



association for the prevention of torture  
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asociación para la prevención de la tortura

# New Zealand

Updated 10.05.2019

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## **OPCAT status**

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**OPCAT Ratification** : March 14, 2007

**UNCAT Ratification** : December 10, 1989

**NPM Designated** :

5 different bodies coordinated by the [Human Rights Commission](#) (central NPM), and including the [Office of the Ombudsman](#), the [Independent Police Conduct Authority](#), the [Office of the Children's Commissioner](#) and the Inspector of Service Penal Establishments of the Office of the Judge Advocate General of the Armed Forces.

**NPM Type** :

Multiple Institutions

**NPM Legal Framework** :

[Crime of Torture Amendment Bill](#) and its section on torture prevention (Part 2 of the consolidated version of the Crimes of Torture Act [Torture prevention section](#) )

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 **Information**



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## Quick Links

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**SPT:** Visit (29 April to 8 May 2013). [Press release](#) (May 2013).

**Communication to the SPT:** [Official Correspondence](#) from New Zealand

**CAT:** [Concluding Observations](#) (June 2015)

Documents relating to other UN human rights mechanisms are available [here](#)

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## OPCAT Situation

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New Zealand ratified the OPCAT in 2007 and designated five existing institutions as its NPM through the Crime of Torture Amendment Bill. The New Zealand NPM has been operational since then, with one of the designated institutions is acting as NPM coordinator: the Human Rights Commission.

Each designated institution has a specific thematic mandate under the OPCAT. In common with other designated NPMs, they face some operational challenges including a lack of additional human and financial resources granted to the specific institutions to perform their new functions under the OPCAT.

### **New Zealand Human Rights Commission (Central NPM)**

The Commission has a variety of functions under the wider mandate of human rights promotion in New Zealand and operates independently. As an NPM, it undertakes a central role: it coordinates all NPM activities and identifies cross-



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cutting issues.

### **Office of the Ombudsmen**

It has the mandate to visit prisons, immigration detention facilities, health and disability places of detention, aged care facilities, and, overlapping with the Office of the Children's Commissioner, care and protection, and youth justice residences.

### **Independent Police Conduct Authority (IPCA)**

It is a civilian oversight body. The mandate of the IPCA was extended by the Crime of Torture Amendment Bill. Under this Bill, it can monitor the treatment of persons in the custody of the police, in addition to its existing complaints and investigations role.

### **Office of the Children's Commissioner**

It is an independent body appointed by the Governor-General. As an NPM, it monitors all places where minors are kept in juvenile detention facilities. Its mandate overlaps with the Office of the Ombudsmen.

### **Inspector of Service Penal Establishments**

The Inspector visits Defence Force Service Custody and Service Corrective Establishments. This represents a significant development, as providing for the first time regular external monitoring of Defence Force detention facilities.

The SPT conducted a visit to New Zealand from 29 April to 8 May 2013. The report has been made public.

The SPT member who is the SPT Focal Point for New Zealand is available [here](#).

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## **NPM Structure**

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The Human Rights Commission was designated as the NPM coordinating body by the Crimes of Torture Act 1989. The coordinating role includes:

- Publishing of the NPM annual report
- Coordinating NPM policies and procedures
- Maintaining an online workspace for NPM institutions to share information
- Convening regular meetings of the NPM
- Assisting with NPM monitoring
- Organising training activities
- Liaising with the SPT

The New Zealand Human Rights Commission works with the NPMs to identify systemic issues, as well as any potential gaps in the monitoring system. As the Central NPM, the Human Rights Commission does not carry out any visit to places of detention, nor accompany the other NPMs in their monitoring activities.

The institutions comprising the New Zealand NPM have designated specific persons or departments for OPCAT purposes.

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## NPM Reports

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### Annual Reports

The New Zealand Human Rights Commission publishes annual reports on NPM-related work, on behalf of all five institutions comprising the NPM. The annual report is more of an informative nature rather than a comprehensive analysis of issues which need to be addressed. The annual reports are available on the Human Rights Commission's [website](#).

In addition, all bodies which comprise the NPM report on OPCAT-related work in their respective reports, which all come out at the same time.



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## Other Reports

Thematic reports are available on the Human Rights Commission's [website](#).

Visit reports may be available on the relevant NPM body's website.