

OPCAT Visits

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



This United Nations convention provides the background for a system of regular visits, undertaken by independent national and international organisations, to places where people are deprived of their liberty. In New Zealand, the Crimes of Torture Act 1989 provides the legislative basis for our visits to and monitoring of places where children and young people are detained. The purpose of the visits is to prevent torture and other cruel, inhuman or degrading treatment or punishment.

What we monitor

We monitor six areas as defined by OPCAT, along with an additional area - Responsiveness to mokopuna Māori.

The seven areas are:

1. Treatment of children and young people

We monitor how children and young people are kept safe and protected from inhuman or cruel treatment. We look at the relationships between children and staff, the models of therapeutic care and behaviour management, and the quality of planning and interventions tailored to individual children and young people's needs.

2. Protection systems

We check that children and young people's rights are being upheld. For example, do young people understand how a secure residence works? How well do the complaints processes and other protective systems support them?

3. Material conditions

We monitor the living conditions of secure residences to ensure they contribute to a child or young person's wellbeing. For example, their accommodation, internal and external environments, hygiene facilities, bedding and food.

4. Activities and access to others

We monitor the opportunities available to children and young people to engage in quality and youth-friendly activities inside and outside secure residences. For example, do they have contact with their families or whānau? Are educational, vocational, recreational, cultural and spiritual activities available? Are the residences youth-friendly? Do they tailor their activities to individual children and young people's needs and interests?

5. Medical services and care

We monitor how well children and young people's health needs are assessed and met. For example, do they have easy access to medical services and care, inside and outside the residence? Do the services support all aspects of their health - for example, dental, eyesight and hearing, mental health?

6. Personnel

We monitor the quality, suitability and capacity of Oranga Tamariki staff to provide safe, secure, respectful care for children and young people. We look at processes for staff recruitment, selection, training, supervision and ongoing professional development.

7. Responsiveness to Mokopuna Māori

We monitor residence's plans and progress to improve outcomes for mokopuna Māori. We review the goals and plans Oranga Tamariki staff have for them, the extent to which Māori values are embraced and upheld, and the relationships mokopuna are supported to have with their whānau, hapū and iwi.

The functions of the Office of the Children's Commissioner include:

- examining the conditions of detention and the treatment of detainees.
- making recommendations for improving the conditions of detention.



Children's Commissioner Judge Andrew Becroft represents the 1.1 million people in Aotearoa New Zealand under the age of 18, who make up 23 percent of the total population. He advocates for their interests, ensures their rights are upheld, and helps them have a say on issues that affect them.

For more information:

 www.occ.org.nz

 children@occ.org.nz

 @occnz

 @childrenscommnz