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Safeguarding the rights of children in secure detention centres

Yesterday the Children's Commissioner was given additional responsibility by the Minister of Justice which extended its role as the independent monitor of the conditions and treatment of children and young people in secure detention centres.

The Children's Commissioner now has sole designation over care and protection and youth justice facilities and has designation over community-based remand care homes and youth forensic units, and child and adolescent mental health units.

Children's Commissioner Andrew Becroft says the extended responsibility will mean the Commission's specialist youth focused monitoring group can visit virtually all places of child detention and keep an overview of conditions.

"We have a real duty of care for our children and young people who are detained, not just legally but morally too. A huge power imbalance exists between vulnerable children and young people detained without choice and the State. It's critical their rights and interests are prioritised.

"We cannot afford to be complacent. The challenges present in places where children and young people are held mean we must always be vigilant.

"History tells us children and young people seldom disclose serious abuse, violence, or breaches of human rights while living in these environments. Abuse invariably comes to light much later. One way we can increase chances of disclosure is through rigorous and regular monitoring.

"Our specialist group will visit each residence regularly, often without notice. We will hear the views of those who live and who work there. Our focus will be on developing best practice, and preventing torture and other cruel, inhumane or degrading treatment or punishment.

"Our findings will be reported to Oranga Tamariki and District Health Boards, as well as a full report to the Minister of Justice each year. Findings may also be made public and will include recommendations for improving conditions and treatment of children and young people who are detained," says Judge Becroft.

In addition to the four youth justice detention centres and four care and protection secure residences, the new designations extend to the three youth forensic and mental health facilities (Auckland, Wellington, Christchurch) and two forensic mental health facilities (Auckland and Porirua) for young people with serious mental health concerns in the justice system.

There are eight community remand homes throughout New Zealand, of three to five beds for young people in detention where they can live in a family home like environment in their community.

The United Nations Optional Protocol to the Prevention Against Torture (OPCAT) is enacted in New Zealand law through the Crimes of Torture Act 1989. Under this Act, the Children's Commissioner has designated responsibility as a National Preventative Mechanism for assessing and recommending improvements to the conditions and treatment of children and young people who are detained. The Human Rights Commissioner is the Central National Preventative Mechanism.

The full designations are published in the [Gazette](#).

For more information about the lives of children and young people in secure detention centres, see the [State of Care 2017](#) report.

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