

Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill

This submission addresses the Corrections (Management of Prisoners, and Prisoners' Property) Amendment Bill from a gender-responsive and human-rights-informed policy perspective. While the objectives of maintaining prison safety and managing high-risk individuals are acknowledged, the Bill raises significant concerns regarding proportionality, safeguards, and unintended impacts on women in custody.

Gendered Context of Women in Custody

Women in Aotearoa New Zealand's prison system are disproportionately affected by prior exposure to violence, trauma, and mental health distress. A substantial proportion have caregiving responsibilities and histories of coercive control. International and domestic evidence indicates that correctional policies designed primarily for male prison populations frequently produce adverse outcomes when applied to women without gender-responsive adaptation.

Policy settings that expand segregation powers or increase managerial discretion therefore warrant careful scrutiny to ensure they do not exacerbate psychological harm, undermine rehabilitation outcomes, or increase long-term system costs through worsened mental health and recidivism.

Expansion of Segregation Powers

The Bill expands the use of segregation while introducing minimum standards for meaningful human contact and limitations on prolonged solitary confinement. While these measures are intended to mitigate harm, evidence demonstrates that even short-term isolation can have severe psychological effects, particularly for individuals with trauma histories or pre-existing mental health conditions.

For women in custody, segregation has been associated with retraumatisation, deterioration of mental health, and reduced engagement with rehabilitative programmes. The Bill does not currently require decision-makers to explicitly assess these risks prior to segregation, creating a policy gap between stated safeguards and operational practice.

Application of Broad and Subjective Criteria

Several criteria proposed for segregation, including alleged "recruitment" or "radicalisation of others," lack sufficient definitional clarity. Broad or subjective criteria increase the risk of inconsistent application and disproportionate impact on certain groups.

There is a heightened risk that relational behaviour, collective activity, or cultural expression may be misinterpreted as risk behaviour, particularly for Māori women, who are already overrepresented in the prison population. Without culturally responsive assessment frameworks, the Bill risks reinforcing existing inequities.

Designated-Management Prisoner (DMP) Classification

The introduction of designated-management prisoner classifications raises issues of procedural fairness, transparency, and accountability. Interim determinations made by the Chief Executive may have significant consequences for conditions of confinement, yet women in custody often face systemic barriers to timely legal advice and effective review.

The Bill would benefit from clearer statutory requirements for independent oversight, accessible review mechanisms, and time-limited interim decisions to prevent prolonged or unjustified restrictions.

Policy Recommendations

To align the Bill with evidence-based correctional practice and human rights obligations, the following amendments are recommended:

- Embed mandatory gender-responsive assessment criteria in all segregation decisions, including trauma history, mental health status, and caregiving responsibilities.
- Strengthen independent oversight and review processes for segregation and DMP classifications, with clear timelines and access to advocacy support.
- Require culturally responsive decision-making frameworks consistent with Te Tiriti o Waitangi, particularly in relation to Māori women.
- Prioritise therapeutic and trauma-informed alternatives to segregation where safety permits.
- Mandate transparent public reporting on the use of segregation and DMP powers, disaggregated by gender and ethnicity.

Conclusion

While the Bill seeks to address legitimate safety concerns within the corrections system, its current form risks producing disproportionate and counterproductive outcomes for women in custody. Effective corrections policy must balance security with rehabilitation, proportionality, and long-term system sustainability. Incorporating gender-responsive and culturally informed safeguards will strengthen the Bill's effectiveness and reduce the risk of unintended harm.