



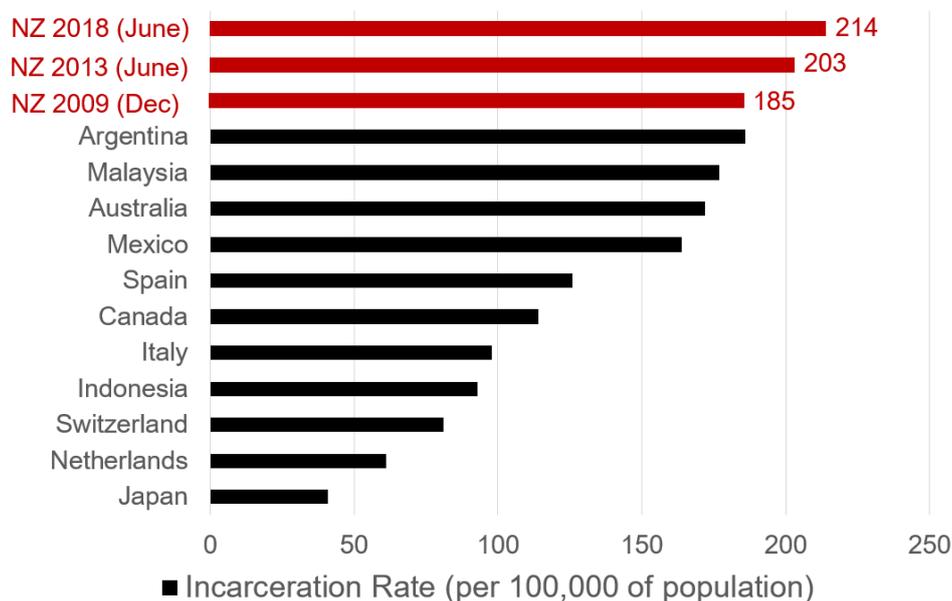
# CRIMINAL JUSTICE

## UPR Pre-session 32

Thursday 13 December (New Zealand)

The **National Coalition of Howard Leagues** for Penal Reform dates from 1924 and currently comprises three leagues in Wellington, Christchurch and Dunedin. We promote evidence-based penal reform and advocate for prisoners' rights. Many of our members are prisoners.

New Zealand has a **very high incarceration rate**. This has grown since the first two UPR cycles.

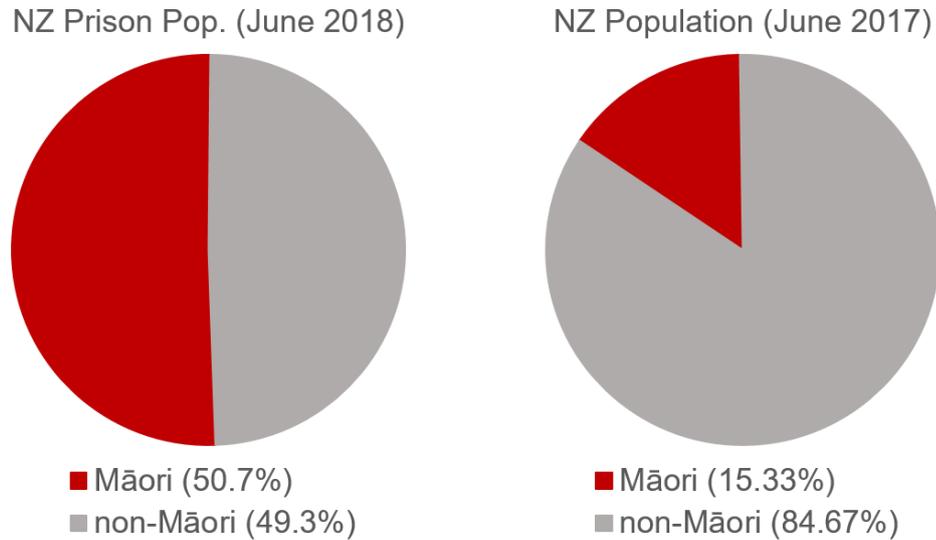


SOURCES: NZ CORRECTIONS QUARTERLY STATISTICS, STATISTICS NZ; "WORLD PRISON BRIEF" [www.prisonstudies.org](http://www.prisonstudies.org)

I want to talk about a number of reasons for this high incarceration rate and then recommendations to address these.

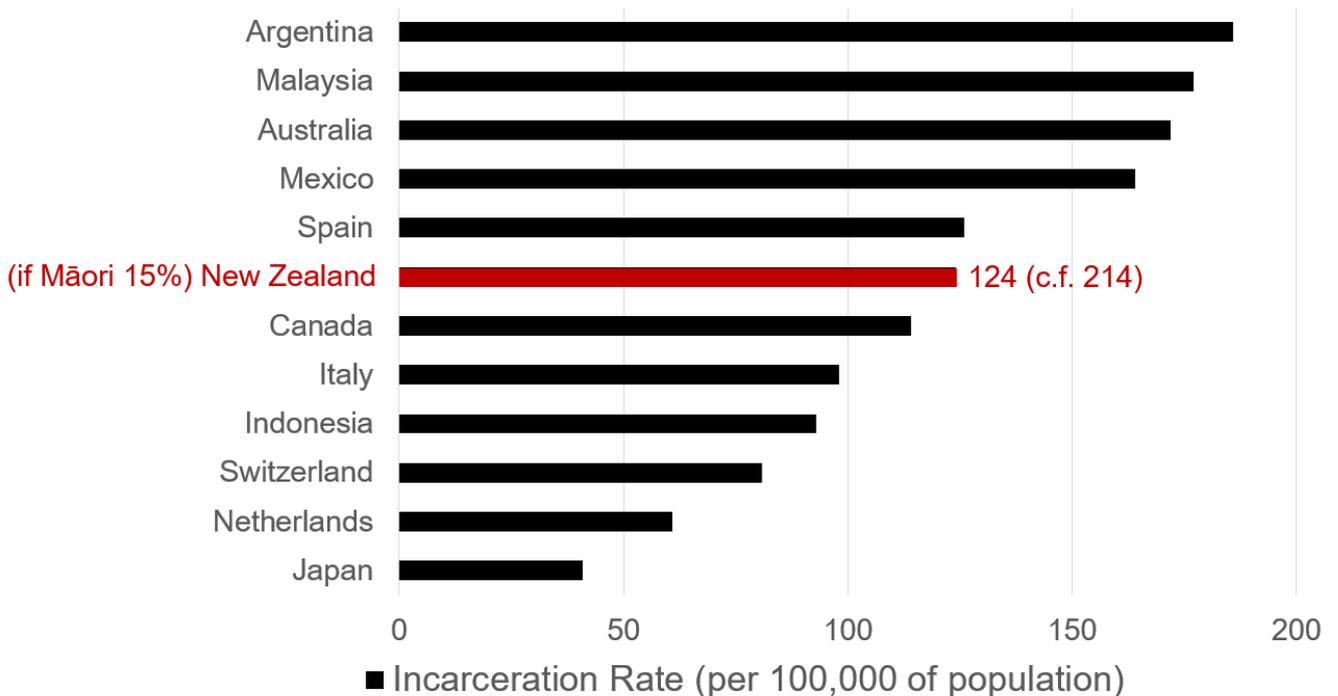
1. The prime reason for the high incarceration rate is **the disproportionate incarceration of Māori**, New Zealand's indigenous people. This is acknowledged in the New Zealand government report on p. 7.

Discrimination within the criminal justice sector was raised in previous cycles by **Canada** (1st: recomm.33), **Sweden** (1st: recomm. 34), **Switzerland** (2nd: recomm.128.75), **Ireland** (2nd: recomm.128.81), **Cabo Verde** (2nd: recomm.128.82), **Thailand** (2nd recomm.128.84), and the **Islamic Republic of Iran** (2nd: recomm. 128.133).



**SOURCES:** NZ CORRECTIONS QUARTERLY STATISTICS | STATISTICS NZ (POPULATION ESTIMATE)

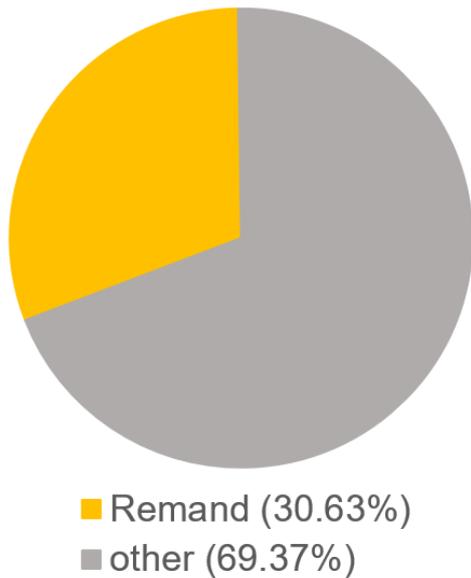
If Māori incarceration was proportionate to their percentage of the NZ population our incarceration rate would be in the realm of that of Spain or Canada. Our current prison population of 10,435 would be reduced to 6,856 prisoners - with 3,579 fewer Māori people in prison.



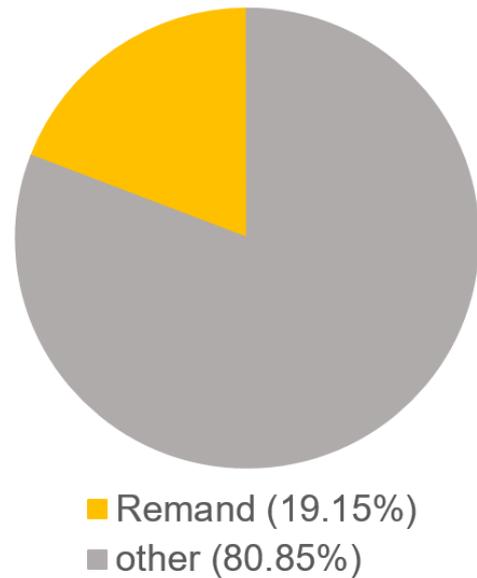
**SOURCES:** NZ CORRECTIONS QUARTERLY STATISTICS, STATISTICS NZ; "WORLD PRISON BRIEF" [www.prisonstudies.org](http://www.prisonstudies.org)

**2.** A second contributing factor is the **increased numbers of people** on remand and those **missing out on parole**. Since the last UPR cycle the number of remand prisoners has increased by almost 100% (94% increase: June 2013 remand=1,646; June 2018 remand=3,196).

NZ Incarceration (June 2018)



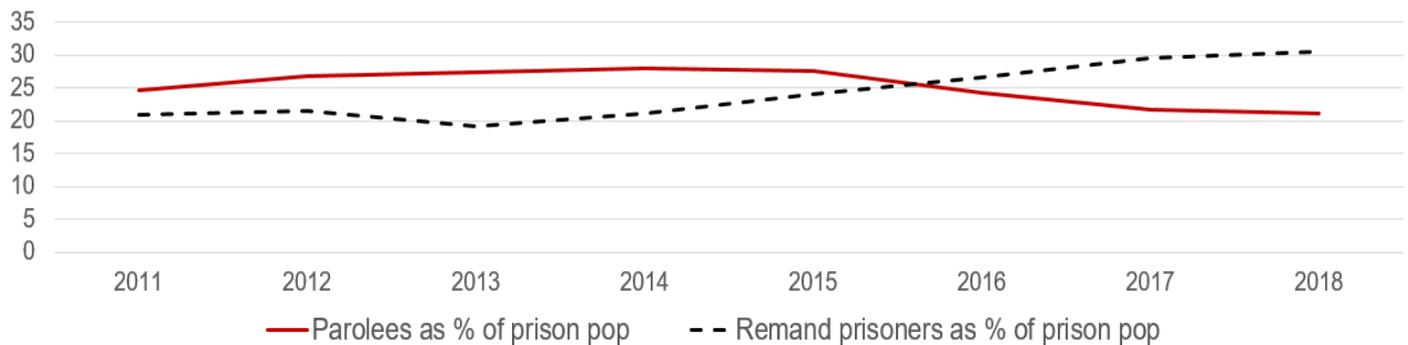
NZ Incarceration (June 2013)



**SOURCES:** NZ CORRECTIONS QUARTERLY STATISTICS

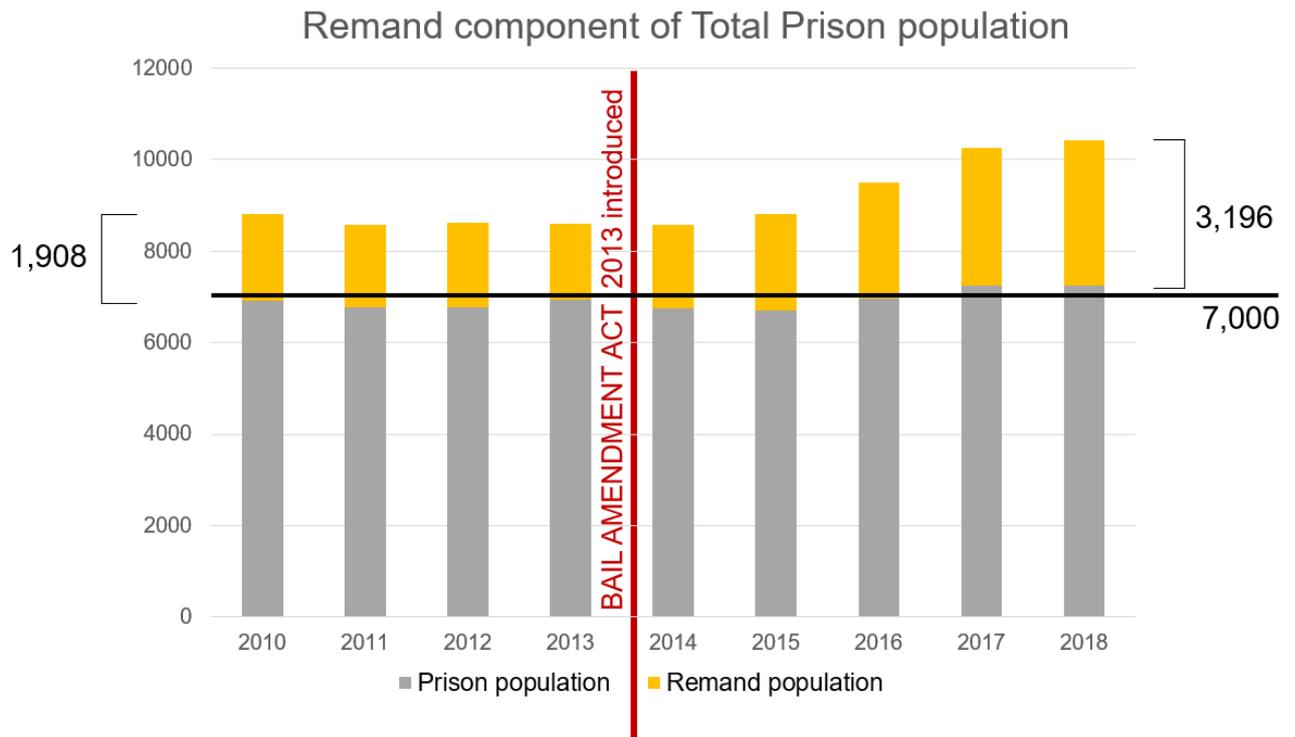
Meanwhile the number of people on parole as a percentage of the prison population is also reducing. The Corrections Annual Report (2017/2018) acknowledged that "Prisoners are spending longer periods of time in custody before being granted parole than they were five years ago" (p. 50).

Parolees and people on remand as a % of Prison pop.



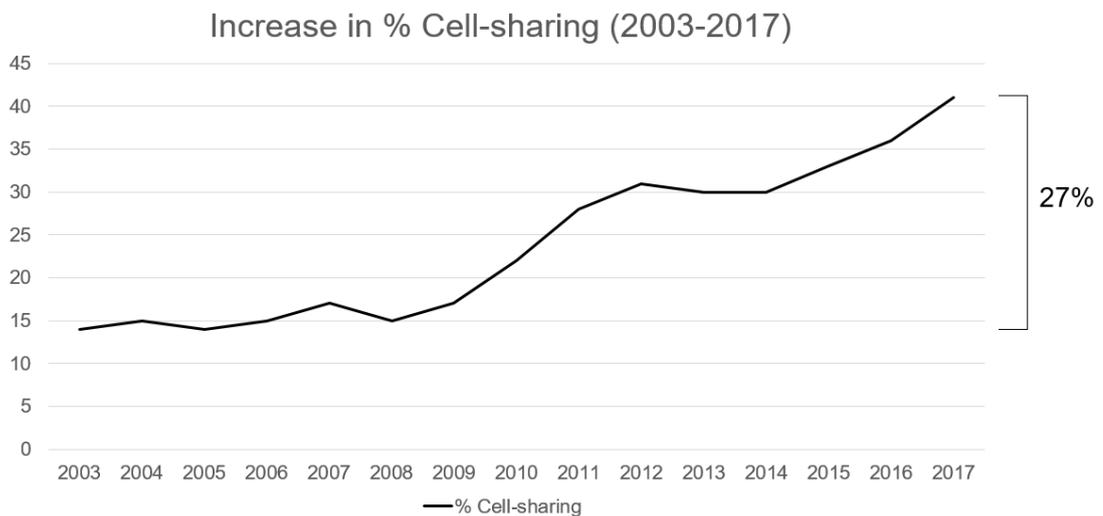
**SOURCE:** CORRECTIONS QUARTERLY PRISON STATISTICS

It is generally recognised that changes to the **Bail Act** and the **Parole Act** have contributed to this. These amendments have increased risk aversion, and increased required thresholds to achieve bail and parole, for example, the quality of housing required for electronic bail. **Lack of adequate housing** is a significant and recognised reason why people are in prison. The government is starting to address this - particularly increasing short-term housing options. We believe that more is needed to be done, especially in relation to long-term housing.



**SOURCES:** NZ CORRECTIONS QUARTERLY STATISTICS

3. The consequences of New Zealand's high prison population include: **overcrowding, inadequate access to rehabilitation programmes, and inadequate access to healthcare, including mental healthcare.** Because of inadequate facilities and insufficient space, **double-bunking** is becoming more and more prevalent, despite the fact that this contravenes the UN's Nelson Mandela Rules (Rule 12). In the last decade the number of prisoners double-bunking has more than doubled, and now over 40% of prisoners are double bunked.

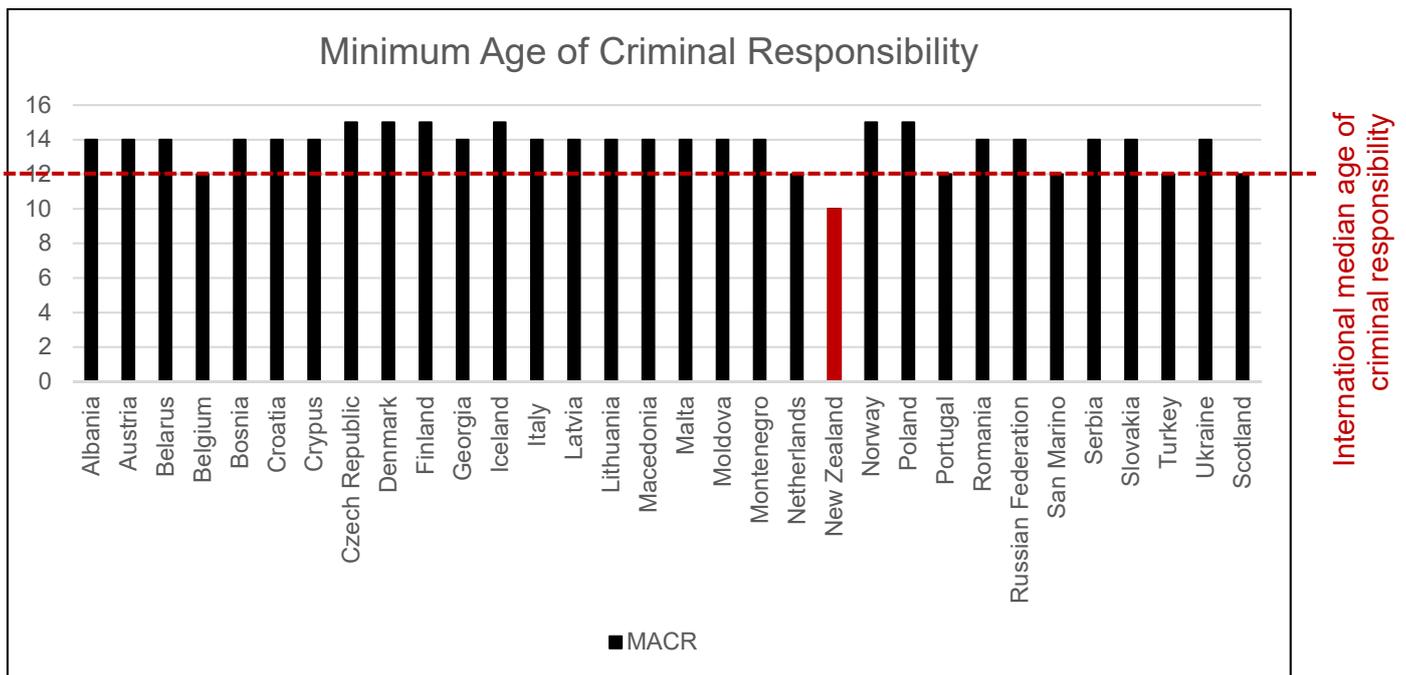


**SOURCE:** DEPARTMENT OF CORRECTIONS "CORRECTIONS VOLUMES 2016/17" P. 2.

We have developed **recommendations** which:

- a) increase support for Māori prisoners
- b) increase alternatives to incarceration, and
- c) directly address issues causing the increase of people on remand and unable to gain parole.

Additionally, we recognise and endorse the recommendation previously made by the **Czech Republic** (1st: recomm. 48) for NZ to raise the minimum age of criminal responsibility from 10 years to 12 years to comply with international standards.



**SOURCE:** MINIMUM AGE OF CRIMINAL RESPONSIBILITY. DATA FROM CHILD RIGHTS INTERNATIONAL NETWORK "MINIMUM AGES OF CRIMINAL RESPONSIBILITY AROUND THE WORLD" [HTTPS://WWW.CRIN.ORG/EN/HOME/AGES](https://www.crin.org/en/home/ages)

Consequently we encourage you to make the following **RECOMMENDATIONS**:

1. **Provide more rehabilitative support for Māori prisoners** by increasing the number of Māori Focus Units (Te Tirohanga Units) from five to eight by 2021, with funding allocated for Māori Focus Units in all 18 prisons within 5 years. These units provide culturally-specific support. They provide 258 beds. There are 5,290 Māori in prison.
2. **Ensure greater use of alternatives to prosecution** by providing new funding to extend the capacity of Te Pae Oranga (Iwi Justice Panels). These restorative justice panels address both offending and the causes of offending.
3. **Increase the use of non-prison sentences** by allowing community-based sentences and home detention to up to 24 months, with access to appropriate rehabilitation support services, in order to reduce the number of people serving time in prison.
4. **Repeal the Bail Amendment Act 2013.**
5. **Reduce the negative impact of housing poverty on incarceration**, by allocating 15% of the new social housing placements announced in the Public Housing Plan (August 2018) to those people who would otherwise be refused bail or parole due to insufficient housing for the next four years (i.e. 960 additional placements over 4 years).
6. **Establish more places on rehabilitation programmes** by providing new funding for Medium Intensity Rehabilitation Programmes (MIRP) and Drug Treatment Unit (DTU) Programmes to ensure all prisoners requiring these programmes complete these prior to their first Parole Board hearing.
7. **Raise the minimum age of criminal responsibility** from 10 to 12 years, in line with international standards.

Finally, we have a new progressive government that is open to reform. We believe that recommendations in the area of criminal justice will be positively received. This is a real opportunity for the international community to make a positive and material different to New Zealand's human rights.