



**Ministry of Business,
Innovation & Employment**

2 July 2013

Nicolai Thomson
fyi-request-840-e926db92@requests.fyi.org.nz

File No: 13/02770

Dear Nicolai Thomson

I refer to your official information request dated 23 May 2013. Requesting:

- *All subsequent information on the progress made on the implementation of the Plan of Action to prevent people trafficking since the annual report on progress made in 2010.*

I attach a copy of the briefing materials which are covered by your request. Some information within the briefing materials has been withheld under the following provisions of the Official Information Act 1982 (the Act):

- section 6(a) – to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
- section 9(2)(a) – protect the privacy of natural persons, including that of deceased natural persons

If you wish to discuss any aspect of this response, or if you require any further assistance, please contact Benoit Lamy, Policy Advisor at benoit.lamy@mbie.govt.nz.

You have the right under section 28(3) of the OIA to make a complaint to the Ombudsman about this response, whose address for contact purposes is:

The Ombudsman
Office of the Ombudsman
PO Box 10-152
Wellington 6143

Yours sincerely

Scott McHardy
Manager, International Strategy and Partnerships
Trade and International Environment
Ministry of Business, Innovation and Employment



AIDE MEMOIRE

MINISTER	PORTFOLIO	DEADLINE
Hon Dr Jonathan Coleman	Minister of Immigration	15 October 2010
Action sought	For your information	
Title	PEOPLE TRAFFICKING - AWARENESS RAISING MATERIAL	
Date	13 October 2010	
Security	N/A	
Copied to	Hon Kate Wilkinson, Associate Minister of Immigration	
For referral to	N/A	
Agencies consulted	N/A	
Contact information	S 3(2)(a) Business Advisor, Border Security Support	DDI: S 9(2)(a) MB: N/A
Authorising manager	Glenys Robinson Group Manager, Border Security Group	DDI: 04 915 6599 MB: S 9(2)(a)
Tracker number	10/98013	

Minister's comments

Minister's feedback	Very Poor	Poor	Neutral	Good	Very Good
Quality of advice	1	2	3	4	5
Writing style	1	2	3	4	5
Quality of analysis	1	2	3	4	5
Completeness of Information	1	2	3	4	5



10/98013

13 October 2010

Hon Dr Jonathan Coleman, Minister of Immigration
cc Hon Kate Wilkinson, Associate Minister of Immigration

PEOPLE TRAFFICKING - AWARENESS RAISING MATERIAL

Purpose

- 1 This paper informs you of the Department of Labour's (the Department) proposed release of material to raise public awareness on people trafficking.

Background

- 2 One of the objectives of the New Zealand Government's *Plan of Action to Prevent People Trafficking* is to raise public awareness of people trafficking crimes. This work has been led by the Department, in consultation with the Interagency Working Group on People Trafficking.
- 3 The Department has developed awareness raising material designed specifically for members of the public and possible trafficking victims. Using a variety of media, the Department aims to convey the following information and key messages:
 - Examples of indicators of people trafficking, to help the public or potential victims identify a trafficking situation if they come across one (or are currently in one).
 - Contact details for those needing help and for people to report possible trafficking or other suspicious activity.
 - To encourage people to seek help for themselves (or others) by reinforcing that those who approach the authorities will be protected, not punished.

Material for release

- 4 Extensive consultation with the Department's Legal team, External Communications and other internal stakeholders was undertaken in developing the material for this awareness raising campaign.
- 5 Representatives from the Interagency Working Group on People Trafficking were also consulted and have approved the release this material, which includes:

Brochures (Appendix A)

- These have been translated into Chinese, Malaysian, Tongan, Samoan and Vietnamese to reach a wider audience. Non-government organisation contacts and other service providers have agreed to help distribute these brochures.

Website (Appendix B)

- The Department will publish a people trafficking webpage, which will be made available through the Immigration New Zealand website as soon as possible.

Media release (Appendix C)

- This will be sent to key news media nationwide and to community newspapers in target areas, as selected by the Department's External Communications team.
- 6 It is anticipated that the Department will be able to disseminate the above information before 31 October 2010.

Recommendation

I recommend that you:

- 1 **Note** the contents of this memorandum

Noted



Glenys Robinson
Group Manager
Border Security Group
for Secretary of Labour

Hon Dr Jonathan Coleman
Minister of Immigration

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RELEASED UNDER THE OFFICIAL INFORMATION ACT

TRAFFICKING DO YOU NEED HELP?

The New Zealand Police and
Immigration New Zealand will help you.

Contact your local Police or
Crimestoppers on 0800 555 111, or visit
www.immigration.govt.nz/peopletrafficking



ARE YOU IN A TRAFFICKING SITUATION?

Ask yourself:

- Is someone withholding your passport or money?
- Are there locks on your doors or windows to stop you from leaving?
- Do you need to ask permission to eat / sleep / go to the bathroom?
- Do you have no time off (e.g. to shop and see a friend)?
- Are you being paid too little money or none at all?
- Are you being forced to work to pay off a debt?
- How would your family react if they found out you were in a situation like this? Would you be deported or in any way not cooperate?

If you answered **yes** to any of these questions, you could be in a trafficking situation.

REPORT IT

People trafficking is a violation of human rights – don't ignore it.

- You can report a trafficking situation:
 - to your local Police or Crimestoppers (outside of hours)
 - to Immigration New Zealand (if you are not a citizen)
 - to the New Zealand Police and Immigration New Zealand (if you are a citizen)
 - to the New Zealand Police and Immigration New Zealand (if you are a New Zealand resident)
 - to the New Zealand Police and Immigration New Zealand (if you are a New Zealand citizen)
 - to the New Zealand Police and Immigration New Zealand (if you are a New Zealand resident)
 - to the New Zealand Police and Immigration New Zealand (if you are a New Zealand citizen)

If you recognise these indicators, contact your local Police or Crimestoppers on 0800 555 111, or visit www.immigration.govt.nz/peopletrafficking

0800 555 111

TỆ NẠN BUÔN NGƯỜI

BẠN CÓ CẦN SỰ GIÚP ĐỠ GÌ KHÔNG?

Cơ quan Cảnh sát New Zealand và Cơ quan Nhập cư New Zealand sẽ giúp đỡ bạn.

Xin bạn vui lòng liên hệ với sở cảnh sát sơ tại hoặc Cơ quan phòng chống tội phạm tại số 0800 555 111 hoặc vào thăm trang www.immigration.govt.nz/people/trafficking

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BẠN CÓ ĐANG Ở TRONG TAY BẠN BUÔN NGƯỜI?

Hãy tự hỏi bản thân mình:

- Có ai đó đang chiếm giữ hộ chiếu hay tiền bạc của bạn?
- Có ai đó khoá cửa ra vào hay cửa sổ để ngăn bạn không được đi lại ra ngoài?
- Bạn có phải xin phép ai khi muốn ăn/ngủ/đi vào nhà vệ sinh?
- Bạn không có khoảng thời gian trống nào để mua sắm hay hoà mình với mọi người?
- Bạn được trả quá ít lương hay không được trả tí lương nào?
- Bạn có bị ép buộc làm việc để trả nợ?
- Bạn hay gia đình bạn đã bị đe dọa (bằng bạo lực, bỏ tù hay trục xuất) nếu bạn không chịu hợp tác bao giờ chưa?

Nếu bạn trả lời **có** cho bất cứ câu hỏi nào trong số các câu hỏi này, xin vui lòng tìm kiếm sự giúp đỡ từ sở cảnh sát địa phương.

HÃY BÁO CÁO VỀ NHỮNG TÌNH TRẠNG NÀY

Tệ nạn buôn người vi phạm quyền con người – xin đừng bỏ qua những dấu hiệu về tệ nạn này

Một người có thể cần sự giúp đỡ nếu họ:

- Sinh sống tại nơi làm việc của họ (hãy để ý xem có khoá ở bên ngoài cửa ra vào)
- Có những lời phát biểu hoặc câu chuyện 'đã được luyện tập'
- Không có tiền bạc hay bất cứ một giấy tờ nhận dạng cá nhân nào (bị chiếm giữ hộ chiếu)
- Làm việc nhiều giờ và/hoặc không có chút thời gian trống nào
- Được nói thay hoặc quan sát bởi một 'vệ sĩ' hoặc 'phiên dịch'
- Có những sợ hãi bất bình thường đối với người sử dụng lao động hoặc chính quyền
- Có những biểu hiện lời thôi về sức khoẻ tinh thần và thể chất (có thể đang mắc bệnh nghiện rượu hoặc ma túy hoặc hay tư hành hạ bản thân)

Nếu bạn nhận ra những dấu hiệu này, xin vui lòng liên hệ với sở cảnh sát địa phương hoặc cơ quan phòng chống tội phạm tại số 0800 555 111 hoặc vào thăm trang www.immigration.govt.nz/people/trafficking

AUMAI FAATOGAFITI TAGATA O E MOOMIA SE FESOASOANI?

O le a fesoasoani atu Leoleo ma le Ofisa
o Femalagaiga a Niu Sila ia te oe.

Faafesootai le ofisa o Leoleo i lou vaipanoa
poo le Crimestoppers i le 0800 555 111, pe asias
i le www.immigration.govt.nz/peopletrafficking

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NA AUMAI FAATOGAFITI OE (TRAFFICKING)?

Fesili ifo ia te oe lava:

- O laofiofi e se isi lou tusifolau poo ni au tupe?
- O loka loka e se tasi faitotoa ma faamalama o lou fale ina ia lē mafai ona e alu ese i fafo?
- O tau faanoi lau 'ai / lau moe / lou alu i le fale laele?
- Po ua leai se taimi e te saoloto ai, e te alu ai e fai sau faatau ma se'i e eva?
- E laiti se tupe o totogi ai oe, poo le matua leai lava o sou totogi?
- Poo faamalosia oe e te faigaluega e totogi ai aitalafu?
- Pe na faafefe oe poo lou aiga (i ni sa'aga, pe ave i le falepipipi pe toe tipoti i lou atunuu) pe e se ie lolo mai i ni faatonuga?

Afai o le **foe** lau tala miso nei fesili, ia e sa'ito mo se fesoasoani mai Leoleo i lou vaipanoa.

LIPOTI I AI

O le aumai faatoga'iti o tagata i totonu o se atunuu o le solia lera o aiā tatau a tagata – aua e te faalēano i ai.

E ono menaomia e se tagata se fesoasoani pe afai o loo latou

- Nonofo i o latou fale faigaluega (vaai mo ni loka i faitotoa i le pito i fafo)
- E faaleilai soo e latou faapuga ma tala o faamatala
- E leai se tupe poo se isi lava mea e ono faailoa ai poo ai tatau (ID) (ua taofi te tusifolau)
- E tumu taimi e faigaluega ai as leai ni taimi malolo
- E ka'ua faapua o loo vaavaiia e se 'faafefe' poo se 'faailuupu'
- E matautia le fafefe i o latou puie i galuega ma soo se tasi totogi puie
- E afai mai faailoga o se tasi ua lafuera i ona faalagolaga ma lona malolo na faaletino (atunuu o se mea ni faanoga sese poo ia faaleagaina o ia lava)

Afai e te mātāuina nei ituaiga tulaga, ia faafesootai
Leoleo poo le Crimestoppers, o loo galulue i lou
vaipanoa i le 0800 555 111, pe asiasi i le
www.immigration.govt.nz/peopletrafficking

人口贩卖 需要协助?

新西兰警方和移民局会提供协助。

请联系你当地的警察或犯罪打击组织
(Crimestoppers), 电话号码为: 0800 555 111,
或者访问网站:
www.immigration.govt.nz/peopletrafficking

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你是否处于被贩卖的处境?

你是否有以下情形:

- 是否有人扣留了你的护照或财物?
- 是否有人在你的门窗上加锁防止你外出?
- 吃饭、睡觉或上厕所是否需要请示批准?
- 是否不准请假休息, 如不准外出购物或活动?
- 工作报酬是否少的可怜或根本没有报酬?
- 是否被迫工作抵债?
- 你或你的家人是否受到暴力、监禁或遣返等威胁?

以上任何一种情形, 如果你的答案为“是”, 请寻求本地警方协助。

举报

人口贩卖属侵犯人权的违法行为, 切勿姑息养奸。

如果发现有人存在以下情形, 请举报:

- 居住在住所场所 (查看门外面是否有锁)
- 对外陈述和谈话都有统一口径
- 没有钱或在住身份证件 (护照被扣压)
- 工作时间很长和/或没有任何休息时间
- 有“保护”或“翻译”同行并代为发言
- 对雇主和官方机构异常怨恨
- 精神或身体健康受到忽视
(可能是药物滥用或自我伤害所致)

若发现以上迹象, 请联系你当地的警察或犯罪打击组织
(Crimestoppers), 电话号为: 0800 555 111 或访问网站:
www.immigration.govt.nz/peopletrafficking

PEMERDAGANGAN ANDA PERLUKAN BANTUAN?

Pihak Polis New Zealand dan Imigresen
New Zealand sedia membantu anda.

Hubungi pihak polis atau Pencegah Jenayah
(Crimestoppers) tempatan anda di talian
0800 555 111, atau layari
www.immigration.govt.nz/peopletrafficking

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ADAKAH ANDA TERLIBAT DALAM KES PEMERDAGANGAN?

Tanya diri anda:

- Adakah sesiapa menahan pasport atau wang anda?
- Adakah pintu atau tingkap anda dikunci untuk menghalang anda daripada keluar?
- Adakah anda perlu mendapatkan kebenaran untuk makan / tidur / pergi ke bilik air?
- Adakah anda tidak dibenarkan mengambil cuti misalnya untuk pergi membeli-belah atau bergaul dengan orang lain?
- Adakah anda dibayar hanya sedikit wang ataupun langsung tidak dibayar?
- Adakah anda dipaksa bekerja untuk membayar hutang anda?
- Adakah anda atau keluarga anda dancam (dengan keganasan, hukuman penjara atau deportasi) sekiranya anda tidak bekerjasama?

Jika anda menjawab **ya** kepada mana-mana soalan ini, dapatkan bantuan dan pado pihak Polis tempatan anda.

LAPORKAN

Pemerdagangan orang merupakan suatu pelanggaran hak asasi manusia – jangan abaikannya

Seseorang mungkin memerlukan bantuan jika mereka:

- Menginap di tempat kerja mereka (perhatikan sama ada pintu **dikunci dari luar**)
- Mempunyai kenyataan dan cerita yang telah 'dusun atur'
- Tidak mempunyai wang atau apa jua bentuk IT (pasport ditahan)
- Bekerja bagi jangka masa yang panjang dan / atau tidak diberikan cuti
- Tidak diberi peluang bercakap sendiri dan diperhalikan oleh 'pengiring' atau 'penterjemah'
- Mempunyai perasaan takut yang luar biasa terhadap majikan dan pihak berkuasa
- Menunjukkan tanda-tanda kesihatan yang terbiar dari segi mental atau fizikal (mungkin berpunca daripada salah guna bahan atau tindakan membahayakan diri)

Jika anda telah perhatikan penunjuk-penunjuk ini, sila hubungi pihak Polis tempatan atau Pencegah Jenayah (Crimestoppers) di talian 0800 555 111, atau layari www.immigration.govt.nz/peopletrafficking

KO E FETUKU HOLO MO HONO TAUHI FAKAMALOHI'I 'O HA KAKAI

'OKU KE FIEMA'U HA TOKONI?

'E tokoni'i koe 'e he Potungāue Polisi' pea mo e Potungāue Fefolau'aki 'a Nu'usila' ni.

Fetu'uaki ki he 'api Polisi ofi' tahā pe ko ho'o telefoni ta'etotongi ki he Crimestoppers' he 0800 555 111 pe 'a'ahi ki he uepisaiti www.immigration.govt.nz/peopletrafficking

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'OKU FETUKU HOLO MO TAUHI FAKAMALOHI'I KOE 'E HA TAHA?

Ko e hā ha'o tali ki he ngaahi fehu'i ni:

- 'Oku puke 'e ha taha kehe ho'o paasipooti' pe ko ha'o pa'anga?
- 'Oku kokoloka'i 'a e ngaahi matapā mo e matapā teke' ke ta'ofi 'aki ho'o foinga 'alu pe mavahe?
- 'Oku fiema'u ke ke poaki ke ke kai/mohe ae 'alu ki falematolō?
- 'Oku 'ikai' 'oatu ha fangamālie ke ke 'alu 'o fai ha'o fakatau pe 'eva?
- 'Oku si'isi'i fau 'a e pa'anga 'oku 'oatu ma'au' pe 'ikai' 'oatu ha pa'anga ia kiate koe?
- 'Oku fakamāloh'i koe ke ke ngāue ke tolongi tāpuni ha mo'ua pa'anga?
- Kuo 'osi fakamanamana' koe mo ho fānā (ko taah, fakahū pilisone pe tipooti pe fakafoti fakapu o'anga) kapau 'e 'ikai' ta ke fō ki he 'enau fiema'u

Kapau 'oku ke toli 'to ki ha ni' ni 'o e ngaahi fehu'i' ni, oia ke kua tokoni ki he 'api Polisi ofi' taha'

TALA KE FAI HA 'ILO KI AI

Ko hono fetuku pe tauhi fakamāloh'i 'o ha taha, ko hono maumau'ia 'a 'enau totonu fakaetangata' – kōia ai 'oua' fe tuku ta'e fai ha ngāue ki ai.

- Iava ke fiema'u tokoni ha paha 'i kapau
- 'Oku ne hō'i' pe ho' fōtu a 'ohi' ngāue ai' (fakawāse pe 'oku 'oka'i' ki taha 'a e ngaahi matapā)
- 'Oku ngāi' na e 'aki' mō'ā'ose 'a' 'a' e ngaahi fakatā'ani' pea mo 'one' tā'anga
- 'Iava mo ha pa'anga pe ko na fōunga (W) ke 'ava ke 'e' papau' ko ko ha' 'i' (kua 'osi' fō'ae' 'e' ni' paasipooti)
- Ngāue ho' 'ā'ae' kō'oni' pe oia 'ikai' ha' 'ā'ae' 'ā'ae'
- 'a' fō'ua' pe 'e' ma' 'aki' na tokotaha fakatōhū'ā' pe 'si'ia' 'a' na fakafō'ā' pe ko ha' 'okotaha fakatōhū'ā'
- Tokotaha 'oku' hū'ā' hō'i' mā'avanā' mo 'i' fa' ki ha tokotaha 'oku' ngāue' 'a' pe ko e ngaahi potungā'ā' ni' ni' mā'ā'
- Fō'unga 'ā'ae' 'oku' hō'i' o' fangara'ā' fakatā'ani' oia mā'amanaki' ngāi' ngāue' 'aki' 'a' e 'ava' mā'ā'ā' ni' ni' fa' 'o' kua' tā'ani' pe 'oku' na' fakawāse' i' pe' ta'

Kapau 'oku ke fakatōkanga' 'a e ngaahi faka'ilonga ni, fetu'utaki mo e 'api Polisi ofi' taha' pe telefoni ta'etotongi ki he Crimestoppers 0800 555 111 pe vakai ki he uepisaiti www.immigration.govt.nz/peopletrafficking



PLAN OF ACTION TO PREVENT PEOPLE TRAFFICKING

1. What is 'people trafficking'?

People trafficking can be described as modern-day slavery.

It involves the forced exploitation of a person and can take many forms, the most common being forced labour and/or sexual servitude (e.g. forced prostitution).

Trafficking victims are often deceived into believing that they are coming to a country for a legitimate purpose.

For example, traffickers may advertise false or misleading job offers to recruit potential victims. Once in the country, their passport may be taken from them and their movements are restricted.

People trafficking often involves debt bondage, where people are forced to work for little or no money and under poor conditions to repay perceived debt. They are treated as commodities and profit is made from their ongoing exploitation.

If you are in an exploitative situation or you know someone who is, contact your local Police. The New Zealand Police and Immigration New Zealand are here to protect, not punish victims of crime.

Trafficking and Smuggling – what is the difference?

People often confuse people smuggling with people trafficking.

Both are profitable businesses involving the movement of human beings across borders and both have links to organised crime.

The key difference is once across the border:

- **Smuggled people** generally disappear into a community where they have prior connections (such as friends or family) and work illegally.
- **Trafficked people** remain under the control of their traffickers, with threats and violence to ensure compliance.

While a trafficked person may consent to crossing a border illegally, this does not mean they consent to their subsequent forced exploitation.

- Legal or illegal border crossing
- Legal or illegal documents – withheld from the person
- Controlled – by coercion, threats, fraud or deception
- Profit from exploiting victim – ongoing
- Violation of human rights – exploitation-based

- Illegal border crossing
- Illegal documents – false or stolen for the person
- Voluntary – person is not controlled by smuggler
- Profit from moving people – ends at border
- Violation of the border – transportation-based

2. What is the Government doing?

The New Zealand Government recognises how serious this crime is and in July 2009 released its *Plan of Action to Prevent People Trafficking*.

You can read about the Plan of Action on the Department of Labour website:

<http://www.dol.govt.nz/publications/research/people-trafficking/people-trafficking.pdf>

The principles of the Plan of Action are to:

- **PREVENT** people trafficking
- **PROTECT** the human rights of victims of trafficking
- **PROSECUTE** people trafficking offenders

The Government is committed to **helping and protecting** any identified victims of trafficking.

This includes providing for their physical safety, as well as ensuring they have a suitable immigration status.

A lawful immigration status would allow a victim to remain in New Zealand to access any health services and social assistance needed to assist in their recovery.

Onshore work

Because people trafficking relates to various facets of government, New Zealand's response is best prepared through an inter-agency approach. For this reason, the Inter-agency Working Group (Working Group) on People Trafficking was established in 2006 to coordinate the work now set out in the Plan of Action.

The Department of Labour leads the Working Group, which comprises:

The Department of Prime Minister and Cabinet, the Ministries of Foreign Affairs and Trade, Justice, Social Development, Women's Affairs, Health, the New Zealand Police and the New Zealand Customs Service.

The key action items of the Working Group are to:

- Implement training and raise awareness of people trafficking
- develop policies to deliver comprehensive support and assistance to any identified victims
- implement measures to empower victims to participate in the criminal justice process against their traffickers.

International engagements

The New Zealand Government leads or participates in various international forums on people trafficking, such as the Ball Process on People Smuggling, Trafficking and Related Transnational Crime, and the Pacific Immigration Directors Conference.

New Zealand also engages with other governments through the Five Country Conference, International Organisation for Migration, United Nations High Commission for Refugees and other relevant forums on people trafficking issues.

New Zealand border agencies also continue to coordinate projects in the Pacific. These agencies work closely together to manage and deliver initiatives with Pacific island countries to build their capability to combat transnational crimes.

The Ministry of Foreign Affairs and Trade (through its international aid programme) also provides funding annually to United Nations anti-trafficking efforts.

3. Punishing Traffickers

New Zealand has comprehensive legislation to prosecute people trafficking offences, with severe penalties.

Penalties for people trafficking (and associated offences) as at August 2010 are:

Under the Crimes Act 1961

- Section 98D - participation in an organised criminal group, smuggling migrants, and trafficking in persons by means of coercion or deception (via entry into New Zealand or while in New Zealand). Punishable by imprisonment for up to 20 years and/or a fine of up to \$500,000.
- Section 98AA - dealing in people under 18 years old for sexual exploitation, removal of body parts or engagement in forced labour. Punishable by imprisonment for up to 14 years.

Under the Immigration Act 1987

- Section 39A - offence for an employer to exploit people (not legally entitled to work) by hindering or preventing that person from leaving employment or leaving New Zealand. Punishable by a fine of up to \$100,000 and/or a prison term of up to seven years.

The penalties for trafficking offences are severe – they are comparable to the penalties for murder and rape under New Zealand law.

4. Help for Victims

People trafficking is a violation of human rights.

You may be in a trafficking situation if your employer threatens to report you to the authorities or if you are threatened with violence, jail or deportation if you do not cooperate with your employer or try to leave their control.

If you are a victim of trafficking, you will be allowed to remain in New Zealand at least temporarily so your immediate welfare needs can be addressed. Your safety and wellbeing is a high priority for the New Zealand Government. Immigration New Zealand may then consider a longer-term immigration solution for you.

You will not get in trouble if you come forward. Authorities such as the New Zealand Police and Immigration New Zealand will help you.

Indicators of a trafficking situation:

- Is someone withholding your passport and money?
- Are there locks on your doors or windows to stop you from leaving?
- Do you need to ask permission to eat / sleep / go to the bathroom?
- Do you have no time off - e.g. to go shopping and socialise?
- Are you being paid too little money or none at all?
- Are you being forced to work to pay off debt?
- Have you or your family been threatened (with violence, jail or deportation) if you do not cooperate?

If you answered **yes** to any of these questions, seek help from your local Police.

View this information in:

(Links to translated brochures – to be added later)

Chinese
Malay
Vietnamese
Samoan
Tongan

CONTACT

- Contact your local Police for help:
<http://www.police.govt.nz/district/phonebook.html>

Or in the case of an emergency, call 111

Alternatively, to report a case **anonymously**:

- Call Crimestoppers on 0800 555 111

Or complete an online Crimestoppers form

<https://secure.crimestoppers-uk.org/ams.form.anonymous.asp>

5. Report it

Would you recognise indicators of trafficking? How would you know if the person in front of you is a victim who needs help?

Trafficked persons are often subjected to psychological and physical abuse. The victim or their family may be threatened if they try to leave or do not cooperate.

As they are often in the country unlawfully, victims are unlikely to seek help from authorities. This makes them extremely vulnerable to continued exploitation.

Some victims may also have an inherent distrust of authorities (due to possible corruption in their home countries) and may be more likely to approach a non-government organisation or service provider for help.

Frontline staff from healthcare providers, for example, or any member of the public may also come across a victim. For these reasons people need to be aware of the warning signs and report any suspicious activity to the local Police.

The New Zealand Government is committed to ensuring that workers are not exploited and human rights are protected at all times.

A person may be a victim of trafficking if they:

- Live at their place of work (look for locks on the **outside** of doors)
- Have 'rehearsed' statements and stories
- Do not have money or any form of ID (passport withheld)
- Work long hours of work and / or have no time off
- Are spoken for and observed by an 'escort' or 'translator'
- Have an unusual fear of their employer and authorities
- Show signs of neglected mental or physical health (possible substance abuse or self-harm)

If you recognise these indicators or have any concerns, contact your local Police.

View this information in:

(Links to translated brochures - to be added later)

Chinese

Malay

Vietnamese

Samoan

Tongan

- Call Crimestoppers on 0800 555 111 (can be **anonymous**)

Or complete an online form:

<https://secure.crimestoppers-uk.org/ams.form.anonymous.asp>

- Alternatively, contact your local Police:
<http://www.police.govt.nz/district/phonebook.html>

Or in the case of an emergency, call 111

6. Resources

Pacific Trafficking in Persons Forum

Department of Labour staff presented at the Pacific Trafficking in Persons Forum in Wellington in September 2009. The forum was co-hosted by the Australian Institute of Criminology, the Salvation Army and the Pacific Immigration Directors Conference, and provided an opportunity for key stakeholders to discuss issues such as the causes of people trafficking and the capacity of governments to respond in the Pacific region.

Other speakers at the forum included representatives from government agencies and non-government organisations including immigration, human rights, customs and other businesses both onshore and offshore. The diversity of attendees led to a robust exchange of views and ideas to combat people trafficking crimes.

View the Department of Labour presentation [here](#).

US Trafficking in Persons (TIP) Report

New Zealand has maintained a Tier 1 status in the latest US TIP report published in July 2010. This means that New Zealand fully complies with the minimum standards of the Trafficking Victims Protection Act of 2000.

To learn more about the TIP report, and to view the reports from previous years visit <http://www.state.gov/g/tip/ris/tiprpt/index.htm>

You can also view the:

- [New Zealand extract](#) (listed alphabetically) from the 2010 US TIP report
- [Tier placements](#) for other countries for 2010

The New Zealand Plan of Action to Prevent People Trafficking

In July 2009 the New Zealand Government released its *Plan of Action to Prevent People Trafficking*. The Plan of Action represents a proactive response to enhance the ability of authorities to prevent, detect and combat the threat of people trafficking crimes occurring in New Zealand. The Plan will also assist the Government to prepare in a coordinated and transparent manner for any cases that may arise.

For more information on the New Zealand Government's anti-trafficking initiatives, please contact: bssg@dol.govt.nz

Links to International Organisations:

- Bali Process on People Smuggling, Trafficking and Related Transnational Crime (Bali Process)
- Pacific Immigration Directors Conference (PIDC)
- United Nations Office on Drugs and Crime (UNDOC)
- International Organisation for Migration (IOM)
- United Nations Human Rights – Office of the High Commissioner for Human Rights (OHCHR)
- United Nations Refugee Agency – High Commission for Refugees (UNHCR)
- International Labour Organisation (ILO)
- United Nations Children Fund (UNICEF)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

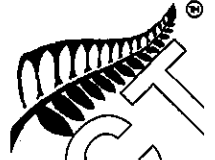
IMMIGRATION MEDIA RELEASE

PREPARED BY:	§ 9(2)(a) § 5(2)(a) § 9(2)(a)	
APPROVED BY:		SERVICE DELIVERY
	GLENYS ROBINSON	BORDER SECURITY
		SERVICE DESIGN
		REFUGEE & MIGRANT SETTLEMENT
		POLICY
		STRATEGIC SUPPORT
		LEGAL
SIGNED OFF BY:	NIGEL BICKLE	
DATE SIGNED OFF:	27.08.10	

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**IMMIGRATION
NEW ZEALAND**

A SERVICE OF THE DEPARTMENT OF LABOUR



MEDIA RELEASE

xx September 2010

Immigration NZ raising awareness of possible people trafficking

The Immigration service of the Department of Labour has begun a campaign to make people more aware of potential people trafficking, with brochures in various languages and a website identifying possible indicators of trafficking and urging people to report it.

Immigration NZ (INZ) head Nigel Bickle says New Zealand has no evidence of people trafficking but has to be alert to the possibility of it

The awareness campaign is part of a joint government agency Plan of Action to Prevent People Trafficking that was released in July 2009. Other agencies working with the Department of Labour are the Department of Prime Minister and Cabinet, Police, Customs, and the Ministries of Foreign Affairs and Trade, Justice, Social Development and Health.

Mr Bickle says people trafficking is modern day slavery, most commonly as forced labour and/or sexual servitude.

"Trafficking victims are often deceived into believing that they are coming to a country for a legitimate purpose. Once in the country their passport may be taken away from them and their movements are restricted. They are treated as commodities and profit is made from their forced ongoing exploitation."

Mr Bickle says allegations made to INZ of people trafficking have been investigated fully – reflecting the serious nature of the crime – but none have been substantiated.

"Nevertheless, we have to be on the alert for this happening, hence this campaign to raise awareness among the general public and especially among healthcare and other service providers who may come across people trafficking in their everyday work."

A brochure outlining the possible signs of people trafficking has been printed in five languages – English, Samoan, Tongan, Vietnamese and Chinese – and is being distributed to community groups, government agencies and organisations such as the Prostitutes Collective and Citizens Advice Bureau.

Mr Bickle says indicators of possible people trafficking include:

- A person's passport or money being withheld
- Locks preventing a person leaving a premises
- Long hours with no time off to go shopping or socialise
- Little or no pay
- Permission being needed to eat, sleep or go to the bathroom
- A person being spoken for and observed by an 'escort' or 'translator'
- Unusual fear of an employer and authorities
- Signs of neglected mental or physical health
- Rehearsed statements or stories
- Being forced to work to pay off debt
- Threats of violence in the event of non-cooperation.

The brochures and the website encourage anyone with a suspicion of people trafficking to contact their local Police or, if they wish to remain anonymous, to call Crimestoppers on 0800 555 111.

Mr Bickle says the Department of Labour has made good progress on people trafficking matters since the Plan of Action was released. This has included:

- Awareness raising among INZ frontline staff
- Development of a Victims of Trafficking Immigration Policy
- Training in victim-sensitive interviewing techniques
- People trafficking profiles to help staff detect fraud or suspicious indicators in visa applications for potential victims.

The Plan of Action is available at:

<http://www.dol.govt.nz/publications/research/people%2Dtrafficking/>

Further information on people trafficking, including a summary of the Plan of Action and possible indicators of trafficking is available on the INZ website: [http://www.immigration.govt.nz/people trafficking](http://www.immigration.govt.nz/people%2Dtrafficking)

ENDS

For further information contact the DoL media line on 0274 422 141 or e-mail media@dol.govt.nz



Ministry of Business, Innovation & Employment

Ministry of Business, Innovation and Employment Aide Memoire: MEETING WITH THE DEPUTY CHIEF OF MISSION, MARIE DAMOUR, UNITED STATES EMBASSY

Date Sent:	26 February 2013	Tracker No:	13/00788
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Action Sought

	Action Sought	Deadline for Action
Minister of Immigration (Hon Michael Woodhouse)	Note the attached information	N/A

Agencies Consulted (include contact where relevant)

N/A

Contact for Telephone Discussion (if required)

Name	Position	Telephone		1st Contact
Phillipa Guthrey	Manager, Immigration International	04 915 6292 (wk)	s 9(2)(a)	
Rob Stevens	General Manager, Service Support	04 915 6209 (wk)	s 9(2)(a)	✓
Nigel Bickle	DCE, Immigration	04 915 6596 (wk)	s 9(2)(a)	

Minister's Office Actions (if required)

Note in advance of your meeting on 27 February
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Enclosure: No

Minister's Comments

**Ministry of Business, Innovation and Employment Aide Memoire:
MEETING WITH THE DEPUTY CHIEF OF MISSION, MARIE DAMOUR,
UNITED STATES EMBASSY**

1. This aide memoire provides you with information to prepare you for your meeting with the Deputy Chief of Mission, Marie Damour, from the United States Embassy. You will meet Ms Damour on Wednesday 27 February at 6:30pm and your office will advise you of the venue.

Invitation to the "Prevent People Trafficking Conference 2013"

2. Ms Damour is likely to discuss the United States' invitation for you to participate in the Prevent People Trafficking Conference 2013 to be held April 11-12 in Auckland (**Appendix A**). The invitation was originally sent to the Minister of Labour, but was transferred to you, as the responsibility of people trafficking issues in New Zealand falls within the portfolio of the Minister of Immigration.

Previous forums

3. The first Pacific Trafficking in Persons Forum was held in June 2009 in Wellington. It was hosted by the Salvation Army, the Pacific Immigration Directors' Conference and the Australian Institute of Criminology (AIC). The forum was opened by s 9(2)(a). Officials from the Ministry of Business, Innovation and Employment (MBIE) spoke at this forum. They presented on New Zealand's Plan of Action to Prevent People Trafficking (Appendix B) and a case study of people trafficking in the Pacific.
4. The second Pacific Trafficking in Persons Forum – The Inconvenient Truths was held in December 2011 in Wellington. It was hosted by the Salvation Army New Zealand, HAGAR NZ, and End Child Prostitution and Trafficking (ECPAT). The forum was opened by s 9(2)(a) the Salvation Army. MBIE officials presented on the government's anti-trafficking initiatives and its response to the issues surrounding Foreign Charter Vessels. Representatives from the New Zealand Customs Service and the New Zealand Police also attended this forum.
5. Other attendees at these previous forums ranged from NGOs, academics, researchers and representatives from the United States Embassy, United Nations and international organisations. The media has not been invited to these previous forums. MBIE has not been able to confirm whether media will be present at this upcoming forum in April 2013. MBIE officials have also agreed to speak at this upcoming forum, though the presentation topic is still to be determined.

US Relationship

6. United States officials attended the previous forum and are expected to attend this upcoming forum. Ms Damour spoke at the the second Pacific Trafficking in Persons Forum – The Inconvenient Truths. She gave a presentation on the Trafficking in Persons Report (TIP) 2011, New Zealand Country Narrative. MBIE recently responded to the TIP Report questionnaire, which is collated and published annually in June by the United States Department of State (State Department).

7.

s 6(a)

Note that s 9(2)(a) from the State Department, the primary author of the New Zealand narrative for the TIP Report, met with officials from MBIE, the Ministry of Foreign Affairs and Trade and the Ministry of Justice in November 2012.

8. MBIE officials also met with s 9(2)(a) from the Department of Homeland Security in January 2013. There was a specific discussion relating to anti-trafficking training for our Pacific counterparts. This training relates to our commitments under the United States/New Zealand "Joint Statement to Combat People Trafficking in the Pacific" which the previous Minister of Immigration Hon Nathan Guy signed with the Secretary of Homeland Security Janet Napolitano in May 2012.

Anti-trafficking network

9. At the end of the second Pacific Trafficking in Persons Forum – The Inconvenient Truths, NGOs and other interested parties agreed to form an anti-trafficking network called the Stop the Traffick network. Although you have not had contact with this network, Hon Nathan Guy spoke at the Stop the Traffick launch, hosted by Charles Chauvel MP at parliament in June 2012.
10. Stop the Traffick is led by the Salvation Army. It is reported to have has more than 100 New Zealand organisations and individuals supporting its campaigns. Its members include lawyers, researchers and NGOs, as well as associate members including the United States Embassy and the British High Commission. Although this network is newly formed in New Zealand, it was originally established in 2006 in the United Kingdom. Stop the Traffick UK has over 1000 member organisations in 50 countries and tens of thousands of activists globally.
11. MBIE was invited, but opted not to join Stop the Traffick. The network has an advocacy role and the government needs to maintain its independence on trafficking issues. MBIE did however express an interest in supporting the network and has offered to contribute to their discussions and anti-trafficking efforts where appropriate, such as assisting to deliver training initiatives.

Work Underway

12. The Ministry of Justice and Ministry of Foreign Affairs and Trade recently reviewed New Zealand's anti-trafficking legislative framework. This review has identified opportunities to strengthen New Zealand's existing anti-trafficking legislation. Recommended options to amend this legislation have been put to the Minister of Justice to consider and a decision is anticipated in April.
13. Significant work has been undertaken by MBIE to address the issues surrounding the poor treatment of some foreign fishing crew in New Zealand. These include implementing new Immigration Instructions to close potential loopholes in the system and working with the Ministry of Primary Industries on joint monitoring and compliance.
14. The government has identified some issues around the poor treatment of international students by some employers. In response to this officials undertook a project to review policies surrounding international students working in New Zealand. The purpose of this review was to gather information on the nature and extent of this problem, not to locate or punish international students who are working unlawfully.

15. MBIE has developed and started to deliver training to NGO staff. This comprised online training and a half day workshop with practical skills to assist frontline staff of NGOs and other service providers who may come across a victim of trafficking. The first sessions were delivered in December 2012 to members of the Stop the Traffick network.
16. MBIE has also agreed to a United States-led and funded programme of training, which will be offered to a group of Pacific Island countries. The focus of this training will be on core skills to identify and stop people trafficking, such as document examination, interviewing techniques and witness management. MBIE will provide expertise by way of trainers. The details of the initiative, including content, invited nations, location and schedule are currently being worked through.

Recommended response to the Embassy's invitation

17. MBIE recommends you accept the United States Embassy's invitation to attend the Prevent People Trafficking Conference 2013 (**Appendix A**) as this will:
 - show that as the minister responsible for people trafficking issues in New Zealand, you place priority on this serious and abhorrent crime;
 - raise the profile of the government's anti-trafficking efforts, such as a new training package that MBIE delivered to non-government organisations (NGOs) in December 2012 and;
 - reinforce the positive interface between government and NGOs, which is an essential component of combating people trafficking in international experiences.
18. You have also been invited to open the Conference. MBIE recommends that you consider this further and either agree to or decline this offer.



EMBASSY OF THE
UNITED STATES OF AMERICA
WELLINGTON NEW ZEALAND

RECEIVED
13 FEB 2013
Office Hon. Simon Bridges

February 12, 2013

RECEIVED
14 FEB 2013
Office Hon Michael Woodhouse

Hon. Simon Bridges
Parliament Building
Private Bag 18888
Wellington 6160

Dear Minister Bridges,

I would like to personally invite you to deliver introductory remarks at our first "Prevent People Trafficking Conference" which will be held April 11-12 in Auckland. The U.S. Embassy is providing a grant to assist with the organization of the conference, which is being jointly run by the New Zealand Salvation Army and ECPAT Child Alert.

Your participation, as Minister of Labour, would raise the profile of this high-priority event and would demonstrate for audiences both here and around the world how the New Zealand Government is committed to tackling the scourge of human trafficking.

Keynote speakers for the conference will be Matthew Friedman from the UN Inter-Agency Project on Human Trafficking (UNIAP) and Anne Gallagher of the Asia Regional Trafficking in Person (TIP) Project from Australia. Other conference participants include representatives from the New Zealand Government's Interagency Working Group on People Trafficking (Immigration NZ, Police, Customs, Justice, MFAT); the Human Rights Commission; the Australia Institute of Criminology; and U.S. Government experts from the Department of Homeland Security and Department of Justice.

Conference details:

When: April 11 – 9am – 9:45am

Where: Novotel Hotel, Greenlane East, Auckland

What: Preventing People Trafficking Conference

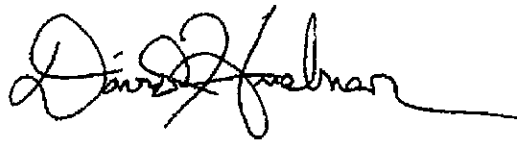
Conference MC: Samantha Hayes, TV3

Role of the Minister:

- Participate in opening Pōwhiri;
- Make 7-15 minutes opening remarks to open the conference, as you wish.

I hope that you will be able to join us at this important conference. Please let me know if I can provide you or your staff with any additional details.

Sincerely,

A handwritten signature in black ink, appearing to read "David Huebner", with a long horizontal flourish extending to the right.

David Huebner
Ambassador



Ministry of Business, Innovation & Employment

Ministry of Business, Innovation and Employment Briefing: YOUR ATTENDANCE AT THE PREVENT PEOPLE TRAFFICKING CONFERENCE, AUCKLAND, 11 APRIL 2013

Date Sent:	28 March 2013	Tracker No:	13/01516
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Action Sought

	Action Sought	Deadline for Action
Minister of Immigration (Hon Michael Woodhouse)	Note briefing for your attendance at the Prevent People Trafficking Conference, 11 April 2013.	11 April 2013

Agencies Consulted (include contact where relevant)

N/A

Contact for Telephone Discussion (if required)

Name	Position	Telephone		1st Contact
Michael Hobby	Manager, International Strategy and Partnerships	04 915 4092 (wk)	sg(2)(a)	✓
Mark Steel	General Manager, Trade and International Environment	04 915 4563 (wk)	sg(2)(a)	

Minister's Office Actions (if required)

Note time and venue details for Minister's attendance

Enclosure: Yes – attached appendices

Minister's Comments

**Ministry of Business, Innovation and Employment Briefing:
YOUR ATTENDANCE AT THE PREVENT PEOPLE TRAFFICKING
CONFERENCE, AUCKLAND, 11 APRIL 2013**

Executive Summary

This paper provides you with information for your attendance at the Prevent People Trafficking Conference 2013 (the Conference), which will be held on Thursday 11 April 2013 in Auckland. You have agreed to open the Conference with a short speech, which is being drafted and will be provided separately to your office the week of 2 April 2013.

You have also been asked to stay for morning tea, which may involve informal discussions on people trafficking issues in New Zealand; the paper provides background information and talking points for your use should these discussions arise. Issues include: New Zealand's anti-trafficking legislation; themes that will be covered by speakers during the Conference; and other recent trafficking or exploitation related events covered by the media.

Recommendation

I recommend that you:

- a **note** on Thursday 11 April 2013 you will attend and open the Prevent People Trafficking Conference 2013 from 8:45am to 11am;
- b **note** your opening speech will be provided to your office the week of 2 April 2013; and
- c **note** the information provided in this briefing for the Conference.

Noted

Michael Hobby
Acting Manager
International Strategy and Partnerships
Labour and Commercial Environment Group
Ministry of Business, Innovation and
Employment

Hon Michael Woodhouse
Minister of Immigration

___/___/___

___/___/___

Ministry of Business, Innovation and Employment Briefing: YOUR ATTENDANCE AT THE PREVENT PEOPLE TRAFFICKING CONFERENCE, AUCKLAND, 11 APRIL 2013

Background

1. On 27 February 2013 you met with Marie Damour (Deputy Chief of Mission, United States Embassy) to discuss people trafficking issues in New Zealand. At this meeting you agreed to open the Prevent People Trafficking Conference 2013 (the Conference) in Auckland on 11 April 2013. This briefing provides information to prepare you for the Conference, further to the aide memoire you received on 26 February 2013 (13/00788).
2. The purpose of the Conference is to address the challenges of people trafficking in New Zealand and the region. As people trafficking falls under the portfolio of the Minister of Immigration, your attendance has been sought to raise its profile and overall awareness. You will be expected to provide a 5 minute speech, which is being canvassed with your office and will be provided to you the week of 2 April 2013.

Overview

Conference Details

3. You will attend in the morning on the first day of the Conference (programme attached as **Appendix A**) on Thursday 11 April 2013 at the Novotel Hotel in Auckland. You will be expected to arrive by 8.45am in time for the Māori welcome and provide your speech at 9.20am. Your speech is being drafted and will be provided to you separately the week of April 2 2013. The Conference organisers have requested you stay for morning tea if possible and depart after 10.30am.
4. Media will be present at the Conference, but there will not be a formal Q&A session. However, it is likely you will be engaged in informal discussions during morning tea. Key issues are outlined from paragraph eight onwards of this briefing, which provides background information and talking points for your use if required.

Conference Attendees

5. The Ministry of Business, Innovation and Employment (MBIE) will attend the Conference, as lead agency on the Government's anti-trafficking efforts and chair of the Interagency Working Group on People Trafficking (the Working Group) and present an update on the 2009 *New Zealand's Plan of Action to Prevent People Trafficking* (attached as **Appendix B**).
6. Members of the Working Group who have confirmed their attendance at the Conference include representatives from the New Zealand Customs Service; the Department of the Prime Minister and Cabinet; the Ministry of Foreign Affairs and Trade (MFAT); and the New Zealand Police.
7. Other attendees will include United States Government officials (including s 9(2)(a) from the Department of Homeland Security, who met with MBIE officials in January to discuss anti-trafficking training in the Pacific); representatives from the Human Rights Commission; the United Nations; anti-trafficking networks and non-government organisations (both national and international), and academics and lawyers.

Ministry of Business, Innovation and Employment Briefing: YOUR ATTENDANCE AT THE PREVENT PEOPLE TRAFFICKING CONFERENCE, AUCKLAND, 11 APRIL 2013

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New Zealand Trafficking Legislation

8.

s 6(a)

9.

s 6(a)

10.

s 6(a)

we do have comprehensive legislation covering offences that other countries describe as "internal" or "domestic" trafficking. These include measures to punish abduction, assault, kidnapping and rape (Crimes Act 1961), coercing prostitutes (Prostitution Reform Act 2003) and exploiting migrant workers (Immigration Act 2009).

11.

s 6(a)

12. The following should be used as talking points if this is raised in conversation with you at the Conference:

- Last year, MFAT and the Ministry of Justice reviewed how New Zealand implements our international commitments under the *United Nations Convention Against Transnational Organised Crime* and its associated *Protocol to Prevent, Suppress and Punish Trafficking in Persons*.
- Recommended options to strengthen New Zealand's existing anti-trafficking legislation have been put to the Minister of Justice to consider, with a decision anticipated in April.

Conference Themes

13. Outlined below are themes relating to your Immigration portfolio that will be covered by various speakers during the Conference. The following provides background information and talking points for your use if required:

Forced and Underage Marriages in New Zealand

Forced and/or underage (under 16 years old) marriage is illegal in New Zealand. Forced marriage is a marriage conducted without the valid consent of both parties where duress is a factor. Duress may include physical, psychological, financial, sexual and emotional pressure. This may occur during the arrangement of a forced marriage and continue once it has taken place. Underage forced marriage is child abuse and is dealt with accordingly.

- These victims are particularly vulnerable because often they are very young, and it can be difficult for them to approach authorities for help due to cultural and family reasons.
- The New Zealand Police, Ministry of Social Development (MSD), Ministry of Education (MOE) and Immigration New Zealand have established a framework including signing a Memorandum of Understanding to assist victims.
- Immigration New Zealand has a specific Victims of Domestic Violence Immigration Policy to assist identified victims, which allows them to remain in New Zealand lawfully, so removing the fear of deportation.

- MSD will support victims by providing social welfare and support regarding violence and family relationships. MOE also works with MSD to provide information on the identification and reporting of forced marriages to ensure that schools have clear processes to follow and support complainants. MSD also works to raise awareness amongst local migrant and refugee communities, community groups and organisations about forced and/or underage marriages.

Migrant Sex Workers

Prostitution is illegal for individuals in New Zealand on a temporary visa; therefore migrant sex workers may be vulnerable to exploitation as they may be threatened with jail or deportation for working unlawfully and therefore be reluctant to seek help from authorities.

- Any exploitation of migrant workers is unacceptable, whether they are in New Zealand lawfully or not.
- A key message being delivered by the Government is that authorities will protect, not punish individuals who need help.
- 3000 brochures in six languages (English, Chinese, Malaysian, Vietnamese, Samoan and Tongan), which include trafficking indicators and instructions to contact the New Zealand Police, have been printed by Immigration New Zealand.
- Over a thousand of these brochures have been given to the Salvation Army, the New Zealand Prostitutes Collective and other NGOs and government agencies for nationwide distribution.
- Immigration Compliance Officers who may undertake operations at sex industry premises are currently receiving anti-trafficking training, which includes skills in interviewing suspected victims in a safe and sensitive manner.

Foreign Fishing Crew

At the Conference you may encounter ^{s 9(2)(a)} ~~s 9(2)(a)~~, who undertook well-publicised research into the allegations of underpayment of wages and poor working conditions on FCVs and will present their research findings at the Conference.

- The Government recognises there have been challenges in monitoring labour conditions and general compliance of Foreign Chartered Vessels (FCVs) operating in New Zealand waters.
- A Ministerial Inquiry into the use and operation of foreign charter vessels fishing in New Zealand waters was concluded in February 2012.
- The Fisheries (FCVs and other matters) Amendment Bill 2012 has since been introduced to Parliament. The Bill is currently with the Primary Production Select Committee, with their report due in June 2013.
- Among other things the Bill will require fishing vessels to reflag to New Zealand by 2016. This will ensure that all New Zealand labour and safety standards will apply to these vessels and will be more easily able to be enforced.
- Significant work has also been undertaken by Immigration New Zealand, such as implementing new Immigration Instructions, which will be accompanied by an improved audit system.
- Immigration New Zealand provided for the immediate welfare needs of the 32 Indonesian FCV crew members who came forward for help last year. This included paying for the crew's food and accommodation.
- Immigration New Zealand also made attempts to recover the underpayment of wages by offshore agents; however this could not be resolved due to jurisdictional issues.

Other Recent Issues

14. The issues outlined below will not be covered during the Conference, but have been raised as concerns by anti-trafficking lobbyists and in the media. The following provides background information and talking points for your use if required:

Migrant Dairy Workers

All employees in New Zealand are entitled to minimum employment rights under the Immigration Act 2009, the Health and Safety in Employment Act 1992, Holidays Act 2003, Wages Protection Act 1983, Minimum Wages Act 1983 and the Employment Relations Act 2000. However, recent migrants may agree to work under substandard terms and conditions because they are not aware of New Zealand's minimum employment standards. In particular, concerns have been raised regarding the welfare of increasing numbers of migrant dairy farm workers.

- MBIE's Labour Inspectorate provides a free enforcement service in respect of minimum employment rights. Identified victims of labour exploitation or trafficking victims would be made aware of their rights to seek compensation for breaches of New Zealand's employment laws.
- Immigration New Zealand established the "Migrant Dairy Workers Initiative" (the Initiative), which was launched March 2012. The purpose of the Initiative has been to support the settlement of migrant dairy workers and provide improved support for employers from an immigration, health and safety, and employment relations perspectives.
- The Initiative provides migrants with information about the realities of working and living on dairy farms, the cost of living, bringing family to New Zealand, language on the farm, farm culture, and where to go for more information. A guide is available in hard copy and online, including versions translated into Tagalog (i.e. Filipino) and Spanish.

International Students

Media has recently reported on international students working well below minimum wage, most commonly in the retail and hospitality sectors. These students may be particularly vulnerable as they are often young and may face language and cultural barriers in New Zealand. This, combined with limited work skills and experience, may cause them to accept any work conditions they are offered.

- MBIE led an inter-agency project in late 2012 that reviewed the policies surrounding international students working in New Zealand.
- External stakeholders such as student representatives, immigration agents and education establishments were consulted in this review.
- The purpose of this review was to gather information on the nature and extent of this problem, not to locate or punish international students who are working unlawfully.
- Recommendations from this review are currently being considered.

PREVENT PEOPLE TRAFFICKING CONFERENCE 2013



DRAFT PROGRAMME

Dates: Thursday 11 April—Friday 12 April 2013

Venue: Novotel Hotel, Green Lane East, Auckland

Purpose: To address the challenges of trafficking in New Zealand and in the region.

Master of Ceremonies (MC): Earl Mardle, information society consultant, 2020 Communications Trust

Day One: Thursday, 11 April 2013

Theme: Understanding the global context

Objective: To better comprehend best practices in counter trafficking efforts, and to help guide the sector toward greater overall efficiency and effectiveness.

TIME	TOPIC	RESPONSIBLE
8.30 am	Registration	The Salvation Army
9.00 am	Māori welcome	Ngati Whatua O Orakei, Kaumatua Matt Maihi
9.20 am	Welcome and introduction to forum	TBC
9.40 am	Introduction of first guest speaker	MC
9.45 am	KEYNOTE ADDRESS	Dr. Anne Gallagher , Technical Director, Asia Regional Trafficking in Persons Project; United Nations adviser and consultant; independent scholar and legal adviser
10.30 am	Morning tea break	MC
11.00 am	Introduction of second guest speaker	MC
11.05 am	National plan to prevent people trafficking update	Peter Elms , General Manager, Intelligence, Risk and Security, Department of Immigration
11.30 am	Q & A (15 min)	Peter Elms
11.45 am	Summary and advice re afternoon	MC
12.00	Lunch break	MC
1.00 pm	Introduce guest speaker	MC
1.05 pm	Forced and underage marriages in new zealand	Farida Sultana , Founder Member and Senior Advisor of Shakti Community Council
1.30 p.m.	Q & A (15 min)	
1.45 p.m.	Guest speakers x 3 (each 15 minutes) Trafficking and Technology Trafficking and Economics Trafficking & International Cooperation	To be confirmed To be confirmed Jim Ink (United States), Regional Attaché, Singapore, Immigration Customs Enforcement, Homeland Security Investigations
2.30 pm	Panel (three presenters) Q & A	MC
2.15 pm	introduction of guest speakers	MC
2.45 pm	Q & A	MC
3.00 pm	Afternoon tea break	MC
3.20 pm	introduce guest speaker	MC

3.25 pm	Option 1: Nuts and Bolts of a prosecution Option 2: Law enforcement/victim identification	Anne Gallagher Jim Ink
3.50 pm	Q & A (5 min)	
3.55 pm	Introduction of panel (Mathew Friedman, Farida Sultana, Jim Ink, Anne Gallagher, Peter Elms) (MC)	
4.00 pm	Panellists each raise important issue by way of summary and discussion starters (4-5 min each)	Panel
4.20 pm	Break-out groups with panel members—participants choose own interest group/ discuss issues/ record on flip charts for report back. Note: this will help frame discussions for the next day. (MC)	
5.00 pm	Close	MC

Day Two: Friday, 12 April 2013

Theme: Moving ahead

Objective: To identify the causes and the solutions

TIME	TOPIC	RESPONSIBLE
8.30 am	Day Two refresher/ welcome/ receive report backs from each group (MC)	
9.00 am	Introduce key note speaker	MC
9.05 am	Key note speaker	Matt Friedman, Technical advisor to the Freeland Foundation (based in Thailand) Project Share (based in Hong Kong) and the Mekong Club
9.30 am	Q & A	Matt Friedman
9.45 am	Introduce next sessions: NZPC, Pacific, fishing researchers (25 min each) (MC)	
9.50 am	NZPC—research on migrant sex workers	Catherine Healy, coordinator New Zealand Prostitutes Collective
10.15 am	Morning tea break	MC
10.30 am	Foreign chartered fishing vessels	Christina Stringer, Senior Lecturer international Business, University of Auckland Business School Glenn Simmons, PhD candidate, Department of Management and International Business, University of Auckland.
10.55 am	Pacific perspectives	Salote Kaimacuata, Fiji, UNICEF Child Protection Specialist
11:20 am	Break-out groups—three groups of choice to follow up on presentation themes (MC)	
12.15 pm	Lunch break	MC
1.15 pm	trafficking, human rights and justice	David Rutherford, Chief Human Rights Commissioner
1.45 pm	Context of TIP situation in New Zealand: Review two previous Trafficking Conferences	Chris Frazer, Social Justice Advocate, the Salvation Army's Social Policy and Parliamentary Unit
2.15 pm	Facilitated discussion to develop recommendations for next steps Break-out groups: <ul style="list-style-type: none"> ◆ Migrants ◆ Sexual exploitation ◆ Economics ◆ Legislation ◆ Investigation/Law Enforcement ◆ International Cooperation (afternoon tea available during break out)	MC Shakti Community Council Note: Leaders of remaining break-out groups (TBC)
3.15 pm	Report back from each group	MC
4.00 pm	Summary and closure	
4.15 pm	Depart	



**PLAN OF ACTION
TO PREVENT
PEOPLE TRAFFICKING**

What is people trafficking?

People trafficking is the act of recruiting, transporting, transferring, harbouring and receiving a person through the use of force, coercion or other means for the purpose of exploiting them. A victim of people trafficking is deceptively recruited into exploitative conditions; they may be bonded to their traffickers through an unacceptable debt and in many cases kept in slave-like conditions.

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Published by the Department of Labour
PO Box 3705
Wellington
New Zealand
July 2009
ISBN 978-0-478-33375-6

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ACKNOWLEDGMENTS

The *Plan of Action to Prevent People Trafficking* is a whole-of-government response to people trafficking. The development of the Plan of Action represents the combined efforts of government agencies and the advocacy of non-government organisations.

The Plan of Action was coordinated by the Department of Labour on behalf of the Inter-agency Working Group on People Trafficking. The Department would like to thank the various government agencies represented on the Inter-agency Working Group for their ongoing and meaningful contributions to the development of the Plan of Action and for their commitment to undertake the action items it identifies.

The approach to the development and implementation of the Plan of Action has been based on the principle of government and non-government working in partnership to

achieve the common goal of preventing and combating people trafficking in New Zealand. The Department acknowledges the positive contribution of stakeholders in the non-government sector. The 34 formal submissions received from the non-government sector during the public consultation period in June 2008 helped to shape the Plan of Action. Moreover, the implementation of some of the action items, particularly in relation to victim support, will utilise the existing partnerships between government agencies and non-government social service providers.

INTER-AGENCY WORKING GROUP
ON PEOPLE TRAFFICKING

- DEPARTMENT OF LABOUR
- DEPARTMENT OF PRIME MINISTER AND CABINET
- MINISTRY OF FOREIGN AFFAIRS AND TRADE
- MINISTRY OF JUSTICE
- MINISTRY OF HEALTH
- MINISTRY OF SOCIAL DEVELOPMENT
- MINISTRY OF WOMEN'S AFFAIRS
- NEW ZEALAND CUSTOMS SERVICE
- NEW ZEALAND POLICE

ACRONYMS

ACC
Accident Compensation Corporation

Customs
New Zealand Customs Service

DIA
Department of Internal Affairs

DoL
Department of Labour

HNZC
Housing New Zealand Corporation

MFAT
Ministry of Foreign Affairs and Trade

MoH
Ministry of Health

MoJ
Ministry of Justice

MSD
Ministry of Social Development

NGOs
Non-government organisations

Police
New Zealand Police

MINISTER'S FOREWORD

2

People trafficking is a crime against humanity that crosses international borders and damages an untold number of lives. It is the act of recruiting, transporting, transferring, harbouring and receiving a person through the use of force, coercion or other means for the purpose of exploiting them. While the most well-known form of trafficking involves women who are used for sexual purposes, people trafficking of men, women and children for forced labour is also emerging as an international trend.

While New Zealand has no known experience of trafficking, the Government is continually working to prevent people trafficking and to prepare for dealing with any cases that may arise. The *Plan of Action to Prevent People Trafficking* (Plan of Action) puts specific strategies in place to prosecute people traffickers, as well as the means to assist their victims.

As any effective response against people trafficking demands a whole-of-government approach, this plan outlines a range of tasks for participating agencies to achieve over the short, medium and long term.

There are several reasons for developing this Plan of Action. As a signatory to the United Nations Trafficking Protocol, New Zealand is required to develop strategies for preventing and combating people trafficking. As a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, New Zealand also made a pledge to develop a practical plan of action to prevent people trafficking. This Plan fulfils that pledge, and its publication will let the world know what New Zealand is doing to help bring an end to this complex international crime.

The Plan of Action was developed by government agencies working together including the Departments of Labour and Prime Minister and Cabinet, the Ministries of Justice, Foreign Affairs and Trade, Health, Social Development, and Women's Affairs; and the New Zealand Police and Customs Service. Our approach was informed by New Zealand's international obligations, the views and comments of stakeholders with an interest in trafficking issues and international research into anti-trafficking strategies.

The Government is committed to preventing and detecting people trafficking, bringing offenders to justice and offering protection and assistance to victims of trafficking. As Minister of Immigration, I thank everyone who was involved in developing this coordinated, whole-of-government response to people trafficking.



Hon. Dr Jonathan Coleman
Minister of Immigration

3

INTRODUCTION

4

People trafficking¹ is a serious transnational crime that abuses the human rights of its victims. In its simplest form, it involves the deceptive recruitment of people from overseas for forced exploitation, sometimes into slavery-like conditions. The ways victims of trafficking are recruited and exploited can take many forms. Most commonly, victims are trafficked for forced labour and sexual servitude.

People trafficking is difficult to detect as the modus operandi of traffickers and trafficking syndicates is thought to evolve in response to efforts to eradicate the crime. As estimated by the US Department of State, approximately 800,000 people are trafficked annually across international borders, with 89 percent of victims believed to be female, and up to 56 percent minors. It is believed that the majority of this trafficking is for commercial sexual exploitation².

New Zealand is committed to help fight trafficking. In 2002 New Zealand became party to the United Nations' Convention against Transnational Organised Crime and the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). Also, since 2002, New Zealand has in place comprehensive legislation to prosecute offenders in people trafficking crimes. The penalties for trafficking offences are comparable to the penalties for murder and rape under New Zealand law.

To this end, the government is focussing to ensure any future cases of trafficking to New Zealand are prevented before they occur.

Similarly, actions are being developed to increase New Zealand's capacity to detect any trafficking activity and to rehabilitate victims who may present in the future. Key to achieving these objectives is raising public awareness to create an environment to effectively prevent and detect trafficking.

The government's work in this regard culminates in this Plan of Action. Because people trafficking issues have impacts on various aspects of society, New Zealand's response is best prepared through a whole-of-government approach.

The Plan of Action details the scope of measures and programmes that various government agencies are actively progressing to prevent people trafficking and prepare for any future cases that may arise. The Plan of Action will mainstream anti-people trafficking initiatives into existing government programmes.

The Plan of Action results from the cooperative work of the Inter-agency Working Group on people trafficking, the feedback from a public consultation round, and research on international experience of trafficking and best practice in trafficking related initiatives.

1. People Trafficking is also known as Human Trafficking. The term *People Trafficking* has been used throughout for consistency.
2. United States' State Department's *Trafficking in Persons* report at www.state.gov/g/tip/rls/tiprpt/

New Zealand context

People trafficking is an international crime which has not yet managed to gain a foothold in New Zealand. We have been fortunate; however, there is no room to be complacent. People trafficking is a global concern and New Zealand could potentially be targeted as a destination for trafficked persons. It is important we have the capacity to prevent and combat this crime should it arise. It is also possible that there are cases of people trafficking that remain undetected in New Zealand.

A collaborative government response to trafficking is required

Since 2006, the Inter-agency Working Group on People Trafficking has met to progress anti-people trafficking initiatives. This Inter-agency Working Group is chaired by the Department of Labour and has membership from the Department of Prime Minister and Cabinet, the Ministries of Justice, Foreign Affairs and Trade, Health, Social Development, and Women's Affairs; the New Zealand Police, and the New Zealand Customs Service.

Collectively, representatives on the Inter-agency Working Group have contributed items for the Plan of Action. Each agency will be responsible for implementing items that fall under their portfolios in collaboration with other agencies and non-government organisations where necessary.

Consultation Period

From June to July 2008, the Department of Labour undertook public consultation on the development of a Plan of Action on behalf of the Inter-agency Working Group.

Submitters ranged from international organisations, non-government organisations and academics, to interested individuals. All 34 submitters supported the development of a Plan of Action and provided constructive feedback. The submitters' perspectives have informed the development of the Plan of Action.

Review of the Plan of Action implementation

The Inter-agency Working Group will continue to meet regularly to coordinate and monitor progress towards achieving the work items outlined in the Plan of Action. The Department of Labour will compile an annual report on progress to achieving the goals of the Plan of Action. The Minister of Immigration will be informed of any cases of people trafficking as they arise.

4

NEW ZEALAND'S RESPONSE

6

PRINCIPLES AND GOALS

Overall objective

The New Zealand Government prevents people trafficking, brings offenders to justice and offers protection and assistance to victims of trafficking.

Principles

- A — Victims of people trafficking have humanitarian needs and should be afforded appropriate assistance and protection.
- B — Traffickers and their associates, and people who exploit victims of trafficking, are to be prosecuted to the full extent of the law.
- C — The whole-of-government response to people trafficking is coordinated, timely and comprehensive and meets New Zealand's international commitments.

Goals

Prevention:

1. The New Zealand Government contributes to people trafficking prevention through international engagement and development programmes.
2. New Zealand's borders are secured from trafficking activity.
3. Awareness is raised within government and targeted community groups on trafficking indicators and anti-trafficking procedures.
4. Cases of suspected trafficking activity are identified and referred to the New Zealand Police for investigation.

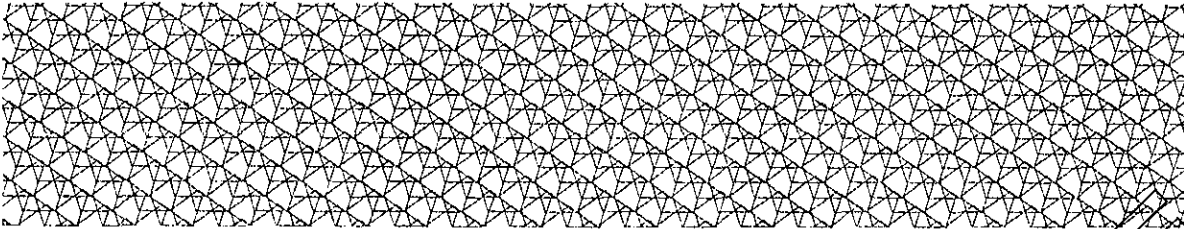
Protection:

5. Victims of trafficking are afforded access to protection measures consistent with New Zealand's international commitments.
6. Government agencies accommodate the needs of victims of trafficking, including timely access to health and social services.
7. The New Zealand Government provides assistance for victims by utilising existing arrangements with non-government organisations.
8. Government agencies assist victims of trafficking to return to their home country or remain in New Zealand as necessary.

Prosecution:

9. New Zealand undertakes high quality investigations into suspected trafficking activity to enable prosecution of alleged people traffickers.
10. The criminal justice process is supportive of the specific needs of victims of trafficking during prosecutions.

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United Nations Convention against Transnational Organised Crime

The United Nations Office on Drugs and Crime (UNDOC) is the guardian of the Convention against Transnational Organised Crime and its Protocols. New Zealand ratified this convention in 2002. The Convention and its protocols provide States with direction on measures to join the international efforts to combat transnational crimes such as people trafficking and smuggling.

United Nations Definition of People Trafficking

The United Nations defines people trafficking as:

"the recruitment, transportation, transfer and harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, or the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to a person in control of the victim, for the purposes of exploitation which includes sexual exploitation, forced labour or services, slavery or similar practices, and/or the removal of organs".

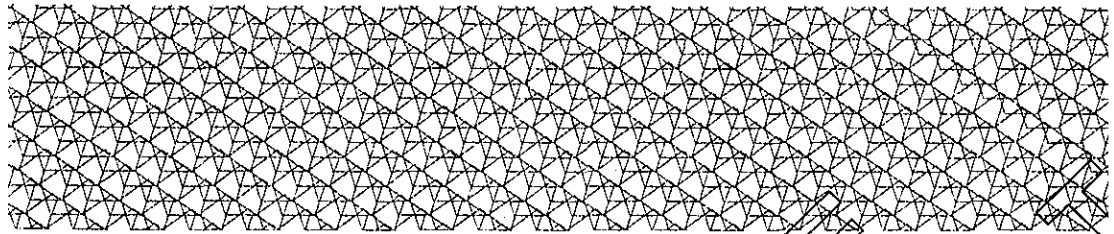
Difference between People Trafficking and People Smuggling

People smuggling and people trafficking are different crimes. People smuggling relates to a migrant voluntarily paying a smuggler to facilitate illegal entry into another country and the smuggler obtaining, directly or indirectly, a financial or other material benefit for procuring such entry. Victims of people trafficking are deceptively recruited from one country into exploitative conditions in another country which they did not agree to or have been coerced to accept.

Timetable

The Plan of Action work items have been noted as either: Short, Medium or Long-term goals. Short-term goals will aim to be completed within one year of implementation of the Plan of Action and will be reported on in the first annual plan. Medium-term work items will be completed within two years. Long-term work items taking longer than two years include those items that may either take a long time to complete or will only be able to be undertaken if a case of people trafficking is identified and is being dealt with by government agencies.

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PREVENTION

Approach to prevention

New Zealand does not have any known history of people trafficking; therefore the main focus of this Plan of Action is on prevention. Providing a strong and proactive response to dealing with people trafficking may offer greater deterrence to people traffickers from targeting New Zealand as a potential destination country.

TRAINING TO IDENTIFY TRAFFICKING ACTIVITY

AGENCIES INVOLVED:
DoL, Police and Customs

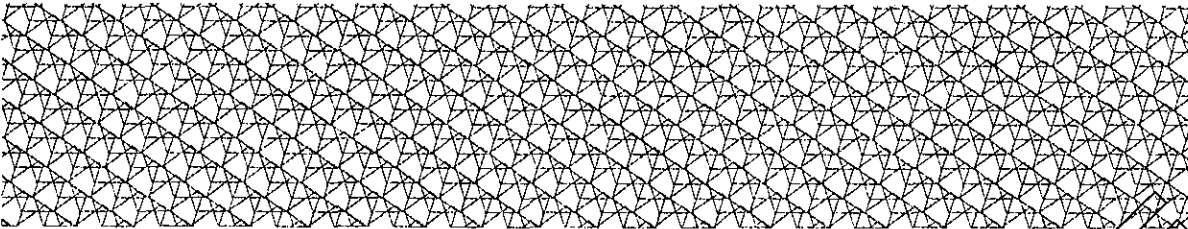
RELATED TO:
Goals (2) and (3)



Further training of government officials in anti-trafficking measures will ensure that staff can employ a common approach to dealing with suspected trafficking activity. In order to detect and provide the first response, frontline government officials from the main enforcement agencies need to know how to identify possible trafficking activity and what procedures to follow.

The New Zealand Police have implemented a new training module on people trafficking crimes for inclusion in the detective training syllabus. The Department of Labour trains compliance staff on indicators of people trafficking prior to every compliance operation in the sex industry and whenever there is a possibility the operation may expose staff to trafficking activity.

The Department of Labour is undertaking to extend training to more staff. Some of this training will be specifically targeted to offshore officers who process visas. This will increase New Zealand's capacity to detect trafficking before it reaches the border. This will also ensure traffickers do not succeed in obtaining any New Zealand visas for their potential victims. Another training initiative is to train border compliance staff, including Customs officers, on how to detect suspected trafficking activity at the border. Department of Labour Health and Safety officers and Labour Inspectors will also be trained on how to detect trafficking activity during their visits to workplaces.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
1	Government officials in enforcement roles are better equipped to identify and address suspected people trafficking activity	Train operational staff on people trafficking indicators and appropriate responses	Short, bespoke training Medium long-term training	Police, DoL and Customs	Evaluation of the effectiveness of training modules and providers



KEY

ACTION ITEM

BUSINESS AS L

Why do we need a Plan of Action to Prevent People Trafficking?

The Plan of Action provides for a consistent and coordinated response to people trafficking and implementation of measures in the Trafficking Protocol³. The Plan of Action details measures the government is taking to prevent and detect trafficking activity, and how any identified victims will be assisted.

Implementing the Plan of Action will mainstream people trafficking prevention and assistance for victims of trafficking into existing government initiatives and programmes. The Plan of Action will be key to securing our border from traffickers and, if necessary, enforcing anti-trafficking legislation and rehabilitating victims.

TARGETED AWARENESS-RAISING

AGENCIES INVOLVED:
DoL and Police

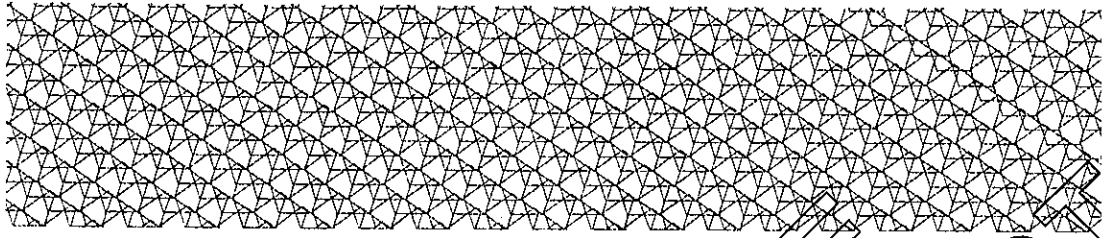
RELATED TO:
Goal (3)

People trafficking is clandestine by nature and difficult to detect. Greater awareness about what people trafficking entails will make it more likely that it can be detected. It is vital that government officials, including those outside operational roles, know how to identify the indicators of people trafficking crimes and refer cases appropriately. Similarly, individuals and communities may recognise and report signs of suspicious activity if they are more aware of people trafficking crimes.

International experience has shown that the most prominent form of people trafficking is of women for commercial sex services. Clients of sex services that exploit victims of trafficking may be unaware that they are engaging the services of a person in these circumstances. Awareness needs to be raised within the sex industry so that workers and clients are encouraged to report any concerns.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
1	Raise government officials' awareness of people trafficking risks	Develop information materials for government officials	Share, promote, research, web pages and information materials	Police and DoL	Survey of awareness
2	Raise public awareness of people trafficking crimes	Develop targeted awareness campaigns using a variety of media	Share Develop and implement a public awareness campaign	DoL	Evaluation of awareness raising campaign

3. The Trafficking Protocol can be accessed from: www.unodc.org/pdf/crime/a_rss_55/rss5525e.pdf



RESEARCH ON PEOPLE TRAFFICKING

AGENCIES INVOLVED:
Dol

RELATED TO:
Goal (3)

Further research on people trafficking will assist the New Zealand government to understand the risk people trafficking poses to New Zealand. Research on people trafficking trends is particularly difficult because New Zealand has not experienced any verified cases of people trafficking from which to draw information.

The Department of Labour is currently identifying research priorities to address knowledge gaps relating to adverse impacts of migration. Research on people trafficking issues (in particular, best practice for victim assistance) has been included in the proposed work.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE

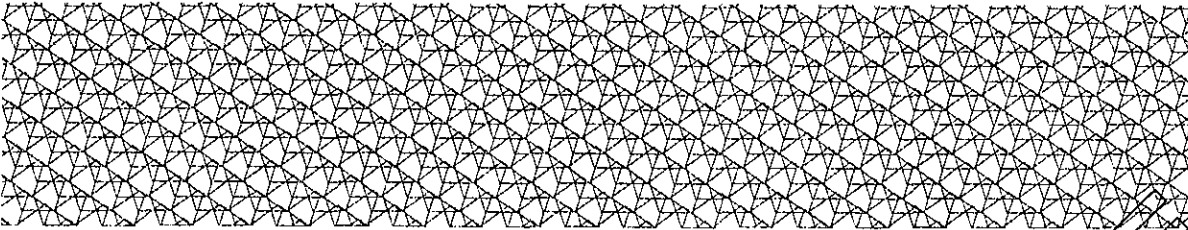
Risk factors for New Zealand



New Zealand may be targeted as a destination by people traffickers. It is important for New Zealand to be aware of trends of people trafficking in the region and to develop ways to minimise the risk of people trafficking infiltrating our border controls. Several cases of people trafficking have been identified in Australia and other countries in the Asia-Pacific region.

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KEY

 ACTION ITEM

 BUSINESS AS USUAL

INTELLIGENCE-GATHERING

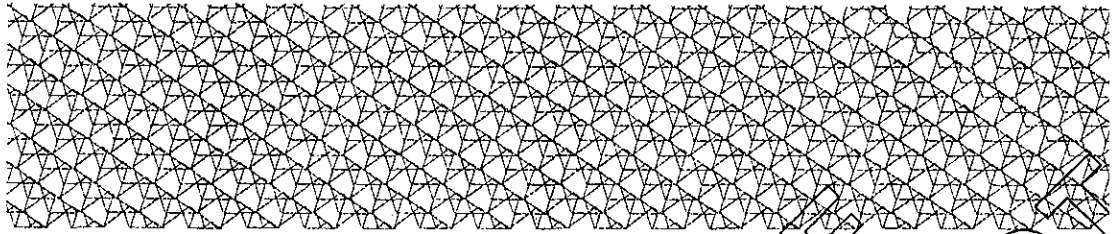
AGENCIES INVOLVED: DoL, Police and Customs	RELATED TO: Goals (1), (3) and (4)
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Investigations into suspected people trafficking activity must be intelligence-driven. It is essential that the various government agencies that gather information from a wide range of sources, including other governments, are able to share this information in an effective and lawful way to assist prevention strategies and investigations. To further this aim, the Department of Labour has committed to undertaking an inter-agency Collection Plan of all people trafficking intelligence and the New Zealand Customs Service is redrafting a profile on people trafficking indicators for staff information.

Due to the transnational nature of people trafficking crimes it is essential that enforcement agencies share information with other governments within the parameters of privacy and legislative obligations. The New Zealand Police have established a National Intelligence Centre to be based in Wellington. The National Intelligence Centre will further enable both the Police and other agencies to share intelligence on many criminal matters, including information about suspected trafficking activity.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
	Establish a national intelligence centre to coordinate and share information on people trafficking across all relevant agencies.	Establish a national intelligence centre to coordinate and share information on people trafficking across all relevant agencies.	Phase 1: 2010-2011 Phase 2: 2011-2012 Phase 3: 2012-2013 Phase 4: 2013-2014 Phase 5: 2014-2015	Police, Department of Labour, Customs	Established national intelligence centre Improved information sharing Enhanced intelligence gathering Increased staff awareness
	Develop a national intelligence strategy to guide the collection, analysis and dissemination of intelligence on people trafficking.	Develop a national intelligence strategy to guide the collection, analysis and dissemination of intelligence on people trafficking.	2010-2011 2011-2012 2012-2013 2013-2014 2014-2015	Police, Department of Labour, Customs	Developed national intelligence strategy Improved information sharing Enhanced intelligence gathering Increased staff awareness

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12

Trafficking in Persons report

Each year the US State Department produces a Trafficking in Persons (TIP) Report which discusses the prevalence of, and national responses to, trafficking in other countries.

The US definition includes trafficking within domestic borders whereas the New Zealand definition only includes international border crossings. Despite the definitional differences, the US State Department has continued to categorise New Zealand as a Tier 1 country. Tier 1 status means that New Zealand fully complies with the minimum standards for the elimination of trafficking.

The Trafficking in persons reports are available at www.state.gov/g/tip/ris/tiprpt/

INTERNATIONAL ENGAGEMENT ON PEOPLE TRAFFICKING ISSUES

AGENCIES INVOLVED:
MFAT and DoL

RELATED TO:
Goal [1]

People trafficking is a transnational crime. New Zealand must, therefore, build relationships with other governments in the region to prevent and combat trafficking activity. New Zealand participates in international efforts against people trafficking in a variety of ways. For example, New Zealand engages in bilateral, multilateral and regional fora where people trafficking issues are discussed.

New Zealand contributes to a wide range of international fora on people trafficking issues.

These fora include, but are not limited to:

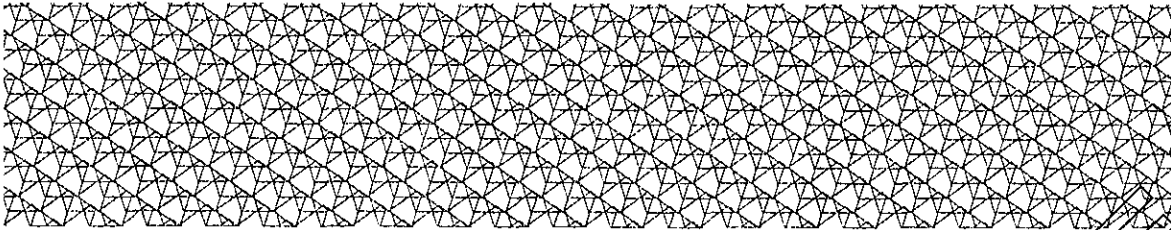
- the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
- the Pacific Immigration Directors' Conference

- the International Organisation for Migration
- inter-governmental Consultations on Migration, Asylum, and Refugees
- the United Nations High Commission for Refugees.

New Zealand also reports periodically on its anti-trafficking efforts to both the United Nations and the United States' State Department.

The Department of Labour's Border Security Group and the Ministry of Foreign Affairs and Trade's Pacific Division focus efforts to build capacity of nations in the region, and to meet goals of New Zealand government, such as increasing border security and managing labour mobility effectively.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
7	New Zealand engages meaningfully with international fora on people trafficking issues	Continue to participate in international fora and engagement on people trafficking issues	Ongoing	MFAT and DoL	Reporting by agencies on a regular basis, technical assistance and other engagement initiatives



KEY
 ACTION ITEM
 BUSINESS AS I

International fora – Bali Process

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process), has strengthened cooperation on people trafficking issues between participating countries in the Asia Pacific region. New Zealand has taken a leadership role in the Bali Process since its inception in February 2002.

The desired outcomes sought by participating in the Bali Process are to share, and collect information on threats and risks associated with illegal migration, people smuggling and people trafficking, and to contribute to identifying strategies to mitigate against these; and to establish and/or strengthen relationships with counterparts in other migration-related agencies.

INTERNATIONAL DEVELOPMENT ASSISTANCE TO COMBAT THE CAUSES OF PEOPLE TRAFFICKING

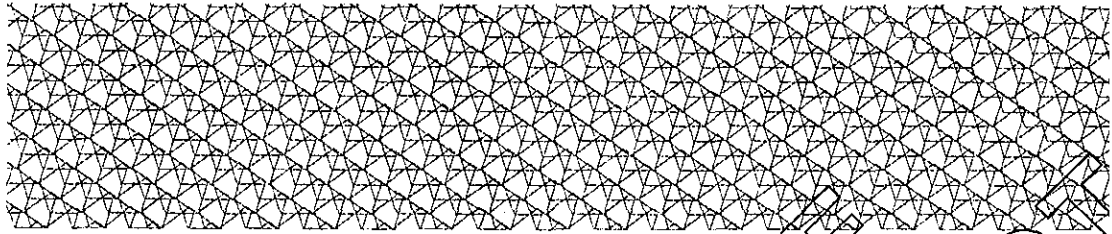
AGENCIES INVOLVED:
MFAT and DoL

RELATED TO:
Goal (1)

Poverty and lack of opportunity are 'push factors' that can increase a person's vulnerability to being trafficked. New Zealand has made commitments to the international community to assist developing nations in the region to eliminate poverty. Overseas aid and development projects are coordinated by the New Zealand Agency for International Development, which is administered by the Ministry of Foreign Affairs and Trade. Each year the New Zealand government provides funds to organisations who undertake anti-trafficking work in known trafficking source countries around the globe.

The Department of Labour employs a Regional Liaison Officer based in Apia, Samoa. The purpose of this role is to work with Pacific Island nations, regional organisations, and other New Zealand agencies with interests in the Pacific to build capacity and capability in border security. The development of capacity building projects in the Pacific and establishment of a network of key stakeholders by the Regional Liaison Officer facilitates the flow of robust information and intelligence within the department, and enables immigration risks to New Zealand to be pro-actively mitigated.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
1	Assist developing countries to reduce push factors that lead to people trafficking	Continue to offer development assistance for anti-trafficking projects in developing countries	Ongoing	MFAT and DoL	Statements of accounts for projects/interactions. Regular reporting by agencies on the ground



**ENHANCING BORDER SECURITY TO PREVENT
TRAFFICKERS TARGETING NEW ZEALAND**

AGENCIES INVOLVED: DoL, Customs, Police and DIA	RELATED TO: Goal (2)
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A key method to prevent people trafficking into New Zealand is ensuring that illegal migration and fraud that may be associated with trafficking is stopped. The concept of the New Zealand border has taken on a new meaning in recent times. Offshore posts and overseas airports are now considered to be 'the border' alongside our international airports and sea ports. Border security is extended to this 'offshore border' with the aim to keep potential illegal migrants from embarking on their travel to New Zealand in the first place.

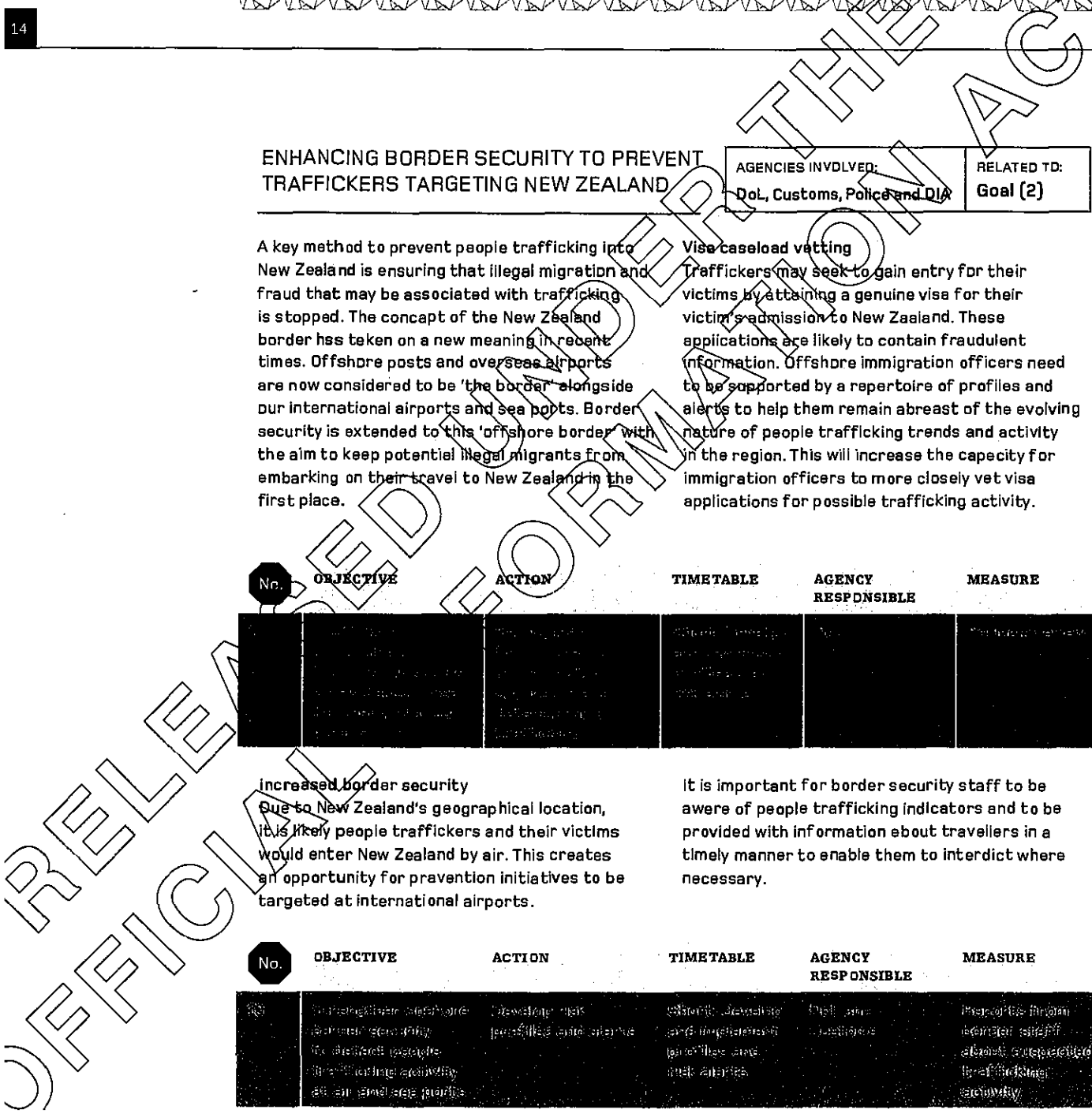
Visa caseload vetting
Traffickers may seek to gain entry for their victims by attaining a genuine visa for their victim's admission to New Zealand. These applications are likely to contain fraudulent information. Offshore immigration officers need to be supported by a repertoire of profiles and alerts to help them remain abreast of the evolving nature of people trafficking trends and activity in the region. This will increase the capacity for immigration officers to more closely vet visa applications for possible trafficking activity.

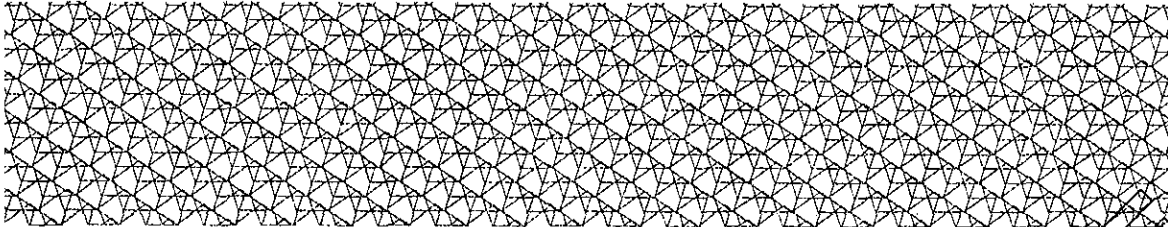
No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE



increased border security
Due to New Zealand's geographical location, it is likely people traffickers and their victims would enter New Zealand by air. This creates an opportunity for prevention initiatives to be targeted at international airports.

It is important for border security staff to be aware of people trafficking indicators and to be provided with information about travellers in a timely manner to enable them to interdict where necessary.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE





KEY

ACTION ITEM

BUSINESS AS USUAL

Who are the victims?

People traffickers exploit peoples' desire to make a better life for themselves in a foreign country. Potential victims of trafficking may be deceived into believing they are coming to a new country legitimately for a job where they will make more money than they can at home. Upon arrival, however, they find that they will be forced to work in an occupation not of their choosing, or on terms they did not agree to, for little or no pay. Traffickers and exploiters ensure victims' cooperation by threats and/or violence. Victims suffer significant human rights abuses at the hands of the traffickers.

World-wide, the most prominent form of trafficking is of women for commercial sexual services. There is an emerging trend of people trafficking for forced labour, particularly in the construction, agriculture, and domestic service industries. In many cases, victims are vulnerable and separated from their families. Victims may be unable to seek help due to a range of factors including, restriction of their movement, language barriers, fear of approaching authorities, and unfamiliarity with the help that is available.

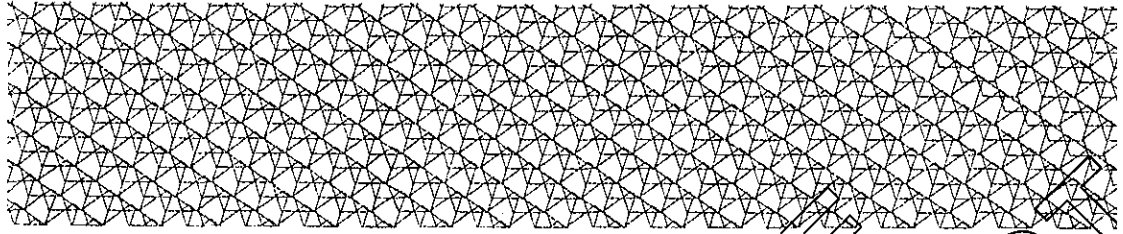
Measures against identity fraud

Traffickers might seek to provide a fraudulent or stolen passport to facilitate entry to New Zealand for their victims. New Zealand constantly works to ensure that only genuine passports are accepted for use. Passport verification is undertaken by a range of agencies. For example the Department of Labour checks passports when processing immigration applications, the New Zealand Customs Service matches passports with passengers at

international airports and the Department of Internal Affairs verifies identity when re-issuing passports.

The Department of Internal Affairs is also responsible for monitoring and improving the integrity of the use of New Zealand passports. To meet this aim, the Department of Internal Affairs builds capacity for other government agencies to detect fraudulent use of New Zealand passports.

No.	OBJECTIVE	ACTION	TIME TABLE	AGENCY RESPONSIBLE	MEASURE
11	New Zealand passports to be issued securely and identity documents and identity checks will be more thoroughly	Enhance the integrity of travel documents issued and issued	Strongly dependent on the New Zealand passport trust upgrade and the enhanced trust of international sharing trust lost and stolen passports	PIA	Analysis of travel documents and measurement of uptake of PIA services and identity checks by other agencies
12	Travel documents and identity	Enhance the integrity of interstate processes for	Strongly dependent on the use of the	PIA	Analysis of fraud occurrences and



PROTECTION

Approach to protection

Victims of people trafficking are likely to be vulnerable and may require government protection. Protection of victims of trafficking has two focus areas: physical safety and human rights.

Victims of trafficking may be at risk of facing retribution from traffickers once they are identified by the Police or when they provide statements about their trafficking experience. The Police will ensure that the physical safety of victims is protected and where necessary, will place victims in a safe house.

Similarly, it is important to protect the human rights of victims by ensuring that they are dealt with appropriately by New Zealand authorities. New Zealand is committed to protecting the human rights of all people in New Zealand. The Human Rights Act 1993 and the Bill of Rights Act 1990 apply to all people in New Zealand regardless of

their immigration status. The action items in this section function to protect the human rights of trafficking victims.

In line with the requirement of the Trafficking Protocol, victims of trafficking will be assisted to return to their home country or, in appropriate circumstances, they will be assisted to remain lawfully in New Zealand either temporarily or permanently. Repatriation and settlement decisions will be made on a case-by-case basis, taking into account the specific circumstances and needs of the victim as well as humanitarian and compassionate considerations.

RECOGNITION OF TRAFFICKING VICTIMS' STATUS

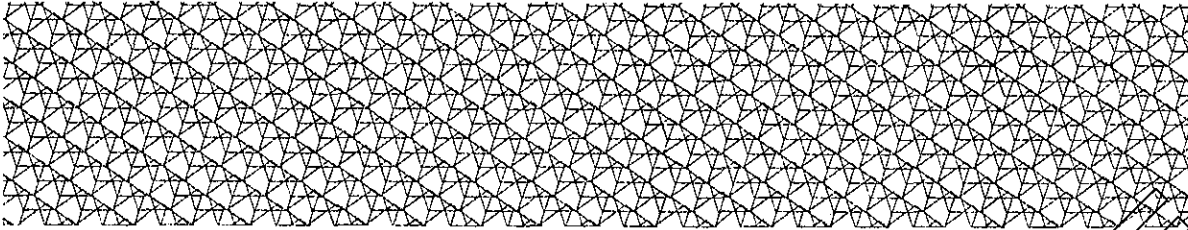
The Police will make a formal certification that a person is a suspected victim of trafficking. This police-certification will be endorsed by a senior police officer and will be based on an assessment of evidence and witness statements. Police-certification will be issued when there is a reasonable suspicion that the person in question

AGENCY INVOLVED:
Police

RELATED TO:
Principle (a)

has been trafficked to New Zealand according to the definition of people trafficking in section 98 of the Crimes Act 1961 (amended in 2002). Police-certification could be revoked by the Police if further investigation into the case proves that the person has not, in fact, been trafficked.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
17	Victims of people trafficking are properly identified.	Certify any suspected victims of trafficking based on assessment of evidence.	As the time when a case of suspected trafficking is identified.	Police	Reporting of the number of Police-certified victims issued and withdrawn.



KEY

ACTION ITEM

BUSINESS AS USUAL

**REPATRIATION ASSISTANCE
FOR VICTIMS OF TRAFFICKING**

AGENCIES INVOLVED: DOL and MFAT	RELATED TO: Goal (8)
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International experience suggests that some victims of trafficking simply want to return to their home country as soon as possible. In these circumstances, the Department of Labour will facilitate their repatriation. Where this becomes a voluntary removal, the Department of Labour will

conduct a humanitarian assessment. The Ministry of Foreign Affairs and Trade may also be involved by liaising with the officials of the country of origin to encourage the state to provide care for the victim on their arrival.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
16	Victims of trafficking are able to return to their home country as soon as possible.	Provide assistance and support to victims of trafficking who wish to return to their home country.	As soon as possible.	DOL	Victims of trafficking are able to return to their home country as soon as possible.
17	Victims of trafficking are able to remain in New Zealand for a period of time.	Provide assistance and support to victims of trafficking who wish to remain in New Zealand for a period of time.	As soon as possible.	DOL	Victims of trafficking are able to remain in New Zealand for a period of time.

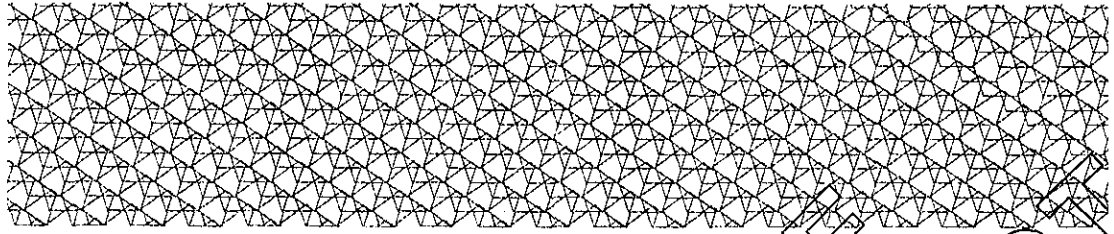
IMMIGRATION STATUS

AGENCY INVOLVED: DOL	RELATED TO: Principle (e) and Goals (5) & (8)
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Police-certified victims of trafficking are likely to need to stay in New Zealand at least temporarily while the Police consider, or commence, an investigation. If the Police gain enough evidence for a prosecution, they may seek the victim's consent to participate in a criminal justice process against alleged traffickers. In this instance it may be necessary for the victim to remain in New Zealand for a substantial period of time.

Where it is considered that it is too dangerous for the victim to return to their home country, the Department of Labour may look at options for long-term immigration solutions. The Department of Labour has work underway to enable the needs of victims can be accommodated within the range of permits currently offered.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
18	Victims of trafficking are able to remain in New Zealand for a period of time.	Provide assistance and support to victims of trafficking who wish to remain in New Zealand for a period of time.	As soon as possible.	DOL	Victims of trafficking are able to remain in New Zealand for a period of time.



**HEALTH SERVICES FOR
VICTIMS OF TRAFFICKING**

AGENCIES INVOLVED: MoH and ACC	RELATED TO: Principle (a) and Goal (6)
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Meeting the immediate health needs of identified victims of trafficking is a high priority. Victims may have a myriad of physical and/or mental health problems due to their experience of being trafficked. New Zealand has a duty to protect public health and to provide for individuals' acute health needs. It is essential that victims of trafficking do not face undue barriers when accessing health services in New Zealand.

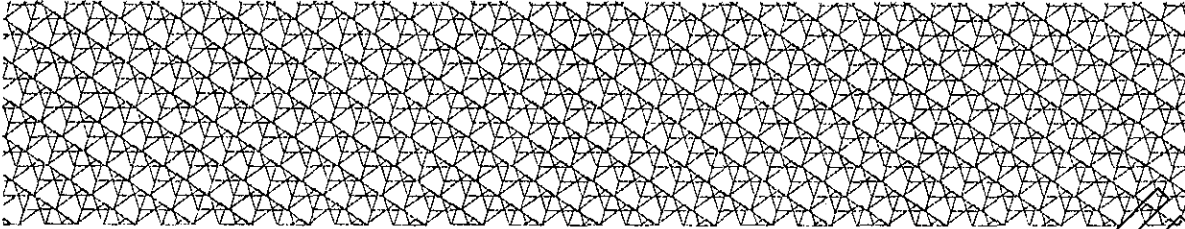
Everyone in New Zealand can access acute health services. Acute health services are funded directly or subsidised by the government for

eligible people including New Zealand citizens and permanent residents. People who are ineligible for publicly-funded health services, such as tourists, temporary migrants and illegal migrants, may still access acute care as needed although they will be asked to pay afterwards.

The Ministry of Health will seek amendment to eligibility criteria to enable police-certified victims of trafficking to access publicly-funded health services. The Accident Compensation Corporation offers the same level of cover to anyone in New Zealand regardless of their immigration status.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
1	Victims of trafficking have access to acute health services.	Review the eligibility criteria for publicly-funded acute health services to ensure that victims of trafficking are included.	Review the eligibility criteria for publicly-funded acute health services by the end of 2009.	MoH	The review of the eligibility criteria for publicly-funded acute health services is completed by the end of 2009.
2	Victims of trafficking have access to acute health services through the Accident Compensation Corporation (ACC).	Review the eligibility criteria for ACC to ensure that victims of trafficking are included.	Review the eligibility criteria for ACC by the end of 2009.	ACC	Review of the eligibility criteria for ACC is completed by the end of 2009.

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OFFICIAL INFORMATION ACT



KEY

ACTION ITEM

BUSINESS AS USUAL

**HOUSING FOR VICTIMS
OF TRAFFICKING**

AGENCIES INVOLVED:
HNZC and NGOs

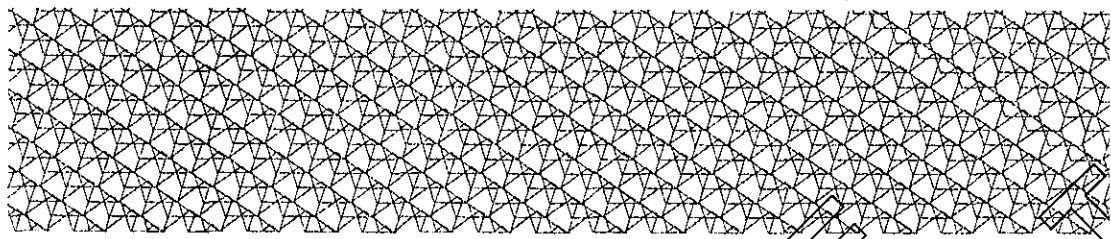
RELATED TO:
Principle (a) and Goal (6)

As part of the victim protection process of a Police investigation, the Housing New Zealand Corporation (HNZC) will use its best endeavours to arrange immediate temporary housing for any identified victims of trafficking. Non-government organisations, such as refugees, may also offer

shelter. HNZC may be able to provide a more long term housing solution if the need arises. This may be necessary if the victim is participating in a lengthy criminal justice process against their traffickers, or if they are granted permanent residence.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
10	Ensure that victims of trafficking are provided with immediate housing	HNZC will provide immediate housing for victims of trafficking.	As soon as possible after identification of victims.	HNZC and NGOs	Regularly monitor and report on the number of victims of trafficking who are provided with immediate housing.

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SOCIAL SERVICES AND FINANCIAL ASSISTANCE FOR VICTIMS OF TRAFFICKING

AGENCIES INVOLVED: Police and MSD	RELATED TO: Principle (a) and Goals (6) & (8)
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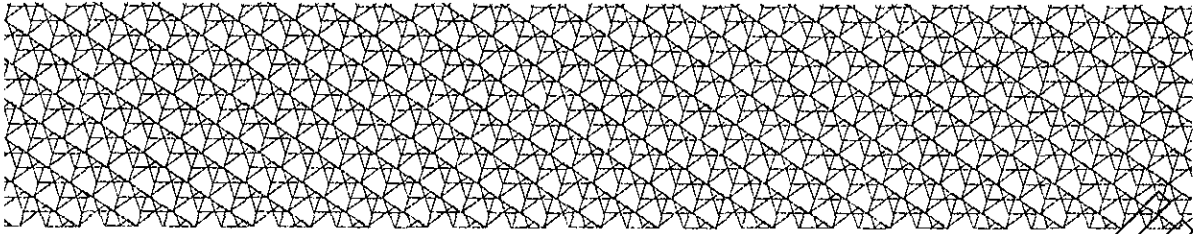
Victims of trafficking suffer a gross breach of their human rights and it is likely that they will be unfamiliar with the social services available in New Zealand. Following referral by the Police, the Ministry of Social Development will provide case-management to coordinate the provision of support services to police-certified victims of trafficking. The nature of this case-management will be determined on a case-by-case basis and will be provided through appropriate community-based providers.

Victims of trafficking are unlikely to have the financial resources to support themselves and would be at risk of serious financial hardship if financial assistance is not available to them. The

Ministry of Social Development provides financial assistance to small groups of people who do not qualify for other assistance through the Special Needs Grants Ministerial Waifare Programme. The Ministry of Social Development will seek an amendment to this programme to allow financial assistance to be provided to victims of trafficking. The Ministry of Social Development's operational arm, Work and Income, will offer tailored financial assistance to suit the needs of victims of trafficking. Victims of trafficking would also have access to Work and Income's employment programmes and services to help them to find suitable and sustainable employment to become financially independent.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
1	Victims of trafficking are provided with immediate access to support services and financial assistance.	Police will refer victims of trafficking to the Ministry of Social Development for case management. The Ministry of Social Development will provide case management to coordinate the provision of support services to police-certified victims of trafficking. The nature of this case-management will be determined on a case-by-case basis and will be provided through appropriate community-based providers.	As soon as possible following referral by the Police.	Police and MSD	Victims of trafficking are provided with immediate access to support services and financial assistance.
2	Victims of trafficking are provided with financial assistance to support themselves and their families.	Ministry of Social Development will provide financial assistance to victims of trafficking through the Special Needs Grants Ministerial Waifare Programme. The Ministry of Social Development will seek an amendment to this programme to allow financial assistance to be provided to victims of trafficking. The Ministry of Social Development's operational arm, Work and Income, will offer tailored financial assistance to suit the needs of victims of trafficking. Victims of trafficking would also have access to Work and Income's employment programmes and services to help them to find suitable and sustainable employment to become financially independent.	As soon as possible following referral by the Police.	MSD	Victims of trafficking are provided with financial assistance to support themselves and their families.

RELEASED UNDER THE OIA ACT



KEY
 [Redacted]
 ACTION ITEM
 [Redacted]
 BUSINESS AS USUAL

**PROTECTION OF TRAFFICKING
VICTIMS' PHYSICAL SAFETY**

AGENCY INVOLVED: Police	RELATED TO: Principle (a) and Goal (5)
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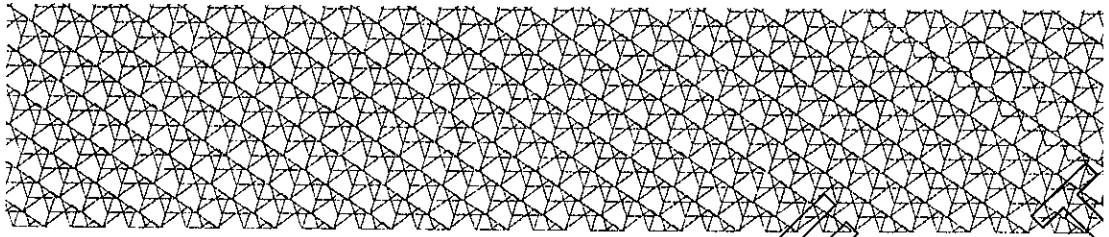
New Zealand Police will work to protect victims by ensuring their physical security through providing safe housing in New Zealand and actively pursuing the traffickers (including assisting the pursuit of people traffickers and their associates in other jurisdictions if required). Many victims of trafficking may have been coerced into accepting

their exploitation following threats made against their families if they do not submit to the traffickers. The Police will report any threats to the relevant governments as appropriate. Police Liaison Officers located offshore⁴ and Interpol would be best placed to follow up where necessary.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
23	Minimise the risk of harm to victims of trafficking.	Police will continue to provide safe housing for victims of trafficking and actively pursue the traffickers and their associates in other jurisdictions if required.	As soon as possible.	Police	Regular reporting to relevant governments.

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4. The New Zealand Police have Liaison Officers in the following locations: Beijing, Jakarta, Gengkok, Canberra, Sydney, London, Washington and Suva.



2

PROSECUTION

Approach to prosecution

New Zealand has comprehensive laws and enforcement measures in place to prosecute people traffickers. People traffickers will be prosecuted to the fullest extent of the law.

The Crimes Act 1961 was amended in 2002 to include anti-trafficking provisions (section 98). The law is based on the United Nations definition of people trafficking as outlined in Articles 3 and 4 of the Trafficking Protocol. New Zealand laws are yet to be tested with a case of trafficking; the provisions are consistent with international best practice.

People trafficking carries penalties of up to 20 years in prison and/or a \$500,000 fine. The penalties for people trafficking are comparable to those for homicide and rape; therefore, investigations into

suspected trafficking activity will be afforded the same level of priority by the New Zealand Police.

Legal Framework

New Zealand has adopted a transnational definition of people trafficking which is given legislative effect in Section 98D of the Crimes Act 1961. The Crimes Act along with other existing legislation, such as the Immigration Act 1987⁵ and the Prostitution Reform Act 2003, covers other criminal offences associated with the exploitation of people within New Zealand, such as underage prostitution.

INVESTIGATION OF SUSPECTED TRAFFICKING ACTIVITY

Any people trafficking crimes are to be thoroughly investigated. It is important that any government agencies that encounter indications of suspected trafficking activity have the appropriate procedures to be able to share that information

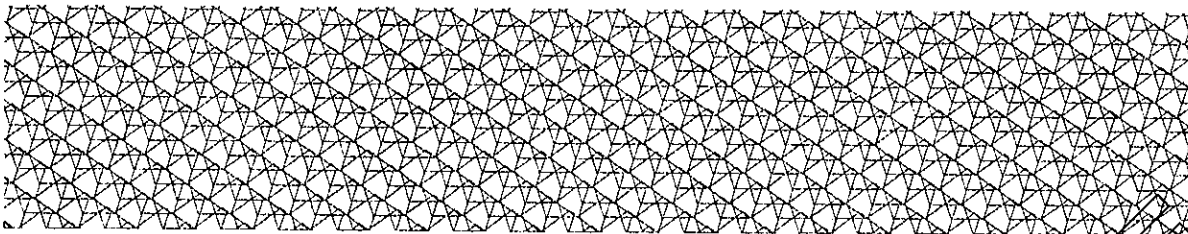
AGENCIES INVOLVED:
Police, DoL and Customs



RELATED TO:
Principle (b) and
Goals (4) and (9)

in a timely manner. Given the seriousness of people trafficking offences, it is necessary for any suspected people trafficking activity to be dealt with by senior officials.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
23	Investigations of suspected trafficking activity are well coordinated	Develop a protocol for coordinating local agency investigations	Share identity key amongst people and agencies of coordination	DoL, Police, Customs	Evaluation of investigations, protocols and outcomes

5. Please note that at the time of publication new immigration legislation was being considered by Parliament.



KEY

ACTION ITEM

BUSINESS AS USUAL

**SUPPORT FOR VICTIMS OF TRAFFICKING
DURING THE CRIMINAL JUSTICE PROCESS**

AGENCY INVOLVED: MoJ and Police
RELATED TO: Principle (a) and Goal (10)

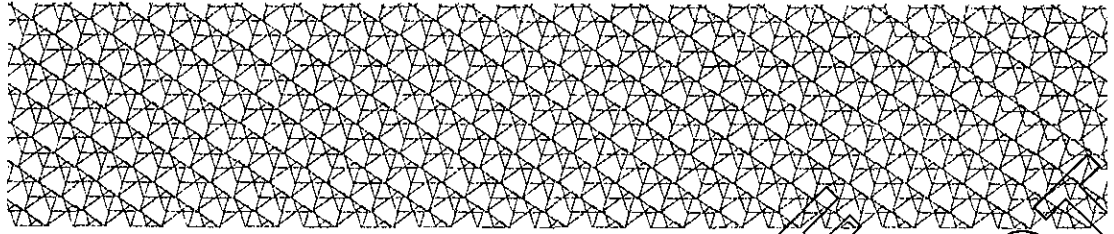
international experience shows that it is extremely difficult to secure convictions in cases of people trafficking. Convictions often hinge on the strength of a victim's witness statements, and victims are likely to be suffering the effects of trauma and exploitation. Therefore, under

the Plan of Action, victims will be assisted and positively encouraged to participate in any criminal proceedings involving their alleged traffickers. Also, information on victims' rights will be provided to victims support organisations that may come into contact with any victims of trafficking.

No.	OBJECTIVE	ACTION	TIMETABLE	AGENCY RESPONSIBLE	MEASURE
25	Victims have a right to be consulted and to be heard in the criminal justice process.	Police will ensure that victims are consulted and heard in the criminal justice process.	All the time when a victim is involved in the criminal justice process.	Police	Victims are consulted and heard in the criminal justice process.
26	Victims have a right to be consulted and to be heard in the criminal justice process.	Police will ensure that victims are consulted and heard in the criminal justice process.	All the time when a victim is involved in the criminal justice process.	Police	Victims are consulted and heard in the criminal justice process.
27	Victims have a right to be consulted and to be heard in the criminal justice process.	Police will ensure that victims are consulted and heard in the criminal justice process.	All the time when a victim is involved in the criminal justice process.	Police	Victims are consulted and heard in the criminal justice process.
28	Victims have a right to be consulted and to be heard in the criminal justice process.	Police will ensure that victims are consulted and heard in the criminal justice process.	All the time when a victim is involved in the criminal justice process.	Police	Victims are consulted and heard in the criminal justice process.

ORIGINAL

UNDER THE CRIMINAL JUSTICE ACT



**COMPENSATION FOR
VICTIMS OF TRAFFICKING**

AGENCY INVOLVED: DoL, MOJ and ACC	RELATED TO: Principle (a) and Goal (6)
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New Zealand law provides for victims to seek compensation for damage suffered. Where a person has been convicted of an offence, the offender may be ordered by the Court to make reparation to compensate the victim. In a case of trafficking, this may be applicable where in the course of exploiting the victim the trafficker has

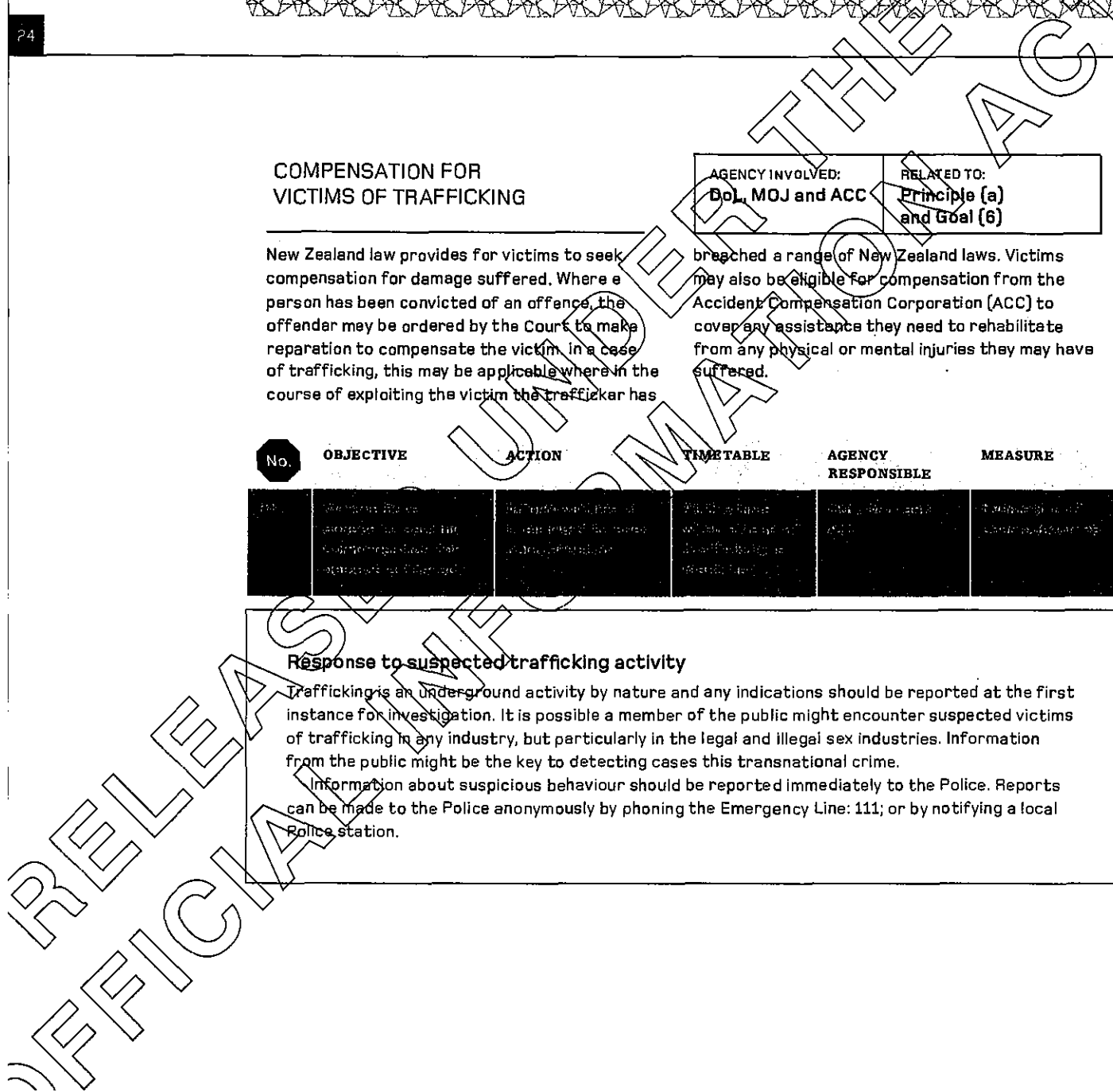
breached a range of New Zealand laws. Victims may also be eligible for compensation from the Accident Compensation Corporation (ACC) to cover any assistance they need to rehabilitate from any physical or mental injuries they may have suffered.

No.	OBJECTIVE	ACTION	TIME TABLE	AGENCY RESPONSIBLE	MEASURE
111	Victims have access to legal aid to determine their entitlement to damages.	Partnership with DoL to ensure integrity of the process and accountability.	2009-2010 2010-2011 2011-2012	DoL, DoJ, ACC	Training of legal aid providers

Response to suspected trafficking activity

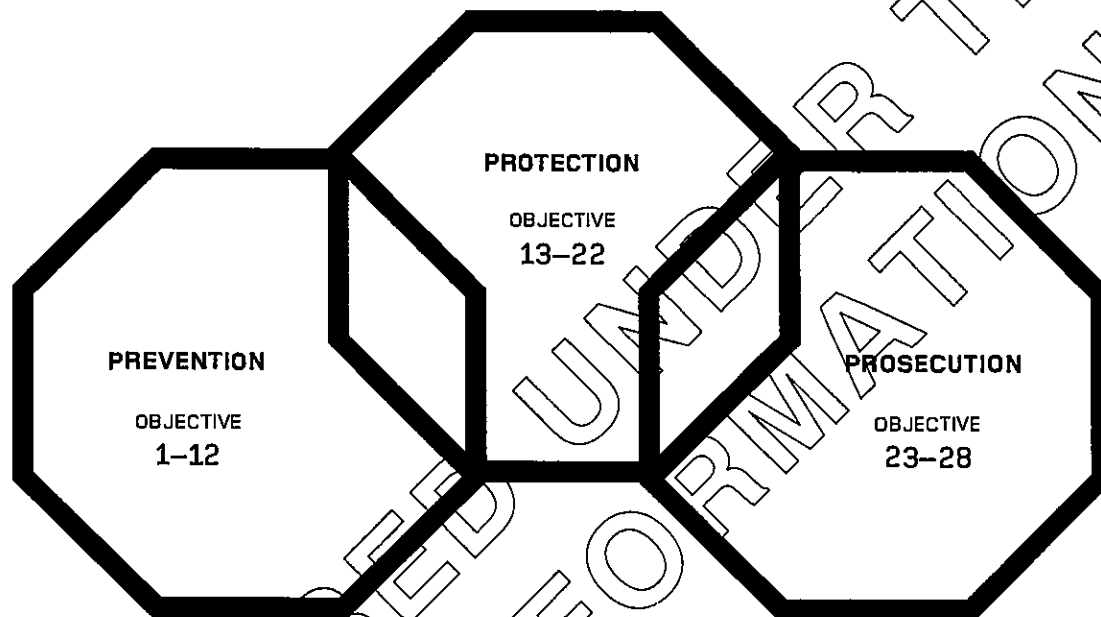
Trafficking is an underground activity by nature and any indications should be reported at the first instance for investigation. It is possible a member of the public might encounter suspected victims of trafficking in any industry, but particularly in the legal and illegal sex industries. Information from the public might be the key to detecting cases of this transnational crime.

Information about suspicious behaviour should be reported immediately to the Police. Reports can be made to the Police anonymously by phoning the Emergency Line: 111; or by notifying a local Police station.

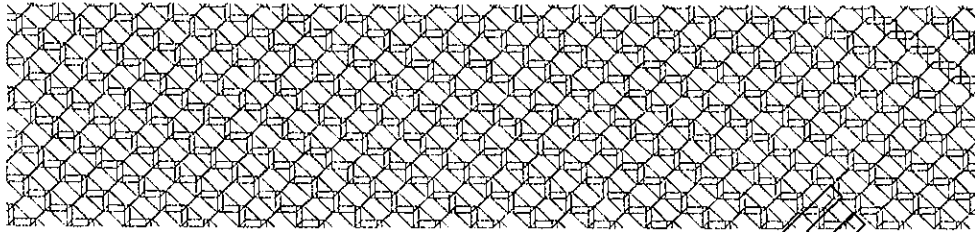


WORKING GROUP ACTION ITEMS

5

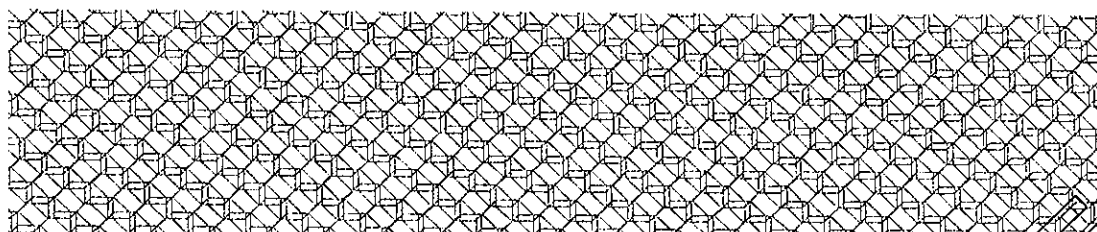


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PREVENTION

No	OBJECTIVE	ACTION
1	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.
2	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.
3	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.
4	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.
5	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.	To ensure that all persons who are at risk of being trafficked are identified and referred to the appropriate services and support.

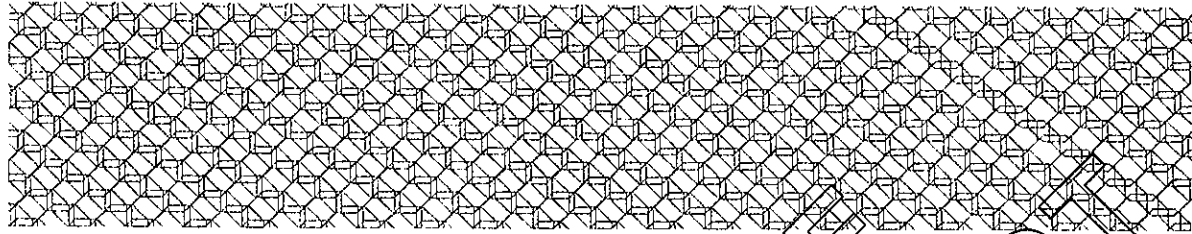


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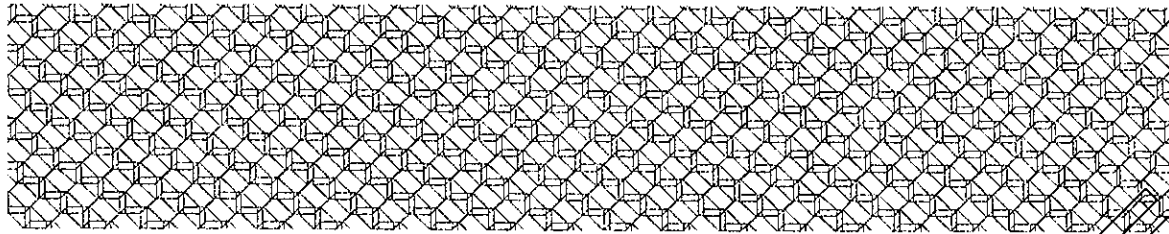
ACTION ITEM



BUSINESS AS U

OBJECTIVE	AGENCY RESPONSIBLE	MEASURE
<p>Develop and implement a regional waste management strategy</p>	<p>Environment Canada</p>	<p>Establish a regional waste management strategy</p>
<p>Reduce the amount of waste sent to landfills</p>	<p>Environment Canada</p>	<p>Reduce the amount of waste sent to landfills</p>
<p>Improve the quality of water in the region</p>	<p>Environment Canada</p>	<p>Improve the quality of water in the region</p>
<p>Reduce the amount of greenhouse gas emissions from the region</p>	<p>Environment Canada</p>	<p>Reduce the amount of greenhouse gas emissions from the region</p>
<p>Improve the quality of life in the region</p>	<p>Environment Canada</p>	<p>Improve the quality of life in the region</p>
<p>Engage the private sector in waste management initiatives</p>	<p>Ind. Customs and Police</p>	<p>Engagement increases the flow of valuable intelligence related to waste trafficking</p>
<p>Coordinate</p>	<p>VIAT and DSI</p>	<p>Reporting by agencies on regional meetings, technical assistance and other engagement initiatives</p>

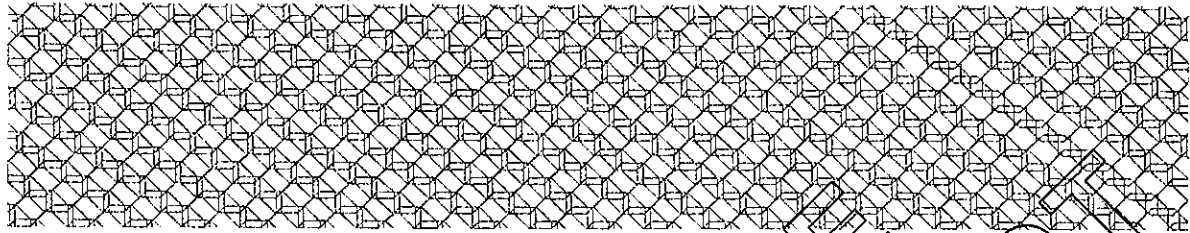


NO.	OBJECTIVES	ACTION
8	A significant number of individuals to whom the... ...are... ...are...
9
10
11
12	TRAVEL DOCUMENTS AND IDENTIFY DOCUMENTS ARE DIFFICULT TO OBTAIN FREQUENTLY



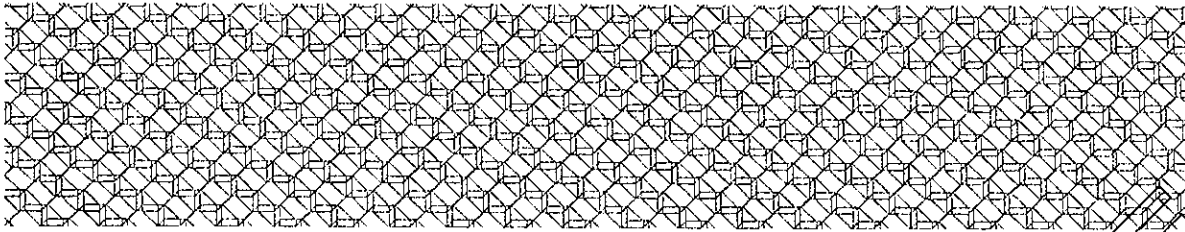
KEY
 ACTION ITEM
 BUSINESS AS U

MILESTONE	AGENCY RESPONSIBLE	MEASURE
<p>1. Review and update the current list of agencies responsible for the collection, processing, and dissemination of intelligence information.</p>	<p>DIA</p>	<p>Analysis of current intelligence collection, processing, and dissemination capabilities and requirements.</p>
<p>2. Review and update the current list of agencies responsible for the collection, processing, and dissemination of intelligence information.</p>	<p>DIA</p>	<p>Analysis of current intelligence collection, processing, and dissemination capabilities and requirements.</p>
<p>3. Review and update the current list of agencies responsible for the collection, processing, and dissemination of intelligence information.</p>	<p>DIA</p>	<p>Analysis of current intelligence collection, processing, and dissemination capabilities and requirements.</p>
<p>4. Review and update the current list of agencies responsible for the collection, processing, and dissemination of intelligence information.</p>	<p>DIA</p>	<p>Analysis of current intelligence collection, processing, and dissemination capabilities and requirements.</p>
<p>5. Review and update the current list of agencies responsible for the collection, processing, and dissemination of intelligence information.</p>	<p>DIA</p>	<p>Analysis of current intelligence collection, processing, and dissemination capabilities and requirements.</p>




PROTECTION

No.	OBJECTIVE	ACTION
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15	[REDACTED]	[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	VICTIMS CAN ACCESS TREATMENT AND REHABILITATION FROM ACUTE TOXICOMANIA (PHYSICAL AND MENTAL INJURY(S))	[REDACTED]
19	VICTIMS CAN ACCESS HOUSING APPROPRIATE TO THEIR NEEDS	[REDACTED]
20	THE NEEDS OF VICTIMS ARE CASE-MANAGED AND VICTIMS ARE SUPPORTED TO ACCESS SOCIAL SERVICES	[REDACTED]

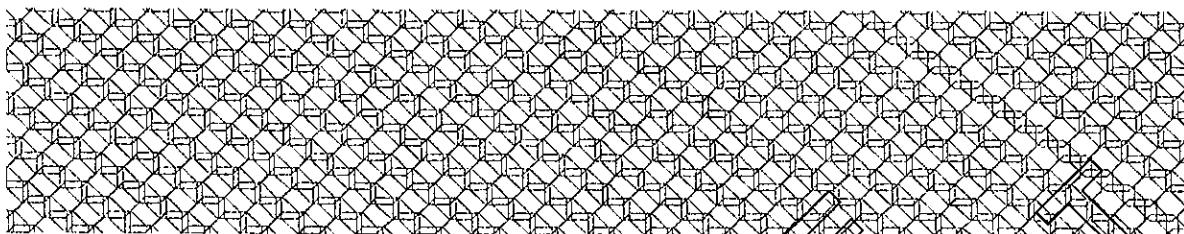


KEY

 ACTION ITEM

 BUSINESS AS USUAL

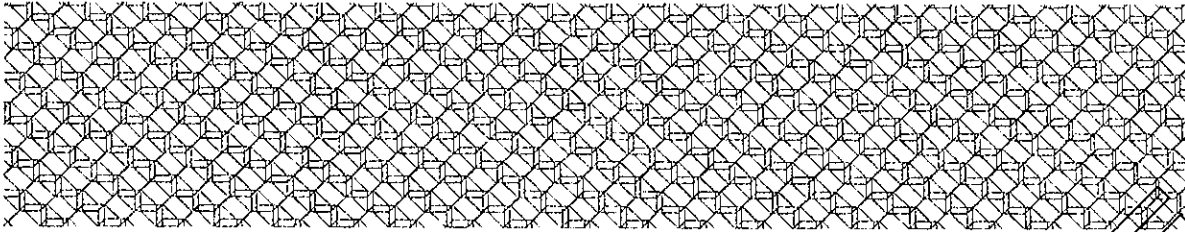
TRIGGER/TYPE	AGENCY/RESPONSIBLE	MEASURE
At the time when a case of trafficking is identified	Police	Provision of the 24-hour crisis helpline and information about support services
Following a complaint or report	Police	Access to the 24-hour helpline
When the victim is a child or young person	Police	Provision of child and young person services
When the victim is a vulnerable adult	Police	Provision of adult services
When a victim is a young child	Police	Provision of the 24-hour helpline and information about support services
At the time when a case of trafficking is identified	AFC	Provision of case outcomes
At the time of case of trafficking	HNZC and NGOs	Reporting on any housing assistance accessed by victims of trafficking
At the time when a case of trafficking is identified	Police and MOE	Report on services accessed by victims of trafficking and case outcomes




No.	OBJECTIVE	ACTION
21	VICTIMS ARE SUPPORTED TO ACCESS APPROPRIATE SERVICES	Access to legal services, counseling, and other services to assist victims in the criminal justice process.
22	VICTIMS ARE SUPPORTED TO ACCESS APPROPRIATE SERVICES	Access to legal services, counseling, and other services to assist victims in the criminal justice process.

PROSECUTION

No.	OBJECTIVE	ACTION
23	VICTIMS ARE SUPPORTED TO ACCESS APPROPRIATE SERVICES	Access to legal services, counseling, and other services to assist victims in the criminal justice process.
24	VICTIMS ARE SUPPORTED TO MAKE WITNESS STATEMENTS	Access to legal services, counseling, and other services to assist victims in the criminal justice process.
25	VICTIMS ARE SUPPORTED TO PARTICIPATE IN THE CRIMINAL JUSTICE PROCESS	Access to legal services, counseling, and other services to assist victims in the criminal justice process.
26	VICTIMS HAVE ACCESS TO CULTURALLY APPROPRIATE SUPPORT	Access to legal services, counseling, and other services to assist victims in the criminal justice process.



KEY

 ACTION ITEM

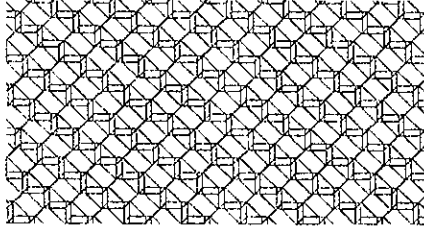
 BUSINESS AS USUAL

MITIGABLE **AGENCY RESPONSIBLE** **MEASURE**

<p>At the time when a case of trafficking is identified</p>	<p>Police</p>	<p>Effectiveness of financial and legal support for victims' legal actions and their ability to</p>
<p>At the time when a case of trafficking is identified</p>	<p>Police</p>	<p>Effectiveness of legal assistance</p>

MITIGABLE **AGENCY RESPONSIBLE** **MEASURE**

<p>At the time when a case of trafficking is identified</p>	<p>Police, Border and Customs</p>	<p>Effectiveness of financial support for victims' legal actions</p>
<p>At the time when a case of trafficking is identified</p>	<p>Police</p>	<p>Effectiveness of investigation processes and outcomes</p>
<p>At the time when a case of trafficking is identified</p>	<p>NIJ</p>	<p>Feedback from victims and owners</p>
<p>At the time when a case of trafficking is identified</p>	<p>NIJ & related intermediaries</p>	<p>Feedback from victims and interagency services</p>



34

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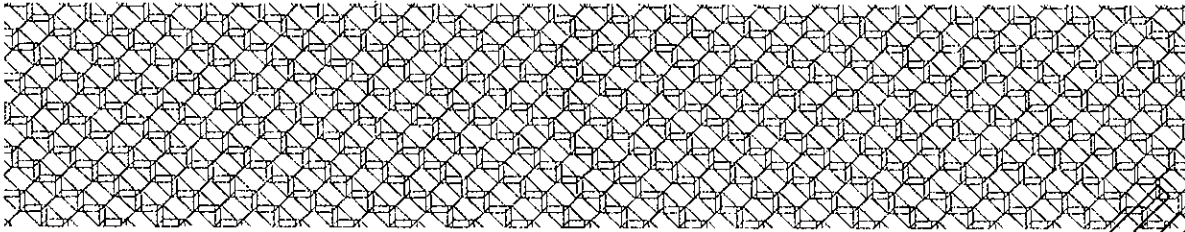
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[REDACTED]


28


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OFFICIAL INFO

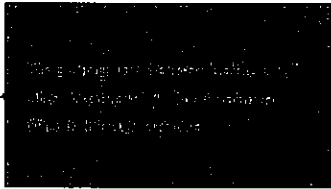

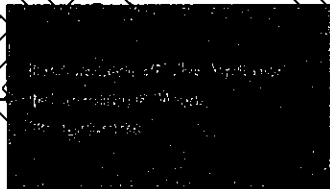
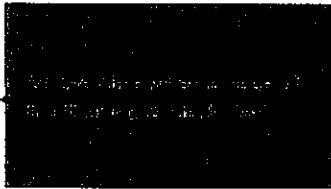

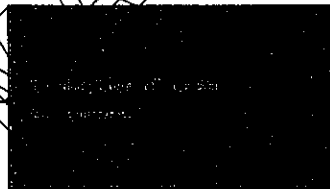


KEY

 ACTION ITEM

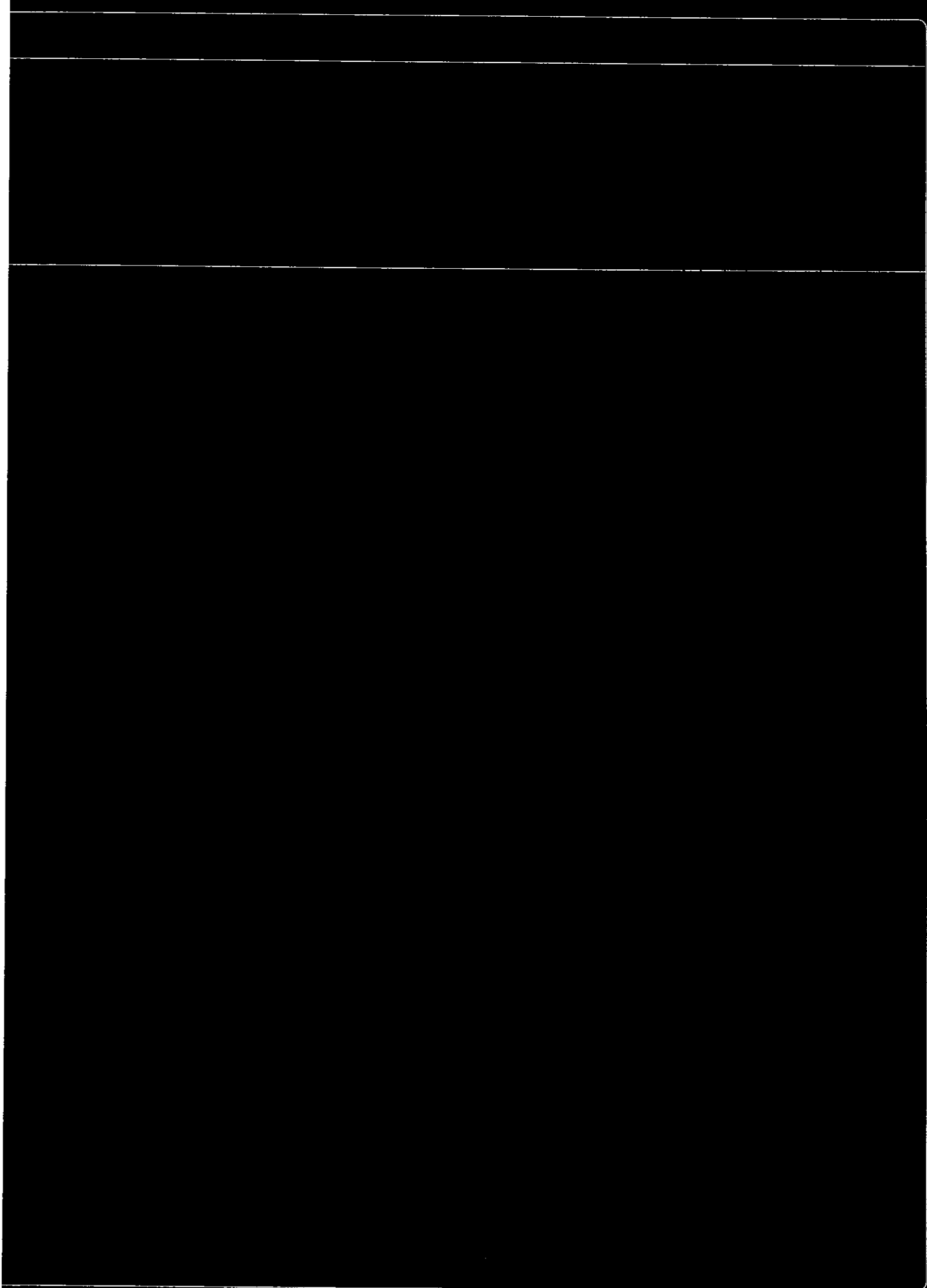
 BUSINESS AS USUAL

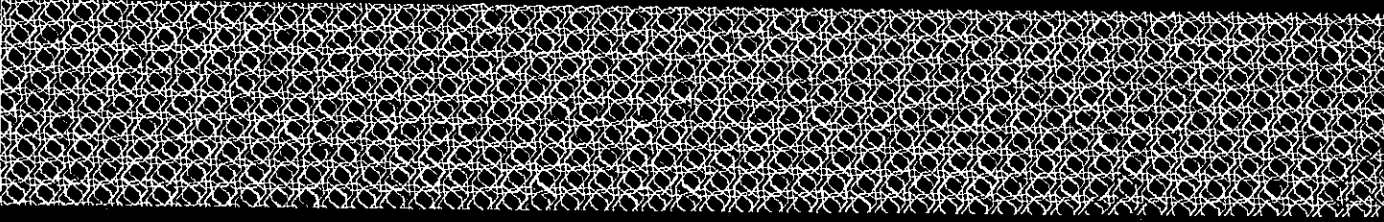
DATE/BI	AGENCY RESPONSIBLE	MEASURE
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RELEASABLE INFORMATION

REFLECTED INFORMATION UNDER THE
OFFICIAL INFORMATION ACT







Ministry of Business, Innovation & Employment

Ministry of Business, Innovation and Employment Briefing: UPDATES ON PROGRESS OF CEDAW RECOMMENDATIONS

Date Sent:	2 May 2013	Tracker No:	13/02131
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Action Sought

	Action Sought	Deadline for Action
Minister of Immigration (Hon Michael Woodhouse)	Sign attached letter to the Minister of Women's Affairs on CEDAW recommendations	As soon as possible

Agencies Consulted (include contact where relevant)

N/A

Contact for Telephone Discussion (if required)

Name	Position	Telephone		1st Contact
Michael Hobby	Acting Manager, International Strategy and Partnerships	04 915 4092 (wk)	S 3(2)(a)	✓

Minister's Office Actions (if required)

Send letter and attachment to Minister of Women's Affairs once signed

Enclosure: Yes – attached appendices

Minister's Comments

Ministry of Business, Innovation and Employment Briefing: UPDATES ON PROGRESS OF CEDAW RECOMMENDATIONS

Overview

1. On 26 March 2013 you received a letter from Hon Jo Goodhew, Minister of Women's Affairs, requesting information on actions intended to be taken within your portfolio in response to recommendations made by the Committee on United Nations Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (**Appendix A**).
2. As you are the Minister responsible for people trafficking, Hon Goodhew is seeking your agreement to proposed actions and updates for recommendations 26a to 26d of the report. The Ministry of Business, Innovation and Employment (MBIE) is the lead agency on anti-people trafficking initiatives and, as Chair of the Interagency Working Group on People Trafficking, MBIE has led or coordinated work under these recommendations.

Background

3. CEDAW defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. New Zealand has ratified CEDAW and is therefore bound to put its provisions into practice. This includes submitting periodic reports to the United Nations CEDAW Committee (the Committee) at least every four years on measures taken to comply with treaty obligations.
4. New Zealand's last periodic report was presented to the Committee in July 2012, which resulted in four recommendations specific to people trafficking issues. New Zealand is required to report on its progress on 48 recommendations to the Committee in 2016. In the meantime, the Ministry of Women's Affairs (MWA) intends to hold six-monthly meetings to track progress against recommendations, thus the letter from Hon Goodhew. The table included in the Hon Goodhew's letter has been updated to reflect actions currently underway in response to the Committee's recommendations for attachment to your reply to the Hon Goodhew (**Appendix B**).

Recommendation

I recommend that you:

- a sign the attached letter (**Appendix B**) in response to the Minister of Women's Affairs.

Noted

Michael Hobby
Acting Manager
International Strategy and Partnerships
Labour and Commercial Environment Group
Ministry of Business, Innovation and
Employment

Hon Michael Woodhouse
Minister of Immigration

___/___/___

___/___/___



Office of Hon Jo Goodhew

MP for Rangitata
Minister for the Community and Voluntary Sector
Minister for Senior Citizens
Minister of Women's Affairs

Associate Minister of Health
Associate Minister for Primary Industries

APPENDIX A.

Hon Michael Woodhouse
Minister of Immigration

26 MAR 2013

Dear Minister *Michael.*

RECEIVED
27 MAR 2013
Office Hon Michael Woodhouse

Convention on the Elimination of All Forms of Discrimination against Women

As I noted in my letter of 7 November 2012, it was a great privilege to present New Zealand's seventh periodic report to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in July 2012. I also signalled I would be alerting you to the Committee's recommendations, known as the Concluding Observations, relevant to your portfolio.

I am now seeking your agreement to the proposed actions. The recommendations relevant to your portfolio are attached with a brief description of the current situation and any proposed action where this has been provided by the lead agency.

New Zealand is required to report progress on the 48 recommendations to the Committee in 2016, and to report back on two of these recommendations (36 and 38) earlier, in July 2014.

The Ministry of Women's Affairs also intends to hold six-monthly progress meetings with officials to track progress against the recommendations.

I would welcome any feedback, including your views regarding any recommendation where no specific action is proposed. Should you wish to discuss further or to arrange a time to meet with me, please contact *S 9(2)(a)* in my office by telephone *S 9(2)(a)* or email *S 9(2)(a)*

Yours sincerely

Hon Jo Goodhew
Minister of Women's Affairs

RELEASED UNDER OFFICIAL INFORMATION ACT

Recommendations from the Concluding Observations of the Committee on the Elimination of Discrimination against Women

Work is under way or ongoing work occurring (to be reviewed and updated as part of six monthly progress meetings)	
No specific action is proposed at this time (will follow up in 12 months)	
Priority work for the next six months	
More information required from lead agency	

Ministry of Business, Innovation and Employment – Immigration Portfolio

Principal areas of concern	Recommendations	Lead Responsibility	Current situation	Proposed action
26a Trafficking and exploitation of prostitution	Identify, prosecute and punish traffickers, and ensure protection of the human rights of the trafficked women and girls.	MoJ MBIE	Plan of Action to Prevent People Trafficking – 2009.	The Ministry of Foreign Affairs and Trade and the Ministry of Justice are leading a review on the New Zealand definition of trafficking. This review will determine whether it fulfils New Zealand obligations in implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons. This review may identify opportunities to strengthen New Zealand's current legislation.
26b Trafficking and exploitation of prostitution	Ensure that trafficked women and girls have adequate support so as to be in a position to provide testimony against their traffickers.	MBIE	Awaiting information required from lead agency.	Awaiting information from lead agency on any planned action.
26c Trafficking and exploitation of prostitution.	Ensure systematic monitoring and periodic evaluation, including the collection and analysis of data on trafficking and exploitation of women in prostitution and to include such data in its next periodic report.	MoJ MBIE	The Department of Labour undertakes compliance visits targeted at the sex industry, which incorporates pre-briefs for staff on indicators of trafficking.	Awaiting information from lead agency on what systematic monitoring and data is collected that can be provided for next report.
26d Trafficking and exploitation of prostitution	Raise awareness of threats of trafficking and exploitation and make efforts to proactively screen vulnerable populations, including migrant women and girls, such as "mail-order" and "internet" brides	MBIE	The Department of Labour launched an anti-trafficking awareness campaign in 2010, which included public presentations and brochures in various languages. They have also undertaken several internal awareness-raising and training sessions to over 100 staff. Frontline staff at Police and Customs are also being trained to raise their awareness of trafficking.	Ongoing work occurring.
36a Disadvantaged groups of women	Provide in its next report data and information on the situation of women with disabilities, rural women, older women and women from ethnic minority groups, including with regard to their access to education, employment and health-care services.	MWA	New Zealand collects little data on women with disabilities, rural women, older women and women from ethnic minority groups.	MWA is working with a number of government agencies. The first step is undertaking a stocktake of what data we have, and any new data sets planned in the next 18 months.



Office of Hon Michael Woodhouse

Minister of Immigration
Minister of Veterans' Affairs

Associate Minister of Transport

Hon Jo Goodhew
Minister of Women's Affairs

Dear Jo

Thank you for your letter of 26 March 2013 about the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the concluding observations / recommendations of its Committee.

As you are aware, the Ministry of Business, Innovation and Employment (MBIE) is the lead agency on anti-people trafficking initiatives. As Chair of the Interagency Working Group on people trafficking, MBIE has led or coordinated work under these recommendations.

I am pleased to provide you with updates on progress against the recommendations on people trafficking and I agree to the proposed actions. The table setting out the proposed actions and updates is attached.

I trust that this will be helpful. Should you wish to discuss some of the updates or ask any questions, please contact ^{s 9(2)(a)} in my office by telephone ^{s 9(2)(a)} or email ^{s 9(2)(a)}.

Yours sincerely

Hon Michael Woodhouse
Minister of Immigration

In Confidence

Recommendations from the Concluding Observations of the Committee on the Elimination of Discrimination Against Women

Ministry of Business, Innovation and Employment – Immigration portfolio

Principals areas of concern	Recommendations	Current situation	Proposed action	Update on progress
<p>26a</p> <p>Trafficking and exploiting of prostitution</p>	<p>Identify, prosecute and punish traffickers, and ensure protection of the human rights of the trafficked women and girls</p>	<p>Plan of Action to prevent people trafficking – 2009</p>	<p>The Ministry of Foreign Affairs and Trade and the Ministry of Justice (MoJ) are leading a review on the New Zealand definition of trafficking.</p> <p>Recommended options to strengthen New Zealand's existing anti-trafficking legislation have been put to the Minister of Justice to consider, with a decision from Cabinet later this year.</p> <p>The Ministry of Business, Innovation and Employment (MBIE) will continue to provide training workshops on victim identification in 2013.</p>	<p>There may be specific risks associated to the sex industry and therefore Government has measures to monitor and regulate this sector.</p> <p>MBIE continues to investigate and prosecute employment recruitment agencies or employers who subject foreign workers to positions of involuntary servitude. Debt bondage are also being investigated and prosecuted.</p> <p>MBIE has developed training to identify victims, for non-government organisations (NGO), with the first sessions delivered in December 2012. This training has also been delivered to some MBIE frontline staff.</p> <p>Police have included people trafficking in their Criminal Investigations Bureau (CIB) training module. Police also commenced 4 prosecutions in 2012 calendar year against persons contracting for/ or being a client of under 18 prostitution. 2 cases are still before the Courts. For the other 2 finalised cases, 1 offender received 9 months imprisonment and the other 100 hours Community Service.</p> <p>MBIE has also agreed to collaborate with a United States-led and funded programme of anti-people trafficking training, which will be offered to Pacific counterparts. MBIE will provide expertise by way of trainers.</p>
<p>26b</p> <p>Trafficking and exploiting of</p>	<p>Ensure that trafficked women and girls have adequate support so as to</p>	<p>Awaiting information required from lead</p>	<p>Ongoing work occurring</p>	<p>In addition to the Victims' Rights Act of 2002 which sets out the rights of all victims of crime in NZ, including victims of exploitation, a number of policies are in place:</p>

In Confidence

Principals areas of concern	Recommendations	Current situation	Proposed action	Update on progress
prostitution	be in a position to provide testimony against their traffickers	agency		<ul style="list-style-type: none"> • Immigration Police-certified victims of people trafficking will be granted a 12-month temporary entry class visa to allow them to address their welfare needs and assist Police if they choose to. • Health The Health and Disability Services Eligibility Direction 2011 allows victims and suspected victims of people trafficking offences are also eligible for publicly funded health and disability services. • Social Welfare The Special Needs Grant Ministerial Welfare Programme allows for non-recoverable weekly grants for victims of trafficking if they or their family are in hardship while they are in New Zealand. <p>The New Zealand Police developed the Victim Focus Framework which aims to make an excellent response to victims' part of everyday operational practice. In addition to physical protection, it will ensure that Police work with communities and NGOs such as Shakti women's refuge, which supports the unique needs of ethnic migrant women.</p> <p>MoJ provides services and grants for victims of serious crime when their case is processed through the criminal justice system. These grants are delivered by government and non-government organisations, including the MoJ and Victim Support.</p> <p>The New Zealand Government recognises the support needs of women and girls are unique, thence officials from the Ministry of Women's Affairs is represented on the Interagency Working Group to provide advice on these unique needs.</p>

In Confidence

Principals areas of concern	Recommendations	Current situation	Proposed action	Update on progress
<p>26c</p> <p>Trafficking and exploiting of prostitution</p>	<p>Ensure systematic monitoring and periodic evaluation, including the collection and analysis of data on trafficking and exploitation of women in prostitution and to include such data in its next periodic report</p>	<p>The DOL undertakes compliance visits targeted at the sex industry, which incorporates pre-briefs for staff on indicators of trafficking</p>	<p>Information sharing protocols are presently under development (notably, the <i>igovt</i> initiative involving a single client view approach) which will mitigate the data sharing challenges we presently experience.</p>	<p>A formal data collection process exists within Immigration New Zealand. Information entered into the system is shared afterwards with other government agencies and data received from these agencies in turn inform MBIE's compliance and enforcement processes.</p> <p>A lot of information sharing occurs in an ad hoc manner at present which inhibits systematic recording and reporting of potential exploitation issues. However, from a reporting and data capture perspective, the <i>igovt</i> solution will also assist agencies in data sharing in the enforcement space.</p> <p>There are various forums and networks attended by officials that are good conduits for information sharing e.g. the Combined Law Agency Group. MBIE also maintains positive relationships with frontline NGOs such as the New Zealand Prostitutes Collective (NZPC) and Salvation Army to keep abreast of possible risks and trends in the sex industry.</p> <p>NZPC recently released research entitled 'Occupational Health and safety of Migrant Sex Workers in New Zealand' which provides a good insight into employment practices in the sex industry. The independent research largely refutes the popular perception of widespread exploitation. This is consistent with MBIE's own intelligence gathered on the sex industry and its discussions with the NZPC.</p>
<p>26d</p> <p>Trafficking and exploiting of prostitution</p>	<p>Raise awareness of threats of trafficking and exploitation and make efforts to proactively screen vulnerable populations, including migrant women and girls, such as "mail order" or "internet" brides</p>	<p>The DOL launched an anti-trafficking awareness campaign in 2010, which included public presentations and brochures in</p>	<p>Ongoing work occurring.</p> <p>MBIE will continue to provide training workshops on victim identification in 2013 and raise awareness by attending forums and through its campaigns.</p>	<p>MBIE undertook to develop training to identify victims, for NGO frontline staff. The first sessions were delivered in December 2012 with more planned in May 2013. This training has been delivered to some MBIE frontline staff</p> <p>Police have included people trafficking in their Criminal Investigations Bureau (CIB) training module.</p> <p>New Zealand Customs Officers at the border are trained in profiling techniques that allow them to identify people suspected of being</p>

Principals areas of concern	Recommendations	Current situation	Proposed action	Update on progress
		<p>various languages. They have also undertaken several internal awareness-raising training sessions to over 100 staff. Frontline staff at Police and Customs are also being trained to raise their awareness of trafficking</p>		<p>trafficked for the sex industry.</p> <p>Furthermore, the New Zealand Government has a framework to raise awareness and assist these vulnerable populations:</p> <ul style="list-style-type: none"> • Police, Ministry of Social Development (MSD), Ministry of Education (MOE) and Immigration New Zealand (INZ) have established a framework including signing a Memorandum of Understanding to assist victims of forced marriage, which may include mail-order or internet brides. • INZ has a specific Victims of Domestic Violence Immigration Policy to assist identified victims, which allows them to remain in New Zealand lawfully, so removing the fear of deportation. • MSD will support victims by providing social welfare and support regarding violence and family relationships. MOE also works with MSD to provide information on the identification and reporting of forced marriages to ensure that schools have clear processes to follow and support complainants. MSD also works to raise awareness amongst local migrant and refugee communities, community groups and organisations about forced and/or underage marriages.



Ministry of Business, Innovation & Employment

Ministry of Business, Innovation and Employment Briefing: Initiatives to prevent exploitation of migrant workers

Date Sent:	14 May 2013	Tracker No:	13/02395
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Action Sought

	Action Sought	Deadline for Action
Minister of Labour (Hon Simon Bridges)	Note contents	For your meeting of 16 May 2013
Minister of Immigration (Hon Michael Woodhouse)	Note contents	For your meeting of 16 May 2013
Minister for Tertiary Education, Skills and Employment (Hon Steven Joyce)	For your information	N/A
Associate Minister of Immigration (Hon Nikki Kaye)	For your information	N/A

Agencies Consulted (include contact where relevant)

N/A

Contact for Telephone Discussion (if required)

Name	Position	Telephone		1st Contact
Rob Stevens	General Manager, Service Support	04 915 6209	SS (2)(a)	✓
George Mason	General Manager, Labour Inspectorate	04 915 4053	SS (2)(a)	

Minister's Office Actions (if required)

Enclosure: No

Minister's Comments

Ministry of Business, Innovation and Employment Briefing: Initiatives to prevent exploitation of migrant workers

Summary

1. This briefing provides information on the Ministry of Business, Innovation and Employment's (the Ministry's) proposed approach to ensuring that migrant workers can report exploitative practices by employers, without fear of the consequences for their immigration status.
2. The Ministry currently has informal processes to ensure that migrants reporting exploitative practices are not disadvantaged. It is proposed to publicly promulgate this formalised approach within the next four weeks.

Recommended Action

The Ministry of Business, Innovation and Employment recommends that you:

- a **note** the information in this briefing

Noted

- b **agree** that a separate submission will be sent to the Minister of Immigration with the amendments to the immigration instructions for certification

Agreed / not agreed

- c **note** that officials will discuss a communications strategy with the Ministers of Immigration and Labour before the promulgation date is finalised.

Noted

Rob Stevens
General Manager, Service Support
Immigration New Zealand

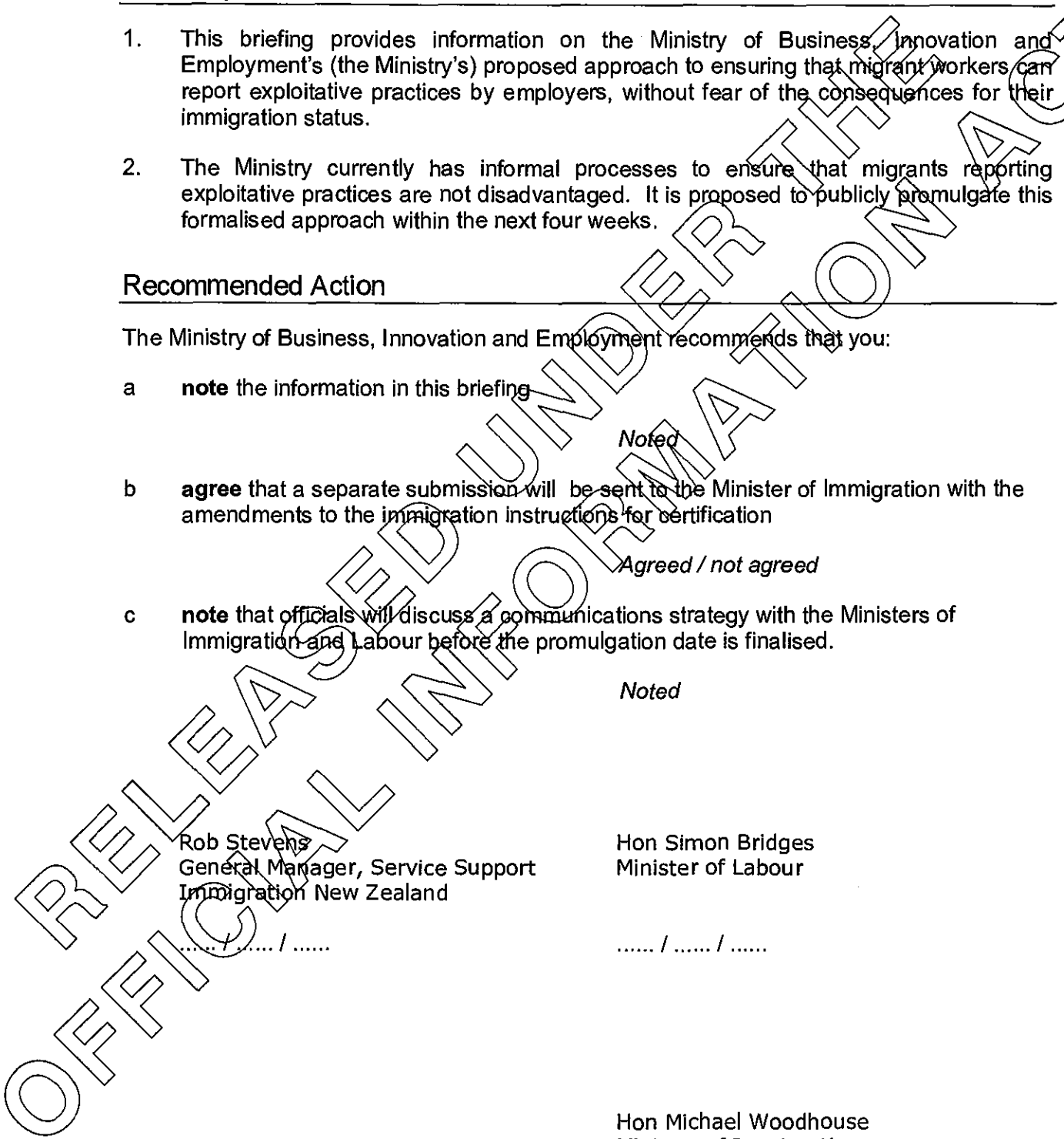
Hon Simon Bridges
Minister of Labour

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Hon Michael Woodhouse
Minister of Immigration

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Purpose

3. This briefing provides you with information about how the Ministry proposes to formalise its approach to addressing the exploitation of migrant workers who are working unlawfully or in breach of their visa conditions. This information is to support a meeting between the Ministers of Labour and Immigration scheduled for 16 May 2013.

Exploiting migrants is a criminal offence...

4. Labour exploitation refers to the most serious breaches of employment rights. Exploitation of unlawful employees is an offence under section 351 of the Immigration Act 2009 (the Immigration Act). An "unlawful employee" means a person who the employer knows is not entitled under the Immigration Act to work for them (because they do not have lawful status in New Zealand or because the work involves a breach of their visa conditions).
5. "Exploitation" of an unlawful employee by an employer includes serious breaches of the Holidays Act 2003, the Minimum Wage Act 1983, or the Wages Protection Act 1983. An employer also commits an offence for taking an action with the intention of preventing or hindering an unlawful employee from leaving the employer's service; leaving New Zealand; ascertaining or seeking his or her legal entitlements; or disclosing to any person the circumstances of his or her work. The penalty for exploitation is set at a level that reflects the seriousness of this offence – imprisonment for a term not exceeding seven years, a fine not exceeding \$100,000, or both.

...and while preventing exploitation is a priority for the Ministry, it is difficult to determine the issue's true scale

6. Employers who are exploiting their migrant workers often take advantage of the migrant's concern for their immigration status. This is particularly the case for migrants here unlawfully, and for those who hold temporary rather than residence class visas. Cases of such employer behaviour and a perceived lack of accountability are causing concern for employer and employee representatives.
7. Addressing this issue is a priority for the Ministry, but it is acknowledged that it is difficult to gauge the extent of the exploitation problem. This is because some migrant workers are not reporting exploitation for fear of immigration consequences.
8. Anecdotal information from the Labour Inspectorate and Immigration New Zealand (INZ) indicates that infringements of employment law involving migrant workers are the most severe in terms of exploitation. In many cases, employers who exploit migrant employees are themselves migrants and are operating in the same ethnic community.

The Ministry's approach will ensure migrants are not disadvantaged by reporting a criminal offence

9. The Ministry has been sensitive to the position of unlawful migrant workers raising issues of exploitation for some time. It has now developed a formal approach which will be publicised to encourage victims of exploitation to come forward. The objective of the proposed changes is to help ensure that employers are employing migrants on a lawful and fair basis by:

- protecting the rights of migrant workers
- deterring the exploitation of migrant workers, and
- ensuring that those who exploit migrant workers are held to account.

10. The Labour Inspectorate and INZ have a shared objective of deterring the exploitation of migrants by focusing enforcement activity on the employer and their agents, rather than the migrant. Our approach will be based on principles that protect the victims of criminal offending.

The Ministry will encourage migrants to report exploitation to the Labour Inspectorate

11. The principal channel for reporting will be an 0800 number that takes callers through to the Labour Contact Centre. Where appropriate, the Contact Centre will refer cases to the Labour Inspectorate.

The Ministry will establish a clear and transparent process for considering migrant exploitation

12. Where the claim has elements of exploitation, the Labour Inspectorate will refer it to a cross-agency panel comprising managers from INZ, the Labour Inspectorate, and the Ministry's Legal Services. The panel will provide oversight of the investigation into the employer's activities, and guidance to INZ about how to ensure the victim is supported, including with respect to maintenance of their immigration status.
13. Cases reported as exploitation but involving elements of people trafficking will be dealt with under existing processes in accordance with the National Plan of Action on Trafficking.
14. Where a claim does not meet the threshold of exploitation, it will be resolved through standard processes for the resolution of employment matters. The Labour Contact Centre / Inspectorate will not reveal the identity of the complainant to INZ.
15. In the event that INZ *independently* identifies a person as liable for deportation (for example because they are discovered to be working in breach of their visa conditions), where the client makes INZ aware of the outstanding employment issues which have been raised with authorities, INZ will generally allow the person to remain until those issues are resolved. INZ will work closely with labour inspectors to determine how long a person should be allowed to remain in New Zealand for this purpose.
16. All processes are dependent on a person making a genuine claim in good faith. If at any point there is any doubt as to the veracity of an allegation, including where it appears a false allegation is made to create an opportunity to remain in New Zealand, INZ will investigate closely, with the person potentially becoming liable for deportation.

Proposed changes to immigration instructions would assure migrant victims of exploitation that they will not be disadvantaged by coming forward

17. Proposed new immigration instructions will apply to applicants for further temporary visas who have come forward with evidence of exploitation. They will allow immigration officers to disregard any previous breach of the work-related conditions of an applicant's current visa if he or she has cooperated with INZ and/or the Labour Inspectorate by providing evidence of workplace exploitation against him or herself.
18. Applications for further visas from victims of exploitation will be considered against these instructions by a specialist pool of immigration officers who have received training in combating exploitation. This will ensure they are treated consistently and fairly, taking into account the spirit of the Ministry's approach.
19. An applicant must meet the normal requirements of the immigration instructions under which the application is made, including being of good character and an acceptable standard of health. In the event the applicant does not qualify under those instructions, the immigration officer will consult with the cross-agency panel with respect to the requirement for the victim to remain in New Zealand for the duration of

any investigation. If required, he or she may be granted a limited visa to ensure he or she is available as a witness in court proceedings.

20. If the person is in New Zealand unlawfully, INZ may still grant that person a visa under section 61 of the Immigration Act, outside of immigration instructions. A request for a visa under section 61 will also be considered by an immigration officer from the specialist pool. Absolute discretion will apply to any such decision, but the principles and spirit behind the Ministry's approach to combating exploitation can be taken into account.
21. INZ will prepare a separate ministerial submission for certification of the new immigration instructions by the Minister of Immigration, if he agrees.

Staff across the Ministry will receive training to raise their awareness of exploitation

22. An online training module is being prepared for labour inspectors, staff at the Labour Contact Centre and key staff at INZ. The training module will raise awareness of exploitation and its indicators and the approach to be followed when a case involves both employment and immigration matters. Detailed processes will be documented in the relevant INZ Staff Toolkits, Labour Operational Manual, and in an Internal Administrative Circular.

The Ministry has prepared targeted communications for victims and key stakeholders

23. A pamphlet for distribution has been developed. The pamphlet has been written in plain English and includes a list of indicators of exploitation. The pamphlet encourages migrants or their advocates to come forward to MBIE (including through the 0800 number) if they have concerns about exploitation, regardless of their immigration status. The pamphlet is being translated into key languages, including Chinese, Hindi, Gujarati and Punjabi. The pamphlet will be disseminated to non-governmental organisations and other labour advocacy groups, and can be handed to migrants by front-line immigration officers or labour inspectors, for example during a site visit where migrants are identified as being at risk.
24. The Ministry has also developed web content to provide further information on the actions migrants or their advocates can take to prevent exploitation. Emails prepared for stakeholders including non-governmental organisations, unions and employer advocates will outline the Ministry's approach. The Ministry will also continue to engage with key partners on this issue, including through face-to-face meetings.
25. Further communication materials will be prepared for the Ministers of Labour and Immigration as requested by their offices.

There is a potential for large volumes of exploited migrants to make claims, some of which will not be genuine

26. Labour exploitation is a hidden problem, so the extent to which this approach will create a spike in the numbers of victims of exploitation coming forward, and the number of exploitative employers identified, cannot be predicted. This could have resource implications for the Ministry. The impact of this change will be monitored, and in the interim all cases will be dealt with through reprioritisation of existing resources.
27. There is also a potential for migrants to try and game the system, by making false claims relating to exploitation so they can stay in New Zealand. Where a visa applicant provides false or misleading information they can be made liable for deportation.

Managing expectations of victims and other stakeholders

28. Migrants and stakeholders may expect that all matters relating to migrant exploitation can be resolved through this approach, but this is not necessarily the case. The new approach may allow a person to remain in New Zealand in accordance with the original purpose of their stay (e.g. to complete a course of study, or for a temporary period of work), but is not intended to confer additional immigration rights. It will not, for example, open up new residence pathways for migrants where these did not exist previously, or confer a clean slate where a person has character issues.
29. Also, the Immigration Act definition of exploitation does not cover temporary migrants who are subject to poor working conditions while working lawfully (for example people on open work visas, working holiday visas, or student visas with work rights). This issue will be addressed by some of the proposed policy and legislative changes that are being advanced by the Ministry.
30. Meanwhile, migrants in this situation can continue to seek resolution of employment issues through existing channels, including the Labour Inspectorate, or seek alternative acceptable employment that accords with their immigration status. INZ will continue to consider applications to vary the conditions of a person's visa from such people on a case by case basis in accordance with immigration instructions, but in light of the Ministry's commitment to combatting issues relating to the exploitation of migrant workers.

The Ministry will monitor and report on the impact of the changes

31. The Ministry will provide quarterly update reports on the impact of the changes. A post-implementation review will be scheduled for 12 months after implementation, to assess resource impacts, stakeholder feedback and what further steps are required to combat exploitation.