEW ZEALAND

Supplementary Report on the impact of
Covid-19 on children's rights in
Aotearoa New Zealand

June 2020

Karakia¹

Kia tau ngā manaakitanga a te mea ngaro ki runga ki tēnā, ki tēnā o tātou

Kia mahea te hua mākihikihi kia toi te kupu, toi te mana, toi te aroha, toi te reo tātou kia tūturu

Ka whakamaua kia tīna, tīna

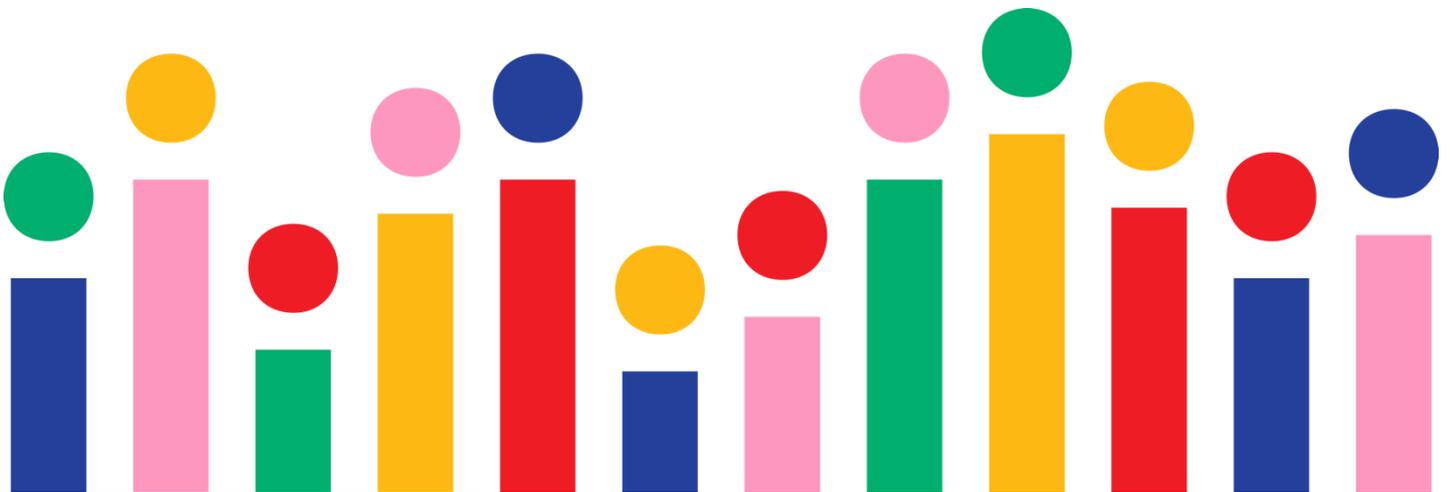
Haumi e hui e, tāiki e.

Let the strength and life force of our ancestors be with each and every one of us

Freeing our path from obstruction so that our words, spiritual power, love and language are upheld

Permanently fixed, established and understood

Forward together.



¹ A karakia is a Māori prayer or incantation.

Introduction

Our youthful Māori and Pacific populations are a demographic gift. It must not be squandered in the post-COVID-19 reset. Ongoing investment in their potential will not only benefit wider and future whānau, it will also future-proof regional economies.

If the pandemic has taught New Zealanders anything it is that our well-being as individuals is intimately connected to the well-being of those around us and our environments.²

Thank you for the opportunity to provide this supplementary information on children's rights and the COVID-19 pandemic in Aotearoa New Zealand (Aotearoa).³ This report follows-on from, and should be read in conjunction with, the Children's Rights Alliance Aotearoa New Zealand's report submitted to the UN Committee on the Rights of the Child (the Committee) on 01 March 2020, "Written Input into the List of Issues Prior to Reporting".

This paper:

- Outlines what has happened in Aotearoa as a result of the pandemic
- Provides information about the pandemic's impact on children, with a specific focus on:
 - inequities and differential experiences of COVID-19 and the rāhui⁴
 - children's rights and economic recovery
 - prevention of, and protection from, violence and abuse affecting children
 - children's mental health
- Suggests supplementary questions for the Committee's consideration and possible inclusion in Aotearoa's List of Issues Prior to Reporting (LOIPR).

² Tahu Kukutai, University of Waikato; Helen Moewaka Barnes, Massey University; Tim McCreanor, Massey University; and Tracey McIntosh, University of Auckland (2020). *Recession hits Māori and Pasifika harder. They must be part of planning New Zealand's COVID-19 recovery.* See <https://sciblogs.co.nz/covid-19/2020/05/20/recession-hits-maori-and-pasifika-harder-they-must-be-part-of-planning-new-zealands-covid-19-recovery/>

³ The information in this paper is largely drawn from media reports over the past three months. There has not, as yet, been time for indepth research and analysis of children's experiences of the pandemic. However, a digital survey is planned, for June 2020, of the 6000 children in Aotearoa's largest longitudinal study, *Growing Up in New Zealand*. This will gather information about their experiences of lockdown at Covid-19 Alert Levels 4 and 3 and will enable children to provide their own insights into how they have been impacted by the pandemic.

⁴ The shelter in place restrictions, or lockdown, are described by Māori as rāhui, which is a customary device for separating people from *tapu* things (i.e., things that are sacred, prohibited, restricted, or set apart). After an agreed lapse of time, the rāhui is lifted. In this paper we use 'rāhui' instead of 'lockdown'.

Covid-19 in Aotearoa

When we provided our LOIPR report to the Committee on 1 March 2020, the COVID-19 pandemic was just beginning to affect Aotearoa.⁵

Aotearoa recorded its first case of COVID-19 on 28 February 2020. In response, Government's strategy was to try and eliminate the virus by taking strong measures early. A four tier national Alert System was established to indicate the level of risk of coronavirus infection and associated measures and restrictions to stamp out COVID-19.⁶ The country moved into the highest restriction Level, Level 4, on Wednesday 25 March 2020. This was Aotearoa's rāhui, with people required to stay at home in their 'bubbles' and keep their distance from everyone except those they were living with. Safe, local, recreational activity was allowed, for example, neighbourhood walks. Playgrounds, schools and early childhood centres were closed and scheduled school holidays brought forward by two weeks to reduce face-to-face contact, and allow arrangements to be made for online learning at home. This included getting resources to those children with limited access to the internet at home. Businesses were closed except for essential services such as supermarkets, pharmacies, clinics, petrol stations and lifeline activities. Parents and caregivers who worked in essential businesses continued to work. If they could do so, those in non-essential services and businesses worked from home.

Various measures, including a wage subsidy, were put in place by Government to help cushion the financial impact of the rāhui and the economic hiatus on people, households and businesses. An economic response package was released by Government on 15 April 2020 which, amongst other things, made a permanent increase to main welfare benefit levels of \$25 per week, and increased the rate of payment of the Winter Energy Payment for 2020. This package also made immediate short-term funding available for social sector services and community groups to enable them to respond to the associated impacts of the rāhui.⁷

Despite this package and other economic measures by Government, over the weeks since (including through Budget 2020), 37,500 people lost their jobs in Aotearoa in April 2020.⁸ There is significant concern about the economic and social ramifications of the pandemic, which are only just starting to emerge at the time of writing this report.⁹ The Government has said it is too soon to

⁵ See <https://shorthand.radionz.co.nz/coronavirus-timeline/> for a timeline of the pandemic in Aotearoa.

⁶ See <https://covid19.govt.nz/alert-system/covid-19-alert-system/>

⁷ See <https://www.beehive.govt.nz/feature/covid-19-economic-response-package>

⁸ Stats NZ Tatauranga Aotearoa, *Job numbers fall sharply in April*, <https://www.stats.govt.nz/news/job-numbers-fall-sharply-in-april-28-May-2020>.

⁹ See <https://www.rnz.co.nz/news/business/417731/job-numbers-dropped-by-record-37-500-in-april-stats-nz-says>

estimate what COVID-19 will mean for Aotearoa's child poverty measures and targets. However, rates of material hardship are expected to rise sharply.¹⁰

The actions taken by Government over the past two months to prevent the spread of COVID-19 and stamp out the virus have had widespread public support, and are acknowledged as being successful, from a public health point of view, in terms of inhibiting the number of coronavirus infections and deaths. Aotearoa has had 1504 confirmed and probable cases and 22 deaths in a population of 5 million.¹¹ None of the 157 children (0-19 years) in Aotearoa diagnosed with Covid-19 have died.¹² At the time of writing this report, COVID-19 has been eliminated from Aotearoa, with zero active cases. The Government has now shifted into a 'recovery' phase in relation to COVID-19.

Covid-19 and children's rights in Aotearoa

The COVID-19 pandemic and Aotearoa's response has had an ongoing, significant impact on children and their rights; highlighting existing inequities and, in some instances, worsening these inequities.

Prior to the pandemic, it was clear there was a lot of space for improvement in the protection and promotion of, and the respect for, all children's rights in all circumstances in Aotearoa. Now, as the COVID-19 recovery begins, and looking to the coming months and years ahead, it is essential that children's rights are an integral part of making Aotearoa's COVID-19 response and recovery equitable. Finding an appropriate balance of children's rights is complex, but we must not lose sight of the profound personal consequences that striking this balance has for children; as individuals, as different groups of children, and as a significant proportion of Aotearoa's population. This moment in history is a unique opportunity to implement children's rights as a central focus of Government's social and economic policy and planning by:

- Building on the positive effects of the response to the pandemic, which, in Aotearoa, have affirmed the importance of family, whānau, community, and an inclusive society based on kindness and respect for each other.
- Identifying, guarding against, and addressing the negative effects of the pandemic. These include:
 - exacerbated inequities in housing, food security, income adequacy, physical and mental health, and education;
 - the dominance of a single narrative about experiences during the pandemic, rather than space for diverse narratives;

¹⁰ See <https://budget.govt.nz/budget/2020/wellbeing/child-poverty-report/impact-of-covid-19.htm>

¹¹ See <https://thespinoff.co.nz/politics/23-04-2020/public-backing-for-nz-government-covid-19-response-rises-to-87-new-poll/>

¹² See <https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-current-situation/covid-19-current-cases#age>

- risks for those children entitled to special protection measures, including tamariki Māori, Pasifika children, young workers, children and young people in the justice and welfare systems, and refugee and migrant children.

Due to the economic impact of the pandemic, there may be a tendency for Government to focus on children's economic and social rights now that Aotearoa has no active cases of the virus and is in Alert Level 1. However, children's civil rights and freedoms were also impacted by COVID-19 and care must be taken to give these rights proper weight in the recovery phase. For instance, an example of how the pandemic curtailed the avenues through which children could celebrate, share and learn their cultural stories and traditions occurred with the cancellation, for the second year in a row (because of the Christchurch mosque shootings last year and then COVID-19 this year), of the Auckland Secondary Schools Māori and Pacific Islands Cultural Festival. Approximately 10,000 secondary school students perform at this four-day festival in front of an expected audience of 100,000 people. It enables students to celebrate their language and cultural identities and to share the pride they have in their cultures with their friends, peers, families and communities. The students invested significant time, money and effort in preparing for the festival, and while the need to cancel it this year to prevent COVID-19 spread was largely understood, it has impacted on the rights of these young people.^{13 14}

Tamariki Māori

As noted in our LOIPR report, Government holds multiple obligations towards tamariki Māori under the United Nations Convention on the Rights of the Child (CRC), te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).^{15 16} We remind the Committee of the collective dimension of tamariki Māori rights, and the rights of whānau, hapū and Iwi to decide what is best for their tamariki as enshrined in te Tiriti and the UNDRIP and as recognised by the Committee in its General Comment No.11 on

¹³ For tamariki Māori, many of the performers will go on to be the current and future innovators at the biennial Te Matatini Māori traditional performing arts festivals that are open to competitors aged 14 years or older at the time they competed in regional competitions.

¹⁴ See <https://www.rnz.co.nz/news/national/411903/polyfest-cancellation-for-second-year-it-s-gonna-really-hit-them-hard>

¹⁵ Children's Rights Alliance Aotearoa New Zealand, *Written Input into the List of Issues Prior to Reporting*, 6th reporting cycle of Aotearoa New Zealand, submitted to the United Nations Committee on the Rights of the Child, 1 March 2020, p. 9.

¹⁶ See <https://www.rnz.co.nz/news/te-manu-korihi/414667/government-s-maori-covid-19-response-all-words-no-action-response-group>

Indigenous children and their rights under the CRC.¹⁷ ¹⁸ Meeting these obligations and giving effect to the principles underpinning the Māori-Crown relationship will be central to upholding the rights of tamariki Māori during the pandemic and the economic recession that is likely to follow.¹⁹

Tamariki Māori would likely have fared worse than many other children had COVID-19 taken hold in Aotearoa. It would have been their parents who lost their jobs, or had to work longer hours, on lower pay rates, than other workers if they were employed in essential services (for example, as supermarket and warehouse distribution workers, cleaners, bus and train drivers, rubbish collectors, security guards and carers of the vulnerable, such as those with illnesses or the elderly). The potential impact of contracting COVID-19 was especially high at the beginning of the rāhui due to the scarcity of PPE, the prioritisation of this equipment for health sector workers and the increased likelihood of being exposed to people with symptoms of, or infection with, COVID-19. This means it is likely that parents and caregivers of tamariki Māori carry a greater risk of being exposed to the virus and passing it on to their children than other families.²⁰

The lack of consultation on COVID-19 restrictions beyond public health and infectious disease experts meant that whānau Māori were forced into Eurocentric models of what a 'family' is. With only 48 hours to prepare for the Level 4 rāhui, whānau (who might not live in the same household or even in the same neighbourhood) who provide essential emotional and physical support for one another were unable to do this in a tangible way. Bubbles were defined only in a household context, which either forced some families into overcrowded conditions to provide adequate levels of support or isolated them from their primary support networks. To better plan for a similar crisis in the future, it is important that more thought is given to what it means, practically, to live in a diverse and multicultural society and how Government's response can best meet the needs of these communities. Designing what this looks like together with whānau, hapū, Iwi, Pacific communities and migrant and refugee communities among others will be essential. While the rationale for prioritising the public health approach over other factors was clear and, again, largely accepted as being a crucial measure to protect public health, preventing the use of cultural expressions such as hongi and participation in tangihanga potentially sent a message from Government to tamariki Māori that their cultural values and

¹⁷ See our LOIPR report, above n 15, pp. 9-10. We also note the UN Committee on the Rights of the Child's recommendation 42 to New Zealand in its 2016 Concluding Observations: "With reference to the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to develop a comprehensive, cross-sectorial strategy for the full enjoyment of the rights of Māori and Pasifika children, in close cooperation with them and their communities."

¹⁸ UN Committee on the Rights of the Child (2009). [General comment No. 11 \(2009\): Indigenous children and their rights under the Convention](#).

¹⁹ As at 2 June 2020, 9 per cent of the total number of Covid-19 cases in Aotearoa (130 out of 1,504 cases) were Māori.

²⁰ See <https://www.rnz.co.nz/news/in-depth/414499/covid-19-virus-and-recession-a-devastating-combination-for-maori-and-pasifika>

practices were unimportant.²¹ European New Zealanders were similarly upset at being unable to support dying relatives in hospital or hold funerals for their loved ones.

Responses to the pandemic have also reinforced the need for Government to work with Māori to design and implement key services and solutions to improve the situation of tamariki Māori, and to do more to ensure tamariki Māori obtain the resources they are entitled to, in all circumstances. For example, concerns were raised about tamariki Māori attending Kohanga Reo not getting the same level of resources in their distance learning resource packs as their peers attending mainstream early childhood education.²² There has also been inequitable access to online learning for Māori in mainstream education. (Please see below, page 13, under the heading *Differential impact of school shutdown*). Access to food and other essentials, including housing and warm clothing was another issue for some whānau.²³ At the beginning of the rāhui, panic buying at supermarkets emptied shelves of cheaper brands of basic staple foods (e.g., rice, flour, dried pasta, canned foods), leaving some shelves empty of these items altogether or only more expensive brands being available. This forced low income whānau to make additional difficult choices – spend money on brands they couldn't afford under normal circumstances or go without.

During the rāhui, in several places around the country, Iwi set up checkpoints to monitor those travelling into their geographically isolated communities and keep whānau and residents safe.²⁴ ²⁵ The constructive way Iwi and Police worked together, using the checkpoints to keep communities safe, resulted in the Human Rights Commission describing these checkpoints as a positive example of te Tiriti partnership in practice.²⁶

However, political and public debate about the merits and legality of the checkpoints highlighted racism and bias within Aotearoa; a discussion that is ongoing with thousands of New Zealanders turning out to Black Lives Matter protests in early June.²⁷ ²⁸ Some of those taking part in these protests were tamariki Māori, Pacific children and other children of colour choosing to express their support for other peoples of colour experiencing bias and racism in the harshest of manners in another country, as well as drawing attention to racism

²¹ Above, n 2.

²² See <https://www.teaomaori.news/whanau-compare-kohanga-reo-vs-mainstream-distance-learning-packs?>

²³ See <https://www.stuff.co.nz/national/health/coronavirus/120803527/coronavirus-whanau-ora-agency-offers-crisis-line-navigators-to-support-whanau-in-crisis>

²⁴ Iwi are the largest social units in Aotearoa (New Zealand) Māori society.

²⁵ See <https://thespinoff.co.nz/society/10-05-2020/community-checkpoints-an-important-and-lawful-part-of-nzs-covid-response/>

²⁶ See <https://www.rnz.co.nz/news/te-manu-korihi/415617/mps-questioning-of-legal-iwi-checkpoints-really-is-racism>

²⁷ See <https://www.rnz.co.nz/news/national/418031/photo-essay-thousands-march-in-solidarity-with-black-lives-matter>

²⁸ To learn about one young person's experience of racism growing up in Aotearoa see: <https://www.thatsus.co.nz/my-daily-experience-of-racism>

here in Aotearoa. Unfortunately, the dominant narrative in media and political discourse following the protests focused on the breach of Level 2 restrictions at public gatherings, rather than issues of racism.²⁹ In the recent days leading up to finalisation of this report, public discussions are being led by rangatahi and young people about racism in response to Black Lives Matter, and their ability to share their views about racism. In the words of one of the young people leading these discussions, “We just want to be heard, we want to be listened to”.³⁰

Children’s rights implementation during Covid-19

As noted in our LOIPR report, despite recent developments, pre-COVID there were still many shortcomings in the national structures and systems needed to make children visible in Government policy and to implement the CRC. We continue to have serious concerns about the adequacy of mechanisms to ensure that children’s rights guide Aotearoa’s responses to the pandemic and post-COVID recovery and renewal, that children have first-call on resources, their best interests are taken into account in decision-making, and implementation of the CRC is not impeded by the expected economic recession. For example, it is not clear:

- a. How Government is monitoring the situation for all children during the pandemic and recovery, especially those whose rights may need extra protection.³¹
- b. What mechanisms are in place to ensure decision-makers have good information about issues for children, including from children themselves, and that decision-making is well co-ordinated and grounded in a child rights approach.
- c. Who in Government has overall responsibility for ensuring the CRC is implemented as part of the COVID-19 response policy and planning and that, in particular, the CRC’s general principles are being applied so that:
 - i. There is no discrimination and no child is left behind – all children are included in Aotearoa’s ‘team of 5 million’.³²
 - ii. The best interests of children are a primary consideration in all decision-making.³³

²⁹ See <https://www.rnz.co.nz/news/political/418131/muller-says-nz-black-lives-matter-protests-made-mockery-of-covid-19-rules>

³⁰ See <https://www.rnz.co.nz/news/national/418751/diocese-to-meet-school-after-black-lives-matter-posters-torn-down>

³¹ See <https://www.rnz.co.nz/news/in-depth/414499/covid-19-virus-and-recession-a-devastating-combination-for-maori-and-pasifika>

³² See <https://www.tvnz.co.nz/one-news/new-zealand/were-team-five-million-lockdown-timeline-depends-kiwis-behaviour-ardern-says>

³³ See UN Committee on the Rights of the Child, Concluding Observations on the fifth periodic report of New Zealand CRC/C/NZL/CO/5 (2016), para 16.

- iii. Maximising the life, survival and development of all children is a policy objective across Government.
- iv. Children are listened to and active participants in responding to the pandemic and determining what a post-COVID Aotearoa looks like.

Inequities and differential experience of COVID-19 and the rāhui

It is still too early to have quality, disaggregated data relating to children's rights during the pandemic in Aotearoa. Many issues have been raised and more information is needed on, for example:

- Whether any under 18-year-olds were locked down for over 22 hours in cells in adult correction facilities during Alert Levels 4 to 1;³⁴
- The number of children and young people who were picked up by the Police for breaching COVID-19 restrictions and the nature of those interactions;
- The impact of the pandemic and rāhui on disabled children and their families;
- How well the rights of tamariki Māori, as indigenous children, have been upheld and where can improvements be made;³⁵
- The levels of exposure children had to family violence in their homes;
- The prevalence of child abuse and neglect during the rāhui and as Aotearoa emerges from the pandemic.

Overall, it appears that children have experienced COVID-19 and Aotearoa's response in a variety of ways depending on their circumstances. For some children, the rāhui was a welcome opportunity to spend time at home and with family and whānau, to learn in new ways, and to be part of their local neighbourhoods and communities. For other children, home was not a safe place to be, families were stressed and anxious, relationships were tested, there was insufficient food and online learning was difficult or not even possible. Children missed their teachers and being with their friends.³⁶

For certain groups of children, we expect the rāhui will have posed particular challenges to their rights. For example LGBTQIA+ children and young people may have been forced to isolate at home with families unaccepting of their

³⁴ See <https://www.newsroom.co.nz/ideasroom/2020/05/12/1167542/from-locked-up-to-locked-down>; <https://www.stuff.co.nz/national/crime/121089746/prison-lockout-for-coronavirus-lockdown-goes-too-far--human-rights-commissioner>

³⁵ See <https://www.rnz.co.nz/news/te-manu-korihi/414667/government-s-maori-covid-19-response-all-words-no-action-response-group>

³⁶ See the results of a small poll of children and young people, undertaken by Barnardos New Zealand, which asked them directly about their experiences of lockdown life and their feelings about moving to Alert Level 2 (out of their bubbles). The poll results include quotes directly from children and young people and can be viewed here: <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>

identity, with a potential toll on their mental health.³⁷ Non-government organisations working directly with children and young people, including through nationally available helplines, have reported a spike in children and young people contacting them during the pandemic about mental health struggles, including suicide.³⁸

Many disabled children were unable to access education or their usual supports during the rāhui, and they have not always been welcomed back to school.³⁹ *Awhi-at-home* is a support page for parents of disabled children during rāhui to help deal with issues faced by disabled children and their families.⁴⁰ It gives an indication of the experiences of disabled children and how much more work is still needed for Aotearoa to build an inclusive society that upholds the rights of disabled children, including during disasters and crises.

Babies born during the rāhui came into the world at a time when the supports available to their mothers were restricted, with families and whānau unable to visit them in hospital even when there were complications.⁴¹ Auckland City Hospital, which had previously recorded one maternal death in three years, is currently investigating three maternal deaths during the rāhui.⁴²

This differential experience of COVID-19 and the rāhui suggests the already unequal realisation of rights, outlined in our LOIPR report, has been compounded by the pandemic. To illustrate this concern, we draw the Committee's attention to the following issues that we believe highlight this.

Spike in rheumatic fever cases

There has been a spike in the number of children hospitalised in Wellington for acute rheumatic fever; nine children so far in 2020 when, normally, there would have been one or two. Nationally, rates of the disease have increased by about 25 per cent.⁴³

Rheumatic fever is a disease associated with poor housing, overcrowding and poverty, as are respiratory diseases such as asthma and wheezing, bronchiolitis, pneumonia and bronchiectasis.⁴⁴ These preventable diseases are a leading cause

³⁷ See <https://www.rnz.co.nz/news/national/413386/concerns-for-lgbtqi-people-in-unsafe-homes-during-covid-19-lockdown>

³⁸ See

<https://www.rnz.co.nz/national/programmes/ninetonoon/audio/2018749868/alarming-new-stats-on-youth-mental-health-and-covid-19>

³⁹ See <https://www.complexcaregroup.org.nz/news-updates/education-for-disabled-students-during-covid-19-lockdown/>

⁴⁰ See https://www.facebook.com/awhiathome/about/?ref=page_internal

⁴¹ See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12322609

⁴² See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12335747

⁴³ <https://www.rnz.co.nz/news/national/417429/spike-in-rheumatic-fever-cases-in-wellington>

⁴⁴ See our LOIPR report, above n 15, p. 41.

of childhood illness in Aotearoa, and their prevalence underscores the health inequities experienced by children and tamariki.

It is reasonable to assume that requiring people to stay in their homes will have exacerbated overcrowding issues that existed for some families and whānau pre-pandemic, and that the economic changes ahead have potential to further entrench poverty. Steps must be taken now to avoid existing health and housing inequities being exacerbated.

An adequate standard of living for all children

A COVID-related income support payment for those who have been made redundant due to the pandemic was announced on 25 May 2020 by Government. The payment is now available for 12 weeks from 8 June at \$490 per week to full time workers, while part time workers are eligible for up to \$250. This means a household with two people on the COVID-related payment will have an income of up to \$980 per week. By comparison, the existing Jobseeker Allowance for those over 25 years of age is \$250 per week after tax. A household income for two people on the Jobseeker Allowance is \$401 maximum.⁴⁵

The COVID-19 Income Relief Payment raises two issues:

1. Firstly, the inadequacy of the existing Jobseeker Allowance and other welfare payments. Many families and whānau in Aotearoa simply do not have enough household income to live on. The Welfare Expert Advisory Group recommended in 2019, amongst other things, that main benefit levels needed to urgently be raised by between 12 per cent and 47 per cent or up to \$100 per week⁴⁶ to alleviate poverty and ensure an adequate standard of living for families, whānau and people in Aotearoa.⁴⁷ The Government did raise benefit levels as part of their initial economic response to COVID-19 by \$25 per week.⁴⁸ However, the new COVID-related payment is broadly in line with the level of income support the Welfare Expert Advisory Group recommended should be available to all jobseekers and main benefit recipients, demonstrating that existing welfare support is inadequate.⁴⁹
2. Secondly, the inequity both created and perpetuated by implementing a new payment, which is double that of the existing income support

⁴⁵ See <https://www.rnz.co.nz/news/national/417531/welfare-advocates-not-happy-with-covid-19-unemployment-benefit>

⁴⁶ See <https://www.stuff.co.nz/business/115018412/benefit-rates-need-to-rise-and-now-for-people-and-the-economy>

⁴⁷ Welfare Expert Advisory Group (2019). *Whakamana Tāngata – Restoring Dignity to Social Security in New Zealand*.

⁴⁸ See <https://www.beehive.govt.nz/feature/covid-19-economic-response-package>

⁴⁹ See the thematic LOIPR report from Child Poverty Action Group, *Thematic Report: Child Poverty in Aotearoa/New Zealand* (February 2020) for more information about ensuring all children in Aotearoa live in households with an adequate standard of living and household income.

payment. The Government has explained that this is a one-off, time-limited response to COVID-related unemployment. However, it will exacerbate existing inequities. We know that disproportionately, disabled children, tamariki Māori and Pasifika children are more likely to live in households reliant on the existing low level of income support.⁵⁰ Based on statistics currently available, it appears that many of those on the new, higher COVID-related income support payment are likely to be European New Zealanders. There was a 60 per cent increase in the numbers of European New Zealanders seeking job-seeker support between February and April 2020, compared to a 25 per cent increase for Māori.⁵¹ We question how the current arrangements meet Government's obligations under the CRC, particularly Articles 2, 3, 5, 6, 26 and 27, to ensure all children can live with dignity in homes that have an adequate standard of living.

A group of children who are particularly vulnerable are those who are in Aotearoa with parents or caregivers who are migrant workers. These families are not receiving social security assistance from the State. Concerning reports have emerged of migrant families being isolated by the rāhui, living in overcrowded accommodation without sufficient food and unable to leave the country, but with no means of support here.⁵² This situation adds weight to calls for Aotearoa to remove its general reservation to the CRC.

Differential impact of school shutdown

The shutdown of schools and the move to home-based, online learning had differential impacts on children. This was a huge adjustment for learners, their families, teachers and school management. For some children it was difficult to continue to learn in their home environments because of:

- Overcrowded living conditions and children having to compete for 'learning space' alongside their siblings and parents or caregivers who may also have been working from home.
- Overloading of the wifi network when multiple devices were used and the added cost of running multiple devices simultaneously and for extended periods of the day.

⁵⁰ See, with regard to disabled children, CCS Disability Action, *Thematic paper on children with disabilities in New Zealand submitted to the UN Committee on the Rights of the Child*, (February 2020), p. 5; see, with regard to tamariki Māori and Pasifika children, Stats NZ Tatauranga Aotearoa, *Child Poverty Statistics: Year ended June 2019*, <https://www.stats.govt.nz/information-releases/child-poverty-statistics-year-ended-june-2019>

⁵¹ See <https://www.rnz.co.nz/news/national/417531/welfare-advocates-not-happy-with-covid-19-umemployment-benefit>

⁵² See <https://www.newsroom.co.nz/2020/05/12/1168118/can-of-beans-solution-for-out-of-work-migrants>

The school shutdown also highlighted the digital divide in Aotearoa and how the establishment of an inclusive education system with equitable access to, and outcomes from, education for all children is long overdue.

Despite early and continued efforts to ensure all primary and secondary school children were connected to online learning, there was a shortfall in the availability of digital resources needed to learn, especially for children in lower decile school communities who were less likely to have access to devices and internet connections at home.⁵³ ⁵⁴ To increase access and support for learning, the Ministry of Education distributed printed learning packs to students unable to access online learning and two educational television channels were also broadcast (one for English medium and one for Māori medium) to reach learners.

Teachers are concerned about the stress placed on children unable to access the internet, not only because these children may have fallen behind in their learning, but also because they feel bad about this, which has implications for their mental health and wellbeing, and may be impacting some older students' decisions not to return to school.⁵⁵

In addition to education rights, the school shutdown disrupted children's relationships with friends and teachers, as well as access to supports and services delivered through schools, such as food in schools programmes, provision of health services and access to counsellors and social workers.⁵⁶ The important role played by schools in children's lives is illustrated by a kura kaupapa Māori school deciding to provide breakfast and lunch to students after noticing, since the rāhui, more children coming to school hungry because families are struggling with sudden job losses during the COVID-19 pandemic and cannot afford to feed their children.⁵⁷

There are also particular issues for children under five years of age in Early Childhood Education (ECE) settings. Whilst the Ministry of Education took a more universal approach to ensuring children in primary and secondary education remained connected to their learning, support for ECE was much more sporadic and it is unclear how many of the 73,000 children in ECE settings received resources. Provision of Early Learning packs was directed to those children in early learning services who receive Targeted Funding for Disadvantage (TFFD)

⁵³ See https://www.teaomaori.news/moe-deficient-delivering-resources-otara-students-principal?_ga=2.118314186.299655726.1590534672-1342779942.1590534672

⁵⁴ See the Cabinet Paper 'Education Report: Enabling distance learning for all – Immediate next steps' - Government estimated there are 82,000 homes (covering 145,000 school-age learners) without access to the internet and/or any fit-for-education devices at home. This is a significant barrier to these learners' ongoing learning, particularly in a distance teaching and learning environment, and risks perpetuating or increasing existing inequities. See <https://covid19.govt.nz/assets/resources/proactive-release/Enabling-distance-learning-for-all-Immediate-next-steps.pdf>

⁵⁵ See https://www.teaomaori.news/tech-inequities-will-still-impact-students-despite-todays-return?_ga=2.114070724.299655726.1590534672-1342779942.1590534672

⁵⁶ See https://www.teaomaori.news/kidscan-faces-record-demand-kiwi-kids-return-school?_ga=2.114070724.299655726.1590534672-1342779942.1590534672

⁵⁷ See <https://www.teaomaori.news/whanau-kura-kaupapa-band-together-keep-tamariki-fed>

and te reo Māori resources for children in Kōhanga Reo and Puna Reo. Based on available information it appears most children in mainstream ECE did not receive learning packs from the Ministry, although online learning support was available via two Ministry websites <https://learningfromhome.govt.nz/> and <https://www.kauwhatareo.govt.nz/en/resource/ki-te-ao-marama/>.

In summary, while it is clear that some lessons have been learnt from the Canterbury earthquakes, further work is needed on disaster and crisis planning for the realisation of children's education rights in Aotearoa in all circumstances. Some children have not yet returned to school, even though schools have now re-opened, due to family and whānau concerns about safety from COVID-19.⁵⁸ Some schools are having difficulty locating students who may have moved away to stay with other whānau or in other places during the rāhui.⁵⁹

Children's rights and economic recovery

Now that Aotearoa has moved to Alert Level 1, attention is moving from the public health response to COVID-19 to recovery from the economic impact of the pandemic.

Before the pandemic, the Child Poverty Action Group (CPAG) noted:

Our current social welfare system, with its focus on paid-work incentives, doesn't account for the hours of care that all children need. Low-income families, under-resourced and under stress with high costs burdens, need financial support to create the conditions for children to develop and thrive. We need an immediate and substantial overhaul of the welfare system, to make sure that children are at the heart of it (Article 3.1).⁶⁰

With high rates of unemployment predicted and many more families and whānau with children facing financial uncertainty and household insecurity, it will be important that children are visible and central to all decision-making about the economic recovery, including as part of policy development on the future of work, and an immediate and comprehensive overhaul of the welfare system, in line with the recommendations of the Welfare Expert Advisory Group in 2019. Otherwise, Aotearoa risks the pandemic resulting in increased levels of child poverty and youth unemployment. These risks were acknowledged by the Government in Budget 2020 including in its Child Poverty Report.⁶¹

⁵⁸ See <https://www.rnz.co.nz/news/covid-19/418491/some-students-fail-to-return-to-school-post-lockdown>

⁵⁹ See <https://www.rnz.co.nz/news/national/418491/some-students-fail-to-return-to-school-post-lockdown>

⁶⁰ See CPAG thematic report, above n 49.

⁶¹ See <https://treasury.govt.nz/publications/budgets/budget-2020>

For Aotearoa, there are lessons to be learnt from the economic reforms of the 1990s about the importance of having effective mechanisms to monitor, protect and promote the rights of children during times of social upheaval and change.⁶²

The economic re-think that will be required post-COVID presents a tremendous opportunity to advance children's rights and create the economic and social conditions that allow every child in Aotearoa to thrive. All children in all circumstances should be able to experience and enjoy their full range of CRC rights and, for tamariki Māori, their rights under te Tiriti o Waitangi. In the weeks and months ahead, Government will be required to consider and address many longstanding issues for children in Aotearoa, including their rights to:

- **Housing:** Aotearoa is in the midst of a housing crisis and many children do not have a warm, dry home to live in.⁶³ This is a particularly critical issue as Aotearoa heads into winter. Children in inadequate accommodation are at greatest risk of falling ill.⁶⁴ Moves to ensure everyone in Aotearoa had somewhere to live during the rāhui demonstrate how concerted efforts to house people can work, although having somewhere to live is not, in itself, enough; poor quality, unsafe housing and overcrowding remain pressing issues, especially for low income families and whānau.⁶⁵ A six month rent freeze and other protections for tenants that were put in place as part of Government's COVID-19 response offered some help to families who rent their home. However, rents were at record high levels when they were frozen, and many tenants have had dramatic drops in income, leaving little money available on a weekly basis for food and other essentials.⁶⁶ Some landlords did voluntarily reduce rents or defer payments to assist families and whānau during the rāhui. Banks also offered mortgage holidays or deferrals to relieve the pressure on families with reduced incomes. However, data is not available on how many families were benefitted by these measures.
- **Nutritious food:** Aotearoa is a food-producing nation, yet demands on foodbanks spiked over the rāhui and there were complaints about the price of food, including staples such as vegetables, flour, bread and meat.⁶⁷ ⁶⁸ Equitable access to nutritious food is emerging as a serious issue for children in Aotearoa. As CPAG has stated in a recent report on

⁶² See <https://www.unicef-irc.org/publications/334-when-the-invisible-hand-rocks-the-cradle-new-zealand-children-in-a-time-of-change.html>

⁶³ See <https://www.cpag.org.nz/the-latest/current-statistics/social-housing-data-2019/>

⁶⁴ See <https://www.rnz.co.nz/news/national/414591/lockdown-highlights-risks-of-poor-accommodation-housing-group-says>

⁶⁵ See <https://www.rnz.co.nz/news/national/414256/covid-19-lockdown-tough-on-overcrowded-households>

⁶⁶ See <https://www.stuff.co.nz/life-style/homed/renting/121325211/tenants-going-without-food-to-pay-rent-during-lockdown>

⁶⁷ See <https://www.rnz.co.nz/news/national/414809/it-s-christmas-on-steroids-foodbanks-in-huge-demand-across-nz>

⁶⁸ See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12322407

this issue, "Covid-19 has exacerbated already-high levels of food insecurity in Aotearoa".⁶⁹

- **Adequate income:** As discussed above, building an economic and social security system that ensures all children have an adequate standard of living is fundamental to their wellbeing. We encourage Government to co-ordinate its work to reduce child poverty and progress the Child and Youth Wellbeing Strategy with its wider economic and social policies post-COVID, including employment and welfare policy, so that children's rights and the outcomes for their families and whānau are held central.
- **Young workers:** There are reports of young people leaving school because they need to work and earn money to support their families and whānau due to COVID-19 related job losses. School principals are calling for a joined-up response to support young workers so their rights, including their rights to education, are not compromised.⁷⁰ This situation highlights the need for Government to reassess whether existing protections for young workers are adequate and in accordance with their rights, including their right to education.⁷¹ The rāhui's disproportionate impact on young workers is also cause for concern because of its potential influence on young people's transition from school to work or tertiary education. It may also create a work environment where, due to insufficient jobs, children come under pressure to do work that is underpaid, that interferes with their education, or is unsafe.⁷²
- **Health and education:** We encourage Government to prioritise investment in public goods and services, such as health and education, as part of planned spending to stimulate the economy. Strengthening and properly resourcing health, education and social services would substantially improve the realisation of children's rights and their wellbeing.

⁶⁹ CPAG, *Aotearoa, Land of the Long Wide Bare Cupboard* (Part 6: Food Insecurity in New Zealand), June 2020, p. 3.

⁷⁰ See <https://www.stuff.co.nz/national/education/121633328/coronavirus-fears-teens-working-to-support-families-wont-return-to-school>

⁷¹ The reservation currently in place reads: "The Government of New Zealand considers that the rights of the child provided for in article 32 (1) are adequately protected by its existing law. It therefore reserves the right not to legislate further or to take additional measures as may be envisaged in article 32 (2)." In its 2016 Concluding Observations on New Zealand, the UN Committee on the Rights of the Child urged New Zealand to consider withdrawing its general reservation and this reservation.

⁷² See <https://i.stuff.co.nz/business/300011565/coronavirus-the-young-female-face-of-covid19-unemployment-may-soon-change>
<https://i.stuff.co.nz/business/industries/121442995/coronavirus-50pc-more-youth-on-unemployment-benefit-more-job-losses-predicted>

Prevention of, and protection from violence and abuse

Protecting children from violence and abuse, including through effective violence prevention, is a longstanding, troubling children's rights issues in Aotearoa. Prior to the rāhui there were serious concerns about the potential for children's exposure to violence and abuse, both directly and as witnesses, to increase. It is very difficult to know, at this stage, specifically what levels of violence have occurred because the rāhui made what is already a hidden issue even more concealed. However, available statistics and data paint a concerning picture.

There have been reports of two children being killed during the rāhui; a three-month-old baby and a one-year-old girl both from South Auckland.^{73 74} A third child, a two-year-old toddler from Palmerston North, died in unexplained circumstances.⁷⁵ The Police continue to investigate all three deaths.

Notifications to Oranga Tamariki, Aotearoa's state child protection agency, declined during the rāhui. In the six weeks following entry into Alert level 4, 6,529 reports of concern were made to Oranga Tamariki, compared to 9,190 in the same time period in 2019; a drop of approximately 30-40 per cent.⁷⁶ This could be expected, due to the fact that children had reduced contact with people likely to report concerns about potential abuse, such as their teachers and neighbours. Oranga Tamariki continued to operate during the rāhui and 80 children were taken into state care.⁷⁷

Responding to incidents of family harm was a large part of Police work over the rāhui,⁷⁸ although this may be attributed to lower rates of traffic and property-related offending.

Ang Jury, the chief executive of Women's Refuge has commented:

*It's all very weird. Logically and intuitively you just have to know that lockdown could not have been a good thing for a whole lot of people. It makes no sense that everyone just decided to love everyone and be kind. ... It would be hard to believe that it was anything other than underreporting.*⁷⁹

⁷³ See <https://www.stuff.co.nz/national/crime/300018755/man-charged-with-murder-after-death-of-3monthold-baby-in-south-auckland?rm=a>

⁷⁴ See <https://www.stuff.co.nz/national/crime/300026927/auckland-baby-homicide-plea-to-speak-up-for-sofias-sake>

⁷⁵ See <https://www.stuff.co.nz/national/crime/300027450/police-investigate-2yearolds-death-in-palmerston-north>

⁷⁶ See <https://www.rnz.co.nz/news/national/417518/reports-of-child-abuse-dropped-during-covid-19-lockdown>

⁷⁷ See <https://www.theguardian.com/world/2020/may/18/new-zealand-braces-for-spike-in-child-abuse-reports-as-covid-19-lockdown-eases>

⁷⁸ See <https://www.rnz.co.nz/news/covid-19/414660/family-harm-callouts-dominate-dunedin-police-work-in-lockdown>

⁷⁹ See <https://www.stuff.co.nz/national/crime/300019000/coronavirus-death-of-auckland-baby-sheds-light-on-unreported-violence-during-covid19-lockdown>

We support comments made by Holly Carrington from the domestic violence charity Shine that while there was precedent for events like COVID-19 to exacerbate domestic violence, there had been no planning for such an event:

For example, the Christchurch earthquakes had a huge impact on domestic violence. It was similar to COVID in that services had to shut down, police were stretched, and referrals were going up. ... We need to put some thought into that - this isn't the last time we are going to have a pandemic - and COVID might come back. We need to be better prepared.⁸⁰

Alongside the above picture, NGOs working directly with children and young people experiencing family violence prior to the pandemic have anecdotally shared the increases they saw in family violence and harm during the rāhui, and worked hard to maintain contact with children, families and whānau to help keep them safe, albeit from a distance.

COVID-19 and the impact on children's mental health

Aotearoa has high rates of poor child mental health, including the highest rates of youth suicide in the OECD.⁸¹ We are therefore deeply concerned about how the pandemic and rāhui have affected children's mental health.

Helplines have experienced a marked increase in calls, with children and young people seeking support around a number of issues: fear and confusion about COVID-19, loneliness at being away from friends and school, stress at home, feeling unsafe at home, and significant mental health issues including suicide, depression, anxiety and self-harm.⁸²

Youthline, an organisation that works with young people, their families and supporters to ensure young people can access help and support when they need it, has reported a 50 per cent increase in contacts over suicide, self-harm, anxiety and depression between mid-March and mid-April 2020 over the same period last year. Barnardos, which runs 0800 WHATSUP, a free helpline for under 18-year-olds, reports that webchats about suicidal thoughts increased by 159 per cent in April 2020 compared with April 2019. Mental health and suicide were the two topics most web-chatted about with 0800 WHATSUP counsellors by children and young people during March, April and May 2020.^{83 84 85}

⁸⁰ See https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12335695

⁸¹ See our LOIPR report, above n 15, p. 21.

⁸² See <https://www.scoop.co.nz/stories/GE2004/S00256/young-peoples-mental-health-significantly-affected-by-covid-19-and-lockdown-youthline-study.htm>

⁸³ <https://www.youthline.co.nz>

⁸⁴ <https://www.whatsup.co.nz>

⁸⁵ See

<https://www.rnz.co.nz/national/programmes/ninetonoon/audio/2018749868/alarming-new-stats-on-youth-mental-health-and-covid-19>

School counsellors are also reporting a surge in demand as students return to school with concerns stemming from the COVID-19 pandemic.⁸⁶

Our experience in Aotearoa from crises such as the Canterbury earthquakes and the Christchurch mosque shootings is that trauma, anxiety and stress can have significant long-term effects on children's mental health, which can last beyond the cause of the trauma itself.⁸⁷

There is a need to create environments for children that promote mental wellness, minimise stress and, when needed, provide accessible and effective services to children in a timely manner.⁸⁸ This includes preventing and minimising toxic stresses within families and whānau. Ensuring opportunities to play and connect with nature can also make a difference.

The Government has committed significant funding to improving Aotearoa's critically depleted mental health system, but it is not clear what percentage has been allocated to respond to, and support, the mental health of children.⁸⁹ Pre-COVID, Aotearoa had a shortfall of mental health professionals who specialise in supporting children.⁹⁰ As well as increasing the number of child and youth mental health workers, Government needs to address the determinants of good mental health for children and to ensure all children can access mental health support when they need it, in ways that work best for them.

⁸⁶ See <https://www.tvnz.co.nz/one-news/new-zealand/school-counsellors-call-more-funding-increased-staffing-demand-surges-post-lockdown>

⁸⁷ See <https://www.stuff.co.nz/national/education/110623814/the-quake-children-how-are-they-doing-eight-years-on>

⁸⁸ Paterson, R., Durie, M. H., Disley, B., Rangihuna, D., Taitai-Smith, J., & Tualamali'i, J. (2018). *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction* (p. 219). Retrieved from <https://mentalhealth.inquiry.govt.nz/inquiry-report/> "Increasing numbers of children and young people are showing signs of mental distress and intentionally self-harming" (p. 8); "Children and young people are exhibiting high levels of behavioural distress leading to deliberate self-harm, risk-taking, anxiety and other troubling behaviours. Parents are concerned about the harms of bullying and misuse of the internet and social media" (p. 9); "People placed particular emphasis on reducing economic deprivation among our children, mokopuna and young people, as child poverty paves the way for worse health outcomes in childhood, adolescence and adulthood" (p. 42).

⁸⁹ See <https://theconversation.com/mental-health-wins-record-funding-in-new-zealands-first-well-being-budget-118047>)

⁹⁰ See <https://www.tvnz.co.nz/one-news/new-zealand/school-counsellors-call-more-funding-increased-staffing-demand-surges-post-lockdown?auto=6162068407001>

Conclusion and suggested supplementary questions

Children have been included in Aotearoa’s collective effort to “stay home and save lives” over the months of March through to May 2020. In one of her daily briefings prior to Easter, for example, the Prime Minister declared the Easter Bunny an essential service, explaining that because of the rāhui the usual delivery of eggs may not happen and suggesting other ways to mark the occasion, such as colouring in pictures of Easter eggs and putting them in house windows for children to find and enjoy.⁹¹ Efforts were also made to communicate about the pandemic with children, for example, through a Prime Ministerial press conference for children.⁹²

However, there were inequities in the realisation of children’s rights in Aotearoa prior to the COVID-19 pandemic (as set out in our LOIPR report), which the pandemic has served to highlight and, in some cases, to exacerbate.

The lack of focus on children as central to the Government’s pandemic response will have created unintended and, as yet, unquantifiable and unknown consequences and impacts for children. This is deeply concerning.

As Aotearoa moves into the COVID-19 recovery phase, opportunities exist for Government to choose to prioritise children and their rights, by putting them at the forefront of the short, medium and long-term strategies to rebuild and renew. We sincerely hope these opportunities are taken up with the urgency and commitment they need.

Supplementary questions for the Committee to consider asking Aotearoa New Zealand

- How has the COVID-19 pandemic and its economic and social impact affected children and their rights in Aotearoa?
- How does this impact differ between different groups of children?
- What has been the impact on (among other rights) children’s rights to:

⁹¹ See https://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=1232292

⁹² See <https://www.theguardian.com/world/2020/mar/19/jacinda-ardern-holds-special-coronavirus-press-conference-for-children>

- an adequate standard of living and material support for their parents or caregivers?
 - be protected from all forms of violence?
 - access education and experience equitable educational outcomes?
 - have the highest attainable standard of health (physical and mental) and receive healthcare when needed?
- What mechanisms are in place, and what steps are being taken, to ensure the rights of all children in Aotearoa are monitored, upheld and advanced during the COVID-19 pandemic and recovery?
 - How will children and their views be included and play a role in creating and realising a new vision for Aotearoa post the COVID-19 crisis?

CHILDREN'S RIGHTS ALLIANCE

AOTEAROA
NEW ZEALAND

June 2020

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