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Human rights and Te Tiriti need to be part of COVID-19 response

Human rights and Te Tiriti need to be part of COVID-19 response

April 30, 2020

The Human Rights Commission has strongly commended the Government's response to COVID-19 but says more needs to be done to put human rights and Te Tiriti o Waitangi at the heart of decision and policy making.

A 18-page report Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 (https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi-_COVID-19_and_Alert_Level_4_FINAL.pdf) in Aotearoa New Zealand includes a section on Te Tiriti; 'snapshots' of ten areas of concern ranging from lack of access to PPE (Personal Protective Equipment) and justice through to an increase in racist behaviour and family violence; and more than 30 recommendations.

"Aotearoa New Zealand is living through a health, economic and human rights emergency. The rights to life, health protection, and health care place obligations on the government to do all it can to respond effectively and equitably to COVID-19," said Chief Human Rights Commissioner Paul Hunt.

"Consistent with these human rights obligations, the government has responded to COVID-19 with vigour and determination."

The report states that overall the country's systems of health protection and health care had performed very well but there had been some significant shortcomings. Lessons could be learnt as Aotearoa New Zealand takes steps in Alert Level 3 towards recovery.

Efforts to support Māori were noted in the report, including the Ministry of Health's Māori Response Action Plan, but the Government was also urged to renew and reinvigorate its commitment to Te Tiriti and to work in partnership with Māori as it devised and implemented strategies in Alert Level 3 and beyond.

"Honouring Tiriti and human rights commitments is vital to ensure an effective response to COVID-19 and to prevent the erosion of trust and confidence within Crown-Māori relationships," Mr Hunt said. 

The report concluded that one of the striking features of the government's response to COVID-19 was an almost total silence about human rights.

"Human rights do not provide magic solutions to grave crises, but they have a constructive contribution to make. They embody values - the importance of partnership, participation, protection, safety, dignity, decency, fairness, freedom, equality, respect, wellbeing, community, and responsibility," Mr Hunt said.

"Increasingly operational, human rights can help to chart and implement an effective, equitable, balanced, sustainable medium, and long-term response to COVID-19. They can help to strike fair balances and identify proportionate responses."

The report makes recommendations across human rights and Te Tiriti; PPE; access to justice; contact tracing, surveillance and data use; deprivations of liberty; racism; disability; family violence; older people; women; employment; poverty and housing.

"If the government explicitly takes human rights into account, this will help to ensure that it complies with its legally binding national and international human rights obligations," Mr Hunt said.

Key recommendations include:

- ensuring human rights and Te Tiriti based partnership across the Government's COVID-19 response. A coordinated whole-of-government strategy building on the work begun last year towards a national action plan for the UN Declaration on the Rights of Indigenous Peoples.
- government and Māori strengthening mechanisms to support partnership decision-making that affirms the kāwanatanga of government and rangatiratanga of hapū, iwi, and Māori.
- improving guidance on and access to PPE (masks, gloves, and gowns) for home and community support workers.
- providing the Human Rights Review Tribunal with adequate resources to hear and decide claims remotely. All the tribunals hearings for March, April, and May 2020 have been cancelled and timetables suspended.
- appropriately balancing the right to privacy with the right to health when considering digital contact tracing to ensure that any impacts on people's privacy are strictly necessary, lawful, and proportionate.
- with appropriate COVID-19 safety measures, providing unrestricted access to prisons, police cells, secure mental health and dementia units, youth justice facilities, and care and protection residences for monitoring agencies (National Preventive Mechanisms).
- prioritising the development of a National Action Plan Against Racism grounded in Te Tiriti o Waitangi.
- proactively involving disabled people in the drafting and production of materials and information and ensuring accessible information is available and easy to locate.
- further increasing funding to protect those at risk of violence. The allocation of \$12 million for refuge accommodation and other support services was commendable but more was needed.
- improving pandemic preparedness and planning for aged care facilities and ensuring older people are provided with the opportunity to influence those decisions.
- increasing investment in tertiary education to lift the prosperity of Māori, women, Pacific, disabled, migrant workers, ethnic minorities, marginalised youth, and older workers.
- providing targeted investment to struggling businesses and industries, with te Tiriti, equity, and human rights built into stimulus packages and outcome planning.
- ensuring those living in homelessness and insecure housing who were housed by the government during Alert Level 4 are not made homeless again.

Information on human rights during COVID-19 is available on [covid19.hrc.co.nz](https://www.hrc.co.nz). People can contact the commission with their concerns via an online form on the website or by contacting 0800 496 877 or covid19@hrc.co.nz.



Click here to read the report.

(https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi-_COVID-19_and_Alert_Level_4_FINAL.pdf)

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