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Committee Against Torture: Concluding Observations on New Zealand

16 May 2015

The Concluding Observations of the UN Committee Against Torture (the Committee) were released overnight. The Committee is the body of 10 independent experts that monitors state party compliance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention).

The Committee assessed the government's performance in relation to the Convention during its 54th session, which was held from 20 April to 15 May in Geneva.

The Committee's assessment was based on information provided by the government in its 6th Periodic Report; the Human Rights Commission; and in civil society reports which raised concerns around the criminal justice system - including structural discrimination, issues around the treatment of prisoners on remand and in penal institutions, youth detention, bail, parole, the government's approach to violence against women, the age of criminal responsibility, and the 'three-strikes' sentencing legislation; the treatment of asylum seekers; the operation of the National Preventive Mechanism; constitutional and legal protection for Convention rights; and the treatment of prisoners by the New Zealand armed forces on overseas combat deployments, among other issues; as well as two interactive dialogues with government representatives on 21 and 22 April.

Following the standard practice of UN human rights treaty monitoring bodies, the Concluding Observations begin with an introductory paragraph, then a section on 'positive aspects' in which, among other things, the Committee welcomes the government's ratification of the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, and legislative and administrative changes in areas of relevance to the Convention Against Torture.

The bulk of the Concluding Observations cover principal subjects of concern and the Committee's recommendations in thirteen areas:

- incorporation of the Convention in national legislation,
- resourcing for the National Preventive Mechanism,
- independence of the Independent Police Conduct Authority
- measures to prevent and combat violence against women,
- trafficking in persons,

- custody and treatment of persons deprived of liberty (including recommendations on privately-run places of detention),
- indigenous people in the criminal justice system,
- excessive use of seclusion in mental health facilities,
- protection of juveniles in the criminal justice system,
- use of electrical discharge weapons (tasers),
- standards of protection of asylum-seekers and undocumented migrants, non-refoulement and mandatory immigration detention,
- redress, including compensation and rehabilitation, for victims of torture, and
- withdrawal of reservation to Article 14 of the Convention (whereby the right to compensation for victims of torture victims is left to the discretion of the Attorney General).

In the final four paragraphs, the Committee:

- requests the government to provide follow-up information by 15 May 2016 in response to the recommendations on the National Preventive Mechanism, the Independent Police Conduct Authority and excessive use of seclusion in mental health facilities;
- invites the government to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Convention for the Protection of All Persons from Enforced Disappearance;
- requests the government to disseminate widely the report it submitted to the Committee and the Concluding Observations; and
- requests that the government submits its seventh Periodic Report by 15 May 2019.

Links:

- **Concluding Observations on New Zealand** (CAT/C/NZL/CO/6), Committee Against Torture, 15 May 2015 - <http://www.converge.org.nz/pma/CAT-C-NZL-CO-6.pdf>
- **Overview of the Committee Against Torture's Concluding Observations**, Peace Movement Aotearoa, 16 May 2015 - formatted for printing at <http://www.converge.org.nz/pma/catnz0515.pdf> and on Facebook at <https://www.facebook.com/PeaceMovementAotearoa/notes>
- **Background information on the Committee Against Torture's consideration of New Zealand**, Peace Movement Aotearoa, 20 April 2015 - formatted for printing at <http://www.converge.org.nz/pma/nzcat20-04-15.pdf> and on Facebook at <https://www.facebook.com/notes/846755898705114>