

New Zealand's 6th Periodic Review under the UN Convention on the Rights of the Child

Supplementary submission of the New Zealand Human Rights Commission to the Committee on the Rights of the Child

Reporting Stage: List of Issues Prior to Reporting

June 2020



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The New Zealand Human Rights Commission (the Commission) is established and operates under the Crown Entities Act 2004 and the Human Rights Act 1993. The Commission is accredited as an 'A status' national human rights institution under the Paris Principles. Information about the Commission's activities can be found on our website: www.hrc.co.nz

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Supplementary submission of the New Zealand Human Rights Commission on New Zealand's 6th Periodic Review under the UN Convention on the Rights of the Child

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Introduction

1. The New Zealand Human Rights Commission ('the Commission') is accredited as an A-status National Human Rights Institution under the Paris Principles. The Commission provided an initial [submission to the Committee in March 2020.](#)¹
2. The Commission welcomes the opportunity to provide a brief further submission to the Committee ahead of the adoption of the List of Issues Prior to Reporting. The Commission is doing ongoing work in relation to the human rights impacts of COVID-19, and the human rights obligations and opportunities in the response and recovery. At the time of writing, the Commission's work is compiled on a dedicated web page² and the Commission's main publication to date is a snapshot report titled "Human rights and Te Tiriti need to be part of COVID-19 response".³ That report is provided as an annexure to this submission.
3. We have had the benefit of receiving copies of the additional supplementary submissions being made by the Children's Rights Alliance Aotearoa and the Office of the Children's Commissioner, and we intend for this submission to support theirs. The Human Rights Commission will continue to support work by the Office of the Children's Commissioner and other partners, to promote children's rights in the pandemic and recovery.

Impact of COVID-19 on children in Aotearoa New Zealand

4. The Commission has strongly commended the New Zealand Government's response to COVID-19.⁴ Swift action reduced the risk which COVID-19 has presented to children's health in New Zealand. However, the impact of the COVID-19 pandemic on children's rights in New Zealand has nonetheless been wide-ranging and serious, and will be ongoing.
5. As has been widely recognised, COVID-19 has exposed and exacerbated pre-existing and deeply entrenched discrimination or disparities in society.⁵ In New Zealand, some groups of children have experienced different impacts of the lockdown, and will continue to have different experiences of the ongoing impacts of the global pandemic. The immediate stress and long-term impacts are not evenly shared: they disproportionately fall on those who were already finding it tough beforehand.

¹ Available online at https://www.hrc.co.nz/files/9215/8466/4444/HRC_submission_on_CRC_LOIPR_-with_annexure.pdf.

² <https://covid19.hrc.co.nz/>

³ "Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 in Aotearoa New Zealand / Mōtika Tangata me Te Tiriti o Waitangi: Mate Korona me te Noho Rāhui i Aotearoa Taumata 4" April 2020, see annexure. Also available at [https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi- COVD-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).

⁴ See "Human rights and Te Tiriti need to be part of COVID-19 response", 30 April 2020, available at https://covid19.hrc.co.nz/human_rights_and_te_tiriti_need_to_be_part_of_covid_19_response.

⁵ See for example UN High Commissioner for Human Rights, *Disproportionate impact of COVID-19 on racial and ethnic minorities needs to be urgently addressed*, 2 June 2020. Working Group on discrimination against women and girls, *Responses to the Covid-19 could exacerbate pre-existing and deeply entrenched discrimination against women and girls*, 20 April 2020.

6. The supplementary information from the Children’s Rights Alliance Aotearoa and the Office of the Children’s Commissioner⁶ provides extensive detail about the specific impacts of the pandemic and response on tamariki/children in Aotearoa New Zealand.

Participation in COVID-19 response

7. As New Zealand left “alert level 3 lockdown” and moved towards less restrictive rules in mid-May 2020, the Public Health Response Act was temporarily enacted to govern the new situation. Public concern was expressed about the speed at which the legislation was passed, bypassing usual opportunities for public participation. The Act included provisions with specific impacts for children.⁷ The Commission is participating in the retrospective inquiry Parliament has established into the operation of the Bill.⁸
8. An inclusive approach, with meaningful participation for all, including children, is vital for COVID-19 recovery planning, and the Commission encourages the Committee to seek information from the government about how this is being implemented. Last year the Children’s Convention Monitoring Group published “Getting it Right: Are We Listening?”, a report making recommendations for improved child participation in government policy making.⁹

A Tiriti o Waitangi and human rights-based recovery

9. The pandemic and recovery provide an opportunity to confront inequalities and reimagine an Aotearoa New Zealand based on te Tiriti o Waitangi and human rights. The Commission has called for te Tiriti o Waitangi and human rights to be at the heart of the recovery from the COVID-19 pandemic.¹⁰ The Commission has urged the government to renew and reinvigorate its commitment to Te Tiriti and to work in partnership with Māori as to devise and implement recovery and response strategies. The recovery provides an opportunity to include children and to include children’s rights in the design and substance of the recovery. As we look forward to recovery, our tamariki/children’s future must be centre stage.
10. The Children’s Convention Monitoring Group has called on the Government to ensure that children’s rights are a primary consideration in the COVID-19 response and recovery. There have been some positive initiatives showing that there is scope for accelerated promotion of children’s rights. There are also significant opportunities for implementing existing recommendations to improve the promotion of children’s rights in Aotearoa New Zealand. The supplementary information from the Children’s Rights Alliance Aotearoa and the Office of the Children’s Commissioner provides further detail of some of the specific measures available to ensure that children’s rights are promoted in the COVID-19 recovery.

⁶ The Children’s Rights Alliance Aotearoa is a civil society coalition which works for children’s rights in Aotearoa New Zealand. The Alliance, the Commission, and the Office of the Children’s Commissioner are members of the Children’s Convention Monitoring Group (‘CMG’), a group that monitors the implementation of the Convention in New Zealand. See <https://www.occ.org.nz/childrens-rights-and-advice/uncroc/uncroc-role/>.

⁷ See Office of Children’s Commission submission to the Inquiry into the Act:

https://www.parliament.nz/en/pb/sc/submissions-and-advice/?custom=inq_97823.

⁸ https://www.parliament.nz/en/pb/sc/business-before-committees/document/INQ_97823/inquiry-into-the-operation-of-the-covid-19-public-health

⁹ Available at <https://www.occ.org.nz/publications/reports/getting-it-right-are-we-listening/>.

¹⁰ See “Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 in Aotearoa New Zealand / Mōtika Tangata me Te Tiriti o Waitangi: Mate Korona me te Noho Rāhui i Aotearoa Taumata 4” April 2020, available at https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi_COVID-19_and_Alert_Level_4_FINAL.pdf.

The Commission recommends that the Committee seek the following information from the New Zealand government:

11. Further to the information recommended in the Commission’s initial submission on the List of Issues Prior to Reporting, the Commission suggests that the Committee seek from the New Zealand government information about:
 - **The use of the Parliamentary urgency process during the pandemic and how children’s participation was supported during the COVID-19 response; and**
 - **How the COVID-19 recovery will be used as an opportunity to promote the Convention – including participation rights and the rights of tamariki under te Tiriti o Waitangi.**

Annexure:

New Zealand Human Rights Commission “Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 in Aotearoa New Zealand / Mōtika Tangata me Te Tiriti o Waitangi: Mate Korona me te Noho Rāhui i Aotearoa Taumata 4”, April 2020¹¹

¹¹ Also available online at https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi-COVID-19_and_Alert_Level_4_FINAL.pdf.