



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

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Committee against Torture

**Information received from New Zealand on
follow-up to the concluding observations on its
seventh periodic report***

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* The present document is being issued without formal editing.



I. Introduction

1. In August 2023, the Committee against Torture (the Committee) adopted concluding observations (CAT/C/NZL/CO/7) on New Zealand's seventh periodic report (CAT/C/NZL/7). New Zealand is grateful to the Committee for the constructive dialogue held in July of last year and for its recommendations.
2. The Committee requested New Zealand to provide follow-up information on four of its recommendations. They relate to conditions of detention, indigenous peoples in the criminal justice system, juvenile justice, and historical abuse in State care. The Committee also invited New Zealand to provide information on its plans for implementing the remaining recommendations.
3. New Zealand is submitting this follow-up report early in the term of a new government, following the general election in October 2023. The Government spent its first months implementing policy commitments made to voters. The Government continues to review and adjust existing policies.
4. One of the Government's priorities is restoring law and order so that people are protected from instances of violence and perpetrators are held accountable. New Zealand is taking a refreshed focus on criminal justice reform that emphasises public confidence in the justice system.
5. Much of the information in this report relates to the continued implementation of existing strategies, plans and programmes. The Government will consider all the concluding observations later in the year.

II. Follow-up information

Provision of health services in prisons

6. The Committee recommended that New Zealand improve the provision of gender- and age-specific and culturally appropriate medical services to all persons deprived of their liberty, particularly those with intellectual or psychosocial disabilities (paragraph 28(c) of the concluding observations).
7. People often come into prison with significant health, disability, mental health, and addiction needs. Wellbeing, including good physical and mental health, is at the centre of the Department of Corrections' organisational strategy, Hōkai Rangī.
8. Corrections is delivering a programme of health service improvements to create a comprehensive, inclusive, and culturally responsive healthcare system that can meet people in prisons' wide-ranging health needs and address health inequities. Corrections has engaged with frontline staff, community and Māori partners, and people with lived experience of prison, and it is reviewing mental health and addiction needs across prisons to ensure resources are efficiently allocated to those with the most needs. Corrections is also tracking access to health services and how the treatment of people with long-term conditions is progressing, to enhance the delivery of frontline health services.
9. In April 2024, Corrections underwent organisational structural change, creating a new Pae Ora (Healthy Futures) directorate that will support the delivery of quality health and mental health services and link these services with offence-focused prisoner rehabilitation services.

Support for people with disabilities

10. Corrections is implementing its first Disability Action Plan 2023-2027. It establishes a wellbeing-centred approach to supporting disabled people in prison and identifies improvements. The immediate actions have been delivered, which include establishing a Disability Advisory Group, adding the Washington Short Set of Questions on Disability to

health screening tools, and creating four social worker roles specific to disability and older persons. By August 2024, Corrections will develop an operating model for focus areas of work, such as early intervention, supporting people with complex needs, and reintegration support.

11. Corrections has examined in-depth its disability data to enable deeper understanding of gender and co-existing disability needs of people in prison. Insights will be utilised to better target resources and improve access to supports for people with the highest and most complex needs.

12. Corrections is coordinating cross-agency work on ensuring persons with suspected and diagnosed intellectual impairment in prison are supported through appropriate criminal justice pathways.

Consideration of gender, age, and cultural appropriateness

13. Corrections' provision of health services is informed by its *Women's Strategy 2021–2025*, which aims to improve the rehabilitation and reintegration of women in prison through gender- and culturally-responsive programmes, including health services. The strategy supports the implementation of the Bangkok Rules, and it places specific focus on Māori women as they make up 67% of the female prison population (as of June 2023). One recent change is the extension of the National Cervical Screening Programme's self-testing for Human Papilloma Virus (HPV) in women's prisons, which has increased the number of eligible women accessing screening for cervical cancer.

14. In July 2023, the Corrections Regulations 2005 were amended to support gender-diverse people in prison by removing a rigid reliance on birth certificates and ensuring a range of factors can be considered when determining accommodation placements.

15. Corrections' Ageing Well Action Plan 2023-2026 was launched in August 2023. It recognises that people in prison often have a history of poor nutrition, substance misuse and poor access to medical care for chronic health conditions, which has accelerated their ageing process. Corrections' Ageing Well Assessment is designed to address age-related changes (such as mobility risks, functional independence, and cognition). Corrections is also improving end of life care, in line with guidance from Health New Zealand – Te Whatu Ora, and reviewing its Assisted Dying Policy.

16. For youth, Oranga Tamariki – the Ministry for Children is continuing to strengthen healthcare provision in Care and Protection and Youth Justice residences. It works with agencies across the social, health and education sectors to meet the needs of children and young people. Services available include psychological or psychiatric interventions, individual and group therapy, alcohol and drug treatment, support for smoking cessation, anger management, emotional regulation, language therapy, and safe relationship-building.

17. Oranga Tamariki and Health New Zealand are piloting specialist, culturally led, and clinically partnered mental health services at one residence. Oranga Tamariki is also implementing Standard Operating Procedures for medication across residences.

18. Corrections is advancing efforts to ensure practices and processes are responsive to the needs of Māori, Pacific peoples, and all people in prison, and that health services are culturally and evidence-informed to ensure equitable health outcomes. A traditional Māori healing system that takes a holistic approach to wellbeing is being tested at several prisons, and the Corrections' psychology team have developed a preliminary framework to guide bi-cultural practice within psychology.

Māori in the criminal justice system

19. The Committee made several recommendations for New Zealand to reduce the disproportionately high number of Māori in prisons and to reduce recidivism (paragraph 32).

20. Māori continue to be disproportionately overrepresented at all stages in the criminal justice process. Māori make up about 18% of the New Zealand general population yet are

52% of the prison population. All criminal justice sector agencies and the courts are taking significant steps to address and mitigate this overrepresentation. The Government is also addressing the underlying drivers of crime, such as by targeting housing insecurity, truancy and educational achievement.

21. The Government also has an interest in maintaining the rule of law and public safety. Māori, alongside all New Zealanders, have a shared interest in the rehabilitation of people on sentences, remand, or orders, and their reintegration into communities. Introducing stronger sentencing for violent crime will ensure appropriate consequences for people who perpetrate these crimes, with a greater emphasis on public safety. Tightening some criminal laws may lead to an increase in both the total prison population and Māori prison population, and limit judges' discretion in some cases, which the Government accepts as necessary to protect New Zealanders.

22. For example, New Zealand Police have new tools to target priority gang members who offend, and the Government intends to reintroduce Three Strikes legislation to provide a three-stage regime of progressively stronger consequences for repeat serious and violent offending. The law will only apply to sentences above 24 months and will allow some judicial discretion to address outlier cases.

23. New Zealand is taking measures to break the cycle of reoffending, through further rehabilitative programmes for remand-convicted people in prison, and skills-based non-offence focused programmes for remand-accused.

Reducing Māori overrepresentation in the criminal justice system

24. Police's strategy, *Te Huringa o Te Tai*, provides a framework for how Police can improve outcomes for Māori. The strategy's principles are demonstrated through many programmes, including *Te Pae Oranga* – a non-court, supported resolution option facilitated by Māori-led community panels. The panels use Māori protocols, values, and restorative justice practices to prevent reoffending and restore dignity and honour. There are adult panels in 22 locations across New Zealand and seven pilots that focus on youth and family violence. So far, formal evaluation has shown a 22% reduction in harm from reoffending compared to an equivalent cohort of cases through the District Court.

25. Under the Sentencing Act, all offenders, including Māori, may request the court to hear any person or persons called by them to speak on their personal, family, whānau, community, and cultural background. This law was being used to enable written reports by professional writers to be provided to the Court, at significant cost to the legal aid system, but in March it was restored to its original purpose of allowing a person's background to be explained by someone known to them.

26. *Te Ao Mārama* is a judicial-led initiative intended to enhance justice for people affected by the family, youth, and criminal jurisdictions of the District Court. Courts partner with iwi and communities to design and deliver wraparound services, supporting all court participants, (including victims and families) to feel heard, understood, and be able to take part meaningfully.

27. The *Whakaoranga te Mana Tangata* programme supports Māori defendants, victims, and their families from their first court appearance, through sentencing, and after. It is delivered by local iwi and iwi-mandated service providers and targets Māori overrepresentation in the criminal justice system and inequities in sentencing outcomes between Māori and non-Māori. It provides Judges with improved contextual information about an offender (e.g., background, circumstances, and factors contributing to reoffending), the local support available, and plans to address those factors. It aims to reduce reoffending through community involvement, wrap-around support for participants, and keeping family together.

Reducing Māori reoffending

28. Corrections' strategy, *Hōkai Rangi*, has the key objectives of rehabilitation and reintegration, reducing the overrepresentation of Māori in the corrections system to a level

that matches the general population, and wellbeing. In April 2024, Corrections made organisational changes to grow its cultural capability and drive better outcomes for Māori, including a new leadership position, Deputy Chief Executive Māori, to enhance Corrections' application of Māori customs and knowledge and its responsiveness to Māori.

29. Corrections' Māori Pathways programme provides family-centred and culturally-specific approaches for Māori with the aim of lowering the proportion of Māori in the corrections system. Initiatives under the programme target different groups, such as Māori men under 30-years-old (as this group has among the highest recidivism and reimprisonment rates) and Māori women.

30. Oranga Tamariki is committed to rehabilitating young offenders and reducing the disproportionately high number of Māori in prisons. It is implementing Whakamana Tangata, an approach based on Māori concepts of wellbeing and restorative relationships, which informs the day-to-day interactions between young people and staff within youth justice residences. A key part of the approach is restorative meetings, which support conflict resolution.

Training programmes

31. New Zealand Police is committed to ensuring recruits have the skills, knowledge, and cultural intelligence to engage well with diverse communities. Police College training is being updated to include modules on the Treaty of Waitangi and how it applies to Policing, as well as the Māori worldview, such as wellbeing approaches and customs for sudden deaths.

32. Corrections staff receive training about their responsibility to maintain the human rights of people in prison. Its nationally delivered induction training includes a significant Māori cultural component. Further pathways for strengthening cultural competency are being developed.

33. The Ministry of Justice is delivering Te Ngira Kapehu, a systems-level, transformational change programme that will equip staff to deliver improved justice outcomes for Māori. The first year of implementation is focusing on two business groups and began in November 2023.

Juvenile justice

34. The Committee recommended that New Zealand actively promote non-judicial measures for children accused of criminal offences and, wherever possible, the use of non-custodial sentences (paragraph 38(c)).

35. Between 2011 and 2022, New Zealand's youth offending rate decreased by over 60%. However, like other countries, New Zealand experienced an increase in youth offending proceedings following the COVID-19 pandemic, including some persistent and serious offending.

36. Young people on remand represent over 80% of all young people in youth justice custody. Māori are overrepresented in the youth justice system. New Zealand is developing its operational responses to alleged offending by children and young people and has recently set a target to reduce serious and persistent youth offending by 15% by 2029.

Non-judicial measures

37. New Zealand is progressing several non-judicial measures to respond to and prevent offending by children and young people and minimise the number of youth, including Māori, entering the judicial process. The Ministry of Justice, Oranga Tamariki, and Police are working collaboratively to revise the guidance for working with youth with offending behaviour.

38. Police Youth Aid (a dedicated workgroup for responding to offending by children and young persons) has a range of responses it can consider before matters are dealt with through Youth Court proceedings:

- Lower-level offending can be addressed through a warning or Alternative Action Plan. These plans are a contract between Police, the child or young person, and their family. It sets out a series of interventions the child or young person must complete, which are designed to prevent further offending and to address accountability;
- More serious offending can be referred to a Family Group Conference, which brings together wider family and professional expertise and promotes collaborative decision-making to address offending and its underlying causes. Currently, the Family Court is improving its policies and procedures so that these conferences can be held more quickly.

39. For youth under 14 years of age, offending is considered by the Family Court, except where the offending is serious enough to be within the jurisdiction of the Youth Court. The Family Court focuses on addressing behaviour and risk factors associated with the wellbeing of individuals. The Family Court may also be used where the youth needs care or protection.

40. For youth aged 14-17, Police have developed Te Pae Oranga (noted above), a model that is specific to youth and focuses on connecting young people with support services. It is operating in seven locations and expected to extend to five more locations in 2024. Like Alternative Action Plans, it is used prior to any formal escalation to Family Group Conferences or the Youth Court.

41. Oranga Tamariki has developed the Oranga Rangatahi and Youth Inclusion Programmes to deter youth offending and anti-social behaviour through focused effort on engagement with education, practical support for families, and a supportive space for expression and growth. These initiatives operate in partnership with existing regional programs and now span 15 regions.

42. The Ministry of Justice is working to strengthen partnerships with Māori and increase Youth Justice services designed and delivered by Māori that use Māori customs and traditional values and support children and young people to connect to their culture.

Non-custodial sentences

43. New Zealand has a range of sentences that can be served in the community, including Home Detention, Supervision, and Community Work. These are extensively used, along with electronic monitoring, meaning most people serving sentences in prison in New Zealand have been convicted of serious sexual or violent offending and not minor charges.

44. Criminal proceedings in the Youth Court are a last resort. All alternative means to address youth justice should be explored first. Less than 10% of the children and young people who are alleged to have offended are detained in secure youth justice residences or remand homes.

45. New Zealand is focused on reducing the number of serious and persistent child and youth offenders (from approximately 1100 per annum to under 900 over five years), including by creating a new Youth Serious Offender designation and designing interventions to minimise risk of reoffending. New Zealand will pilot a military-style academy later in 2024, led by Oranga Tamariki in collaboration with providers and other government agencies. It will support youth by providing structure, accountability, and a rehabilitative and trauma-informed care approach to address underlying causes of offending.

46. Police and Oranga Tamariki are delivering the Fast Track programme – a prevention-focused youth justice initiative that was established in 2022 as a response pathway for 10-13-year-olds involved in serious offending or who continue to reoffend at a high rate. It provides localised support for children, their families, and communities within 24 hours of the alleged offending. It operates in nine locations, having extended to two further sites in February 2024. In May, funding was announced to extend the programme to 14-17-year-olds

in all locations. Since December 2022, 74% of children referred to the Fast Track programme have not reoffended.

Historical abuse in State care

47. The Committee recommended New Zealand urgently implement its decisions under article 22 of the Convention concerning the cases of Zentveld v. New Zealand and Richards v. New Zealand (paragraph 48(b)).

48. The Royal Commission of Inquiry into abuse in state care and faith-based institutions was established in 2018 in response to longstanding claims of abuse by survivors and their advocates.

49. Its final report was due on 28 March 2024, but earlier in the year this was extended to 26 June. The final report, Whanaketia – Through pain and trauma, from darkness to light, was presented to Parliament on 24 July. It makes 138 recommendations and reaffirms 95 recommendations from the interim report on redress.

50. A dedicated government organisation, the Crown Response Unit, is coordinating the cross-agency review of the report and advice to Ministers on the findings. The Government intends to respond to the recommendations as soon as practicable, to support the healing processes of survivors. However, the large number and complexity of the recommendations means this will take some time. The Government will be prioritising responding to the recommendations relating to a public apology for abuse in care and decisions about redress.

51. The Crown Response Unit is continuing to progress the response to the Royal Commission's 2022 case study on the Lake Alice Child and Adolescent Unit. The report examines the abuse, harm, trauma, and neglect suffered by children and young people admitted to the Lake Alice Unit from 1972 to 1980 and considers the Committee's findings in relation to Mr Zentveld and Mr Richards.

52. The Government formally accepts there is undisputed evidence that, based on the criteria set out in the Convention, some children and young people were tortured at the Lake Alice Unit. Survivors were informed of the Crown's acknowledgement, followed by a public statement when the final report of the Royal Commission was presented to Parliament.¹ The full text of the Prime Minister's speech to Parliament is attached.

53. Government consideration of further redress for Mr Zentveld, Mr Richards, and other Lake Alice survivors is being progressed as a matter of priority, with decisions expected by the end of the year. Any new redress for torture would be separate to the existing claims payments administered by the Ministry of Health, which remains open to new claims. New Zealand acknowledges the delays in the process of considering redress for Lake Alice Unit survivors and the frustrations this causes for them.

54. The Crown intends to make a public national apology for abuse in care later in the year, so that it can reflect the full extent of the Commission's findings. It is expected that the apology will include appropriate references to Lake Alice.

55. Regarding the response of New Zealand Police, it commenced a new investigation into allegations of ill treatment of children at Lake Alice Unit in February 2020, which was completed in December 2021. Charges were filed against one former nurse, but criminal proceedings were halted in June 2023 as the High Court was not satisfied that the defendant's physical and mental impairments could be accommodated to enable a fair trial (in part due to the individual having advanced terminal cancer). The main suspect in the investigation, Dr Selwyn Leeks, was unable to be interviewed owing to his mental incapacity and subsequently died in January 2022. The investigation identified that all former Lake Alice Unit senior staff

¹ Luxon, Rt Hon Christopher. (2024, July 24). Final Report of the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions: Debate. New Zealand Parliamentary Debates, 776. https://www.parliament.nz/en/pb/hansard-debates/rhr/document/HansS_20240724_052200000/brownlee-gerry-luxon-christopher.

and most other former staff are deceased. New Zealand considers that all investigatory options have therefore been exhausted.

56. The Crown Response Unit and the Police have published the Committee's reports on their websites to help make the decisions widely known.

Implementation plan for the full set of recommendations

57. The Government will consider its response to, and plans for implementing, the full set of recommendations later in the year.

58. New Zealand is developing an online monitoring tool that will publicly record its UN human rights recommendations and any actions the Government is taking, to provide transparency and accountability over New Zealand's progress. It is scheduled to be launched in the second half of the year and the responses to this Committee's recommendations will be added as decisions are made.
