



# *Peace Movement Aotearoa*

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## **UN Committee Against Torture assesses NZ tomorrow**

20 April 2015

The UN Committee Against Torture (the Committee) will assess the government's performance in relation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention) during its 54th session which begins in Geneva tonight. The Committee's assessment will take into account information provided in civil society reports, which raised concerns around the criminal justice system, the treatment of asylum seekers, the operation of the National Preventive Mechanisms, constitutional and legal protection for Convention rights, and the treatment of prisoners by the New Zealand armed forces on overseas combat deployments.

This message has information about the Convention, the Committee, New Zealand and the Convention, civil society reports to the Committee, details of how you can watch the Committee's interactive dialogue with government representatives live, and links to further information.

### **The Convention Against Torture**

The Convention was adopted unanimously by the General Assembly in 1984, and entered into force on 26 June 1987. State parties to the Convention are required to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory" in accordance with the definition of torture in Article 1; and to prevent cruel, inhuman or degrading treatment or punishment, as defined in Article 16. The prohibition on torture is absolute and applies in all circumstances, as specified in Article 2.2: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". For further information about the Convention, please refer to the links section below.

### **The Committee Against Torture**

The Committee is the body of 10 independent experts that monitors state party compliance with the provisions of the Convention. All state parties are required to submit regular Periodic Reports to the Committee on how they are protecting and

implementing Convention rights. The Committee's assessment of each state party is based on the information provided in the state's Periodic Report, information provided by civil society (non-governmental organisations and individuals), information provided by the National Human Rights Institution, and through interactive dialogues with state party representatives during the session in which the state is considered. At the conclusion of the session, the Committee provides its concerns and recommendations to each of the states assessed in the form of Concluding Observations. For further information about the Committee, please refer to the links section below.

The 54th session of the Committee is being held from 20 April to 15 May 2015, and in addition to New Zealand, the Committee will assess the performance of Congo, Romania, Luxembourg, Spain, Serbia, Colombia and the former Yugoslav Republic of Macedonia. The Committee's Concluding Observations on each of these states will be released at the conclusion of the session.

### **New Zealand and the Convention**

New Zealand signed the Convention on 14 January 1986, and ratified it on 10 December 1989. New Zealand ratified the Optional Protocol to the Convention (which established a system of regular inspection visits by independent international bodies and National Preventive Mechanisms by each state party to monitor places of detention) on 14 March 2007.

Prior to the current session, the Committee last assessed New Zealand's compliance with the Convention in 2009 - the Committee's 2009 Concluding Observations (CAT/C/NZL/CO/5) are available in the links section below.

In advance of the 54th session, the Committee sent the government a List of Issues Prior to Reporting (issues the government was to provide information on in its Periodic Report), and New Zealand's sixth Periodic Report (CAT/C/NZL/6) was submitted in December 2013 - both documents are available in the links section below.

### **Civil society reports to the Committee**

The Committee has received information in twelve civil society reports, including one from Peace Movement Aotearoa, which it will take into account when assessing the government's compliance with the Convention. The civil society reports raise a number of concerns in relation to the criminal justice system - including structural discrimination, issues around the treatment of prisoners on remand and in penal institutions, youth detention, bail, parole, the government's approach to violence against women, the age of criminal responsibility, and the 'three-strikes' sentencing legislation - as well as issues around the treatment of asylum seekers, and the operation of the National Preventive Mechanisms.

Peace Movement Aotearoa's report has a section on the treatment of prisoners by the New Zealand armed forces on overseas combat deployments, which is inconsistent with the provisions of the Convention and of the Geneva Conventions. It suggests that if New Zealand armed forces deployed overseas cannot ensure that any prisoners captured during combat or training operations are treated in a manner fully compliant with those provisions, and are not in a position to operate their own detention facilities, then the government must not deploy them. The report also provides information on some of the concerns outlined above, and has a section on the lack of protection for Convention rights in the current constitutional and legal framework.

### **How you can watch the interactive dialogue**

There will be two interactive dialogues between Committee members and government representatives and you can watch the dialogues live at <http://www.treatybodywebcast.org> - the first is on Tuesday, 21 April, from 10am to 12 noon (NZ time: **8pm to 10pm on Tuesday, 21 April**) and the second is on Wednesday, 22 April, at 3pm (NZ time: **1am on Thursday, 23 April**).

### **Links to further information:**

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment - <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCAT.aspx>
- Information about the Committee Against Torture - <http://www.ohchr.org/en/hrbodies/cat/pages/catindex.aspx>
- Information about the Committee's 54th session - [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=961&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=961&Lang=en)
- New Zealand civil society reports, the government's sixth Periodic Report (CAT/C/NZL/6), the List of Issues Prior to Reporting (CAT/C/NZL/Q/6) and the Human Rights Commission's report are all available on the 54th session page - [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=961&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=961&Lang=en) - scroll down the page to the 'New Zealand' section, then click on the drop down sections for the information you require
- Concluding Observations on New Zealand, 2009 (CAT/C/NZL/CO/5) - [http://www.un.org/ga/search/view\\_doc.asp?symbol=CAT/C/NZL/CO/5](http://www.un.org/ga/search/view_doc.asp?symbol=CAT/C/NZL/CO/5)