

## **Virtual Monitoring of Secure Residences during COVID-19 March – May 2020**

### **The monitoring context**

The first New Zealand case of the COVID-19 virus was reported on 28 February 2020. The government subsequently announced four alert levels, designed to reduce the spread of COVID-19, with increased restrictions on travel, work and services at each level<sup>1</sup>. On 23 March 2020, the Prime Minister announced New Zealand was moving to level three immediately and to level four within 48 hours. Level four, commonly described as a 'lockdown', last for less than five weeks. This decision had particular implications for children and young people in secure residences.

Under the lockdown, almost everyone was confined to their home almost all the time. The exceptions were for essential workers to leave their home to go to work and essential travel. Everyone was allowed to visit the supermarket or pharmacy and exercise close to their home. Everyone except for essential workers was required to stay inside their 'bubble'. This was a term used to describe the group of people you lived with during the lockdown period. You were not allowed to interact face-to-face with people outside your bubble.

For most, face-to-face contact with people outside their bubble was extremely limited to just essential services, such as visiting the supermarket or pharmacy. For children and young people living in a care and protection or youth justice secure residence, either the residence as a whole, or their unit within the residence, became their bubble.

### **Purpose of these virtual monitoring visits**

The purpose of these visits was to fulfil the international monitoring mandate of the Office of the Children's Commissioner (the Office), to monitor the safety and wellbeing of children and young people detained in secure locked facilities during this period of lockdown. Visits to places of detention are particularly important in situations where civil liberties have been severely restricted because of serious health risks.

The Children's Commissioner is a National Preventive Mechanism (NPM) under the Crimes of Torture Act (1989)<sup>2</sup>. The role of the Office is to visit youth justice and care and protection residences, which are places of detention. The purpose of each visit is to examine the conditions and treatment of children and young people, identify any improvements required or problems needing to be addressed, and make recommendations aimed at strengthening protections, improving treatment and conditions, and preventing ill treatment.

These visits were undertaken for the specific purpose of monitoring the safety and wellbeing of children and young people living in secure residences, and ensuring their rights were being upheld. The visits were conducted 'virtually' by either video or phone call.

1 See <https://covid19.govt.nz/assets/resources/tables/COVID-19-alert-levels-summary.pdf>

2 This Act contains New Zealand's practical mechanisms under the United Nations Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (OPCAT). <https://www.occ.org.nz/our-work/monitoring/monitoring-work/why-we-monitor/>

Given the ‘virtual’ nature of these visits and the significant pressures on residence staff at this time, our primary focus was on interviewing children and young people and understanding their experience of the lock down environment. In contrast to our usual practice, we did not interview the full range of residence staff and stakeholders.

### **Our monitoring approach**

In response to the level four announcement, the Office developed areas of inquiry specifically relating to COVID-19 using the domains for OPCAT monitoring<sup>3</sup>. This work was informed by advice provided to NPMs by local and international organisations<sup>4</sup>. Relevant advice for places of detention, provided by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is attached as Appendix One.

Questions for children and young people, residence managers and health workers were developed against each OPCAT area of inquiry. We then designed a series of ‘virtual’ monitoring engagements to offer children and young people the opportunity to talk about their experiences in secure residences.

We were particularly interested in children and young people’s:

- understanding of and reaction to pandemic plans
- access to health care and hygiene equipment
- contact with staff, whānau and other people who are important to them
- access to activities and programmes, and
- understanding of plans for any transitions in and out of residence.

We also wanted to hear from residence managers about how practice is developing in the new lockdown environment, emerging challenges and strategies to address these.

Following the development of our questions, we worked with residences to adapt our engagement processes to best suit the needs of children and young people using the available communication equipment. As well as talking with children and young people, we also interviewed the residence manager and a member of the health team to understand their systems, practices and planning around COVID-19.

To ensure the experiences of children and young people could immediately inform practice, we provided the residence managers with verbal feedback the day after our visit ended and written reports shortly thereafter.

Themed feedback from children and young people living in both the youth justice and care and protection residences was provided to the Oranga Tamariki leadership team in May 2020.

A visual presentation of our monitoring approach is attached as an appendix to this paper.

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3 <https://www.occ.org.nz/our-work/monitoring/monitoring-work/why-we-monitor/>

4 These include, among others, the New Zealand Human Rights Commission in their role as the Central NPM for New Zealand, the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and the Association for the Prevention of Torture (APT).