
Advance Unedited Version

Committee against Torture

List of issues prior to submission of the eighth periodic report of New Zealand*

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Issues identified for follow-up in the previous concluding observations

1. In its previous concluding observations,¹ the Committee requested the State Party to provide information on the follow-up to its recommendations on conditions of detention, Indigenous Peoples in the criminal justice system, juvenile justice and historical abuse in State care and in the care of faith-based institutions (paras. 28 (c), 32, 38 (c) and 48 (b), respectively). Noting that a reply concerning the information sought by the Committee was provided on 8 August 2024², and with reference to the letter dated 14 January 2025 from the Committee’s Rapporteur for follow-up to concluding observations,³ the Committee considers that these recommendations have been partially implemented.

Articles 1 and 4

2. With reference to the Committee’s previous concluding observations,⁴ please provide information on any initiatives undertaken during the reporting period to ensure that the Convention is fully incorporated into the State Party’s domestic legal order and is applicable in all territories under its jurisdiction. Please similarly inform the Committee of any legislative initiatives undertaken during the period under review to revise the Crimes of Torture Act 1989 to establish a mandatory minimum penalty for the crime of torture which takes into account its grave nature in line with article 4 of the Convention. Please also detail any steps taken by the State Party to revise article 12 (1) of the Act, which confers discretion upon the Attorney General regarding decisions to prosecute acts of torture. Please provide specific examples of and statistical data on cases, if any, in which the provisions of the Convention have been invoked before the courts.

* Adopted by the Committee at its eighty-fourth session (13 April – 1 May 2026).

¹ CAT/C/NZL/CO/7.

² CAT/C/NZL/FCO/7.

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⁴ Ibid., para. 8 and 9.

Article 2⁵

3. In the light of the Committee's previous concluding observations,⁶ please provide updated information on measures taken by the State Party, and on the procedures in place, to ensure that all detained persons are afforded, in law and in practice, all fundamental legal safeguards against torture and ill-treatment from the outset of their deprivation of liberty, in particular the rights to have access to a lawyer and, if necessary, to access free legal aid; to request and receive a confidential examination by an independent medical doctor free of charge, or by a medical doctor of their choice; and to notify a relative or any other person of their choice of their arrest.

4. With reference to the Committee's previous concluding observations,⁷ please provide updated information on the human and financial resources provided annually to the State Party's national preventive mechanism for the period under review, along with measures taken to ensure its independence in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). Please inform the Committee as to whether the national preventive mechanism has access to all places of deprivation of liberty in the State Party, taking into General comment No. 1 (2024) of the Subcommittee on Prevention of Torture on article 4 of the Optional Protocol (places of deprivation of liberty).⁸ Is the national preventive mechanism free to determine the modalities of the interviews it undertakes, including as regards confidentiality, contact and the use of restraints? Please also inform the Committee of the number of recommendations formulated by the national preventive mechanism and addressed to the State Party during the reporting period, along with information on the number of these recommendations which have been implemented.

5. Taking into account the Committee's previous recommendations,⁹ please provide up-to-date statistical data on the number of complaints of gender-based violence, and the investigations, prosecutions, convictions and sanctions resulting from those complaints during the reporting period, disaggregated by age, sex, ethnicity and nationality. Please inform the Committee of any steps taken during the reporting period to adopt comprehensive legislation criminalizing all forms of gender-based violence. Please provide information on the outcomes of Te Aorerekura (National Strategy to Eliminate Family Violence and Sexual Violence) and associated action plans to date, along with information regarding any challenges encountered in their implementation. Please also provide updated information on the protection and support services available to victims of gender-based violence in the State Party.

6. In the light of the Committee's previous concluding observations,¹⁰ please provide updated information to the Committee regarding efforts undertaken by the State Party during the period under review to investigate and prosecute alleged acts of torture and ill-treatment committed by, at the instigation of or with the consent or acquiescence of military or members of the State Party's armed forces in the context of their deployment in Afghanistan. In this regard, please also update the Committee regarding the status of implementation of the

⁵ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also section V of the same general comment.

⁶ CAT/C/NZL/CO/7, paras. 14 and 15.

⁷ *Ibid.*, paras. 35 and 36.

⁸ CAT/OP/GC/1.

⁹ CAT/C/NZL/CO/7, paras. 19 and 20. See also See CEDAW/C/NZL/CO/9, paras. 20 and 21; CRPD/C/NZL/CO/2-3, paras. 27 and 28; CERD/C/NZL/CO/23-24, paras. 27 and 28; and CCPR/C/NZL/QPR/7, para. 12.

¹⁰ CAT/C/NZL/CO/7, paras. 45 and 46.

recommendations contained in the Report of the Government Inquiry into Operation Burnham.

7. Taking into account the Committee's previous concluding observations,¹¹ please provide updated information regarding the status of implementation of the recommendations contained in the reports of the Royal Commission of Inquiry into Abuse in Care. Please also update the Committee on efforts undertaken during the reporting period to secure accountability for perpetrators of alleged acts of torture and ill-treatment in State care and in the care of faith-based institutions.

Article 3

8. With reference to the Committee's previous concluding observations,¹² please describe the measures taken during the period under review to ensure that no person is returned to a country where he or she would be in danger of torture. Please provide updated information on the procedure followed when a person invokes that right. Please also indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has a suspensive effect. Please provide information, disaggregated by sex, age and country of origin, on the number of persons who were returned, extradited or expelled from the State Party during the period under review. Please provide details of the grounds on which those persons were sent back and the list of the countries to which individuals were returned. Please provide updated information on the type of appeals mechanisms that may exist, any appeals that have been made and the outcome of those appeals. Please provide updated statistical data, disaggregated by the sex, country of origin and age group of persons seeking asylum, on: (a) the number of asylum applications registered; and (b) the number of successful applications for asylum or other forms of humanitarian protection during the reporting period, specifying, where appropriate, the number of persons whose applications were accepted because they had been tortured or might be tortured if returned to their country of origin.

9. Taking into account the Committee's previous concluding observations,¹³ please indicate the number of refoulements, extraditions and expulsions, if any, carried out by the State Party during the reporting period on the basis of the acceptance of diplomatic assurances or the equivalent thereof, and any instances in which the State Party has offered such diplomatic assurances or guarantees. What are the minimum contents of any such assurances or guarantees, whether given or received, and what measures have been taken in such cases with regard to subsequent monitoring?

10. Please provide information on measures taken by the State Party to combat statelessness, including any steps taken towards the withdrawal of its declaration relating to article 8 of the Convention on the Reduction of Statelessness and the ratification of the Convention relating to the Status of Stateless Persons.

Articles 5–9

11. Please provide updated information on any legislation or measures that have been adopted to implement article 5 of the Convention. Please inform the Committee of any extradition agreements concluded with other States Parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements. Please also describe the measures taken by the State Party to comply with the obligation to extradite or prosecute (*aut dedere aut judicare*), and any cases where this principle has been applied. Please inform the Committee about the mutual judicial assistance treaties or agreements that the State Party has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture and ill-treatment. Please provide examples.

¹¹ CAT/C/NZL/CO/7, paras. 47 and 48.

¹² *Ibid.*, paras. 23 and 24. See also CCPR/C/NZL/QPR/7, para. 15.

¹³ CAT/C/NZL/CO/7, paras. 25 and 26.

Article 10

12. With reference to the Committee's previous concluding observations,¹⁴ please provide up-to-date information on the training and educational programmes developed by the State Party to ensure that all public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including law enforcement officials, prison staff, border guards and members of the military, are fully aware of the provisions of the Convention and know that breaches will not be tolerated and will be investigated, and that any offenders will be prosecuted. Please indicate whether the State Party has developed a methodology to assess the effectiveness and impact of training and educational programmes in reducing cases of torture, ill-treatment and excessive use of force, and, if so, please provide information on the methodology. Please provide updated information on training programmes for judges, prosecutors, forensic doctors and medical personnel dealing with detained persons on detecting and documenting physical and psychological sequelae of torture. Do such programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised?

13. Please indicate any measures taken to give effect to the provisions of article 10 (2) of the Convention during the reporting period. Please explain whether clear instructions concerning the prohibition of torture and ill-treatment are included in the relevant regulations, in particular those intended for officials in contact with persons deprived of their liberty. Please also indicate whether specific information on non-coercive investigation techniques is included in the training of public officials involved in the custody, interrogation or treatment of persons deprived of their liberty, including information as to whether the State Party has considered incorporating the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles) into such training.

Article 11

14. Please update the Committee on the procedures in place for ensuring compliance with article 11 of the Convention. Please provide information on any interrogation rules, instructions, methods and practices, and arrangements for custody, and indicate the frequency with which they are reviewed.

15. With reference to the Committee's previous concluding observations,¹⁵ please provide up-to-date statistical data, disaggregated by the place of detention, sex, age group (minor/adult) and ethnicity or nationality of detainees, on the capacity and occupancy rate of all places of detention, and the number of pretrial detainees and the number of convicted prisoners in the State Party. Considering information before the Committee indicating that average time on remand has almost doubled in the past two decades, and is forecasted to increase by 20% by 2035, please inform the Committee of any efforts undertaken by the State Party during the period under review to reverse this trend and to establish a maximum length of pretrial detention in legislation. Taking into account similar projections forecasting an increase in the prison population of 36% in the next ten years, along with increases in the remand rate, please inform the Committee of measures taken by the State Party during the reporting period to reduce overcrowding and to ensure compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) more generally. Taking into account the passage of the Sentencing (Reinstating Three Strikes) Amendment Act 2024 and the Sentencing (Reform) Amendment Act 2025, please provide information on the expected impact of this legislation on prison populations. Please also provide information on the impact of this legislation on the availability of alternative, non-custodial measures in the State Party, along with information on the existence of such measures more generally and data on their use.

16. With reference to the information provided by the State Party in its follow-up to the concluding observations on its seventh periodic report¹⁶, along with the letter of the

¹⁴ Ibid., paras. 55 and 56.

¹⁵ Ibid., paras. 27-30. See also CCPR/C/NZL/QPR/7, para. 13.

¹⁶ CAT/C/NZL/FCO/7, paras. 13-18 and 34-46.

Committee's Rapporteur for Follow-up to Concluding Observations, dated 14 January 2025,¹⁷ please inform the Committee of steps taken to ensure that places of deprivation of liberty, including applicable detention regimes, are adapted to respond to the specific needs of groups such as women and children in conflict with the law, including as this relates to the best interests of the child and the right to access appropriate healthcare. Please provide updated information regarding the outcomes of the Department of Corrections' Women's Strategy 2021–2025. Please also update the Committee on measures taken to ensure that men are separated from women, pretrial detainees from convicted prisoners, and adults from minors in all places of detention.

17. With reference to the Committee's previous concluding observations,¹⁸ the concerns and issues previously raised by other treaty bodies,¹⁹ the information provided by the State Party in its follow-up to the concluding observations on its seventh periodic report²⁰, and the letter of the Committee's Rapporteur for Follow-up to Concluding Observations, dated 14 January 2025,²¹ please provide updated statistical data regarding the application of non-custodial sentences and alternatives to detention for children in conflict with the law. Taking into account the high rates of children in detention which are held on remand in the State Party, please inform the Committee as to whether time served by children prior to sentencing counts towards the eventual completion of their sentence. Please also provide information regarding steps taken to revise legislation which allows for children to be detained in police stations for extended periods. With reference to the information provided by the State Party in its follow-up to the concluding observations on its seventh periodic report²², along with the letter of the Committee's Rapporteur for Follow-up to Concluding Observations, dated 14 January 2025²³ please provide detailed information on the use of military-style academies in the juvenile justice system, including on eligibility for such programmes, the outcomes of the pilot project and the eventual forecasted rollout of such programmes on a wider scale. Recalling the information requested by the Committee's Rapporteur for Follow-up to Concluding Observations,²⁴ please also provide information regarding safety and security arrangements in such facilities, along with information on the curricula, the provision of adequately trained staff, the safeguards in place to prevent ill-treatment, and the incorporation of trauma-informed rehabilitation programmes into such settings.

18. In the light of the previous concluding observations of the Committee,²⁵ the information provided by the State Party in its follow-up to the concluding observations on its seventh periodic report²⁶, and the letter of the Committee's Rapporteur for Follow-up to Concluding Observations,²⁷ please provide updated information on the State Party's continued efforts to combat overrepresentation of Māori and Pasifika populations, especially women and children, in the criminal justice system. Please inform the Committee of the status

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18 CAT/C/NZL/CO/7, paras. 37 and 38.

19 See CRC/C/NZL/CO/6, paras. 42 and 43 and CCPR/C/NZL/QPR/7, para. 17.

20 CAT/C/NZL/FCO/7, paras. 16, 17, and 34-46.

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22 CAT/C/NZL/FCO/7, para. 45. See also

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25 CAT/C/NZL/CO/7, paras. 27, 28, 37 and 38. See also CERD/C/NZL/CO/23-24, paras. 17 and 18; CRC/C/NZL/CO/6, paras. 39, 40, 42 and 43; CEDAW/C/NZL/CO/9, paras. 10 and 11; and CCPR/C/NZL/QPR/7, para. 6.

26 CAT/C/NZL/FCO/7, para. 45.

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of implementation of the recommendations contained in the *Waitangi* Tribunal report (*Tū mai te Rangi!*), to address the disparity in reoffending rates between Māori and non-Māori, along with information on the outcomes of the Hōkai Rangi and Te Huringa o Te Tai strategies, and the Te Ao Mārama initiative to date. Please inform the Committee of the effects of the Legal Services Amendment Act 2024 on Māori and Pasifika populations, in particular as regards financial assistance for the production of section 27 reports. Please also inform the Committee as to whether the State Party has undertaken any analyses regarding potential elements of institutional discrimination in the Bail Act or Sentencing Act to date, and, if so, please inform the Committee of the outcomes of such analyses.

19. With reference to the previous concluding observations of the Committee,²⁸ the information provided by the State Party in its follow-up to the concluding observations on its seventh periodic report,²⁹ and the letter of the Committee's Rapporteur for Follow-up to Concluding Observations,³⁰ please provide updated information regarding access to healthcare, including psychological and psychiatric assistance and dental care in detention. Please update the Committee on the number of medical staff available in each place of deprivation of liberty and their training. Please provide updated information on specific regimes, policies and resources in place for the treatment of prisoners with psychosocial disabilities, along with information on the outcomes to date from the implementation of the Department of Corrections' Disability Action Plan 2023-2027. Please similarly inform the Committee of the outcomes to date of the Department's Ageing Well Action Plan 2023-2026. Please provide information regarding deaths in custody, including data disaggregated by age, sex and cause of death. In this regard, please include information on the manner in which those deaths were investigated, the results of those investigations, and the measures taken to prevent similar cases from occurring in the future. Please indicate whether relatives of the deceased received compensation in any of the cases.

20. Taking into account the Committee's previous concluding observations,³¹ please clarify the current policies regarding the use of solitary confinement, and the use of force and the application of means of restraint. In this regard, please provide information regarding:

(a) Measures in place to ensure that the maximum duration of solitary confinement, both de jure and de facto, is in line with international standards, taking also into account regimes of separation, security classifications and applications of minimum basic entitlements which have the effect of confining prisoners in their cells for 22 hours or more a day without meaningful human contact;

(b) Measures in place to ensure that solitary confinement, including de facto solitary confinement, is not imposed on children and adolescents in conflict with the law or persons with intellectual and psychosocial disabilities;

(c) Steps taken by the State Party during the reporting period to prohibit the use of spit hoods, restraint chairs and other means of excessive restraint, along with pepper spray and so-called "cell-buster" devices in places of deprivation of liberty. In this regard, please also inform the Committee as to whether all instances of use of force or restraint are recorded in a dedicated register.

21. Please provide relevant information on treatment in psychiatric care in the State Party. Please provide updated information regarding any existing procedures that may result in an individual's involuntary hospitalization, and procedures for review and appeal of decisions in that regard. Please inform the Committee as to whether a regime of guardianship exists in the State Party for individuals deemed to lack the legal capacity to make decisions for themselves. If so, please provide relevant information as to the appointment of such guardians, the exercise of their functions, and the conformity of such regime to the Convention on the Rights of Persons with Disabilities. Please provide updated information

²⁸ CAT/C/NZL/CO/7, paras. 27 and 28.

²⁹ CAT/C/NZL/FCO/7, paras. 6-12.

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³¹ CAT/C/NZL/CO/7, paras. 27 and 28. See also CCPR/C/NZL/QPR/7, para. 13.

on legislation and policies relating to the use of physical and chemical restraints in psychiatric settings, including the results stemming from the implementation of the Guidelines for Reducing and Eliminating Seclusion and Restraint under the Mental Health (Compulsory Assessment and Treatment) Act 1992 to date.

22. With reference to the Committee's previous concluding observations,³² please indicate the measures taken by the State Party during the reporting period to ensure that the detention of asylum seekers and undocumented migrants is used only as a last resort, where necessary and for as short a period as possible, and to further implement alternatives to detention in practice. Please provide up-to-date information on the changes introduced by the Immigration (Fiscal Sustainability and System Integrity) Amendment Act 2025, along with any initiatives undertaken by the State Party during the reporting period to revise the Immigration Act 2009 as it relates to the detention of asylum seekers and undocumented migrants to ensure its conformity with international standards.

23. Please provide information regarding measures put in place by the State Party during the reporting period to eliminate criminal hierarchies and gang subculture in places of deprivation of liberty. Please outline the challenges faced by the State Party in this regard, including information on the resultant effect of such measures on the conditions of the prison population at large. Please provide detailed statistics on the number of incidents of inter-prisoner violence during the period under review, along with information regarding policies and procedures in place to prevent and respond to such incidents. Please inform the Committee as to whether such incidents are independently investigated, including in a manner which takes the responsibility of the detaining authority for the occurrence of such incidents into account. Please also provide statistical data on incidents of self-harm and attempted suicide in detention during the reporting period, along with information regarding policies and procedures in place to prevent and respond to such incidents. Do such incidents always result in investigations which examine possible causal links between conditions of detention and the harm or attempted harm occasioned?

Articles 12 and 13

24. Taking into account the Committee's previous concluding observations,³³ please provide updated, disaggregated information on the number of complaints, investigations, prosecutions and convictions relating to acts of torture or ill-treatment recorded in the period under review, with specific reference to prosecutions under the Crimes of Torture Act 1989, along with information on the sentences handed down in cases where alleged perpetrators were found to be guilty.

25. Please provide information regarding the measures taken to ensure that all individuals who allege that they have been subjected to torture or cruel, inhuman or degrading treatment or punishment have the right to complain and to have their case promptly and impartially investigated. In this regard, please update the Committee on specific complaints mechanisms available to individuals alleging torture and ill-treatment in the State Party, the body or bodies responsible for the investigation and prosecution of such allegations, and the measures taken to ensure the independence of the body or bodies.

Article 14

26. Taking into account the Committee's previous concluding observations,³⁴ please further provide updated information regarding any initiatives undertaken by the State Party during the reporting period to withdraw its reservation to article 14 of the Convention and to revise the Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013. More generally, please provide information on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or their families during the reporting period. Please include the number of requests for compensation that were made, the number granted and the amounts

³² CAT/C/NZL/CO/7, paras. 39 and 40.

³³ CAT/C/NZL/CO/7, paras. 43 and 44.

³⁴ Ibid., paras. 49-52.

ordered and actually provided in each case. Please also provide updated information on any ongoing reparation programmes provided to victims of torture and ill-treatment, with specific reference to the redress scheme for Lake Alice survivors and the implementation of the Committee's decisions in *Zentveld v. New Zealand* and *Richards v. New Zealand*³⁵, including as they pertain to the treatment of trauma and the provision of other forms of rehabilitation. Please inform the Committee of the material, human and budgetary resources allocated for their effective functioning. Please inform the Committee as to whether the State Party has any intention of widening the eligibility for the redress scheme for Lake Alice beyond those who received unmodified electroconvulsive therapy or paraldehyde injections to include those individuals who were subjected to other forms of torture or ill-treatment.

Article 15

27. Please update the Committee on the specific measures that have been adopted to ensure that the principle of inadmissibility of evidence obtained through torture or ill-treatment is observed in law and in practice. Please provide examples of any cases that have been dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment.

Article 16

28. Regarding the Committee's previous concluding observations,³⁶ please provide updated information on any steps taken to explicitly prohibit the performance of non-urgent and non-essential medical or surgical treatment on intersex children before they are of sufficient age or maturity to make their own decisions and provide their free, prior and informed consent. Please also inform the Committee of the existence of any independent oversight of decision-making to ensure that medical treatments for children with intersex traits who are unable to consent are necessary and urgent and are the least invasive option. Please further indicate whether victims of non-urgent and non-essential treatment have received redress, including appropriate compensation and rehabilitation, and provide the Committee with information on the number of cases in which redress has been provided, including the types of redress provided and amounts of compensation awarded, if any. Please provide information regarding the availability of professional counselling services and psychological and social support for intersex children and their families.

Other issues

29. Please provide updated information on the measures taken by the State Party to respond to the threat of terrorism. Please describe whether those measures have affected human rights safeguards in law and in practice and, if so, how they have affected them. Please also describe how the State Party has ensured that counter-terrorism measures are compatible with all its obligations under international law, especially the Convention. Furthermore, please indicate what training is given to law enforcement officers in this area; the number of persons who have been convicted under legislation adopted to combat terrorism; the legal remedies and safeguards available in law and in practice to persons subjected to counter-terrorism measures; and whether there have been complaints of the non-observance of international standards and, if so, what the outcome was.

General information on other measures and developments relating to the implementation of the Convention in the State Party

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken to implement the provisions of the Convention. Such measures may include institutional developments, plans or programmes. Please indicate the

³⁵ See CAT/C/68/D/852/2017 and CAT/C/73/D/934/2019.

³⁶ CAT/C/NZL/CO/7, paras. 53 and 54. See also CRC/C/NZL/CO/6, para. 25; CRPD/C/NZL/CO/2-3, paras. 35 and 36.

resources allocated and provide statistical data. Please also provide any other information that the State Party considers relevant.
