

**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/5)*

**NEW ZEALAND**

(...)

**C. Principal subjects concerns and recommendations**

(...)

**Conditions of detention**

9. The Committee notes with concern the insufficient number of prison facilities in light of the forecasted growth in prisoners numbers which may lead to inter-prisoners' violence. The Committee is also concerned at the inadequate provision of mental health care and legal services to mentally ill inmates in prisons. The Committee is concerned at the use by prison authorities of instruments of physical restraint that may cause unnecessary pain and humiliation. (arts. 11 and 16)

**In order to improve the arrangements for the custody of persons deprived of their liberty, the State party should undertake measures to reduce overcrowding, including consideration of noncustodial forms of detention in line with the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), and in the case of children in conflict with the law ensure that detention is only used as a measure of last resort. It should also provide adequate mental health care and legal services for all persons deprived of their liberty, particularly to inmates suffering from mental illnesses. The State party should keep under constant review the use of instruments of restraint that may cause unnecessary pain and humiliation, and ensure that they are used only when necessary, and that their use is appropriately recorded.**

(...)

**Allegations of ill-treatment**

11. The Committee is concerned that allegations of cruel, inhuman or degrading treatment, inflicted by persons acting in an official capacity against children in State institutions, and against patients in psychiatric hospitals have not been investigated, perpetrators not prosecuted, and victims not accorded redress, including adequate compensation and rehabilitation. (arts.12, 14 and 16)

**The State party should take appropriate measures to ensure that allegations of cruel, inhuman or degrading treatment in the “historic cases” are investigated promptly and impartially, perpetrators duly prosecuted, and the victims accorded redress, including adequate compensation and rehabilitation.**

(...)

#### **Withdrawal of reservation to article 14**

14. The Committee is concerned that the State Party has maintained its reservation to article 14 of the Convention, which is incompatible with the letter and spirit of the Convention, as well as with its obligation to ensure the rights of victims of torture to a fair and adequate compensation including the means for as full rehabilitation as possible. The Committee is also concerned that the Prisoners and Victims Claims Act 2005 limits the award and payment of compensation to prisoners. (art. 14)

**The State party should consider withdrawing its reservation to article 14 of the Convention and ensure the provision of fair and adequate compensation through its civil jurisdiction to all victims of torture.**

(...)

#### **Use of taser weapons**

16. While taking note of the assurances by the State party whereby tasers are only to be used by trained and certified staff and only when the officer has an honest belief that the subject is capable of carrying out the threat posed and that the use of the taser is warranted, the Committee is deeply concerned about the introduction of these weapons in the New Zealand police. The Committee is concerned that the use of these weapons causes severe pain constituting a form of torture, and that in some cases it may even cause death. In addition, the Committee is concerned at reports whereby during the trial period tasers were predominantly used on Maoris and youths. (arts. 2 and 16)

**The State party should consider relinquishing the use of electric taser weapons, the impact of which on the physical and mental state of targeted persons would appear to violate articles 2 and 16 of the Convention.**

(...)

21. The Committee requests the State party to provide, within one year, information on measures taken in response to the Committee’s recommendations, as contained in paragraphs 9, 11, 14 and 16.

(...)

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