



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to New Zealand undertaken from 29 April to
8 May 2013: observations and recommendations
addressed to the State party**

Report of the Subcommittee*, **

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- * In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 5 November 2013. On 25 August 2014, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.
** The annexes to the present document are being circulated in the language of submission only.

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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment conducted a visit to New Zealand from 29 April to 8 May 2013.¹
2. The members of the Subcommittee conducting the visit were Malcolm Evans (head of delegation), Arman Danielyan, Paul Lam Shang Leen, Petros Michaelides, June Caridad Pagaduan Lopez and Aneta Stanchevska.
3. The Subcommittee was assisted by four Human Rights Officers and one logistics assistant from the Office of the United Nations High Commissioner for Human Rights (OHCHR).
4. The Subcommittee visited 35 places of deprivation of liberty, including police stations, district court cells, prisons, Defence Force facilities, youth justice residences and immigration facilities in Wellington, Auckland, Christchurch, Nelson, Blenheim, Rotorua, Hastings and a number of rural locations (see annex I). It also held meetings with relevant authorities, the national preventive mechanism and members of civil society (see annex II). The Subcommittee wishes to thank everyone for the valuable information provided.
5. At the conclusion of the visit, the Subcommittee orally presented its confidential preliminary observations to the New Zealand authorities. The present report contains the Subcommittee's findings and recommendations concerning the prevention of torture and ill-treatment of persons deprived of their liberty in the State party. It uses the generic term "ill-treatment" to refer to any form of cruel, inhuman or degrading treatment or punishment.²
6. **The Subcommittee requests that the New Zealand authorities reply to this report within six months from the date of its transmission, giving a full account of the actions they have taken to implement the recommendations made.**
7. The report will remain confidential until such time as the authorities decide to make it public, in accordance with the Optional Protocol, article 16 (2).
8. The Subcommittee wishes to draw the attention of the State party to the Special Fund established under the Optional Protocol (art. 26), to which applications may be made for funding the implementation of recommendations contained in those Subcommittee reports which have been made public.³
9. The Subcommittee wishes to express its appreciation for the excellent cooperation over and facilitation of the visit. The Subcommittee enjoyed unrestricted private access to those persons deprived of their liberty whom it wished to meet and the records it wished to examine. However, there was some delay in gaining access to places of detention at weekends. Furthermore, the Devonport Naval Base was not aware of the Subcommittee's visit to New Zealand, resulting in delayed access.
10. The Subcommittee wishes to record that it did not encounter any consistent allegations of torture or physical ill-treatment in the places of detention visited.

¹ For information about the Subcommittee, see www.ohchr.org/EN/HRBodies/OptionalProtocol/Pages/OptionalProtocolIndex.aspx.

² See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 16.

³ See www.ohchr.org/EN/HRBodies/OPCAT/Fund/Pages/SpecialFund.aspx.

II. National preventive mechanism

11. New Zealand ratified the Optional Protocol in 2007 and in fulfilment of article 3, the amendment bill to the Crimes of Torture Act 1989 designated five existing institutions as its national preventive mechanism. They are the Ombudsman's Office, the Independent Police Conduct Authority, the Children's Commissioner and the Inspector of Service Penal Establishments of the Office of the Judge Advocate General of the Armed Forces. The Human Rights Commission has a coordinating role. While the legislative framework is reflective of the criteria in the Optional Protocol, the practical efficiency of the mechanism remains a challenge.

Resources and independence

12. The Subcommittee delegation spent a day with the national preventive mechanism and was pleased to hear that it enjoyed good overall relations with the authorities. Nevertheless, the Subcommittee is of the view that the situation regarding the mechanism within the State party has reached a critical point. Since their designation, most of its component bodies have not received extra resources to carry out their mandate under the Optional Protocol, which, together with general staff shortages, has severely impeded their ability to do so. Moreover, the Children's Commissioner and the Independent Police Conduct Authority reported that their funding was earmarked for statutory functions, which excluded work related to the national preventive mechanism. In that regard, the Subcommittee was concerned to learn that the mandate under the Optional Protocol — an international obligation — was not considered by the State party to be a core function of the bodies designated as the national preventive mechanism. The Subcommittee is also concerned that inadequate funding might be used, or might be perceived by the bodies themselves as being used, to pressurize components of the mechanism to sacrifice their work related to the Optional Protocol in favour of other functions. Should the current lack of human and financial resources available to the mechanism not be remedied without delay, the State party will inevitably find itself in the breach of its obligations under the Optional Protocol.

Staffing

13. While the Subcommittee was impressed by the commitment and professionalism of the experts of the national preventive mechanism, it was concerned that the number of staff was inadequate, given the large numbers of places of detention within their mandates. It was also concerned at the lack of expertise in medical and mental health issues.

14. **The Subcommittee reminds the State party that the provision of adequate financial and human resources constitutes an ongoing legal obligation under article 18(3) of the Optional Protocol. It recommends that the State party:**

(a) **Ensure that the bodies of the national preventive mechanism enjoy complete financial and operational autonomy when carrying out their functions⁴ and that they are able to freely determine how to use the resources available to them;**

(b) **As a matter of priority, increase the funding available in order to allow the bodies of the national preventive mechanism to implement effectively their mandate throughout the country;**

(c) **Ensure that the national preventive mechanism is staffed with an adequate number of personnel, in order to ensure that its capacity reflects the number**

⁴ See Subcommittee guidelines on national preventive mechanisms, CAT/OP/12/5, para. 12.

of places of detention within its mandate and is sufficient to fulfil its other essential functions under the Optional Protocol;

(d) Provide the bodies of the national preventive mechanism with the means to ensure that they have access to the full range of relevant professional expertise, as required by the Optional Protocol (art. 18 (2)).

15. The Subcommittee wishes to be informed, as a matter of priority, of the steps taken to provide the national preventive mechanism with the financial and human resources necessary for its effective operation in accordance with the Optional Protocol.

Institutional visibility and scope of mandates

16. The Subcommittee believes that the status and visibility of the bodies of the national preventive mechanism should be enhanced. There are also issues concerning gaps and overlaps in their mandates which need addressing. For example, it appears that 161 facilities for the care of persons with dementia are not covered by the mechanism. It also seems that the rigid mandates of the mechanism lead to missed opportunities for synergies and cooperation. For instance, the Children's Commissioner monitors youth and justice residences, but has no mandate to consider the treatment of minors and juvenile offenders in police custody or immigration or penitentiary institutions. The Subcommittee believes that the Children's Commissioner ought to be able to engage in thematic cross-cutting studies with regard to the treatment of minors deprived of their liberty. Finally, it notes that the bodies of the mechanism have been engaging with the authorities and civil society on a bilateral basis rather than as a collegial body of experts.

17. Given that the State party is under a continuing obligation regarding the effective functioning of the national preventive mechanism, the Subcommittee recommends that the authorities:

(a) Organize as a matter of priority a meeting with the bodies of the national preventive mechanism collectively, in order to discuss in depth their challenges, including gaps in their respective mandates;

(b) Take steps to enhance the status and recognition of the national preventive mechanism as a key collegial body for preventing torture and ill-treatment;

(c) Support the bodies of the mechanism as they seek to develop and maintain a collective identity through, inter alia, joint visits and joint public reports, harmonized working methods, shared expertise and enhanced coordination;

(d) Improve channels of communication with the bodies of the mechanism regarding the implementation of recommendations arising from their visits;

(e) Involve the bodies of the mechanism collectively in the implementation of the recommendations contained in the report of the Subcommittee;

(f) Encourage dialogue and better connectivity between the bodies of the mechanism and civil society.

III. Overarching issues

18. The Subcommittee would like to comment on a number of overarching systemic issues relating to the treatment of persons deprived of their liberty.

A. Legal framework

19. The Subcommittee notes that article 9 of the New Zealand Bill of Rights Act protects the right of everyone not to be subjected to torture or to cruel, degrading or disproportionately severe treatment or punishment. That prohibition is reiterated in the Crimes of Torture Act 1989, which also provides for penalties for the crimes of torture (art. 3). The prohibition of torture is complemented by a comprehensive normative framework in the area of criminal justice. However, the Subcommittee is deeply concerned at legislative gaps, which reflect the reservations the State party has made to article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to article 37 (c) of the Convention on the Rights of the Child. The reservation to article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment unduly restricts the rights of victims of torture to fair and adequate compensation, including the means for full rehabilitation.⁵ The reservation to article 37 (c) of the Convention on the Rights of the Child, allowing mixing of young and adult prisoners in some circumstances, compromises the right of juveniles to be accorded treatment appropriate to their age.

20. The Subcommittee is also concerned that section 12 of the Crimes of Torture Act, confers wide discretion on the Attorney General to decide whether or not to prosecute a person charged with a crime falling into the definition of an act of torture. Section 12 stipulates that “no proceedings for the trial and punishment of any person charged with a crime” of torture, any inchoate offence or as accessory after the fact to the offence of torture or related to torture “shall be instituted in any court except with the consent of the Attorney-General”. The Subcommittee learned with deep concern that the Attorney General can refuse consent to prosecute a crime of torture solely on the grounds that it is in the public interest not to do so. The Subcommittee believes that it can never be in the public interest to decline consent to prosecute a crime of torture.

21. The Subcommittee notes that the granting of bail in any form is ultimately an essentially judicial function and the legislative framework which makes provision for it must reflect the basic principles of the rule of law, including the separation of powers. The Subcommittee is deeply concerned at the proposed amendments to the Bail Act 2000 (Bail Amendment bill), which removes the strong presumption in favour of bail for persons aged 17-20, who have previously been sentenced to a term of imprisonment. The bill also includes a proposal to reverse the presumption in favour of bail for class A drug offenders, placing the burden of demonstrating why it should be granted on the applicant. The Subcommittee is concerned that these amendments will have a negative impact on the number of young persons held on remand and the length of time spent on remand, which is already a matter of grave concern. Furthermore, the Subcommittee is deeply concerned that the bill could exacerbate the disproportionately high number of Maori in prison, given the high rate of Maori recidivism and the number of Maori currently on remand.

22. The Subcommittee is also concerned that the Immigration Amendment bill 2012 proposes the mandatory detention of asylum seekers and persons who fall within the statutory definition of a “mass arrival”, namely those arriving in a group of more than 10 persons. The Subcommittee is concerned that the proposed amendments may have the effect of depriving persons in need of protection of their liberty, based solely on the manner of their arrival in the State party. The Subcommittee struggles to see how, for instance, the arrival of two families of six persons constitutes a mass arrival, necessitating such treatment.

⁵ Section 5 of the Crimes of Torture Act confers the power on the Attorney General to consider whether it would be appropriate for the Crown to pay compensation to a victim of torture or any member of the victim’s family.

The Subcommittee also notes that, in line with article 9 of the International Covenant on Civil and Political Rights, no person should be subjected to arbitrary arrest or detention. The mandatory arrest and detention of individuals based solely on the manner of their arrival in the State party is arbitrary and does not accord with international standards on the treatment of persons in need of international protection.

23. The Subcommittee recommends that the State party:

(a) **Consider withdrawing its reservations to article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and article 37 (c) of the Convention on the Rights of the Child;**

(b) **Put in place guidelines that restrict the wide discretion of the Attorney General with regard to prosecutorial decisions for crimes against torture, in order to ensure that decisions whether or not to prosecute an offence of torture are based solely on the facts of the case;**

(c) **Reconsider the Bail Amendment bill in the light of the Subcommittee's concerns set out in paragraph 21 above;**

(d) **Reconsider the Immigration Amendment bill in the light of the Subcommittee's concerns set out in paragraph 22 above.**

B. Institutional framework

Detainee classification

24. Following its numerous visits to places of detention and interviews with staff and persons deprived of their liberty, the Subcommittee has concluded that the complexity of the existing system of classification undermines the rights of detainees and weakens the protection against torture and ill-treatment. The Subcommittee notes with approval that in all prisons it visited there was strict separation between pretrial and sentenced detainees. However, the Subcommittee observed that the complex categorization system implied managing not two but at least five different categories of inmates, namely, remand accused, remand convicted, sentenced, voluntary segregated and youth. The situation is further compounded by the parallel system of security classification. The practical result is that detainees may be subjected to far greater restrictions in practice than their categorization would suggest, as staff struggle to find means of keeping them separate during the normal day-to-day running of detention facilities (including court cells, police stations and transport vehicles). Similarly, the Subcommittee noted that differences in classification do not necessarily mean there is a difference in regime, since prisoners belonging to different categories, although physically separated, are often subject to the same rules in terms of hours of lock-down, food, exercise, etc. In the light of the above, the Subcommittee is of the view that prolonged exposure to inappropriate regime conditions, such as those which it observed for remand prisoners and youth, can constitute ill-treatment.

Remand prisoners

25. The Subcommittee noted with great concern that in all the prisons it visited, the regime applicable to pretrial detainees was inappropriate, given their unconvicted status and the often lengthy periods for which they were detained. For instance, in Rimutaka prison, the Subcommittee heard that remand prisoners were routinely locked-down for up to 19 hours per day while awaiting trial, in addition to the lack of appropriate facilities for exercise and delays in access to medical assistance. The Subcommittee saw for itself that the periods of "out of cell time" were, in practice, significantly shorter than was claimed.

Youth in prisons

26. The classification system, combined with limited space and limited staff numbers, undermines the full implementation of juvenile justice standards. During its visit to Mount Eden prison, the Subcommittee discovered with great concern that youth pretrial detainees were de facto penalized by the system, despite their vulnerability, since they were subject to 19-hour lock-downs, whereas convicted and sentenced adult prisoners in other wings of the same prison were subject to a more favourable regime. The lock-downs were the result of youth and adult prisoners occupying the same wing. The Subcommittee believes that there is no justifiable reason why there should not be a dedicated youth unit at Mount Eden prison, which could offer a significantly more favourable and more appropriate regime.

Impact of the classification system on parole

27. The Subcommittee learned that it is necessary to complete a number of training and rehabilitation programmes before parole can be granted. However, it noted with concern that there was a shortage of places on such programmes, especially in women's prisons. The practical difficulties of managing prisoners' movements in accordance with the classification system had the effect of impeding the attendance of some detainees at such courses and thus prevented them from being released on parole, to which they would otherwise have been eligible, consequently increasing the length of their imprisonment.

28. **The Subcommittee recommends that the State party:**

- (a) **Review the current categorization system in order to ensure that it does not have the practical effect of worsening regime conditions;**
- (b) **Review the regime conditions of remand prisoners and youth urgently, in order to ensure that it is appropriate to their legal status and age;**
- (c) **Eliminate the barriers that hamper detainees gaining eligibility for parole.**

Prolonged detention in police stations

29. The Subcommittee was particularly concerned with the conditions of detention in some police stations gazetted as jails, which can hold detainees on remand for up to seven days. The regime for those remanded in custody was reportedly better than that for arrested persons in terms of, for instance, visiting time, access to showers and books, and the Subcommittee noted the efforts taken to reduce the time spent in police custody to the minimum possible. Nevertheless, it was concerned at the inadequacy of such facilities (see also paragraphs 68 and 69 below).

30. **The Subcommittee recommends that the State party:**

- (a) **Consider alternatives to the use of the police stations gazetted as jails until they are renovated;**
- (b) **Prioritize police stations gazetted as jails in infrastructure renovation programmes;**
- (c) **Ensure that there are appropriate means of segregating detainees when new facilities are built or existing facilities renovated.**

Trial within a reasonable period of time

31. Section 23 of the Bill of Rights Act guarantees the right of those arrested to be charged promptly or released. Furthermore, section 24 provides that those charged shall have the right to be released on reasonable terms and conditions unless there is just cause

for continued detention. The Subcommittee welcomes the fact that in most police stations it visited, bail was swiftly granted by police officers, when appropriate, avoiding excessive use of police custody. However, it noted that those remanded in custody and those awaiting sentencing could spend lengthy periods in remand prisons and that the periods involved appeared to be getting longer. For example, the Subcommittee documented one case at Mount Eden prison in which a prisoner held on remand for 556 days was subsequently sentenced to 3 years imprisonment. Since the period spent on remand was deducted from the sentence, the detainee had de facto spent virtually his entire sentence on remand, although he would not have been eligible for release as he would not have been able to undertake the mandatory programmes, which are only open to sentenced prisoners. The Subcommittee is concerned that detention on remand is not used only as a measure of last resort and is often unduly prolonged, a situation exacerbated by the conditions of detention (see paragraphs 25 and 91-101). The Subcommittee also notes with concern that there appear to be increasing delays within the Court system which also need to be addressed.

32. The Subcommittee recommends that the State party take appropriate administrative and legislative measures to ensure (a) that pretrial detention is used as the last resort, that is when necessary to prevent the commission of further offences or to ensure the integrity of the trial process; and (b) that the period of pretrial detention is not excessively prolonged.

High rates of incarceration and reoffending

33. The Subcommittee notes that the authorities have indicated that there is a significant decline in the overall numbers of recorded offences and prosecutions. It is, however, concerned that this has not led to a reduction in the prison population, which suggests there may be an overuse of custodial sentences. Moreover, given that reoffenders constitute the largest proportion of the prison population, more needs to be done if the ambitious governmental plan to reduce reoffending by 25 per cent by 2017 is to be achieved. The Subcommittee believes that this must include a greater focus on programmes of social reintegration and more active involvement with the Maori community, including strengthening indigenous initiatives and developing community-based Maori programmes specific to the Maori community which are focused on the prevention of reoffending.

34. The Subcommittee recommends that the State party investigate the reasons for the current high incarceration rates and explore the possibility of expanding the use of non-custodial measures. It also recommends that greater emphasis be placed on reintegration programmes, as indicated in paragraph 33 above.

Safety and security

35. The Subcommittee heard that as a result of a recent increase in assaults on prison staff, the Corrections Department had introduced a “zero-tolerance approach”. The Subcommittee believes that any such zero-tolerance policy should extend to anyone responsible for assault within prisons and not only be focused on staff safety. It wonders whether the increasingly strict prison regime, including a lack of employment opportunities, lost parole and long hours of lock-down, may have a bearing on increased levels of violence. The Subcommittee itself heard prisoners’ concerns regarding a perceived lack of transparency concerning decisions on security classification and their frustration regarding recent policy changes concerning televisions and smoking, which had not been well explained. Better communication between prison management and detainees might contribute to lessening hostility and improving relations.

36. The Subcommittee recommends that the State party explore the causes of increased prison violence and that its response take account of the safety of both staff

and prisoners, promote a positive prison culture and include improved communication between staff and detainees.

37. The Subcommittee is particularly concerned that extended lock-downs are often used as a form of collective punishment for all those in a block or unit where there has been an incident, regardless of their involvement in the alleged offence.

38. The Subcommittee recommends that the State party ensure that only those responsible for incidents in prisons are penalized as a result of them.

Voluntary segregation

39. The Subcommittee noted with concern the high number of persons held in management units in voluntary segregation. While acknowledging that this is intended to protect prisoners at risk, the Subcommittee remains concerned that they were being held in conditions similar to those reserved for disciplinary confinement. It is also concerning that so many consider themselves to be at risk in more open settings within prisons. Such measures, especially if extensively prolonged, may prejudice vulnerable inmates whose behaviour does not merit harsher material conditions or stricter security measures. The Subcommittee further observed that when there was only one prisoner of a given security category in voluntary segregation within the management unit, they were, de facto, being held in semi-permanent solitary confinement.

40. The Subcommittee recommends that the State party intensify its efforts to tackle violence between prisoners by addressing its causes, including problems arising from gang cultures, the lack of purposeful activities, substance abuse and restricted out-of-cell time, as well as through staff training. The State party should ensure that the protection of vulnerable detainees is not achieved at the cost of their own detention conditions.

41. Further recommendations concerning police custody and the penitentiary system are set out in section IV C below.

C. Fundamental safeguards

Information on the rights of accused or detained persons

42. The domestic law of the State party contains a litany of safeguards for arrested or detained persons, which include, inter alia, the right to be informed at the time of their arrest or detention of their rights and of the reasons for their arrest or detention.⁶ The Subcommittee learned from its interviews that the police do seek to do so, although some interviewees claimed they had not been informed about their rights. The Subcommittee did not see information on the rights of arrested persons displayed at police stations, with the exception of Wellington central and Porirua police stations, where there were posters setting out the rights of persons detained by the police and about the Independent Police Conduct Authority, but in positions where they could not be easily read before a person had been processed and assigned a cell (see also paras. 72 and 73 below). In regard to prisons, the Subcommittee notes that information on the rights and duties of young persons was not always readily available in the central areas of the unit blocks or in cells.

43. The Subcommittee recommends that the State party ensure that the police inform arrested or detained persons of the reasons and their rights at the time of their arrest or detention. The State party should ensure that information on the rights of persons deprived of their liberty is displayed at police stations in a position where it

⁶ See, for example, Bill of Rights Act, art. 23.

can be read easily. The Subcommittee also recommends that “admission information” be displayed inside prisons to young persons so that they may be aware of their rights, and entitlements, as well as the organization and daily management of the prison units.

Complaint mechanisms

44. The Subcommittee is concerned that it was unable to determine easily the current status of particular complaints lodged by prisoners against prison staff. While prisons and police stations operate an integrated offender management system, which shows that complaints are consistently forwarded to prison managers for them to consider, the outcome of that consideration was not clear in a number of the cases which the Subcommittee examined in detail. That suggests that not all complaints are being considered promptly or properly. The Subcommittee is also concerned that no proper distinction is made between a request and a complaint, both being submitted on the same form and processed in the same way, and that the forms are not treated confidentially. As a result, simple requests are not dealt with quickly and serious complaints can be trivialized.

45. **The Subcommittee recommends that the State party improve the complaints and appeals system by differentiating between requests and complaints and treating them confidentially. Unless it is manifestly frivolous or groundless, every request or complaint should be considered and responded to promptly.⁷ The State party should also ensure that records of requests or complaints, including their outcomes, should be available to monitoring bodies.**

Registers

46. While commending the State party for the use of an integrated offender management system, the Subcommittee observed that some staff in both police stations and prisons did not seem confident when using it and were unable to retrieve data from the system. The Subcommittee is concerned that this lack of skills to operate the system effectively might affect the data entry and record-keeping of prisoners’ information.

47. **The Subcommittee recommends that the State party conduct regular training sessions to ensure that law enforcement personnel can use the integrated offender management system confidently and effectively.**

48. While record-keeping regarding property was impressive in some prisons, particularly at Auckland maximum security prison, there were some significant irregularities in registries at police stations (see also paras. 74 and 75 below). The Subcommittee also noted inconsistencies in the practices concerning medical record-keeping and was concerned at the lack of clarity on the rules relating to confidentiality. Moreover, it observed in several police stations that the risk assessment form (health and safety management plan for persons in custody) was incomplete, which is of particular concern, given the large number of persons with mental health issues in detention.

49. **The Subcommittee recommends that the State party ensure that the quality of its record-keeping is improved, particularly in police stations. It also recommends that immediate measures be taken to ensure the confidentiality of medical information and that health and safety management plans for persons in custody are properly completed and filed.**

⁷ Rule 36 (4) of the Standard Minimum Rules for the Treatment of Prisoners.

D. Maori issues

50. The Subcommittee observed that there was a disproportionately high number of Maori detainees at every stage of the criminal justice system. While commending the establishment of Maori focus units in Hastings and Rimutaka prisons, among others, and the strides made by the State party to address both Maori and general recidivism through reintegration programmes, the Subcommittee is concerned at the absence of such programmes in other prisons, particularly women's prisons.

51. The Subcommittee notes that Maori recidivism, particularly youth recidivism, is attributable to a broad range of factors requiring targeted responses, which go well beyond those provided by the criminal justice system.

52. The Subcommittee recommends that the State party replicate and further develop existing programmes, including Maori literacy programmes, aimed at reducing Maori recidivism. The State party should focus on programmes which support reformation and reintegration, produce tangible outcomes and focus on preventing reoffending.

E. Juvenile justice

53. The Subcommittee welcomes the extent to which the arrest, detention or imprisonment of a child is used only as a measure of last resort and for the shortest appropriate period of time, in accordance with international standards. Having observed the work of the police and staff at the youth justice residences visited, the Subcommittee commends the extent to which it reflects the principle of the best interest of the child, the promotion of the sense of dignity and worth of the child and the reintegration and constructive functioning of the child in society. However, the Subcommittee was concerned at the low legal age for criminal responsibility, starting at 10 years under the Children, Young Persons and Their Families Act 1989.

54. The Subcommittee recommends that the State party consider increasing the age of criminal responsibility.

55. The Subcommittee considered the youth justice residences it visited to be very structured and organized. It commends the high ratio of staff to children and adolescents, which enables impressive dedicated care. It observed cases of mixing remand and sentenced children and adolescents and, at times, the mixing of males and females, which was done on purpose to allow all to benefit from the behaviour modification programmes and activities in place.

56. The Subcommittee noted the efforts made in prisons to replicate the approach of the youth justice residences, for example as regards facilities and behaviour modification programmes for juvenile prisoners. However, a more flexible approach could be used to improve the regime of juveniles remanded in custody, in particular with regard to activities aimed at reintegration.

57. The Subcommittee recommends that, as in youth justice residences, exceptions to the requirement for separation between remand and convicted juveniles could be made in prisons, in order to allow juveniles on remand, if they so wish, to participate in organized activities, including work programmes which would otherwise be unavailable to them.⁸

⁸ See United Nations Rules for the Protection of Juveniles Deprived of their Liberty, art. 18 (b).

F. Mental health in places of detention

58. All police stations and corrections facilities visited by the Subcommittee had cells for persons with medical or acute mental health problems, or for persons who posed a risk to themselves or to others. The Subcommittee noted the high rates of often chronic and acute mental disorders within the prison population and observed that while all the facilities visited had medication readily available, detainees had to be referred to the district health boards for specialist mental health care. Moreover, the Subcommittee was concerned that there did not appear to be any national strategy on the provision of mental health care in places of detention. It was concerned that not all detainees received timely and adequate treatment and the provision and availability of health-care staff, health premises and equipment varied widely across the facilities visited. The Subcommittee heard claims that the police had difficulty in finding general practitioners willing to work at their stations and had problems of transportation for the external medical staff. It concluded that the current capacity of the system to address the mental health of persons in detention properly did not match the actual needs.

59. **The Subcommittee recommends that a comprehensive national policy and strategy be developed to ensure appropriate access to health care and mental health-care services across the criminal justice system. A significant increase in the provision of mental health-care services is required to cope with the high number of detainees with mental health problems.**

60. The Subcommittee noted that, in general, risk and medical assessments were routinely conducted by officers on the basis of standard risk assessment forms, which were centralized in electronic records. Both police and corrections officers expressed concern that they lacked the competence to do so. Likewise, the Subcommittee was concerned that in matters regarding health, and mental health in particular, officers were required to make decisions for which they did not feel sufficiently qualified.

61. **The Subcommittee recommends that the State party ensure that an accessible, adequate and efficient referral system be established and all officers provided with adequate training. The State party should also ensure that steps are taken to promote a better understanding of mental health issues and the need for protection by police and corrections personnel.**

New Zealand Police

62. The Subcommittee commends the practice of having mental health nurses in police stations and believes that this initiative has resulted in better monitoring and continuity of care for persons in police custody. The Subcommittee would like to see this practice applied nationally.

63. **The Subcommittee recommends that to the extent possible, a full-time, on-site nurse be available to follow up and monitor the mental health status of persons in custody.**

Corrections facilities

64. The threshold for admitting detainees with mental health needs to a local hospital is extremely high, partly because of long waiting lists and delays in admissions for those outside the prison system. As a result, detainees who have made multiple suicide attempts and those with acute or chronic mental health conditions are not being transferred to appropriate psychiatric facilities and are being held in “at-risk units”, often for prolonged periods of time and in conditions akin to that of a disciplinary regime. The Subcommittee believes that the denial of qualified psychiatric assistance under such circumstances and in

such conditions may amount to ill-treatment. It was also informed of the increasing numbers of the elderly within the prison population and notes that there is a need to increase the number and capacity of age-related health-care and treatment facilities, such as hospices and residential dementia care units within the prison estate.

65. **The Subcommittee recommends that the State party conduct a country-wide audit of the health-care needs in institutions, in order to facilitate the provision of adequate health-care services and supplies, with a view to ensuring compliance with international standards on health matters.⁹ The Subcommittee also recommends that the State party provide, as a matter of urgency, adequate and appropriate access to professional care services in order to meet the mental health needs of detainees.**

Youth justice residences

66. The Subcommittee commends the provision of on-site health teams at the residences. However, it noted that at some residences staff experienced difficulties in working together with families or *whanau* (a Maori extended family or community of related families). The Subcommittee also heard with concern claims that young people with mental health needs did not receive the care they needed owing to a shortage of places in appropriate care facilities.

67. **The Subcommittee recommends that adequate support be provided to youth justice residences to enable them to meet the mental health needs of those detained. It recommends that the State party establish a youth mental health forensic service and ensure that sufficient mental health units are available to meet the needs of children and young people.**

IV. Situation of persons deprived of their liberty

A. Police detention

68. While mindful of its observations regarding the nature of bail in paragraph 21 above, in all police stations visited the Subcommittee was impressed by the focus on granting police bail whenever possible, in order to avoid excessive use of police custody. However, it observed inconsistencies in the physical conditions of the police stations and cells visited. While some were newly built, kept clean and were well ventilated, others, especially older police stations, were poorly ventilated, unclean and all the facilities visited lacked sunlight. Several police stations appeared to have windows that had been blocked. Older stations were also cold, particularly on the floors or in the cells used to hold aggressive, intoxicated or at-risk persons. In those police stations, the lack of ventilation also exacerbated the smells and humidity levels in the cells. The Subcommittee also observed that while some police cells were painted pink, known to have a calming effect on persons in custody, other cells were covered in graffiti, carried out using metal objects and lighters. Although all the cells visited appeared to undergo regular cleaning, the Subcommittee noted with concern that the thoroughness and periodicity varied greatly. These conditions were of particular concern in the police stations gazetted as jails (see paragraphs 29 and 30). Some of those police stations did not have a day room or an exercise yard and, as a consequence, persons remanded in custody would spend several days inside the detention area in the basement of the station, with no access to natural light or the outdoors, only using the corridor as an exercise area when possible.

⁹ See Standard Minimum Rules, rule 22 (2).

69. **The Subcommittee recommends that appropriate steps be taken to remedy inadequacies in police stations and cells, including insufficient ventilation, dampness and inadequate sanitary facilities, with priority given to those gazetted as jails. Furthermore, consideration should be given to enabling or improving natural lighting and heating and ventilation systems. The Subcommittee also recommends that cells continue to be kept clean and that all graffiti be regularly removed.**

70. The Subcommittee noted with concern the lack of privacy in most cells in the majority of police stations it visited, whether old or newly constructed. Although all cells had partitions, these were often so slight as to provide no real privacy at all. In some cases, toilet pans had been added to cells at a later stage, were usually located directly opposite the cell door and could be seen through the door windows. Toilets located in a corner of the cells still had a peephole in the walls enabling a full view from the corridor. In facilities with closed-circuit television surveillance in the cells, the Subcommittee also noted the lack of privacy, as toilets were in full view of the camera. With regard to privacy in the showers, the Subcommittee noted cases where persons using them were fully visible either from the corridor (for example, the women's showers at Wellington central police hub) or, in one case, by other prisoners from the day room to which the shower was adjacent (Nelson police station). The use of closed-circuit television inside some cells also infringed privacy during the carrying out of body searches and, in one instance observed by the Subcommittee, even though the cell blinds had been lowered so that the search could be conducted in private, the search was still monitored on the closed-circuit television screens, including by officers of the opposite sex. There was also a lack of privacy in some rooms used by legal counsel to interview detainees and the Subcommittee noted that the noise generated by the use of the telephones within interview rooms impeded the privacy of conversations and made it necessary to resort to shouting.

71. **The Subcommittee recommends, as a matter of urgency, that national standards be developed for custodial cells. Noting the need to balance the right to privacy with security and safety needs, the Subcommittee recommends that efforts be made to block the peepholes or add blinds in all non-at-risk cells, in order to better protect the privacy of individuals when using toilets and showers. In this respect, the Subcommittee recommends that where closed-circuit television cameras are used, they must not cover the toilet area. When carrying out strip searches and monitoring detainees at risk, who require constant surveillance through closed-circuit television, the Subcommittee recommends that monitors be placed out of public view in the custody suite.**

72. The Subcommittee also noted a diversity of practice in police stations regarding the manner in which detainees were informed of their rights. Written information was generally lacking, except for some posters setting out the rights of persons detained by the police and about the Independent Police Complaints Authority, displayed on the walls in the processing area in a minority of the police stations visited. During the course of its interviews, the Subcommittee heard from some detainees that they had not had their rights explained to them at all during the initial stages of their detention.

73. **The Subcommittee recommends that notices in appropriate languages, setting out the fundamental rights of persons arrested and/or detained be placed systematically in police stations in places where they can be easily seen and read.**

74. The Subcommittee noticed some irregularities in the manner in which the records of prisoners' property were kept. These included incomplete forms, which were neither signed nor dated and which did not properly record the receipt and return of the property concerned. The Subcommittee also found some cases in which records were kept in paper copy only and in files containing a wide range of information, including medical risk assessments, while in other cases such records were in electronic form and attached to the

prisoner's profile. In Nelson police station, the Subcommittee observed both property for which a record could not be found and records for property that could not be found. The Subcommittee noted that while some police stations, such as Christchurch central police station, appeared to adhere strictly to procedures requiring that all property be placed in individualized sealed bags, in others, such as Nelson, prisoners' property was just kept in regular plastic shopping bags.

75. The Subcommittee recommends that steps be taken to ensure that the proper procedures for storing and record-keeping concerning the personal property of detainees in police stations are strictly followed.

76. The Subcommittee noted disparities of practice between police stations regarding the provision of food. These ranged from simply keeping a stock of instant noodles and pre-packed frozen meals to ensuring that food satisfying cultural, religious and dietary needs was provided on a daily basis by a local hospital. In several instances, pre-packed frozen foods were kept in a freezer with no clear indication of manufacture or the expiry date; indeed, there was a suggestion that they were "frozen leftovers".

77. The Subcommittee recommends that all police stations serving pre-packed frozen food ensure that the contents, manufacture and expiry date are clearly labelled.

B. Court cells

78. The Subcommittee noted that court cells, while placed in the courts and under their jurisdiction, could be operated by police or corrections officers, depending on the status of the prisoner appearing in court. It noted discrepancies in the keeping of court cell registries, with some courts having no established cell register at all. As a result, prisoners would be logged into the police custody modules when they left the police station to go to court, but there was no logbook for their stay in the court cells. Similarly, there would be no logbook for those held in court cells under the authority of the Department of Corrections.

79. The Subcommittee recommends that simple registers be kept for court cells, which include the times of arrival and departure and other relevant information, including whether prisoners are being released into the custody of the police or corrections service, or are being bailed, etc.

80. As with police detention, the Subcommittee observed that court cell facilities had similar shortcomings as regards privacy and lacked separate cells to segregate different categories of detainees. The court in Blenheim, for example, had only two cells in addition to the bail room and an interview room in which to accommodate men, women, juveniles, police prisoners, corrections prisoners, possible rival gang members, etc. The cell used for women was equipped with a large internal window, which placed the toilet in full view of the officers' room, located immediately opposite. At the court in Porirua, prisoners who were held in underground cells and their escorts had to use a single steep, narrow staircase, raising concerns for the safety of both the warders and detainees.

81. The Subcommittee reiterates its recommendations in paragraphs 68-71 above regarding the material conditions of the cells and the need to respect the privacy of detainees.

C. Penitentiary institutions

82. The Subcommittee is concerned that the information provided by the prison management on the daily regime of detainees differed markedly from what most detainees described and what the Subcommittee saw for itself. For example, many detainees are said

to be “out of cell” from 8 a.m. to 5 p.m., sometimes with an hour’s lock-down at midday. This, however, describes the working day of custodial staff and detainees are usually still in their cells until 8.30 a.m. and locked up well before 4.30 p.m., meaning that in reality many detainees are in their cells for 18-19 hours per day and even longer at weekends. The Subcommittee is concerned at the possible harmful effects of being held in such a strict regime for many years, especially those held at the maximum security facilities in Auckland. It was also concerned that the cells themselves were comparatively small (for example, a block at Hastings prison where the cells measured approximately 2.25 x 2.85 m²). When combined with the lack of access to an adequate range of activities, such prolonged periods of incarceration in comparatively small cells could potentially constitute ill-treatment.

83. The Subcommittee is further concerned at the lack of adequate exercise facilities and the disparities in access to them. As already mentioned, the classification system adversely affects the time that prisoners can exercise and engage in outdoor activities. For instance, in Arohata women’s prison, the lack of facilities, coupled with the need to segregate categories of prisoners, restricted exercise time to about 30 minutes a day, whereas in the Maori focus units at both Rimutaka prison and Hawkes Bay, and the container unit at Rimutaka prison, prisoners had access to exercise equipment and outdoor activities during the entire unlock period. Furthermore, in most of the prisons visited, the outside yards had roofs, which prevented exposure to sunlight. In numerous instances, the so-called outdoor exercise yards were not really out of doors at all. At Mount Eden prison, the Subcommittee observed that prisoners were very pale and were reportedly given vitamin D pills owing to their lack of exposure to daylight.

84. The Subcommittee recommends that the authorities improve the detention regime, in particular regarding out-of-cell time. The State party should ensure the consistent application of rules on exercise and outdoor activities and allow adequate time for such activities for all prisoners. Furthermore, all accommodation provided for the use of prisoners, including at Mount Eden prison, should meet the requirements of natural light.¹⁰

85. The Subcommittee noted with concern the low nutritional value of the meals provided in the prisons it visited. Breakfast and lunch were monotonous, the latter invariably (in the experience of the Subcommittee) comprising three thin white bread sandwiches and a piece of fruit. The Subcommittee observed that dinner was served around 3.30 p.m., leaving detainees without food until at least 8.30 a.m. the next day. Furthermore, the Subcommittee heard numerous complaints from detainees concerning the list of items that could be purchased, in particular regarding prices, limited choice and unhealthy items, which failed to compensate for the paucity and monotony of the food provided.

86. The Subcommittee recommends that the quality, variety, nutritional value and times of meals be reviewed and that the list of items available for purchase be improved in terms of quantity, quality and value for money.

87. The Subcommittee also visited several management units where prisoners were being held for disciplinary offences. The management cells and yards at Mount Eden prison were in a deplorable state of hygiene. In addition, the delegation noted with grave concern that the newly built management cells at the Auckland maximum security prison (where persons were held in solitary confinement) were extremely small, were under constant video surveillance, afforded little room for internal movement or activity and could best be likened to a tin can. The so-called exercise yard was a small cage situated immediately across the corridor from the cells and afforded no opportunity for exercise at all. The

¹⁰ See Standard Minimum Rules, rules 10 and 11.

delegation was informed that 24 more cells of this nature were to be constructed at very considerable expense. At the time of the visit, one person was being detained in such a cell for what appeared to be an unspecified and open-ended period of time, for security reasons. The Subcommittee has grave doubts as to the efficacy of the complaint and appeal mechanisms surrounding the use of these cells. It considers the use of them for any prolonged period to amount to ill-treatment and wonders whether their use under any circumstances can be other than inhuman or degrading. It fails to see the need to construct further facilities of this nature.

88. **The Subcommittee recommends that:**

(a) **The construction of the proposed new management cells at Auckland maximum security prison be suspended;**

(b) **The practice of holding prisoners in prolonged detention in disciplinary cells on the basis of perceived security risks which they pose cease immediately;**

(c) **The right of detainees to an effective appeal process, with suspensive effect, against the imposition of disciplinary measures, be ensured as a matter of priority;**

(d) **Management cells be kept in a clean and decent state of repair and cleanliness.**

89. The Subcommittee noted that the interview rooms at Auckland maximum security prison did not allow for appropriate communication between prisoners and their lawyers.

90. **The Subcommittee recommends that the State party review and remove any practical impediments to the full exercise of the right to legal counsel of persons deprived of their liberty.**

D. Institutions for children and adolescents

91. The Subcommittee is concerned that there is a lack of overall capacity in youth justice residences. At the time of the visit, the residences were below full capacity, which allowed them to be used for overnight stays by young persons, who would otherwise have had to be accommodated at police stations. This is to be commended. However, it is not always possible and could lead to children being placed in police custody when it would be in their best interests to remain in youth justice residences.

92. **While fully supporting the policy of only detaining juveniles in custody as a last resort, the Subcommittee recommends that future forecasts of the numbers of places to be provided in the residences takes account of this potential need.**

93. The Subcommittee was concerned that there did not appear to be a maximum time limit that juveniles could be held on remand at a residence.

94. The Subcommittee noted that none of the residences it visited had specific Maori literacy programmes. With regard to additional Maori-focused programmes, it noted appreciatively that one residence was considering assisting young Māoris from distant geographical regions to maintain social and family bonds, while another had an initiative to draw on a Maori health-care provider.

95. **The Subcommittee recommends that the State party consider developing specific Maori literacy programmes in youth justice residences, in addition to the mandatory general curriculum.**

96. During its interviews, the Subcommittee heard complaints concerning the length of time that children and young people were locked up and also that general lock-downs had been used as a form of collective punishment following an infraction by a single individual.

97. **The Subcommittee recommends that the authorities ensure that children and young people are made aware of the disciplinary regulations and that proportionate, tailored measures be applied rather than collective responses.**

E. Military institutions

Devonport Naval Base corrective cells, Royal New Zealand Navy

98. This facility consists of three small individual holding cells, one of which was being used for storage at the time of the visit. There were no toilets in the cells, but a duty guard could open the doors to permit access. There was no glass in the small cell windows, which affected the temperature inside the cells. The Subcommittee noted with concern that record-keeping, including admissions, was neither systematic nor up to date. It was able to discuss issues of interest concerning the policies and processes relating to the detention of persons at sea in a telephone conversation with senior figures in the Royal New Zealand Navy.

99. **The Subcommittee recommends that the State party ensure that records are properly kept at the Devonport Naval Base and are readily available for inspection by monitoring bodies. Furthermore, in implementation of its mandate, as provided in articles 4 and 11 (1) (a) of the Optional Protocol, the Subcommittee requests detailed information, including relevant policies, current practice and statistical data, relating to the detention of persons at sea.**

Burnham Camp cells

100. Although the cells at Burnham Camp were relatively large, there were no toilets, making it necessary for detainees to call and be escorted by a guard.

101. **The Subcommittee recommends that deficiencies concerning the sanitary infrastructure in the Burnham Camp cells be remedied, giving due consideration to international standards.¹¹**

Services corrective establishment, Burnham Camp

102. The Subcommittee was impressed by the services corrective establishment, which was new and immaculately kept, as well as the professionalism of the staff in charge of the facility. Clear admission and other notices were readily available for the detainees to peruse. Each inmate had an individual file, in which the remarks of the officer in charge of the disciplinary programme were recorded. All registers and records were properly kept.

F. Centre for the accommodation of refugees and asylum seekers

103. The Subcommittee visited the Mangere refugee and asylum centre. While noting that plans are under way to refurbish and rebuild the facility, the Subcommittee is deeply concerned at the current conditions of the buildings, which are very old and lack adequate sanitary facilities. It observed, for instance, that block K, which can hold up to 40 people, only had three toilets and three showers. The Subcommittee is concerned that these facilities are inadequate and would subject occupants to undignified living conditions, were they to be fully occupied.

¹¹ See Standard Minimum Rules, rules 12 and 13.

104. The Subcommittee is further concerned with the record-keeping system, which is in dire need of improvement. It noted that information about refugees and asylum seekers was not easily ascertainable and that some copies of court warrants and records of social allowances were missing in individual files.

105. **The Subcommittee recommends that the State party expedite the rebuilding of the Mangere refugee and asylum centre, with a view to ensuring that living conditions respect the dignity of refugees and asylum seekers.**

106. **The State party should also, as a matter of urgency, improve record-keeping at the Mangere refugee and asylum centre, ensuring that information concerning refugees and asylum seekers is easily accessible and accurate.**

G. Border facilities

Wellington International Airport

107. While noting that, reportedly, detention at the police station at Wellington International Airport rarely exceeded three hours, the Subcommittee was concerned that the premises did not permit detainees of different genders to be held separately, there being only one cell.

Auckland Airport

108. The Subcommittee commends the material conditions of the immigration day-room facilities, where persons awaiting their flights are held for periods of normally less than three hours. It also noted the professionalism of the staff in charge of the facility.

109. The Subcommittee noted that persons of foreign origin who had been refused entry were treated differently, depending on the airline that had been arranged for their departure, because transport and the use of escorts were at the discretion of each airline.

H. Transportation of detainees

110. The Subcommittee inspected two types of vehicles used by the Corrections Department for transferring prisoners by road: vans with single metal compartments for holding prisoners individually and vehicles with collective benches. Through interviews with detainees and information received from custodial staff, the Subcommittee learned that during transportation in vehicles with single “cages”, which were used most often, prisoners were routinely handcuffed and often restrained at the waist, regardless of their individual security classification. While accepting that some prisoners may require to be transported in conditions of extreme security to prevent escape, aggression or self-harm, the Subcommittee is of the view that these measures are excessive and should not be customarily applied to all prisoners at all times. Moreover, the Subcommittee considers that transfers in small cages with metal benches and without proper windows for long journeys (up to 12 hours) fall short of a humane system of transportation. The Subcommittee was also concerned that the design of the vehicles prevented both the monitoring of the prisoners’ condition by custodial staff and the effective communication of prisoners with the driver.

111. Regarding transfers of detainees by air, the Subcommittee expresses its utmost concern at the alleged practice of routinely using handcuffs, waist restraints and, in particular, at the suggestion that on some flights all prisoners are attached to a chain down the centre of the plane throughout the flight. As with transfers by road, the extreme security

measures are allegedly applied to all prisoners, irrespective of their category (on remand or convicted), or their security assessment.

112. **The Subcommittee recommends that the State party conduct an assessment of the conditions of transportation of prisoners by road and air to ensure that detainees are not subject to unnecessary physical hardship¹² or restraint and that decisions regarding the use of restraints are made on the basis of individual assessments. The State party should also ensure the effective monitoring of transfers of detainees and their transportation.**

V. Repercussions of the visit

113. In accordance with article 15 of the Optional Protocol, the Subcommittee calls upon the relevant authorities of New Zealand to ensure that there are no reprisals following its visit. It requests the State party to provide detailed information on what it has done to prevent the possibility of reprisals against anyone who was visited by, met with or provided information to the Subcommittee during the course of its visit.

¹² See Standard Minimum Rules, rule 45 (1).

Annex I

List of persons with whom the Subcommittee met

Authorities

Ministry of Justice

Chester Borrows, Associate Minister of Justice/Minister of Courts

Andrew Bridgman, Chief Executive, Ministry of Justice

David Croke, senior adviser, Rights and Regulatory Team, Ministry of Justice

Tracey Davies, manager, Reducing Crime

Crown Law

Ben Keith, Crown Counsel

Office of the Hon. Judith Collins, M.P.

Margaret Malcolm, senior adviser

Ministry of Foreign Affairs and Trade

Charlotte Darlow, Acting Director, United Nations, Human Rights and Commonwealth Division

Tania Mead, policy officer, United Nations, Human Rights and Commonwealth Division

Holly Warren, policy officer, United Nations, Human Rights and Commonwealth Division

Department of Corrections

Ray Smith, Chief Executive

Christine Stevenson, Acting National Commissioner

Vince Arbuckle, General Manager, Governance and Assurance

Jo Field, General Manager, Service Development

Edward May, senior adviser, strategic policy

Simon Daly, manager, quality and performance, Corrections Services

New Zealand Police

Bill Peoples, national manager, legal

Superintendent Wally Haumaha, general manager for Maori, Pacific and ethnic affairs

Superintendent Barry Taylor, national operations manager

Christine Aitchison, policy research adviser, Policy Group

Ministry of Social Development

Bernadine McKenzie, Deputy Chief Executive, Child, Youth and Family

Belinda Himiona, team manager, youth justice policy

Grant Bennett, general manager, residential and high-need services

Office of Ethnic Affairs

Joy McDowall, manager, strategy and policy

Te Puni Kokiri (Ministry of Maori Development)

Kim Ngārimu, Deputy Secretary

Harry Tam, policy manager

Ministry of Health

Dr. John Crawshaw, Director of Mental Health

Matthew McKillop, adviser, Officer of the Director of Mental Health

NZ Parole Board Support Services

Alistair Spierling, manager

Immigration New Zealand

Phillipa Guthrey, manager, Immigration International

New Zealand Customs Service

Kirsty Marshall, senior policy analyst, Border Protection and Enforcement

Defence Legal Services

Lisa Ferris, Major, Assistant Director

Local Iwi Authority

Neavin Broughton, Port Nicholson Block Settlement Trust

Representatives of the youth courts

Anna Wilson-Farrell, principal adviser, district courts

Taryn Meltzer, adviser, district courts

Regional Forensic Psychiatric Service

Nigel Fairley, Clinical Director, Central Region Forensic Mental Health Service, Capital and Coast District Health Board

Mental Health Commission

Lynne Lane, Mental Health Commissioner

National preventive mechanism

Human Rights Commission

David Rutherford, Chief Commissioner

Claire Achmad, senior adviser to the Chief Commissioner

Jessica Ngatai, policy and legal analyst

Kendra Beri, manager, strategic policy

Independent Police Conduct Authority

Judge Sir David Carruthers, Chair

Natalie Pierce, legal adviser to the Chair

Nicholas Hartridge, coordinator, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Office of the Children's Commissioner

Audrey Barber, General Manager

Dr. Russell Wills, Children's Commissioner

Zoey Caldwell, senior adviser

Office of the Judge Advocate General

Bob Bywater-Lutman, inspector of service penal establishments

Office of the Ombudsman

Greg Price, Chief Inspector (Crimes of Torture Act)

Jacki Jones, inspector (Crimes of Torture Act)

Bridget Hewson, Assistant Ombudsman

Sarah Murphy, Policy and Professional Practice Group

Civil Society

Tony Ellis, barrister at the High Court of New Zealand

Barbara Lambourn, United Nations Children's Fund, New Zealand

Edwina Hughes, coordinator, Peace Movement Aotearoa

Steve Green, coordinator, Citizens Commission on Human Rights of New Zealand

Representatives of the New Zealand Red Cross

Phil McCarthy, Executive Director, Robson Hanan Trust

Annex II

Places of deprivation of liberty visited

I. New Zealand Police

Papakura police station

Hastings police station

Otara community police station

Porirua police station (accompanying the Independent Police Conduct Authority)

Wellington central police hub (accompanying the Independent Police Conduct Authority)

Wellington International Airport police station

Manukau police station

Auckland central police station

Auckland Airport police station

Christchurch police station

Nelson police station

Blenheim police station

Paraparaumu police station

Matamata police station

Morrinsville police station

Rotorua police station

Taupo police station

II. Ministry of Justice

Blenheim district court cells

Porirua district court cells (accompanying the Independent Police Conduct Authority)

Wellington district court cells (accompanying the Independent Police Conduct Authority)

Manukau district court cells

Nelson district court cells

III. Department of Corrections

Mt. Eden remand prison (private)

Arohata women's prison, Wellington

Hastings prison

Auckland central prison

Rimutaka prison, Wellington (both with the Office of the Ombudsman and as Subcommittee delegation)

Paremoremo maximum security prison, Auckland

Paparua prison, Christchurch

IV. Places of detention under New Zealand Defence Force facilities

Devonport Naval Base corrective cells, Royal New Zealand Navy

Services corrective establishment, Burnham Camp

V. Facilities for children and adolescents

Te Au rere a te Tonga, youth justice residence in Palmerston North

Korowai Manaaki, youth justice residence in South Auckland

Te Puna Wai ō Tuhinapo, youth justice residence in Christchurch

VI. Facilities under the Ministry of Business, Innovation and Employment

Auckland Airport immigration facilities

Mangere accommodation centre for refugees and asylum seekers
