

Monitoring places of detention

Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT)

OPCAT is a United Nations convention focused on preventing the torture and ill treatment of detained people. It supplements New Zealand's many other international commitments to ensure the good and fair treatment of its people.

To be sure that ill-treatment or torture is not occurring and cannot occur, regular monitoring of detention facilities is crucial.

Who is involved

Four independent organisations monitor detention facilities and, with the Human Rights Commission (as the coordinating body), make up the National Preventative Mechanism (NPM).

After a visit

A visit helps identify themes of concern and generate greater understanding of human rights, cooperation and improvements. Personal Information is confidential and cannot be disclosed without that person's explicit consent.

Gathering information

The examiner can interview any person. The NPM can obtain information about the number of detainees, treatment of detainees (including the rules and procedures of the facility) and conditions of detention.

Planning a visit

Visits by NPMs may be announced or not and can involve unrestricted access. Officials inspect prisons, police cells, military detention facilities, immigration detention facilities, health and disability places of detention, and child and youth residences. OPCAT visits are separate from the complaints process.

Government

The Government is obliged to examine the recommendations made by the NPM and to discuss their implementation.



There are

437

police custodial facilities nationwide

5 youth justice residences

4 care and protection units for children

17 prisons

70 health and disability places of detention

1 immigration detention facility

1 Defence Force facility

OPCAT aims:

Prevention

Regular monitoring visits

Trust

Open and constructive dialogue

Transparency

Regular reporting and public engagement

Progress

Work with others for continued improvements

Human rights of people in detention

Human rights are the rights and freedoms that every person has. People in detention have the right to be treated with humanity, dignity and respect.

Other human rights standards include:

- Freedom from ill-treatment with protections around the use of force, restraints, segregation or seclusion, and effective processes for investigating allegations of abuse
- Access to independent complaints processes, fair rules and disciplinary procedures
- Sufficient staffing levels and good conduct of staff
- Adequate health care
- Access to fresh air and exercise, and meaningful activities such as education, training, employment, cultural activities and observance of religious needs
- Access to a lawyer and reasonable contact with family and others (such as official agencies)
- Accommodation that is clean, warm and safe; adequate food and suitable clothing

“Torture” involves an intentional act or behaviour, which inflicts severe pain or suffering for a particular purpose. It generally applies only to very extreme conduct.

“Cruel, inhuman or degrading treatment or punishment” (ill-treatment) involve acts that inflict mental or physical suffering, anguish, humiliation or fear, but which are less severe than torture, and do not necessarily have the same element of intent.

To assess whether either of these are occurring, the treatment in question is considered in its full context. Circumstances such as its duration, physical and mental effects, and in some circumstances the sex, age and health of the person are taken into account.



Human Rights Commission
Te Kāhui Tika Tangata

Human Rights Commission Infoline

(Coordinating organisation, liaison with UN)

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Independent Police Conduct Authority

(Police custody)

Free phone: 0800 503 728

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MANAAKITIA A TĀTOU TAMARIKI
Children's Commissioner

Office of the Children's Commissioner

(Children and Youth Justice residences)

Free phone: 0800 224 453

Email: children@occ.org.nz



Office of the Ombudsman

(Prisons, Health and Disability places of detention, Immigration detention facilities, Children and Youth Justice residences)

Free phone: 0800 802 602

Email: info@ombudsman.parliament.nz

Inspector of Service Penal Establishments

(New Zealand Defence Force detention facilities)

Office of the Judge

Advocate General

Headquarters

New Zealand Defence Force Private Bag, Wellington