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

**Report on the visit of the Subcommittee on
Prevention of Torture and Other Cruel, Inhuman
or Degrading Treatment or Punishment to New
Zealand*,****

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- * In accordance with the decision of the Subcommittee at its fifth session regarding the processing of its visit reports, the present document was not edited before being sent to the United Nations translation services.
 - ** In accordance with article 16, paragraph 1, of the Optional Protocol, the present report was transmitted confidentially to the State party on 5 November 2013. On ... 2014, the State party communicated its decision to make the report public..

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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 (OPCAT), the UN Subcommittee on Prevention of Torture (SPT) conducted a visit to New Zealand from 29 April to 8 May 2013.¹

2. The SPT members conducting the visit were: Mr. Malcolm Evans (Head of delegation), Mr. Arman Danielyan, Mr. Paul Lam Shang Leen, Mr. Petros Michaelides, Ms. June Caridad Pagaduan Lopez and Ms. Aneta Stanchevska.

3. The SPT 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 SPT 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). The SPT also held meetings with relevant authorities, the National Preventive Mechanism and members of civil society (see Annex II). The SPT wishes to thank everyone for the valuable information provided.

5. At the conclusion of the visit, the SPT orally presented its confidential preliminary observations to the New Zealand authorities. This report contains the SPT'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 SPT 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 SPT report will remain confidential until such time as the authorities decide to make it public, in accordance with OPCAT, article 16(2).

8. The SPT wishes to draw the State party's attention to the Special Fund established by OPCAT, article 26, to which applications may be made for funding the implementation of recommendations contained in those SPT reports which have been made public.³

9. The SPT wishes to express its appreciation for the excellent cooperation and facilitation of the visit. The SPT 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 SPT's visit to New Zealand, resulting in delayed access.

10. The SPT 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 SPT, see: <http://www2.ohchr.org/english/bodies/cat/opcat/index.htm>.

² See Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), Article 16.

³ <http://www2.ohchr.org/english/bodies/cat/opcat/SpecialFund.htm>.

II. National Preventive Mechanism

11. New Zealand ratified the OPCAT in 2007 and, in fulfilment of OPCAT article 3, the Amendment Bill to the Crimes of Torture Act 1989 designated five existing institutions as its National Preventive Mechanism (NPM), these being: the Ombudsmen's Office, the Independent Police Conduct Authority (IPCA), the Children's Commissioner, and Inspector of Service Penal Establishments (ISPE) of the Office of the Judge Advocate General of the Armed Forces. The Human Rights Commission has a coordinating role. Whilst the legislative framework is reflective of OPCAT criteria, the practical efficiency of the NPM remains a challenge.

12. *Resources and independence.* The SPT delegation spent a day with the NPM and was pleased to hear that it enjoyed good overall relations with the authorities. Nevertheless, the SPT is of the view that the situation regarding the NPM within the State party has reached a critical point. Most of the components of the NPM have not received extra resources since their designation to carry out their OPCAT mandate which, together with general staff shortages, have severely impeded their ability to do so. Moreover, the Children's Commissioner and IPCA reported that their funding was earmarked for statutory functions, which excluded NPM-related work. In this regard, the SPT was concerned to learn that the OPCAT mandate - an international obligation - was not considered by the State party to be a 'core function' of the bodies designated as the NPM. The SPT 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 NPM to sacrifice their OPCAT-related work in favour of other functions. Should the current lack of human and financial resources available to the NPM not be remedied without delay, the State party will inevitably find itself in the breach of its OPCAT obligations.

13. *Staffing.* Whilst the SPT was impressed by the commitment and professionalism of NPM experts, it was concerned that the number of staff were inadequate, given the large numbers of places of detention within their mandates. It was also concerned at the lack of NPM expertise in medical and mental health issues.

14. The SPT reminds the State party that the provision of adequate financial and human resources constitutes an ongoing legal obligation of the State party under article 18.3 of the OPCAT. It recommends that the State party:

(a) **Ensure that the NPMs 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 NPMs to effectively implement their OPCAT mandate throughout the country;**

(c) **Ensure that the NPM is staffed with a sufficient number of personnel so as to ensure that its capacity reflects the number of places of detention within its mandate, as well as being sufficient to fulfil its other essential functions under the Optional Protocol;**

(d) **Provide the NPMs with the means to ensure that they have access to the full range of relevant professional expertise, as required by OPCAT.⁵**

⁴ SPT guidelines on NPMs, CAT/OP/12/5, para. 12.

⁵ OPCAT, article 18.2.

15. The SPT wishes to be informed, as a matter of priority, of the steps taken to provide the NPM with adequate financial and human resources sufficient to allow for its effective operation in accordance with the OPCAT.

16. *Institutional visibility and scope of mandates.* The SPT believes that the status and visibility of the NPMs should be enhanced. There are also issues concerning gaps and overlaps in the NPMs' mandates which need addressing. For example, it appears that 161 facilities for the care of persons with dementia are not covered by the NPM. It also seems that the rigid mandates of NPMs 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, immigration or penitentiary institutions. The SPT 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 liberty. Finally, the SPT notes that the NPMs 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 NPM, the SPT recommends that the authorities:

(a) **Organize as a matter of priority a meeting with the NPMs 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 NPM as a key collegial body for preventing torture and ill-treatment;**

(c) **Support the NPMs 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 NPMs regarding the implementation of recommendations arising from NPM visits;**

(e) **Involve the NPMs collectively in the implementation of the recommendations contained in this SPT report;**

(f) **Encourage dialogue and better connectivity between the NPMs and civil society.**

III. Overarching issues

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

A. Legal framework

19. The SPT notes that the New Zealand Bill of Rights Act (BORA) protects the right of everyone not to be subjected to torture or to cruel, degrading, or disproportionately severe treatment or punishment.⁶ This prohibition is reiterated in the 1989 Crimes of Torture Act

⁶ Article 8 of BORA.

(COTA) which also provides for penalties for the crimes of torture.⁷ The prohibition of torture is complemented by a comprehensive normative framework in the area of criminal justice. However, the SPT is deeply concerned at legislative gaps, which reflect the State party's reservations to UNCAT, article 14, and to the Convention on the Rights of the Child (CRC), article 37(c). The reservation to UNCAT, article 14, unduly restricts the rights of victims of torture to fair and adequate compensation, including the means for full rehabilitation.⁸ The reservation to CRC, article 37 (c), 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 SPT is also concerned that COTA, section 12 confers wide discretion to the Attorney General to decide whether or not to prosecute a crime against 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 is 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 SPT learnt 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 SPT believes that it can never be in the public interest to decline consent to prosecute a crime of torture.

21. The SPT 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 basic principles of the rule of law, including the separation of powers. The SPT is deeply concerned at the proposed Bail Amendment Act⁹ which removes the presumption of bail for 17 – 20 years old who have previously served a sentence of imprisonment. The bill also proposes 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 SPT is concerned that these amendments will have a negative impact on the number of youth held on remand and the length of time spent on remand, which is already a matter of grave concern. Furthermore, the SPT is deeply concerned that the Bail Amendment Bill could exacerbate the disproportionately high number of Māori in prison, given the high rate of Māori recidivism, and the number of Māori currently on remand.

22. The SPT is also concerned that the 2012 Immigration Amendment Bill 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. The SPT 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 SPT struggles to see how, for instance, the arrival of two families of five persons constitutes a 'mass arrival' necessitating such treatment. **The SPT also notes that, in line with the International Covenant on Civil and Political Rights, article 9, no person should be subjected to arbitrary arrest or detention; the mandatory arrest and detention of individuals solely based on the manner of their arrival in the State party is arbitrary and it does not accord with international standards on the treatment of persons in need of international protection.**

⁷ Article 3 of the COTA.

⁸ Article 5 of the COTA confers the power on the Attorney General to consider whether it would be appropriate for the Crown to pay compensation to the victim of torture or any member of the victim's family.

⁹ The Bill proposes to amend the Bail Act of 2000.

23. The SPT recommends that the State party

(a) Consider withdrawing its reservations to UNCAT, article 14 and CRC article 37(c);

(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 SPT's concerns set out in para. 21, above;

(d) Reconsider the Immigration Amendment Bill in the light of the SPT's concerns set out in para. 22, above.

B. Institutional framework

24. *Detainee Classification.* Following its numerous visits to places of detention and interviews with staff and persons deprived of liberty, the SPT 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 SPT notes with approval that in all prisons visited there was strict separation between pre-trial and sentenced detainees. However, the SPT 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 categorisation would suggest, as staff struggles 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 SPT noted that differences in classification do not necessarily mean there is a difference in regime, since prisoners belonging to different categories, although physically separated, were often subjected to the same rules in terms of hours of lock-down, food, exercise etc. In the light of the above, the SPT 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.

25. *Remand prisoners.* The SPT noted with great concern that in all prisons visited, the regime applicable to pre-trial detainees was inappropriate, given their unconvicted status and the often lengthy periods for which they were detained. For instance, in Rimutaka prison, the SPT 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 SPT saw for itself that the periods of "out of cell time" were, in practice, significantly shorter than was claimed.

26. *Youth in prisons.* 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 SPT discovered with great concern that youth pre-trial detainees were de facto penalized by the system, despite their vulnerability, since they were subject to 19 hours 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 SPT 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.

27. *Impact of the classification system on Parole.* The SPT learned that it is necessary to have completed a number of training and rehabilitation programmes before parole can be granted. However, the SPT noted with concern that there was a shortage of places on such programmes, especially in women prisons. The practical difficulties of managing prisoners' movements in accordance with the classification system had the effect of impeding some detainees to attend 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 SPT 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 accessing Parole.**

29. *Prolonged detention in police stations.* The SPT 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 SPT noted the efforts taken to reduce the time spent in police custody to the minimum possible. Nevertheless, the SPT was concerned at the inadequacy of these facilities (see also paragraphs 68 and 69).

30. The SPT recommends that the State party

- (a) Consider alternatives to the use of the police stations gazetted as jails until they are renovated;**
- (b) Prioritise 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.**

31. *Trial within a reasonable period of time.* BORA, Section 23 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 SPT 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, the SPT noted that those remanded in custody, and those awaiting sentencing, could spend lengthy periods in remand prisons, and that the periods involved appear to be getting longer. For example, the SPT documented one case at Mount Eden Prison in which a prisoner held on remand for 556 days was subsequently sentenced to three years imprisonment. Since the period spent on remand was deducted from the sentence, de facto, the detainee spent virtually his entire sentence on remand, although the detainee 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 SPT 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 91-99). The SPT also notes with concern that there appear to be increasing delays within the Court system which also need to be addressed.

32. The SPT recommends that the State party take appropriate administrative and legislative measures, to ensure (a) that pre-trial 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 pre-trial detention is not excessively prolonged.

33. *High rates of incarceration and reoffending.* The SPT notes that the authorities have indicated that there are significant declines 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 over-use 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 % by 2017 is to be achieved. The SPT believes that this must include a greater focus on programmes of social reintegration, as well as more active involvement with the Māori community, including strengthening indigenous initiatives and developing community-based Māori-specific programmes focusing on prevention of reoffending.

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

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

36. The SPT recommends that the State party explores the causes of increased prison violence and that its response should take account of both staff and prisoner’s safety, promote a positive prison culture, and include improved communication between staff and detainees.

37. The SPT 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 an alleged offence.

38. The SPT recommends that the State party ensures that only those responsible for incidents in prisons are penalised as a result of them.

39. *Voluntary segregation.* The SPT noted with concern the high number of persons held in Management Units on voluntary segregation. Whilst acknowledging that this is intended to protect at-risk prisoners, the SPT remains concerned that they were 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 the prisons. Such measures, especially if extensively prolonged, may prejudice vulnerable inmates whose behaviour does not merit harsher material conditions or stricter security measures. The SPT 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 SPT recommends that the State party intensify its efforts to tackle inter-prisoner violence by addressing its causes, including problems arising from gang cultures, the lack of purposeful activities, substance abuse, restricted out of cell time, etc., 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 will be made in the Part IV C.

C. Fundamental safeguards

Information on rights of accused or detained persons

42. The State party's domestic law 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.¹⁰ The SPT learnt from its interviews that the police do seek to do so, although some interviewees claimed they had not been informed about their rights. The SPT 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 IPCA, but in positions where they could not be easily read before a person had been processed and assigned a cell (see also paras. 72-73). Turning to prisons, the SPT 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 SPT recommends that the State party ensure that the police informs 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 where it can be read easily. The SPT also recommends that "admission information" be displayed inside prisons to young persons so that they may be aware of their rights, entitlements, as well as the organisation and daily management of the prison units.

Complaint mechanisms

44. The SPT is concerned that it was unable to easily determine the current status of particular complaints lodged by prisoners against prison staff. Whilst the State party's prisons and police stations operate an Integrated Offender Management System (IOMS), which shows that complaints were consistently forwarded to prison managers for them to consider, the outcome of that consideration was not clear in a number of those cases which the SPT examined in detail. This suggests that not all complaints are being considered promptly or properly. The SPT is also concerned that no proper distinction is made between a request and a complaint, both being submitted on the same forms and processed in the same way, and that these forms are not treated confidentially. As a result, simple requests are not dealt with quickly, and serious complaints can be trivialised.

45. The SPT recommends that the State party improve the complaints and appeals system by differentiating between requests and complaints, treating them confidentially. Unless it is manifestly frivolous or groundless, every request or complaint should be considered and responded to promptly.¹¹ The State party should

¹⁰ BORA, Article 23.

¹¹ Rule 36(4) of the SMR.

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 IOMS the SPT 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 SPT is concerned that this lack of skills by personnel to effectively operate the system might affect data entry and record keeping of prisoners' information.

47. The SPT recommends that the State party conduct regular training to ensure that law enforcement personnel can use the IOMS confidently and effectively.

48. While property recording keeping was impressive in some prisons, particularly at Auckland Maximum Security Prison, there were some significant irregularities in registries at police stations (see also paragraphs 74-75 below), The SPT also noted inconsistencies in practices concerning medical record keeping and was concerned at the lack of clarity concerning the rules relating to confidentiality. Moreover, the SPT observed in several police stations that the risk assessment form (Health and Safety Management Plan for Person in Custody) was incomplete, which is of particular concern given the large number of persons with mental health issues in detention.

49. The SPT recommends that the State party ensures 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 Plan for Person in Custody are properly completed and filed

D. Māori Issues

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

51. The SPT notes that Māori 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 SPT recommends that the State party replicate and further develop existing programmes, including Māori literacy programmes, aimed at reducing Māori 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 SPT 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 Police and staff at the Youth Justice Residences visited, the SPT 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 SPT was concerned at the low legal age for criminal responsibility, starting at 10 years old under the Children, Young Persons, and Their Families Act.

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

55. The SPT considered the Youth Justice Residences it visited to be very structured and organised. It commends the high ratio of staff to children and adolescents, which enabled impressive dedicated care. The SPT observed cases of mixing remand and sentenced children and adolescents, and at times, the mixing of males and females, which was purposefully done to allow all to benefit from the behaviour modification programmes and activities in place.

56. The SPT noted the efforts made in prisons to replicate the approach of the Youth Justice Residences, e.g., 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 SPT 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 organised activities, including work programmes which would otherwise be unavailable to them.¹²

F. Mental health in places of detention

58. All police stations and Corrections facilities visited by the SPT had cells for persons with medical or acute mental health problems or for persons who posed a risk to themselves or to others. The SPT noted the high rates of often chronic and acute mental disorders within the prison population and observed that whilst all facilities visited had medication readily available, detainees had to be referred to the District Health Boards for specialist mental health care. Moreover, the SPT was concerned that there did not appear to be any national strategy on the provision of mental health care in places of detention. The SPT 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 SPT heard claims that the Police had difficulty in finding general practitioners willing to work at their stations, as well as had problems of transportation for the external medical staff. The SPT concluded that the current capacity of the system to properly address the mental health of persons in detention does not match the actual needs.

59. The SPT 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 provision of mental health services is required to cope with the high number of detainees with mental health problems.

60. The SPT 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 SPT was concerned that in matters

¹² United Nations Rules for the Protection of Juveniles Deprived of their Liberty, art. 18(b).

regarding health, and mental health in particular, officers were required to make decisions for which they did not feel sufficiently qualified.

61. The SPT recommends that the State party ensures that an accessible, adequate and efficient referral systems be established and all officers are provided with adequate training. The State party should also ensure that steps be taken to promote knowledge of mental health, protection and wellbeing by Police and Corrections personnel.

New Zealand Police

62. The SPT commends the practice of having on-site mental health nurses in police stations, and believes that this initiative has resulted in better monitoring and continuity of care during police custody. The SPT would like to see this practice applied nationally.

63. The SPT 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 as well as those with acute or chronic mental health conditions were not being transferred to appropriate psychiatric facilities and were being held in “at risk units”, often for prolonged periods of time and in conditions akin to that of a disciplinary regime. The SPT believes that the denial of qualified psychiatric assistance under such circumstances and in such conditions may amount to ill-treatment. The SPT was also informed of the increasing numbers of the elderly within the prison population, notes that there is 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 SPT recommends that the State party conduct a country-wide audit of the healthcare 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.¹³ The SPT 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 SPT commends the provision of on-site health teams at the Residences. However, the SPT noted that at some Residences’ staff experienced difficulties in working together with families/whanau. The SPT also heard with concern claims that young people with mental health needs did not receive the care they needed due to a shortage of places in appropriate care facilities.

67. The SPT recommends that adequate support be provided to Residences to enable them to meet the mental health needs of those detained. It recommends that the State party established youth mental health forensic service and ensures that sufficient mental health units are available to meet the needs of for children and young people.

¹³ UN Standard Minimum Rules 22.2.

IV. Situation of persons deprived of their liberty

A. Police detention

68. Whilst mindful of its observation regarding the nature of bail in para 21 above, in all police stations visited the SPT was impressed by the focus on granting police bail whenever possible, in order to avoid excessive use of police custody. However, the SPT observed inconsistencies in the physical conditions of police stations and cells visited. While some were newly built, kept clean and were better ventilated, others, especially older police stations, were poorly ventilated, unclean and all facilities visited lacked sunlight. Several police stations appeared to have had 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 these police stations, the lack of ventilation also exacerbated the smells and humidity levels in the cells. Moreover, the SPT 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 seemed to undergo regular cleaning, the SPT noted with concern that the thoroughness and periodicity varied greatly. These conditions were of particular concern in those police stations gazetted as jails (see also paragraphs 29 and 30). Some of those police stations did not have a dayroom 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, and using the corridor as the exercise area when possible.

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

70. The SPT noted with concern the lack of privacy in most cells in the majority of police stations visited, whether old or newly constructed. Although all cells had partitions, these were often so slight as to provide no real privacy at all. Sometimes, 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 (CCTV) in the cells, the SPT also noted the lack of privacy as toilets were in full view of the camera. With regard to privacy in the showers, the SPT noted cases where persons using them were fully visible either from the corridor (Wellington Central Police Hub, women showers) or, in one case, by other prisoners from the day room to which the shower was adjacent (Nelson police station). The use of CCTV inside some cells also infringed privacy during the carrying out of body searches and, in one instance observed by the SPT, even though cell blinds had been turned down to perform the search in private, the search was still monitored on the CCTV 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 SPT noted that the noise generated by the use of the phones within interview rooms impeded the privacy of conversations and made it necessary to resort to shouting.

71. The SPT 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 SPT recommends that efforts be taken 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 SPT recommends that where CCTV cameras are used, they must not cover the toilet area. When carrying out strip searches and monitoring detainees at risk requiring constant monitoring through CCTV, the SPT recommends that monitors are placed out of public view in the custody suite.

72. The SPT also noted a diversity of practice in police stations concerning how 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 SPT 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 SPT 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 SPT noticed some irregularities in the manner in which prisoner property records 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 SPT 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 stations, the SPT observed both property for which a record could not be found, and records for property that could not be found. The SPT noted that while some police stations, such as Christchurch Central Police station, appeared to strictly adhere to procedures requiring that all property be placed in individualised sealed, bags, in others, such as Nelson Police station, prisoner property was just kept in regular plastic shopping bags.

75. The SPT 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 is strictly adhered to.

76. The SPT 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 from 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 SPT recommends that all police stations serving pre-packed frozen food with the contents, manufacture and expiry date clearly labelled.

B. Court cells

78. The SPT noted that court cells, while placed in the courts and under their jurisdiction, could be operated by the Police or Corrections officers depending on the status of the prisoner appearing in court. The SPT 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 in the Police Custody Modules when they left the police station to go the court, but there was no log book for their stay in the court cells. Similarly, there would be no log book for those held in Court cells under the authority of the Department of Corrections (the 'Corrections' prisoners').

79. The SPT recommends that simple registers be kept for court cells, which include times of arrival and departure, as well as other relevant information, including whether prisoners were being released to the custody of the Police, Corrections, or were bailed, etc.

80. As with police detention, the SPT observed that court cell facilities had similar shortcomings as regards privacy and lacked separate cells to segregate different categories of detainees. Blenheim court, 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 officer's room, located immediately opposite the cell. At Porirua Court, prisoners, who were held in underground cells, and their escort, had to use a single narrow, steep, staircase, raising concerns for the safety of both the warders and detainees.

81. The SPT reiterates its recommendations in paras 74-77 above regarding the material conditions of the cells and the need to respect the privacy of detainees.

C. Penitentiary institutions

82. The SPT 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 SPT saw for itself. For example, many detainees are said to be 'out of cell' from 8.00 to 17.00, sometimes with an hour lockdown at midday. This, however, describes the working day of custodial staff and detainees usually still in their cells until 8.30 and locked up well before 4.30, meaning that, in reality, many detainees are in their cells for 18-19 hours per day, and even longer at weekends. The SPT is concerned at the possible harmful effects of being held in so strict a regime for many years, especially those held at the Maximum Security facilities in Auckland. Moreover, the SPT was concerned that the cells themselves were comparatively small (for example, a block of Hastings prison where cells were approximately 2,25 x 2.85 square meters). 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 SPT is further concerned at the lack of adequate exercise facilities and disparities in access to them. As already mentioned, the classification system adversely affected the time that prisoners could exercise and engage in outdoor activities. For instance, in Arohata Women Prison, the lack of facilities, coupled with the need to segregate categories of prisoners, restricted exercise time to about 30 minutes whereas in the Māori 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 'outdoor' at all. At Mount Eden prison, the SPT observed that prisoners were very pale and were reportedly given vitamin D pills due to the lack of exposure to daylight.

84. The SPT recommends that the authorities to 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 exercise and outdoor 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.¹⁴

85. The SPT noted with concern the low nutritional value of meals provided in the prisons visited. Breakfast and lunch were monotonous, the latter invariably (in the experience of the SPT) comprising three thin white bread sandwiches, and a piece of fruit. The SPT observed that dinner was served around 15.30, leaving detainees without food until at least 8.30 am of the next day. Furthermore, the SPT 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 SPT recommends that the quality, variety, nutritional value and the times of times meals be reviewed, and that the list of items available for purchase improved in terms of quantity, quality and value for money.

87. The SPT also visited several Management Units where prisoners were held for disciplinary offences. The management cells and yards at Mount Eden prison were in a deplorable hygienic state. 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 can best be likened to a tin-can. The so-called 'exercise yard' was a small cage situated immediately across the corridor from the cell and afforded no opportunity for 'exercise' at all. The delegation was informed that 24 more cells of this nature were to be constructed at very considerable expense. At the time of the SPT visit one person was detained in such a cell for what appears to be an unspecified and open-ended period of time, for security reasons. The SPT has grave doubts as to the efficacy of the complaint and appeal mechanisms surrounding the use of these cells. The SPT considers the use of these cells 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 SPT 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 SPT noted that interview rooms at Auckland Maximum Security Prison did not allow for appropriate communication between prisoners and their lawyers.

¹⁴ SMR, Rules 10 and 11.

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

D. Institutions for children and adolescents

91. The SPT is concerned that there is a lack of overall capacity in the 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, this is not always possible and could lead to children being placed in police custody when it would have been in their best interests to remain in the Youth Justice Residence.

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

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

95. The SPT recommends that the State party consider developing specific Māori literacy programmes in Youth Justice Residences, in addition to the mandatory general curriculum.

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

97. The SPT 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 consisted of three small individual holding cells, one of which was currently used for storage. 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 SPT noted with concern that record keeping, including admissions, was neither systematic nor up to date. The SPT was able to discuss issues of interest to it concerning policies and processes about detention of persons at sea during a phone conversation with senior figures in the New Zealand Royal Navy

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

Burnham Camp, Camp cells

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

101. The SPT recommends that deficiencies concerning the sanitary infrastructures in camp cells be remedied, giving due consideration to international standards.¹⁵

Services Corrective Establishment, Burnham Camp

102. The SPT 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 where the remarks of the officer-in-charge of the disciplinary programme were recorded. All registers and records were properly kept.

F. Centre for accommodation of refugees and asylum seekers

103. The SPT visited the Mangere refugee and asylum centre. While noting that plans are underway to refurbish and rebuild the facility, the SPT is deeply concerned at the current conditions of the buildings, which are very old and lack adequate sanitary facilities. The SPT observed, for instance, that block K, which can hold up to 40 people, only has 3 toilets and 3 showers. The SPT is concerned that these facilities are inadequate and would subject occupants to undignified living conditions were they to be fully occupied.

104. The SPT is further concerned with the record keeping system, which is dire need of improvement. The SPT 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 SPT recommends that the State party should 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 airport**

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

Auckland airport

108. The SPT commends the material conditions of the immigration day rooms facilities, where persons awaiting their flights are held for periods of normally less than 3 hours. The SPT also noted of the professionalism of the staff in charge of the facility.

¹⁵ Standard Minimum Rules for the Treatment of Prisoners (SMRTP), rules 12-13.

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

H. Transportation of detainees

110. The SPT 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 SPT learned that during transportation in vehicles with single “cages”, which were used most often, prisoners were routinely handcuffed and often waist-restrained, 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 SPT is of the view that these measures are excessive and should not be customarily applied to all prisoners at all times. Moreover, the SPT considers that transfers in small cages with metal benches and without proper windows for long journeys (up to twelve hours) falls short of a humane system of transportation. The SPT was also concerned that the design of the vehicles prevented both the monitoring of prisoners’ conditions by custodial staff, and the effective communication of prisoners with the driver.

111. Regarding transfers of detainees by air, the SPT expresses its utmost concern at the alleged practice of routinely using handcuffs, waist restraints and, in particular, in the suggestion that on some flights all prisoners were attached to a chain down the centre of the plane throughout for the duration of the flight. As with transfers by road, the extreme security measures were allegedly applied to all prisoners, irrespective of their category (remand or convicted) or their security assessment.

112. The SPT 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 the unnecessary physical hardship¹⁶ or restraint, and that decisions regarding the use of restraints are made on the basis of individualised assessments. The State party should also ensure the effective monitoring of transfers of detainee and their transportation.

V. Repercussions of the visit

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

¹⁶ Standard Minimum Rules for the Treatment of Prisoners (SMRTP), rule 45.1.

Annex I

List of persons with whom the SPT met

Authorities

Ministry of Justice

Chester Borrows, Associate Minister of Justice/Minister of Courts
Andrew Bridgman, Chief Executive, Ministry of Justice
David Crooke, Senior Advisor, Rights and Regulatory Team, Ministry of Justice
Tracey Davies, Manager, Reducing Crime

Crown Law

Ben Keith, Crown Counsel

Office of Hon Judith Collins

Margaret Malcolm, Senior Advisor

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 Advisor, 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, Advisor, 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 Advisor, District Courts
Taryn Meltzer, Advisor, 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

NPMs

Human Rights Commission

David Rutherford, Chief Commissioner
Claire Achmad, Senior Advisor to the Chief Commissioner
Jessica Ngatai, Policy and Legal Analyst
Kendra Beri, Manager, Strategic Policy

Independent Police Conduct Authority (IPCA)

Judge Sir David Carruthers, Chair
Natalie Pierce, Legal Advisor to the Chair
Nicholas Hartridge, OPCAT Coordinator

Office of the Children’s Commissioner

Audrey Barber, General Manager
Dr. Russell Wills, Children’s Commissioner
Zoey Caldwell, Senior Advisor

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 & Professional Practice Group

Civil Society

Tony Ellis, Barrister of the High Courts of New Zealand
Barbara Lambourn, UNICEF (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 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
Otago Community Police Station
Porirua Police Station (accompanying IPCA)
Wellington Central Police Hub (accompanying IPCA)
Wellington 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 IPCA)
Wellington District Court cells (accompanying IPCA)
Manukau District Court cells
Nelson District Court cells

III. Department of Corrections

Mt. Eden Remand Prison (Private)
Arohata Women Prison, Wellington
Hastings Prison
Auckland Central Prison
Rimutaka Prison, Wellington (both with Office of the Ombudsman and as SPT delegation)
Paremoremo, Prison of maximum security in Auckland
Paparua Prison in 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 Ministry of Business, Innovation and Employment

Auckland Airport Immigration facilities

Mangere Accommodation Centre for Refugees and Asylum Seekers
