Aropa Assignment 1 – sgre626

In this situation, Blake has committed a crime of supplying methamphetamine and after finishing his punishment he is now concerned at a new proposal that he will be monitored by police and will not be allowed privacy or freedom of movement during the time he is monitored.

Blake, the same as every other new Zealander has rights, including the right to privacy and the right to travel freely. In the New Zealand Bill of Rights, 1990, it states that every New Zealander has the right to freedom of movement and residence in New Zealand. Although Blake may feel he is restricted in his movement, being monitored by officials does not objectify this right of Blakes as he is not being limited in his movement but is instead just being observed.

However, all rights are established “except on such grounds as are established by law and are consistent with the principles of fundamental justice” and therefore rights can be altered depending on individual situations such as Blakes therefore such a law is possible however Blake can go to court in compliant of the law claiming there is a breach of his rights to privacy and freedom of movement in attempt to change the law.

The proposal put forward by the Prime Minister states that previous criminals “will be required to register their place of residence with the police and may be required to report to the police who will have the power to strip search them” however this does not mean that Blake will not be able to move as he pleases but instead will just be monitored as he moves as he pleases, thereby not objectifying that specific right of freedom of movement. In the statement, it also shows that police have the power to strip search ex-criminals whenever and wherever they like. This specific section of the statement is more concerning as according to the New Zealand Crimes Act 1961, police were required to have warrants or understandable means to search an individual, however all of these laws were repealed in 2012, therefore making the police being able to search Blake also legal and allowed.

Although no New Zealand laws are clearly breached in this new idea the Prime Minister has put forward, Blake does have the opportunity to go to a high or supreme court against the new laws as they are potentially against his human rights. According to the United Nations Declaration of Human Rights, every individual has the right not to be subject to degrading treatment which can be argued that a strip search is in violation of that right. Also, every human has the right to privacy which Blake can argue is being breached with being monitored by the police.

In conclusion, although according to New Zealand law, such a law is possible to be put into place, Blake could appeal this new method as a breach of his and other ex-criminal’s human rights as put forward by the United Nations in attempt to stop this law from occurring.