

and responsibilities; separation from parents and family reunification; adoption, illicit transfer and non-return; abuse and neglect, physical and psychological recovery and social reintegration; basic health and welfare; children with disabilities; social security and standard of living; education, vocational training and guidance; special protection measures; and children belonging to a minority or indigenous group.

REPORTS TO TREATY BODIES

Committee against Torture

New Zealand's second periodic report (CAT/C/29/Add.4, February 1997) was considered by the Committee at its May 1998 session. The report prepared by the government covers the period from 9 January 1991 to 8 January 1995, although reference is made to more recent developments where appropriate. It contains information on, *inter alia*: the Mutual Assistance in Criminal Matters Act 1992; the protection and treatment of children and young persons in the care of the state; the Mental Health (Compulsory Assessment and Treatment) Act 1992; measures taken by the Inspectorate of the Penal Division of the Department of Justice in response to allegations of abuse of prisoners by staff at the Mangaroa Prison; the treatment of persons in psychiatric hospitals; the Health and Disability Commissioner Act 1994; the Accident, Rehabilitation and Compensation Insurance Act 1992; prosecution and sentencing under the Crimes of Torture Act 1989; the Police Complaints Authority; and the situation of refugees and asylum-seekers.

The Committee's concluding observations and comments (CAT/C/NZE) welcomed: recognition in the New Zealand Bill of Rights of the right of persons not to be subjected to torture or to cruel, degrading or disproportionately severe treatment or punishment; inclusion in the Crimes of Torture Act 1989 specific and directly enforceable provisions to prohibit acts of torture and the definition of "act of torture" in a manner consistent with article 1 of the Convention; changes in procedures for consideration of refugee applications so that the applications are now implemented by regular and not part-time staff; the provision on the clinical status of patients committed to mental hospitals, which ensures that such compulsory treatment will not violate the right to freedom of mental patients; inclusion in the training manuals of prison officers of information related to the prohibition against torture contained in the Crimes of Torture Act; and establishment of "Refugees as Survivors Centres".

The Committee expressed concern over instances of the use of physical violence by staff against prisoners in Mangaroa prison and allegations that the prisoners were molested by the guards, were not provided with medical treatment, and were deprived of food and proper places of detention. The Committee noted that while the facts — pending the results of the ongoing investigation — could not be considered as instances of torture, they already amounted to cruel and degrading treatment.

The Committee recommended that the government, *inter alia*:

- ♦ complete the investigation of the Mangaroa prison incidents and inform the Committee of the results;
- ♦ strengthen the supervision of the prisons to prevent misuse and abuse of power by personnel; and
- ♦ continue efforts to adopt the new law on extradition which would simplify the extradition procedure and permit the state to establish relations with non-Commonwealth countries, either on the basis of a treaty or without it.

Committee on the Elimination of Discrimination against Women

New Zealand's 3rd and 4th periodic reports were submitted as one document (CEDAW/C/NZL/3-4, February 1998) which was considered by the Committee at its July 1998 session. The report prepared by the government contains statistical and demographic data, as well as information on, *inter alia*: measures taken to implement the Beijing Platform for Action; the Ethnic Affairs Service (Department of Internal Affairs); the Bill of Rights Act 1990, the Human Rights Act 1993, the Domestic Violence Act 1995; measures to identify and address remaining barriers to equality; women with disabilities; equal employment opportunities, affirmative action, maternity protection; sex roles and stereotyping — family life, violence against women, sexual abuse of children; suppression of the exploitation of women; participation in political and public life; access and participation in education; women in the workforce, barriers to equality in employment; health care, the Office of the Health and Disability Commissioner, general health indicators, sexual and reproductive health; access to loans and credit, retirement income; the situation of rural women and their activities; equality before the law in civil matters; and marriage and family life, parental rights and responsibilities, property rights, family violence. The report includes, in a number of sections, commentary on the situation of Maori women.

Annex I to the report contains information on the situation in Tokelau (Arafu, Fakaofu and Nukunonu) and notes that there is nothing in the Laws of Tokelau sanctioning any kind of discrimination against women. The report acknowledges that, in practice, Tokelau society continues to be largely organized according to custom and tradition, with a clear demarcation between male and female roles — men are involved in the public domain, women are involved in domestic and family issues. The report notes, however, that since 1994 representatives of the National Women's Organization have been members of the General Fono or Parliament.

The addendum to the government's report (CEDAW/C/NZL/3-4/Add.1) refers to developments in March 1998, including: establishment by Massey University of the New Zealand Centre for Women and Leadership; the agreement between the government and the union repre-