



This is submitted on behalf of JustSpeak on the Consultation for proposed changes to the Corrections Act 2004.

JustSpeak is a people-powered movement for transformational change of the criminal justice system towards a fair, just and flourishing Aotearoa. JustSpeak works to achieve long-term and systemic change by shifting government and societal focus and resources away from police, punishment and prisons toward prevention, restoration, accountability, community, whānau, wellbeing and care. We will build the power, capacity and potential of people to realise our vision.

We wish to express our strong opposition to the proposed legislative changes related to the management and treatment of people designated as "prisoners of extreme risk." These proposals represent a significant regression in the protection of human rights within New Zealand's correctional system. As highlighted by the Ombudsman and the Inspectorate, the conditions in the Prisoners of Extreme Risk Unit (PERU) are already inhumane and most likely violating international human rights standards. We support the Ombudsman's call naming this unit as inhumane, unacceptable, and harmful and the subsequent recommendation to *"stop the use of the PERU Operating Model, and remove operational control of the Unit from the Persons of Extreme Risk Directorate, without delay."*¹

However, should these proposals move forward, we urge significant revisions to safeguard the rights and dignity of all people in prison.

Section 1: Decision-Making and Transparency

Decision 1a: Who Decides Extreme Threat Status We strongly recommend that a judge (rather than a panel of prison staff) be the decision-maker regarding whether a person is categorized as an "extreme threat." A judge is better equipped to assess such cases, particularly with respect to the obligations under the Optional Protocol to the Convention Against Torture (OPCAT) and the New Zealand Bill of Rights Act (NZBORA). It is critical that these decisions be made with a full understanding of the legal and human rights implications.

We are also concerned with the Ombudsman's findings that the people who are currently in this unit do not know what is required of them to progress out of the unit and have limited ability to engage in the decision to place them there. We recommend that a clear pathway out of the unit is given alongside the decision to designate someone as "extreme risk". We expect that an "extreme risk" designation is reviewed on a regular and ongoing basis as a part of this process.

Decision 1b: Defining Extreme Threat We are opposed to the creation of a formal "extreme threat" category, which risks broadening the scope of segregation and punitive treatment. If such a category is to be established within legislation, we strongly advocate for a strict and clearly defined set of

¹ [OPCAT Report - Prisoners of Extreme Risk Unit.pdf](#)

criteria, including an established set of characteristics to prevent arbitrary or overly expansive application. A loose criteria could lead to misuse, impacting individuals who could otherwise be managed under already established security classifications.

Section 2: Segregation and Treatment of Extreme Risk Prisoners

Decision 2a: Security Classification Framework We reject the notion that a new security classification framework is necessary to treat prisoners at extreme risk and therefore do not support any of the options given. New Zealand already has a maximum security classification, which should be sufficient to manage the risks posed by these individuals. We are concerned that this push for more punitive measures reflects a disregard for the concerns of deep and systemic breaches to human rights and human treatment raised in recent reports. We understand there are long-standing challenges faced within the prison system, however we maintain the focus should instead be on providing rehabilitation and maintaining human dignity for all prisoners, rather than further increasing restrictions and isolation.

Decision 2b: Expansion of Solitary Confinement We are deeply concerned by proposals that expand the length of time a person within this unit can be placed in solitary confinement. This risks violating international standards on the use of solitary confinement, namely the Mandela Rules. Prolonged solitary confinement is widely recognized as a form of psychological torture, and there is overwhelming evidence of its detrimental effects on a persons physical and mental health. We urge the department to take the principles of these international rules seriously and reject any expansion of solitary confinement, especially for long-term durations. We therefore do not support any of the options given and urge Corrections to prevent any person experiencing extended periods of segregation, especially with less frequent review periods.

Decision 2c: Defining Meaningful Human Contact We are of the strong view that the definition of "meaningful human contact" is a critical measure to mitigate the harms of solitary confinement, and this should be included in legislation. We insist that there should be one standard for all people in prison, not a lower threshold for those deemed of "extreme risk." Meaningful contact should not be restricted to interactions with authorities or staff, or as a part of regular routines but must include empathetic, face-to-face communication with fellow human beings for at least two hours a day.

Decision 2d: Additional Supports for Extreme Risk Prisoners People in prison who are categorised as "extreme risk" and on long term segregation will have worse standards of living than others within the prison. This is one of the reasons we fundamentally oppose the creation of a category in the first place, however if these changes are made there must be a robust support framework to mitigate the detrimental efforts of isolation. This means all options listed should be undertaken.

We are of the strong view that these additional supports must be applied to all people within the prison, not just those in extreme risk status. If not, Corrections risk creating a perception that PERU is somewhere a person may get more access to basic things, outside of regular meaningful human contact, making it a desirable place to go for a break from their usual loud and challenging environment.

Decision 2e: Progression Plans and Rehabilitation We believe any person who is categorised as "extreme risk" are the very individuals who require the most comprehensive rehabilitative support.

We are therefore alarmed by the suggestion that being categorized as an extreme risk could hinder their access to rehabilitative opportunities.

We prefer the option of creating separate progression plans that include clear and transparent criteria for how and when a person can progress out of the “extreme risk” unit and classification. These plans should aim to facilitate the reintegration of people from the unit into society, not further isolate them from the resources and supports they need to change and reintegrate.

Section 3: Other Proposed Changes

Decision 3a: Declaration of Discrete Sites We reject the proposal to create “discrete sites” for creating and managing units such as PERU. We remain unclear on the impact this has on democratic oversight and accountability, and are concerned any expansion to a unit such as PERU will be able to be undertaken without rigorous public scrutiny and debate.

Decision 3b: Destruction of Prisoner Property The proposed extension of powers to destroy the property of people in prison is another deeply troubling measure. Such powers could lead to the destruction of property unrelated to security concerns, including personal items like letters or cultural symbols. Such powers have the potential to infringe on a person's rights of expression. We strongly oppose this proposal and call for a full examination of its potential to violate fundamental rights.

Conclusion

In conclusion, we firmly oppose the proposed legislative changes regarding the management and treatment of people designated as “extreme risk.” We are extremely concerned that these proposals continue to threaten Aotearoa New Zealand's commitment to human rights and humane treatment within our Corrections system. The Ombudsman and the Inspectorate have already highlighted the inhumane conditions of the PERU, which violate international human rights standards, and we struggle to see how a unit based around the isolation of an individual can change this.

Should these proposals move forward, we urge significant changes to ensure the clear preservation of the rights and dignity of all people in prison. The creation of a broad “extreme threat” category and focus on punitive measures including solitary confinement will only exacerbate existing issues, leading to further harm. Instead, we call for a clear commitment to rehabilitation, human dignity, and a more transparent and humane system. It is imperative that any decision-making processes and frameworks respect international human rights standards and provide people, regardless of their classification, with clear pathways for reintegration, support, and progress.

We remain resolute in our opposition to the expansion of solitary confinement, the lack of meaningful human contact, and the potential for further erosion of basic rights through the destruction of personal property. We ask that these proposals be reconsidered in favor of approaches that focus on rehabilitation, transparency, and accountability.

We thank you for the opportunity to provide feedback and hope that these concerns will be taken seriously to ensure a more just, humane, and legally compliant prison system in New Zealand.