



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Seventy-seventh session

### Summary record of the 2022nd meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 18 July 2023, at 10 a.m.

*Chair:* Mr. Heller

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(continued)

*Seventh periodic report of New Zealand*

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\* No summary records were issued for the 2020th and 2021st meetings.

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention (continued)**

*Seventh periodic report of New Zealand (CAT/C/NZL/7; CAT/C/NZL/QPR/7)*

1. *At the invitation of the Chair, the delegation of New Zealand joined the meeting.*
2. **Mr. Kibblewhite** (New Zealand) said that, since the submission of the country's seventh periodic report (CAT/C/NZL/7), many adjustments had been made to the Government's work programme, owing to events such as the coronavirus disease (COVID-19) pandemic, a terrorist attack in 2019 and a cyclone earlier in 2023. Nevertheless, significant action had been taken to strengthen protections against torture and ill-treatment.
3. While New Zealand had had low numbers of infections and deaths during the COVID-19 pandemic, an independent inquiry had been established in December 2022 to review the country's management of the pandemic following criticism of some of the public health measures imposed. For example, people's exercise of certain rights had been limited through isolation and quarantine requirements, lockdowns and vaccination mandates. People already in detention or custody had experienced restrictions on visits and other social contacts. Borders had been closed and there had been a quarantine period for people entering the country. Isolation, for instance of people with infection, and quarantine had taken place in managed facilities.
4. While New Zealand had acceded to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2022, there were a number of other treaties to which it was not yet a party. In addition, New Zealand maintained reservations to certain treaties, but it would have to do further work before being able to withdraw them. A national mechanism for implementation, reporting and follow-up had been established to improve the coordination of reporting activities across all treaties and agencies, as well as the implementation of treaties and recommendations. The mechanism included a governance group that would report annually to relevant ministers. Legislation had been adopted providing for the review of judicial declarations that a law was inconsistent with the New Zealand Bill of Rights Act 1990; the Bill of Rights Act included the right to be free from torture and ill-treatment.
5. The country's multi-body national preventive mechanism had continued its work during the COVID-19 pandemic, which had included assessing the country's managed isolation and quarantine facilities. Since 2019, the Government had twice made changes to the composition of the mechanism in order to strengthen monitoring of the situation of children in detention. Recommendations made by the mechanism had led to tangible improvements for people in detention. For example, the Department of Corrections had launched the Te Mana Wāhine programme to help female Maori prisoners, who made up two-thirds of the female prison population, and had started trialling full-body scanners to replace strip-searches.
6. Maori remained overrepresented in the criminal justice system, as both offenders and victims. Another issue facing the system was the increasing use of pretrial detention. Following a large public consultation programme in 2018 and 2019, a number of reform measures had been taken. The so-called "three strikes law" had been repealed, meaning that courts were no longer required to impose the maximum sentence for a crime on commission of a third relevant offence. The police's new programme, ReFrame, would help those on the frontline cope with increased demand for their services and the greater complexity of police work. Another programme, Te Ao Mārama, had been established to increase access to justice. In addition, the Department of Corrections was implementing a strategy called Hōkai Rangi aimed at addressing the overrepresentation of Maori in the prison population and improving outcomes for Maori offenders and their extended families.
7. The 2021 National Strategy and Action Plan to Eliminate Family Violence and Sexual Violence had been developed with input from Maori, communities and specialists. One focus of such work was to strengthen victims' rights and support, with a wide range of services available including for vulnerable groups such as children. The Government had invested

73.5 million New Zealand dollars (\$NZ) in this area in its 2023 budget. In 2022, it had established a new entity called Te Puna Aonui to coordinate the cross-agency work to address and prevent family violence and sexual violence.

8. His Government acknowledged the enormity of historical abuse and trauma. The Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions had been established in 2018 and had published several interim reports. A cross-agency unit had been set up to coordinate the response to the Royal Commission's findings and recommendations; that work included developing a new redress system for victims. The Royal Commission would publish its final report in 2024 and might also make recommendations to prevent future abuse in care.

9. As part of the changes to the system of oversight of the Ministry for Children, an Independent Children's Monitor had been established to continuously assess the system of care for children against prescribed standards. The Office of the Ombudsman would now deal with complaints from children in State care, and a new Children and Young People's Commission had replaced the Children's Commissioner as the third element of the oversight system. Recently, serious allegations had emerged relating to two Ministry for Children residences; an independent inquiry would issue findings and recommendations in that regard in August 2023.

10. An independent inquiry had led to the establishment of the Suicide Prevention Office in 2019 and the independent Mental Health and Wellbeing Commission in 2021. The Māori Health Authority had also been established. Existing legislation governing when a person might be subjected to compulsory mental health care was being replaced. In addition, work was under way to reduce and eventually eliminate seclusion and restraint in mental health services. Guidelines had been published earlier in 2023 to shift practices towards a seclusion-free environment grounded in human rights.

11. The Government had established a Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques on 15 March 2019, which in 2020 had made 44 recommendations on such issues as social cohesion, hate crimes, firearms, counter-terrorism, violent extremism and the national security system. The Government had agreed to a multi-year implementation programme for those recommendations, with some already implemented such as the establishment of a Ministry for Ethnic Communities, the restriction of access to semi-automatic weapons and the development of a police programme to deal with hate crimes. The New Zealand Law Commission was working on a review of hate speech and hate-motivated offending, while the Ministry of Justice was examining the country's counter-terrorism legislation. In addition, the Social Cohesion Strategic Framework had been developed. The country's first National Action Plan against Racism was expected to be completed in 2024.

12. All the entities that had submitted shadow reports had made valued and crucial contributions. His Government recognized that whatever progress was made in regard to human rights protections, more would always remain to be done. It would continue to strengthen protections against torture and ill-treatment.

13. **Mr. Tuzmukhamedov** (Country Rapporteur) said that section 9 of the New Zealand Bill of Rights Act appeared to differ from the Convention in that it protected the inherent right not to be subjected to torture, while the Convention established a duty of the State to prevent acts of torture. Section 9 also seemed to be at variance with article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights. Given that section 9 afforded protection only against "disproportionately severe treatment or punishment", he wondered how the word "disproportionately" was defined. The Act, which post-dated the formal abolition of capital punishment in New Zealand, did not seem to guarantee the absolute right to be free from deprivation of life by act of the State; he would welcome clarification in that regard.

14. Considering that the country's Crimes of Torture Act 1989 specified no minimum penalty for torture, sentences might range from the maximum of between 10 and 14 years' imprisonment to non-custodial penalties. It was, moreover, unclear whether a person convicted under the Act might be eligible for parole. Was there any judicial or administrative practice that could shed light on the matter? Given that the national courts cited the New

Zealand Bill of Rights Act more often than the Convention, according to paragraph 14 of the State party's report, he wished to know whether the Act took precedence over the Convention. He also wondered whether the Act applied to the Cook Islands and Niue, self-governing States in free association with New Zealand, and to the Non-Self-Governing Territory of Tokelau, and whether New Zealand was responsible for implementing the Convention in Tokelau.

15. In the light of the Supreme Court of New Zealand judgment in the case of *Peter Hugh McGregor Ellis v. The King* stating that Indigenous law formed part of New Zealand law, it would be useful to learn whether Indigenous law was open to international legal influences, whether a conflict between the two systems of law was a possibility and, if so, how such a situation could be resolved. While discussion of the Convention in the Supreme Court case of *John Alfred Vogel v. Attorney-General* had been sparse, the Committee welcomed the Government's payment of compensation to Mr. Vogel as the Committee itself had recommended in its decision on Mr. Vogel's individual complaint.

16. It was not clear whether the Government was still considering withdrawing the State party's reservation to article 14 of the Convention. He would welcome an update in that regard. Information on the reasons for which the State had not become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of all Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights would also be appreciated.

17. He wished to have an update on the response to the Committee's recommendations in the cases of Paul Zentveld and Malcolm Richards, who had filed individual communications relating to their abuse at the child and adolescent unit at Lake Alice Hospital and their right to appropriate redress. Regarding the case of Kyung Yup Kim, whose extradition had been requested by the People's Republic of China, he wondered whether the delegation could provide information on the discussion of the Convention during the proceedings before the Supreme Court, whether the case had exerted some intellectual influence within the judiciary and whether the judgment had affected policy on extradition and assurances.

18. While the State party's report referred to the accessibility of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), the Committee wished to know whether training on that instrument was provided on a regular basis. It would also be useful to learn if the State party had developed a methodology to assess the effectiveness of training and educational programmes in the prevention of torture and ill-treatment, and if the delegation was in a position to share any conclusions and lessons learned from such evaluations.

19. He wished to know whether New Zealand Defence Force personnel were instructed on how to apply the Convention in their operations and, if so, how detailed that instruction was, who provided it, on which manuals it was based and which topics it covered. Moreover, he wondered to what extent that instruction was informed by international assistance and training programmes in which New Zealand Defence Force personnel had participated and what lessons the Force had drawn from international deployments, including Operation Burnham, which New Zealand personnel had undertaken as part of the International Security Assistance Force in Afghanistan.

20. Regarding human rights safeguards in the context of counter-terrorism measures, the State party had noted in its report that it was assessing whether current counter-terrorism legislation was adequate and that the courts were considering the first case brought under section 6A of the Terrorism Suppression Act 2002 since the attack on Christchurch mosques in March 2019. Given the time that had passed since the submission of the report, he would appreciate an update on those matters.

21. Lastly, given that the State party's report predated the outbreak of the COVID-19 pandemic, he would be grateful for information on the measures it had taken during the pandemic to ensure that its policies and actions were consistent with its obligations under the Convention. In particular, he was eager to know what steps it had taken to uphold the rights

of persons in prisons and other places of confinement, such as institutions for persons with intellectual or psychosocial disabilities, hospitals and homes for older persons.

22. **Ms Pūce** (Country Rapporteur) said she was pleased to note that the various entities designated as the country's national preventive mechanism monitored conditions in such a broad range of institutions and that the remit of the Chief Ombudsman had been extended to include privately-run care homes for older persons. She wished to know, however, whether all those entities had their own budgets. She was keen to hear what measures the Government was taking to continue to strengthen the national preventive mechanism, particularly given the lack of a body in the region equivalent to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. While the State party had accepted most of the recommendations made by the national preventive mechanism, she wondered what steps it was taking towards implementation, particularly of those recommendations that were longstanding. In the light of reports that the mechanism's interviews with inmates in high-security places of detention were conducted through the bars of inmates' cells, which amounted to degrading treatment, she would be interested to hear what steps the State party was taking to ensure that such interviews could be held in more appropriate settings.

23. Regarding fundamental legal safeguards, while recognizing that police officers informed arrestees of the reasons for their apprehension and of their rights, she would like to know whether they provided such information in more accessible language for juveniles and persons with intellectual disabilities. She would be grateful for the State party's response to claims that, during interrogations, the police merely asked juveniles whether they needed a lawyer, rather than systematically providing them with one; persons of that age could hardly be expected to understand the importance of having legal counsel. Furthermore, in view of reports of degrading treatment at the hands of the police, including the use of pepper spray, spit hoods and unnecessary force during and after arrest, she wondered whether the State party had received any complaints in that regard and, if so, whether it had investigated those complaints and initiated any disciplinary proceedings against the officers responsible. She would also like to know what steps the State party was taking to bring such practices to an end. Reportedly, persons who were charged with a crime and placed on remand were not always transferred promptly to remand prison. She would be grateful to know how many days, on average, such persons spent in police cells and whether the State party planned to remedy the situation.

24. Given reports of overcrowding and appalling physical conditions in places of detention, she would be interested to know by what metric the State party had estimated its prison occupancy rate at 94 per cent and what measures it was taking to tackle overcrowding and improve conditions. She wondered whether judges were making full use of the numerous alternative sentences referred to in the State party's report. In addition, she was curious as to why the initiatives launched some years earlier to reduce the overrepresentation of Maori in prisons did not appear to be having the desired effect and what further steps the State party had taken to address the situation. Regarding reintegration, she wished to know what education, employment and other meaningful opportunities were available to persons deprived of their liberty and, in particular, juvenile detainees, who, it was reported, could remain in their cells for up to 22 hours a day. She was interested to learn what actions the State party was taking to end restrictive practices that were tantamount to solitary confinement.

25. Since some of the problems in prisons could be attributed to understaffing, it would be helpful to know what the State party was doing to make the profession of prison officer more attractive. While prison officers' initial training lasted several months and covered, among other things, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the Convention against Torture, it was not clear whether officers received ongoing training and, if so, what it entailed and how it might be improved. Additionally, she would like to know whether medical staff received training on the Istanbul Protocol, whether they systematically applied it when examining prisoners, whether they were obliged to report their findings and, if so, to whom.

26. She would appreciate data on suicides and deaths in custody since the submission of the State party's report, as well as information on the outcomes of any investigations into

such deaths. She would be interested to hear whether prisoners at risk of committing suicide were placed in specific settings and whether the staff working in those settings were trained to deal with them.

27. It would be useful to know whether staff in juvenile detention centres were specifically trained to work with young persons. Moreover, given that many juvenile detainees came from violent and traumatic backgrounds, she wondered whether any social work was carried out in those centres to prevent the occurrence of violence among the inmates.

28. She would be grateful to learn the ratio of full-time psychiatrists to prisoners in the State party. If psychiatric services were not provided directly in prisons, were they provided in another setting? More generally, the delegation might wish to clarify whether prisoners could obtain medical care outside prison if they required a consultation with a specialist, as she was given to understand that some prisoners were waiting for up to four months for appointments, which was much longer than persons not in detention.

29. According to alternative reports, there was no legal limit for holding prisoners on remand, meaning that some had been held on remand for up to five years. She would thus be grateful to hear whether the State party intended to introduce a limit and amend its legislation to that end.

30. In the light of reports that psychiatric institutions were often understaffed and that means of restraint were used on individuals in distress, she would appreciate information on protocols for, and the supervision of, the use of chemical and physical restraint, as well as on the seclusion of individuals for long periods in conditions amounting to solitary confinement. She also wished to know whether staff in such institutions were trained to deal appropriately with persons with disabilities and whether institutions were guarded by specially trained staff or private security companies.

31. It appeared from the State party's report that there was no dedicated complaints mechanism for persons deprived of their liberty, that complaints must be made to the different investigative authorities and that many complaints were not escalated beyond internal review by the relevant authority, which was an obstacle to full transparency. Further details on the handling of complaints would therefore be appreciated, as would information on any plans to establish an independent complaints mechanism as recommended by the national preventive mechanism. She also wondered whether juveniles were aware of the complaints procedure and whether they trusted that they would not face repercussions for filing a complaint.

32. She would welcome clarification as to how the State party estimated the number of domestic violence cases occurring in the country and the percentage that were reported to the police. It would also be helpful to hear of the impact and outcomes of initiatives implemented to address domestic violence and any lessons learned.

33. **Ms. Racu** said that she would like to receive information concerning prisoners with mental health disorders. She would also be interested to learn of the incidence of inter-prisoner violence and the measures taken to prevent and combat such violence, including self-harm and suicide; statistical data in that regard, including the number of suicides recorded in the past two to three years, would be welcome. She would also appreciate further details on the regulation of the isolation of prisoners with psychiatric disorders and the means of restraint used with such prisoners. Lastly, she would be grateful to hear how drug and alcohol addiction was addressed in prison environments, including through any specific programmes implemented among prisoners with psychiatric disorders.

34. **Mr. Liu** said that he welcomed the adoption of the Abortion Legislation Act 2020. The delegation might wish to provide an update on progress made in the establishment of a separate justice system for children and a minimum age of criminal responsibility that was in line with international standards. It would also be interesting to hear about any strategies or policies envisaged with the intention of recruiting more Maori into positions in law enforcement and correctional institutions.

35. **Mr. Buchwald** said that the Committee had learned that few prosecutions had been brought under the Crimes of Torture Act; that might be a consequence of the provision

requiring the consent of the Attorney-General in order to prosecute crimes relating to torture, which created a procedural hurdle and potentially disincentivized prosecution under the Act. He would therefore like to know whether the State party had considered removing or amending that provision and wondered whether it was consistent with the spirit and letter of the Convention, in particular article 7.

*The meeting was suspended at 11.40 a.m. and resumed at 12.05 p.m.*

36. **Mr. Kibblewhite** (New Zealand) said that, to ensure their wide dissemination, the Committee's decisions on the individual communications filed by Mr. Zentveld and Mr. Richards had been published on the websites of the New Zealand police force and the Crown Response to the Abuse in Care Inquiry. References to Lake Alice Hospital and the Committee's decisions would also be included in the Government's public apology for abuse in care, which would be delivered after the final report of the Royal Commission of Inquiry was published. Mr. Zentveld and Mr. Richards had been included in a group of claimants who had received apologies and redress from the Government in 2022, an avenue that remained open for others affected. It was clear, however, that more needed to be done in that regard. The report of the Royal Commission would constitute part of the Government's response, and the Minister for the Public Service Commission had asked officials to explore other options for redress before its publication. Given the finding that Mr. Zentveld and Mr. Richards had experienced torture, the same was likely to be true for other people interned as children at Lake Alice Hospital, an element that should be taken into account by the Royal Commission of Inquiry when considering appropriate redress for survivors.

37. Regarding counter-terrorism, individuals could be classed as terrorists if they were reasonably believed to have carried out acts of terrorism or if a criminal offence had been committed in connection with the execution of such acts. As a protective measure, the courts could order the imposition of control orders on individuals convicted of terrorism-related offences. In national law, acts of terror were defined as: acts intended to cause death, serious injury or similar devastating consequences, carried out for an ideological, religious or political purpose and aimed at either intimidating the population or forcing governmental action; acts contravening the United Nations conventions on terrorism; and terrorist acts committed during armed conflicts. The mechanisms available to the Government for the classification of individuals as terrorists were subject to significant legal safeguards aimed at upholding the rights of individuals while also protecting public safety. Although the ongoing review of counter-terrorism legislation had been delayed in the light of competing priorities, that work would resume in the coming year.

38. Like many public sector bodies, the entities that constituted the national preventive mechanism were experiencing difficulties in securing resources. Nonetheless, they received a reasonable level of funding and some had even received increases in funding allocations in the most recent national budget. For instance, the Human Rights Commission had received \$NZ 15.3 million for the period 2022–2023 and \$NZ 13.8 million for the period 2023–2024, in comparison to around \$NZ 10 million for the period 2017–2018. As the mechanism's central body, the Commission did not monitor specific places of detention and the costs for its functions under the Optional Protocol to the Convention against Torture were consequently low. The Independent Police Conduct Authority was funded through the budget of the Ministry of Justice. The Authority had a number of oversight functions and recognized the synergies between its complaints and investigation functions and its role as a national preventive mechanism. Its budget in the period 2022–2023 had amounted to nearly \$NZ 9.5 million, including a sum dedicated to the independent review of the police's management of protests that had occurred in 2022. The Authority had received an overall increase in its baseline budget of nearly \$NZ 1 million for the period 2022–2023, which had been increased further since then. Nearly \$NZ 33 million had been invested over five years to support the establishment and management of the Children and Young People's Commission. The Commission would receive around \$NZ 12 million for the period 2023–2024 – almost double the funding allocated to its predecessor, the Office of the Children's Commissioner – allowing it to employ more staff. Its governance structure had been strengthened through the establishment of a governing board. The Office of the Ombudsman, which carried out activities relating to the Optional Protocol such as visits to places of

deprivation of liberty, had seen its budget increase to \$NZ 56.85 million for the period 2023–2024 from less than \$NZ 17 million for the period 2017–2018.

39. It was important to emphasize the independence of the entities that constituted the national preventive mechanism and their long tradition of speaking without fear or favour. They were assured of transparency and protections in their funding and in the execution of their functions.

40. **A representative of New Zealand**, responding to issues raised regarding the overrepresentation of Indigenous Peoples in the criminal justice system, said that, during the public consultation held in 2018 and 2019, the Government had invited various communities to share their visions for the future of the system. Maori participation had been significant.

41. Several reports conducted independently of the Government had called for substantive changes to tackle the systemic inequities experienced by Maori. In response, each government agency had developed initiatives to address those disparities. The Ministry for Children had developed the Section 7AA Quality Assurance Standards to facilitate a shift from a monocultural to a Maori-centred approach in its work, including in its efforts to address the overrepresentation of Maori children in State care. The national police had devised initiatives including the Turning of the Tide strategy and the ReFrame programme to create and enhance tools, systems, processes and policies and explore how the police could help to reduce the overrepresentation of Maori in the justice system. An initiative led by the first Indigenous Chief District Court Judge drew on Maori customs and practices to inform improvements in the achievement of therapeutic justice for all. The Department of Corrections had developed a strategy dedicated to addressing challenges relating to the overrepresentation of Maori in the prison system, the relevance of which had led to its evolution into a whole-of-department strategy applicable to all populations. The chief executives of the Justice Sector Leadership Board had worked with Maori leaders to develop the Mana Ārite Agreement, which recognized the authority and influence held by Maori leaders independent of the State and envisaged regular meetings between those parties to address inequities.

42. There was little to report in the way of progress towards the intended outcomes of those initiatives as they had been developed only recently in response to decades of calls for change. New relationships with Maori communities had been formed and existing partnerships at all levels had been enhanced. Increased resources were being allocated across the system to promote Maori participation in the design of tools, systems, policies and procedures and to foster a more culturally sensitive approach. There were early indications that those efforts would yield positive results.

43. **A representative of New Zealand** said that, under the Oranga Tamariki Act 1989, children's parents must be informed prior to their interview by the police and such interviews must be conducted in the presence of an adult nominated by the young person or a lawyer. Young persons with disabilities were supported during the interview process as required and their specific needs recorded. A simplified version of the New Zealand Bill of Rights Act was provided to young persons. Minors could only be held in police custody for 24 hours, although that period could be extended if a joint certificate was signed by a senior police officer and a delegate of the Chief Executive of the Ministry for Children.

44. The police used spit hoods as a last resort in the event of contact with a person who was spitting or biting. In the period 2018–2022, on average, each year, spit hoods had been used on 20 persons under 18 years old and approximately 200 persons over 18 years old. Over the same period, approximately 450 persons under 18 years old and 5,780 persons over 18 years old had been exposed to pepper spray. Few complaints had been received regarding the use of those tools; approximately 40 complaints of the use of excessive force or ill-treatment in police custody had been received since 2019, 15 of which had related to cruel, inhuman or degrading treatment by police officers.

45. Examples of the circumstances under which persons held on remand could spend more than one week in police custody were set out in the Corrections Act 2004 and included a lack of places in remand prisons, a trial due to last more than one week or a judge's exercise of his or her discretion in such matters. In 2022, approximately 14,690 persons had been held in police jails. In general, 80 per cent of remanded or sentenced detainees were held in police

custody for less than 24 hours, and 90 per cent for less than 48 hours. Young persons were only held in police custody until a suitable placement or transport to a facility of the Ministry for Children was found, and police worked with social workers to minimize the time spent in police custody. A tool had been developed to help determine the most suitable form of remand in the event that the court opposed bail for a minor.

46. Six of the seven deaths in police custody since 2019 had been investigated by the Independent Police Conduct Authority, while one had been the subject of an internal police investigation. One of the deaths had been determined to have resulted from the excessive use of force. In one case, three members of police staff had faced criminal proceedings but had been acquitted by the jury. Two cases of death in police custody remained the subject of ongoing investigations or court proceedings.

47. **A representative of New Zealand** said that there were approximately 11,500 beds in the prison system. Capacity was defined as the number of operational or open beds compared to the number of persons in custody. Operational capacity was used to determine the number of officers required for prisons to operate safely. In recent years data on capacity had led to a reduction in the use of two-bed cells and the closure of older facilities and those in poor condition. The prison population – which had fallen in the period 2018–2020 and had been dispersed across prison facilities during the COVID-19 pandemic – was undergoing a process of consolidation in response to staff shortages that had begun in 2022. Measures taken to manage staffing levels included the transfer of prisoners and staff between sites and the reduction in the number of staff rostered at each facility, while respecting legal minimum staffing requirements. A tool had been developed to identify the best available placement for prisoners based on their legal status and security classification.

48. Efforts to tackle the staff shortage included a focus on staff retention and a recruitment campaign that had led to an increase in applications for prison officer roles. To ensure that new officers arrived in facilities more quickly and better prepared for their duties, initial staff training now consisted of a first part on safe custodial practice, delivered at the National Learning Centre, and a second part completed on-site in prisons. Low staffing levels had also led to changes such as reduced unlock hours for prisoners and the introduction of virtual visits with family and legal representatives. To mitigate the mental health impact of those measures, prisoners had been provided with free telephone calls, video calls with family, and additional television channels and in-cell activities. Family visits were facilitated on compassionate grounds where possible.

49. The prison doctor was notified immediately in the event of a death in a prison and prison management informed the police, the coroner and the national office of the Department of Corrections. The scene was secured by prison staff for investigation by the police, who were responsible for removing the body, organizing the autopsy and informing and supporting the next of kin. Every death in custody was investigated by the coroner and an inspector of corrections, and prisons were also able to carry out internal investigations. Since 2019, 86 deaths in prisons had been reported: 35 had occurred owing to unnatural causes, including suicide, 1 had been a homicide and 50 had been the result of natural causes. Currently, 14 cases of death in prison were under investigation, with four investigations having been opened in 2023. The deceased were treated with respect and due consideration was given to cultural or religious requirements such as the need for a representative from the relevant tribe to assist with *tikanga Māori* (Maori customs) until the funeral had taken place. There were no cases in which compensation had been paid to prisoners' families since 2019.

50. Rehabilitation programmes were available to address the needs of prisoners from different population groups and covered topics such as employment and recidivism. No specific programmes were available for persons with disabilities, although medical treatment and psychiatric care were available to those prisoners who needed them. Three programmes tackled alcohol and drug addiction; one was specifically for women, one was an intensive programme and the third was an aftercare programme. A shortened programme was available to new detainees who were awaiting trial.

51. In 2020, the health services of the Department of Corrections had been restructured to bring them into line with the *Hōkai Rangi* strategy. New positions had been established, including those of chief Maori health officer and director for mental health and addiction

services. Mental health services in prisons were undergoing review to ensure that they met the needs of Maori, facilitated the early identification of serious mental distress and improved well-being. A specific mental health and addiction service for men was being established that would be culturally sensitive and offer a personalized well-being plan. Prisoners in need of inpatient mental health care would continue to be transferred to inpatient facilities.

52. Prisoners' complaints were initially tackled through an informal process. When no resolution was found, a formal complaint was registered. Formal complaints were subject to specific time frames and requirements to inform the complainant of progress. Complaints about general custodial issues were usually addressed by the principal corrections officer within a prison unit, confidential complaints about staff conduct by a senior prison manager and complaints about health services by the staff of those services. Prisoners who were not satisfied with the resolution provided were advised of the next steps and the possibility of contacting other bodies about their complaint, including the Ombudsman, the Independent Police Conduct Authority and the Human Rights Commission.

53. In March 2022, an external review of the complaints procedures had taken place, resulting in a recommendation to introduce a respect-based approach to complaint resolution. Policies had been updated accordingly and changes had been made, including the introduction of an advocacy process to allow persons outside prison to advocate on behalf of prisoners and the option for prisoners to file complaints autonomously from self-serve kiosks within prisons. Information on the complaints procedures had been translated into several languages and prison staff had been provided with guidance on how to support persons with diverse literacy and language needs to access information.

54. **A representative of New Zealand** said that preliminary training for new staff of youth justice residences had recently been extended to six weeks and included instruction on the relevant national laws. Staff attended a training day every three weeks that tackled different topics relevant to their work with young persons. Young persons under 16 years of age were required to continue their education while held in the facilities and were provided with access to regular schooling, although a number of residents required additional support due to poor school attendance, poor literacy and numeracy or learning difficulties. Older teenagers were able to continue their education or take up vocational training, although more needed to be done to connect young persons with vocational training and education on their release from youth justice residences. Other programmes included social activities, team building and sports, and there were opportunities for young persons to go off-site to learn about their *whakapapa* (ancestral connections).

55. The Children's Commissioner had indicated that there was a lack of confidence in the complaints mechanism in place in the youth justice residences. A new procedure was being developed in cooperation with independent youth advocacy service VOYCE – Whakarongo Mai. Young persons could only be locked in their rooms if admitted to secure care – the rooms in mainstream care in youth justice facilities did not have locks. Secure care was only for young persons who were at risk of escape or causing harm to themselves or others. Young persons in secure care continued to be provided with opportunities to socialize.

56. **Mr. Kibblewhite** (New Zealand) said that comparative information on recorded and actual rates of family violence and sexual violence was based on the New Zealand Crime and Victims Survey, which was produced following thousands of interviews and was considered the most authoritative source on levels of violence. The most recent survey had revealed that, while the number of victims of such violence had fallen slightly, the number of instances of violence experienced by victims had increased. The evaluation of efforts to tackle family and sexual violence helped to shape activities and had resulted in changes to court proceedings and the treatment of victims in cases that involved family violence and the roll-out of standardized training to all agencies that worked with victims of family or sexual violence. A key insight from the evaluation of efforts in that area was the need to tackle problems locally, within the community and the family.

*The meeting rose at 1 p.m.*