



Te Ope Whakāora

Telling the Inconvenient Truths

salvationarmy.org.nz/socialpolicy

The 2011 Pacific Trafficking in Persons Forum | Hosted by the Salvation Army's Social Policy and Parliamentary Unit, in cooperation with HAGAR NZ, and ECPAT, Child Alert NZ

Forum organiser **Chris Frazer** discusses the inconvenient truths exposed at the Pacific Trafficking in Persons Forum, held on 2-3 December 2011, and the truth about how we can stand against this crime that is happening in our backyard.

'Ending human trafficking is not idealistic or naive. It is audacious. And it is people of audacity who change the world.' Rob Morris

TELLING THE STORIES

Aided by real life stories, Ruth Dearnley¹, the key note speaker at the Pacific Trafficking in Persons Forum, urged participants to become nosy and gossip more. While these are not normally characteristics we would wish to openly acknowledge or aspire to, the intent of Ruth's message was very clear: the trafficking of people survives and thrives in conditions of silence, ignorance and denial. Therefore, continuing awareness raising and campaigning is essential in ensuring the message maintains an active public profile.

The message needs to be clear, focused and simple; Stop the Traffik's chocolate campaign has gained considerable traction by following such a plan. Their commitment to targeting one key consumable item has seen significant achievement with increasing numbers of 'Traffik free' chocolate bars appearing on supermarket shelves.

It is important to note that traffickers can exhibit tremendous commitment to executing their crime. Ruth gave a graphic description of one young English woman from a middle class background being groomed for five years by her trafficker. To be successful, any anti-trafficking campaign/programme requires the same level of dedicated commitment and consistency of approach.

Bringing together a diverse range of people, organisations and cultures, the aim of the Pacific Trafficking in Persons forum was to unpack and challenge the inconvenient truths that underpin the growing crime of trafficking



→ (l-r) Major Campbell Roberts, Chris Frazer and Ruth Dearnley

in persons. By the end of the two days, participants were left in no doubt that neither the Pacific region nor New Zealand is free from the taint of the illegal commodification of people for profit.

The forum was attended by non government organisations, government departments, law enforcement, researchers, lawyers, human rights activists and grass roots community groups. All shared their knowledge and eagerly set out to know more about the issues and to become more actively involved. Countries who participated in the two day event included Fiji, Tonga, Australia and New Zealand, along with representatives from the American Embassy.

Projected as a follow-on from the 2009 forum the intended outcomes were very clear, namely they were:

1. To achieve a greater understanding of the vulnerability factors that underpin trafficking in persons that will lead to the development of more appropriate effective interventions.
2. To develop an association of organisations that could further improve the effectiveness of grass roots community action.

→ This paper does not necessarily represent the official views of The Salvation Army.

This report provides a summary of some of the presentations made to the forum; a snap shot into two very intense days where quality information was shared, networking was intentional and significant strides forward were made towards forming an anti-trafficking network in 2012.

‘Friends help each other – not just with convenient facts, but sometimes with inconvenient truths. And in the anti-trafficking world, that kind of friendship means honesty about the problems we see.’²

WHAT DID WE LEARN?

The Human Rights Commission’s presentation affirmed again the primacy of human rights regardless of economic circumstances, culture or gender. ‘Everyone is born free and equal in dignity and rights.’³ Despite the form it takes, trafficking in people violates those rights. It follows, therefore, that any anti trafficking measures must place human rights at the centre.

‘Trafficking is not just a problem of migration, of public order or of organised crime’⁴

Responses to trafficking must:

- ♦ respect, protect and fulfil human rights
- ♦ focus on those most vulnerable—including women, children and migrants

Responses to trafficking must not involve:

- ♦ detention of trafficked persons in immigration or shelter facilities
- ♦ prosecution of trafficked persons for status-related offenses such as illegal entry or illegal work
- ♦ forced repatriation of victims that places them in danger of reprisals or re-trafficking
- ♦ conditional provision of support and assistance
- ♦ denial of a right to a remedy

The presentation concluded with a challenge that all of us need to be far better prepared to respond effectively to people-trafficking violations. The Forum was reminded that there is no room for complacency in our own backyard. Community concerns have been, and are being raised about exploitation and the possible trafficking of:

- ♦ **women** through forced marriages or as workers on extended family’s farms
- ♦ **children** through prostitution
- ♦ **migrant workers** in the hospitality industry (chefs and restaurant staff), horticulture and viticulture and in the fishing industry—on foreign charter vessels

‘Modern slavery, often hidden and unrecognised, persists today on every continent and, most tragically, right here in the United States, despite being prohibited by both domestic legislation and international law.’⁵

The presentation by the American Embassy,⁶ reinforced the global and local nature of the crime, outlining the mandate of the Trafficking in Persons report to rank countries according to the three tier system, specifically,

- ♦ **Tier 1:** fully comply with the minimum standards
- ♦ **Tier 2:** do not fully comply but are making efforts to do so
- ♦ **Tier 2 Watch List:** concern that the situation is deteriorating—to be re-evaluated next year
- ♦ **Tier 3:** do not fully comply and are not making significant efforts to do so.

Spanning the globe, with no is country immune from the growing crime, it is known that trafficking

- ♦ occurs everywhere
- ♦ is a fluid phenomenon
- ♦ can be forced labour/commercial sex
- ♦ may include coercion and kidnapping
- ♦ does not require movement for it to be trafficking
- ♦ may include men as victims, too

The presentation finished with four recommendations for action for New Zealand:

- ♦ proactive investigations
- ♦ recognition of vulnerable populations
- ♦ increased training for enforcement
- ♦ prosecution of sex and labour trafficking offences under trafficking legislation

A NEW ZEALAND RESPONSE

Remaining in our own backyard, the NZ Department of Labour gave an update on New Zealand’s plan for the prevention of people trafficking. This included an overview of Immigration NZ’s role and accountability, and also comment on the recent fishing incidents. It was acknowledged there has been no prosecution of traffickers to date, but areas of risk for the presence of trafficking include:

- ♦ **horticulture/viticulture/dairy industries**—vulnerable migrant workers, unaware of their rights, working illegally, fear of authorities
- ♦ **sex industry**—links to organised crime, and being here unlawfully makes them vulnerable
- ♦ **at the border**—generally when they pass through the border, they are not aware they are being trafficked; traffickers can secure a genuine visa and deceive the victims into coming; intelligence gathered at the border shows that passengers believed to be travelling to New Zealand to work in the sex industry unlawfully do so willingly, especially countries with visa-free status

New Zealand’s Plan of Action to Prevent People Trafficking was launched in 2009. It is a living document and can be adjusted as necessary.

At the present time, the Department of Labour is the subject of a Ministerial Inquiry, and the department took this opportunity to outline the current governmental response to foreign charter vessels fishing within our waters. Foreign owned, operated and crewed the vessels are chartered by New Zealand quota owners.

Why foreign vessels and crew? The insufficient capacity of New Zealand's fleets and a labour shortage in fishing, means they are unable to achieve the required fishing quotas. Following a number of incidents where crew jumped ship because of the pay and conditions on board, the Department of Labour developed a code of practice in collaboration with the fishing industry and the NZ Fishing Industry Guild. This code of practice came into effect in 2006. However, it was acknowledged that despite legislation designed to protect workers and guarantee minimum wage and employment conditions, enforcing such agreements was challenging on a number of fronts, including

- difficulty in monitoring conditions on board the vessel
- difficulty in verifying allegations of abuse
- legislative constraints once a vessel is outside New Zealand's territorial waters

A significant section of the forum focused on issues relating to child vulnerability and exploitation, with presentations from the Australian Institute of Criminology and Save the Children, Fiji.

The Australian Institute of Criminology began their presentation on the extent of child trafficking in the Asia region by highlighting the challenges associated with a lack of credible data pertaining to the crime. While there is little reliable data available about the magnitude of this crime, the cases identified are just the 'tip of the iceberg'.

Child trafficking includes various forms of bonded and exploitative labour, such as domestic service, factory work, and fishing; sexual exploitation, such as child prostitution or the production of child pornography; forced marriage; armed conflict; adoption, and begging.¹⁷ It is known that:

- the Pacific region is characterised by a largely youthful population—almost 37 percent of the region's population aged less than 15 years
- children are susceptible to a range of exploitative and criminal activities, including commercial sexual exploitation, sex tourism, labour exploitation, illegal adoption
- a lack of reliable data on the occurrence of these activities makes it difficult to measure the extent of the problem

Four main drivers of child trafficking has been identified, namely

- child vulnerability
- family-related factors

- socioeconomic factors
- demand

Any intervention must take into account the broader context and be examined within all levels encompassing the community, family and individual.

CHILDHOOD—IT SHOULD NOT HURT!

**... they need your ears to hear them
they need your hands to lead them
they need your advice to guide them
most of all they need you to protect them**

The presentation from Save the Children, Fiji, began powerfully with a poem that left no one in doubt that children are our taonga to treasure and protect. Yet, evidence reveals our present measures need strengthening and building upon. Aside from teaching positive non-violent parenting, Save the Children staff travel into towns and villages creating awareness of the dangers of child trafficking.

Exploitation of children in Fiji includes:

- prostitution
- pornography
- 'sinister; Adoption
- early Marriages
- child sex tourism

It was noted that both boys and girls are victims of commercial sexual exploitation, although the prostitution of girls is far more prevalent.

Vulnerabilities that increase the likelihood of children being exposed to sexual exploitation are:

- poverty of economics, opportunity and education
- children with disabilities
- children living in violent situations
- children who are victims of physical and sexual abuse
- unsupervised children
- billeted children
- early marriages
- growing number of visitors to Fiji

The Tongan Women and Children's Crisis Centre detailed Tonga's first successful prosecution of a trafficker. The victim was forced into prostitution in Tonga, and was forced into labor at the trafficker's restaurant. She had responded to an advertisement in China about working in Tonga in the hospitality industry. All she needed to be eligible was to pay a flat fee to the agent who would cover her airfare, visa costs and initial set-up in Tonga. There was an option for the agent to cover those costs and for the client to pay it back in installments once in the country and working. She chose this option because she came from a poor family in a rural area of China. Along with another woman who had made the same arrangement, she was greeted at the airport by the Trafficker who took her

passport. She was taken with the other Chinese woman to a building and told to wait in a room.

The trafficker returned later to tell her that, because she owed their agent some money, she would not be working as a hotel maid. Instead, she would be required to undertake some prostitution work in the restaurant. She would pay back what she owed from what she earned from prostitution.

She told us that there were many other women in the same situation as her, but they were 'scared' of coming forward because of the threats they were receiving from other Chinese business people in Tonga.

'... the trafficking of people survives and thrives in conditions of silence, ignorance and denial.'

'NOTHING ABOUT US—WITHOUT US'⁸

The section focusing on gender and the importance of placing gender at the centre of anti-trafficking measures, began with a challenging and informative presentation by the New Zealand Prostitutes Collective, titled, 'Raids or Rescue?' Starting with the plea not to 'talk about us, talk to us', the presentation covered measures for safety, research and auditing that the sex workers themselves were engaged in. The presentation emphasised the need to support sex worker rights at all times, rather than undermine them.

'Rescue' operations—such as raids on brothels—undermine the rights of sex workers by disrupting their lives.

Sex workers are often arrested arbitrarily and detained, with migrant sex workers being subjected to deportation. These 'rescue' operations often expose sex workers to abuse by authorities, and fail to include sex workers in processes of finding effective solutions to any coercive and/or exploitative practices the sex workers may be facing. Unpacking the myths from the reality, Dr Nick Mai's key points from his research were quoted.⁹

The majority of the migrant workers in the UK sex industry interviewed were not forced or trafficked. Working in the sex industry is often a way for those interviewed to avoid the unrewarding and sometimes exploitative conditions they meet in non-sexual jobs.

Most interviewees felt that the criminalisation of clients would not reduce demand or exploitation in the sex industry and that it would be pushed underground, making it more difficult for migrants working in the UK sex industry to assert their rights in relation to both clients and employers.

A presentation from Waikato University emphasised the need for a victim-centred approach to any anti trafficking measures. The known statistics suggest the size of the crime is all too apparent:

- globally, 12.3 million people are in exploitation
- prevalence of trafficked victims: 1.8 victims per 1,000 inhabitants. In Asia and the Pacific: 3/1,000
- low level of prosecution (Source: TIP Report 2010, 2011)
- impossible to define exact number of trafficked victims
- 60 percent of trafficked victims return home by themselves; 19 percent return after being 'rescued'; and 21 percent by official repatriation (Source: GOV, 2009, 2010)

Applying a victim-centered approach requires the Three 'Rs': *Rescue, Rehabilitation and Reintegration*:

- a government support package—temporary accommodation, food, psychological consultation, transportation fees, financial support, access to micro-credit, vocational/job training
- support for at-risk women & girls
- provision of shelters
- development of community-based initiatives

However, the challenges are significant and include:

- Although 60 per cent victims returned home by themselves, it not through official ways
- many women do not want to claim to be victims
- limited resources
- limited number of shelters
- stigma and discrimination still exist

In the conclusion, it was stressed that a victim centred approach in isolation will be not be sufficient, as survivors will need to be supported with sustainable livelihoods. Furthermore, any measures must meet the needs and expectations of the survivor, following a gender-sensitive and rights-based approach.

NOT IN OUR BACKYARD, SURELY?¹⁰

The final morning exposed the vulnerabilities of those trapped in labour trafficking. Speakers included researchers who continue to reveal the abusive conditions aboard foreign charter vessels fishing within New Zealand waters, and Anti Slavery(Australia) who widened the debate beyond the current narrow focus on sex trafficking to a presentation graphically portraying the defensiveness of being a refugee in a foreign land. Trade Aid explored the negative impact of current trading regimes on the poorest people and countries. Completing the morning, the Australian Institute of Criminology raised the issues of vulnerabilities and protections for people trapped in labour trafficking within the wider Pacific context.

The report of research into the fishing industry was a very moving, and at times, an intensely disturbing exposé of the underbelly of one of New Zealand's favourite take-away meals: fish and chips. Extensive research, including numerous interviews with fishermen working on board the vessels, starkly revealed the reality of abusive working conditions and poor pay. The presented facts were stark

and, using the indicators of what to look for to identify trafficking victims, forum participants were left in no doubt that this crime existed within the fishing industry.

Each indicator was based on the six dimensions of trafficking as identified in the Palermo Protocol:

1. deceptive recruitment ie. nature of job, location or employer
2. coercive recruitment ie. violence on victims
3. recruitment by abuse of vulnerability
4. exploitation ie. excessive working days or hour
5. coercion at destination ie. confiscation of documents
6. abuse of vulnerability at destination

A snapshot of the interviews with the crew revealed a litany of concerns, including:

- ♦ accommodation had little or no heating
'A floating freezer...absolutely appalling conditions just like a slum...there are definitely human rights abuses out there, they are slave ships' (Interviewee NZ13, 2010)
- ♦ drinking water a brownish rusty colour; food supplies rationed and locked up; crew fed fish bait
'Live like rats' (Interviewee NZ41, 2011).
- ♦ lack of protective clothing/safety gear
- ♦ denied medical treatment; accidents covered up/not reported
'If anyone stands against this abuse, it has been known for them to be taken to a private cabin and beaten' (DoL 2004, 15)
- ♦ Indonesian crew members interviewed were identified as victims of trafficking for forced labour:
 - ♦ subjected to deceptive recruitment practices
 - ♦ employed in exploitative work conditions
 - ♦ placed in situations of coercion and abuse
- ♦ 76 crew met, to one degree or another, the UN criteria for trafficked persons
- ♦ in addition to being a trafficking offense, the crimes committed are covered by a number of sections of the New Zealand Crimes Act 1961
- ♦ law enforcement officers need to be educated to recognise and properly understand the international crisis human trafficking has become.

'We are slaves because normal employees have a voice, but we do not ... didn't expect this when we sign the contract, but once on a boat we were trapped into modern slavery ... in the old days slaves were not paid and chained, now we are paid and trapped ... but we are worse than slaves.'

'We are slaves because normal employees have a voice, but we do not ... didn't expect this when we sign the contract, but once on a boat we were trapped into modern slavery.'

WHAT CAN BE DONE?

In summary, the intent of the forum was to promote greater awareness and understanding of the causal factors underpinning the crime of trafficking, and to encourage intentional networking, leading to collective action. There was a positive step forwards as the final afternoon's breakout sessions saw individual groups united in purpose.

All groups reported the necessity for working closer together and for forming a network where nationally and regionally work could begin. To this end, The Salvation Army is committed to exploring further the possibility of setting up a Stop the Traffik network within New Zealand in 2012.

Chris Frazer, Forum Organiser

- 1 CEO of Stop the Traffik London, UK
- 2 Ambassador Luis CdeBaca, U.S. 'Pacific Command Interagency Symposium on Trafficking in Persons Honolulu', HI, February 18, 2011
- 3 Byrne, Jack, 'Trafficking: A Human Rights Approach', presentation December 2, 2011
- 4 IBID
- 5 Secretary of State Hillary Clinton, United States
- 6 Damour, Marie, Deputy Chief of Mission, The American Embassy, presentation on Human Trafficking, Wellington NZ
- 7 Australian Institute of Criminology, 'Child trafficking in the Asia-Pacific region,' presentation to Pacific Trafficking in Persons forum, December 2011
- 8 New Zealand Prostitutes Collective, presentation to the forum December 2011
- 9 Dr Nick Mai, London Metropolitan University, 2010
- 10 Simmons, Glen, Christina, Stringer, researchers, 'Labour and Human Rights Abuse Foreign Charter Vessels,' 2011