



OPCAT monitoring in Aotearoa during COVID-19 Pandemic

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New Zealand Human Rights Commission | Central National Preventive Mechanism



OPCAT Monitoring in New Zealand

- Multi -body NPM established in 2007
 - Chief Ombudsman (prisons, immigration detention, health and disability places of detention, court facilities, public protection order residences)
 - Children's Commissioner (care and protection facilities, youth justice facilities, community based remand care homes, health and disability places of detention for children and young people)
 - Chair of the Independent Police Conduct Authority (police cells and otherwise in police detention)
 - Inspector of Penal Service Establishments (defence force detention)
 - Human Rights Commission – Central National Preventive Mechanism



Crimes of Torture Act 1989

- Domestic legislation for the Convention Against Torture and OPCAT
 - NPMs have “unrestricted access” to any places of detention for which they are designated including any person in a place of detention as well as information about the treatment and conditions of those detained in places of detention.
 - CNPM has co-ordinating, liaison functions and as well as identifying systemic issues arising from reports of the inspecting NPMs.
- Designating NPM coverage of other places of detention
 - Public Protection Order residences
 - Community Based Remand Care Homes
 - Managed Isolation and Quarantine



OPCAT monitoring during COVID-19 pandemic

- Alert Level 4 – Nation -wide lockdown 25 March – 26 April 2020
 - Places of detention were designated essential services and continued to operate but most locked down their facilities to the public.
 - Access to prisons restricted – impacted visits by NPMs and statutory visitors
 - NPMs were not initially deemed essential but instead undertook remote monitoring (video-based).
- All new arrivals to the Country after 9 April 2020 were required to go into Managed Isolation and Quarantine facilities (MIQ)
 - June 2020 the Chief Ombudsman announced he would undertake monitoring of MIQ facilities



OPCAT monitoring during COVID-19 pandemic

- Alert Level 3 – 27 April – 12 May 2020
 - Chief Ombudsman undertook on -site COVID-19 inspections in prisons, aged care facilities and health and disability places of detention.
- Alert Level 2 & 1 – 13 May 2020
 - Most on -site OPCAT inspections re-commenced



Case Study – Auckland Community Outbreak

- Auckland back to Alert Level 3 from 12 August – 30 August 2020
 - Introduction of compulsory detention of COVID -19 positive cases in MIQ facilities
 - Questions around legality and necessity of compulsory detention
 - Disproportionate impact on vulnerable/marginalised communities
 - How to strike the right balance between measures to ensure health/recovery and the appearance of creating different rules for different communities