

**Submission from the National Council of Women of New Zealand (NCWNZ) to the Department of Labour, Interagency Working Group on People Trafficking, Consultation on a Plan of Action to Prevent People Trafficking**

NCWNZ is an umbrella organisation representing more than 46 Nationally Organised Societies and National Members. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies. The Council's functions are serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to consider this consultation Document. The response has been prepared by the Public Issues standing Committee following circulation of the questions to NCWNZ members.

**General Comments**

NCWNZ welcomes this opportunity to respond to this consultation document on a plan of action to prevent people trafficking. Although there appears to be no recent evidence of people trafficking in New Zealand some of our members expressed concern that there could be some going undetected, especially in very small houses of prostitution and if this is the case, ask how it can be regulated.

While the discussion document seems to focus on the larger organisations involved in trafficking, the 2007 NGO shadow report to United Nations Convention on the Elimination of all forms of Discrimination Against Women ( CEDAW), facilitated by NCWNZ, noted with concern on page 45:

".. about the continued exploitation of migrant women, particularly from Asia and the Pacific, who are brought to New Zealand, sometimes by deception, and made to work in the sex industry, factories or restaurants. .... Just as precarious is the situation of young women who enter the country on a visitor's visa, sponsored by a New Zealand man, with an agreement to marry him. Once married, they are often abused physically, sexually and emotionally by their husbands ... Because this exploitation is often invisible, such women are difficult to help..."

NCWNZ has been concerned about this issue. At its 2002 conference, delegates passed a resolution, 11.16.10, congratulating the government ' on ratifying the United Nations Convention against Transnational Organised Crime and its Protocols ' To Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children," and "Against Smuggling of Migrants by Land, Sea and Air". It is pleasing therefore that this discussion is now taking place.

NCWNZ believes it is sensible to have a plan of action in place because it is inevitable that it is going to have to be dealt with here at some time and it is important that women and children are given as much protection as possible to prevent harm.

**Section 1. Issues to consider in the development of a plan of action.**

**1.What other factors should be considered in the development of a plan of action to prevent people trafficking (plan of action)?**

- i. The issue that people trafficking is a crime as it involves acts of coercion, the forcible removal of people, and detaining them against their will for the purposes of making a financial profit. It may also involve violence and abuse. It is often driven by consumer demand for cheap goods, cheap labour and sexual services.
- ii. The majority of people trafficked are women and young girls so a plan of action should have a gender sensitive framework.
- iii. Because people trafficking covers multiple offences such as kidnapping and detention, rape, physical and emotional assault, and labour violations it requires a multidimensional approach that takes into account, firstly human rights violations but also gender and cultural discrimination. A plan of action should therefore develop minimum guidelines for interviewing possible victims, such as having a support person present and, especially for young girls and women, a female present while the interview takes place.
- iv. Develop separate guidelines when dealing with children that recognise the child's right to care and protection.
- v. There should be a deliberate focus on issues pertaining to human rights.
- vi. Effective and ongoing training of trafficking issues for law enforcement officials, NGOs and all who may be involved in the identification, rescue and rehabilitation of the survivors of trafficking.
- vii. Care and protection of the survivors of trafficking so that their best interests are the primary consideration in any decision making about their future.
- viii. Cooperative alliances with identified source countries in order to try to prevent incidences of trafficking.

## **Section 2 People Trafficking**

### **2. What other prevention measures could be included in a plan of action?**

- i. Effective and ongoing training for all who may be involved in the identification, rescue and rehabilitation of trafficking survivors is essential.
- ii. Public education and an effective awareness campaign regarding all aspects of trafficking for all New Zealanders. This should include signs to look for and how to have better community knowledge knowing our neighbours.
- iii. Hospitals, public health services, social welfare agencies and NGOs need to be aware and notice signs of something being wrong.
- iv. A media campaign to raise awareness.
- v. All workplaces should be inspected at regular intervals for signs of trafficking. This may need the appointment of more Labour Department inspectors

### **3. What other prosecution measures could be included in a plan of action?**

- i. Holding of passports for coercion should be illegal.
- ii. There should be strict border controls.

### **4. How should the private sector be involved in a plan of action?**

- i. There needs to be a multi-sectorial approach through the intentional linking of government bodies, NGOs, social services and other agencies. An international working relationship between all involved parties is likely to result in improved identification and protection of any possible trafficking victims.
- ii. Private employers should be given information about trafficking and there should be regulations requiring them to report any concerns about possible trafficking, provided there is adequate protection for victims.
- iii. The private sector could be engaged through business associations or bodies that business men and women join such as Lions.
- iv. Targeted training for industries through training organisations.

### **Section 3. Victims of people trafficking**

#### **5. What other protection measures could be included in a plan of action?**

- i. Information available in public places about where to go for help or to report concerns. This should also be in other languages.
- ii. A mentoring or buddy scheme could be made available at immigration
- iii. Interpreters should be available so that victims can speak for themselves.
- iv. The protection from exploitation of people who may have been brought in as illegal workers, being exposed to poor or dangerous workplace practices in horticulture with spraying, or cleaners where protective clothing is not provided.
- v. There needs to be access to counseling and the availability of skilled interpreters from their own culture.
- vi. All protection measures need to be gender sensitive.

#### **6. What other settlement measures could be included in a plan of action?**

- i. Adopting a rights-based approach where the survivors interests and well-being are promoted beyond immigration and labour issues, will offer more possibility of an appropriate response to the child or adult's needs.
- ii. Factors which should be taken into account are on-going health needs and where this can best be provided; what led to the person being trafficked; does the survivor have strong family/community support if repatriated; the likelihood of the person being trafficked again; safety within New Zealand or in the case of repatriation in the country of origin.

#### **7. How should the NGO sector be involved in a plan of action?**

- i. NGOs should be actively involved in awareness raising and safety campaigns as well as in the provision of support, reintegration, resettlement as well as the provision of safe houses. Careful consideration needs to be given to issues of funding such campaigns/support.
- ii. Provision of information about women's refuges and other agencies in Drs' waiting rooms, CABs and public places.
- iii. Training of key workers such as Family Court Coordinators, CAB workers and health professionals to recognize victims and how to help them.

#### **8. What criteria should balance the decisions about whether victims of trafficking should be returned to their home country or supported to remain in New Zealand**

- i. As stated in question 6, if the life of the victim is going to be at risk if they are returned to their home country, or if there is no support for them there, they should be supported to stay in New Zealand

#### **9 What additional factors should be measured to evaluate the effectiveness of a plan of action?**

- ii. The monitoring and control of people trafficking should not be so restrictive that they impinge on the rights of the population.
- iii. Monitoring of immigration officials to make sure that they are not breaching the rules

#### **10. Other comments**

- i. Concern was expressed by some members about forced organ donation and how this can be monitored.
- ii. There is also concern about mail-order brides and anecdotal evidence of this happening.
- iii. The recent example of the 39 Indian nationals entering New Zealand as the apparent result of a scam could come within the ambit of trafficking.
- iv. Aid from less developed countries in the Pacific is a positive way to reduce the chances of trafficking as trafficking can happen between countries with disparate economies.
- v. One member cited an instance of a person begging and wondered if she had been coerced. Where does one go with these concerns?

**Conclusion**

NCWNZ would encourage more focus on a rights based approach to trafficking especially for victims/survivors, rather than a narrower focus on issues of border security and immigration. Perhaps there needs to be increased efforts to measure the extent to which foreign women and children under the age of 18 may fall victim to sex trafficking and to prosecute and convict those who profit from this trade.

Members hope that the Plan of Action will be able to reflect not only enforceable protocols to prevent the larger organisational trafficking incidents but also the smaller, individual occasions when people, particularly women and young girls are put at risk.

Thank you for the opportunity to participate in this discussion.

Christine Low  
**National President**

Joan McDonald  
**Public Issues Standing Committee Convener**