

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/NZL/CO/6)*

**NEW ZEALAND**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**National preventive mechanism**

9. The Committee welcomes the work of the five designated institutions forming the national preventive mechanism, which are coordinated by the New Zealand Human Rights Commission. However, it notes that the Children's Commissioner and the Independent Police Conduct Authority have not received sufficient resources and that the number of staff is inadequate to enable these bodies to fulfil their mandate (art. 2).

**The State party should strengthen the national preventive mechanism and the five entities composing it by increasing without delay the funding available and ensure that the five entities are staffed with an appropriate number of personnel. The State party should also support the mechanism in developing and maintaining a collective identity through, inter alia, joint visits and joint public reports, harmonized working methods, shared expertise and enhanced coordination.**

**Independent Police Conduct Authority**

10. The Committee is concerned about the mandate of the Independent Police Conduct Authority, which does not allow the institution to fully investigate and initiate the prosecution of perpetrators. The Committee is also concerned that the law leaves it up to the police to initiate investigations on itself, which raises questions about the independence of such investigations.

**The State party should ensure that the Independent Police Conduct Authority is equipped with a broader mandate and full independence in order to investigate promptly, effectively and impartially all reports of violence. In particular, such investigations should not be undertaken by or under the authority of the police or military, but by an independent body.**

(...)

## **Excessive use of seclusion in mental health facilities**

15. While welcoming the adoption of the Mental Health and Addiction Service Development Plan 2012-2017, the aim of which is to eliminate the practice of secluding persons affected by mental health and addiction issues in the State party, and the commitment of the Ministry of Social Development to finish processing all historic abuse claims submitted to it by the end of 2020, the Committee is concerned at information received on the persistent seclusion of persons in mental health facilities for the purposes of punishing, disciplining and protecting, as well as for health-related reasons. The Committee notes that a significant number of victims have been secluded for more than 48 hours and that Maori are more likely to be secluded. The Committee is concerned at information that the State party continues to include, in new psychiatric facilities, cells specifically designed for solitary confinement. The Committee is also concerned that, according to information received from non-governmental sources, 60-70 per cent of people in detention have either a learning disability or a mental illness. The Committee notes that the State party failed to investigate or hold any individual accountable for the nearly 200 allegations of torture and ill-treatment against minors at Lake Alice Hospital. The Committee also notes the lack of relevant statistical information (arts. 11, 14 and 16).

### **The State party should:**

- (a) **Use solitary confinement and seclusion as measures of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review;**
- (b) **Prohibit the solitary confinement and seclusion of juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers, in prison and in all health-care institutions, both public and private;**
- (c) **Conduct prompt, impartial and thorough investigations into all allegations of ill-treatment in prisons and health-care institutions, both public and private; prosecute persons suspected of ill-treatment and, if they are found guilty, ensure that they are punished according to the gravity of their acts; and provide effective remedies and redress to the victims;**
- (d) **Compile and regularly publish comprehensive and disaggregated data on solitary confinement and seclusion.**

(...)

### **Follow-up procedure**

21. The Committee requests the State party to provide, by 15 May 2016, follow-up information in response to the Committee's recommendations contained in paragraph 9, concerning the national preventive mechanisms, paragraph 10, on the

Independent Police Conduct Authority, and paragraph 15, on solitary confinement and seclusion in mental health facilities.

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