



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

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20 July 2008

People Trafficking Submissions
Department of Labour
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Submission on People Trafficking

Our organisation's aims are to link professional and businesswomen throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our International organisation supports UNIFEM and CEDAW and other United Nations committee's in the fight for equality and BPW NZ supports the proposals to prevent trafficking, to prosecute perpetrators of trafficking and for the support and rehabilitation of victims so that they may return to a normal life. NZ is a signatory of CEDAW (Convention for Elimination of Discrimination Against Women) and this proposal addresses a number of committee concerns regarding the exploitation of Women and children.

In 1999 BPW NZ passed a resolution as follows

- 17.3 Women's Human Rights**
That NZFBPW URGES the International Federation of Business and Professional women to lend its support to:
(a) the exposure of all regimes which dehumanise, degrade, or stifle the voice of women or treat them as second class citizens, be it through cultural, religious or political means; and
(b) monitoring by BPW International Status of Women Committee of breaches of women's human rights world wide, to keep each BPW Affiliate informed, encouraging them to actively fight for the rights of these women in their own country by highlighting the women's plight, organising petitions, lobbying their governments and any other appropriate legal activity. (1999)

Rationale:

In a national organisation it is easy to become passionate and deeply involved in a local issue. However, we are part of an International organisation and our objective is to try to improve that status of all women. To do this we need to keep appraised of situations and conditions under which women are suffering injustices under a worldwide co-ordinated approach.

And following that we took a resolution to the BPW International Congress in 2002.

I. SEXUAL SLAVERY AND TRAFFICKING OF WOMEN AND GIRLS

ENCOURAGED by the signing of conventions against the sexual exploitation of women and children at SAARC (South Asian Association for Regional Co-operation) summit in January 2002; and
UNDERSTANDING that, although many countries have national plans of action to combat sexual trafficking, the follow-through has not materialised for many victims, who remain invisible and powerless; and
RECOGNISING that in many countries victims of trafficking are treated as if they are offenders by arresting, detaining and deporting them
THEREFORE be it resolved that the BPW International meeting in Congress in Melbourne, Australia in October 2002
URGES all Affiliates to lobby their Governments

1. *to sign and ratify international conventions and protocols on the sale and trafficking of women and children*
2. *to protect victims of trafficking by incorporating into their domestic legislation measures such as providing social, medical and psychological care; granting victims temporary or permanent residency permits and compensation for the damage suffered.*

Rationale:

In recent years trafficking of women and children for forced prostitution has become more lucrative for the organised international criminals than the drugs trade. Figures quote as many as two million women worldwide being forced into sexual slavery. Many apply for jobs such as nannys, waitressing etc. in a foreign country and are given travel money by “agents”. Once they arrive their passports are taken and they are then forced into various forms of prostitution and held against their will. They can be bought and sold many times over for large sums of money and Amnesty International reports that many are subject to torture.

This practice is particularly rife in the former Soviet Union countries, where it is estimated that almost 80% of unemployed are women, and young women are easy prey for sexual traffickers.

It is estimated that 50,000 women are being brought into the United States annually for forced labour from feeder countries such as Ukraine, Albania, the Philippines, Thailand, Mexico and Nigeria.

The problem is so severe in the South Asia region that this issue was discussed at a recent meeting of leaders of the seven nation South Asian Association for Regional Co-operation. They were congratulated by UNICEF for signing a convention on controlling the trafficking of women and children in the sex trade.

Some estimates given by UNICEF of women and children subjected to commercial sexual exploitation are as follows:

- 100,000 in the Philippines*
- 400,000 in India*
- 100,000 in Taiwan*
- 200,000 in Thailand*
- 300,000 in USA*
- 100,000 in Brazil*
- 35,000 in West Africa*
- 175,000 in Eastern & Central Europe*

But the problem is worldwide, it occurs to some degree in all countries and must be seriously addressed.

Report on BPW NZ’s Resolution to Congress

“Sexual Slavery and Trafficking of Women and Children.”

Having had the resolution passed at BPW NZ conference in April 2002, we were successful in having this Resolution on the agenda of Congress. Anita Devcich who had researched and prepared the resolution with the assistance of Maureen Eardley-Wilmot, spoke to it during the 3rd Business Session urging all international affiliates to support it.

The resolution requested all affiliates and federations to “1. Lobby their governments to sign and ratify international conventions and protocols against the sale and trafficking of women and children, and 2. to protect victims of trafficking by incorporating into their domestic legislation measures such as providing social, medical and psychological care; granting victims temporary or permanent residency permits and support and assistance for the damage suffered.”

The original resolution also asked for compensation by the governments but this was spoken against by BPW United Kingdom and the congress agreed. We were somewhat disappointed as we wanted compensation to be included as we know how much it helps victims to feel their ordeals are taken seriously by the governments concerned.

The resolution was passed by a large majority.

Developing a Plan of Action

BPW NZ believes that a plan of action reinforced with adequate laws and good training is the best way to prevent and deter trafficking of women and children. Awareness campaigns on the signs of trafficking existing within our society along with what people can do, which agencies to inform, be it government or NGO’s, if they suspect irregularities that leads them to believe a person is or has been subject to trafficking.

1.1 Issues to consider when developing a plan of action.

- 1.1.1 Adequate training to all law enforcement, government agencies and NGO's who will be involved in detecting and apprehending the perpetrators, and in supporting the victims rehabilitation back to a normal life, this may include providing visa's for permanent residence in NZ or may require financial assistance to return the victims home with continuing support to ensure that they are able to continue to live with a reasonable quality of life in their own country.
- 1.1.2 Recognition of the rights of the victims when the exploitation has been exposed, by raising awareness through media campaigns to let the victims know that they will be protected when they come forward. Deciding which forms of media are best to raise awareness amongst the public so that the general public may be aware of the signs that indicate some one is a victim of trafficking.
- 1.1.3 Ensuring the International agencies are aware of the legal aspects of co-operating with the New Zealand authorities and organising signed agreements between countries to ensure that government agencies and NGO's have legal validity in the international arena when dealing with international government agencies and NGO's.

1.2 Prevention of people trafficking - Other Factors to consider

BPW NZ believes that New Zealand has been pro active in a number of actions already such as the ratification of the United Nations conventions to protect Human rights. The plan of action should help to close loopholes and raise public awareness of the problem.

- 1.2.1 The flow of information between Government agencies and NGO's (such as Women's Refuge, Pan Pacific Agencies) should be free and easy when questions are being raised about the legality of a persons position without compromising privacy. NGO's should be able to go to any of the government agencies when they are concerned that a person may be a victim of trafficking and be heard without prejudice.
- 1.2.2 The sentencing laws must be robust enough to act as a deterrent to any one within New Zealand who considers exploiting people by trafficking. For instance, deportation and the revoking of NZ citizenship for persons caught trafficking who were not born in NZ.
- 1.2.3 A media campaign that outlines the problems for victims and their families raising awareness within the public so that perpetrators find it harder to exploit people because the demand for cheap labour is no longer there.
- 1.2.4 The establishment of a web-site that lists agencies that will help and is anonymous so that victims can contact agencies that will help them, without fear of being discovered.

1.3 Protection measures

BPW NZ believes that most victims need to be able to feel safe and if they can be informed of their rights and what can happen as a result of coming forward they will.

- 1.3.1 Victims are often unwilling to come forward because they fear they will be returned to their country of origin, or that their families will be treated violently by the perpetrators within their own country, privacy of the victims must be ensured, by providing a "safe" house environment for as long as is required and also by co-operation amongst international agencies. Where the victim fears for their safety if they are returned to their country of origin there must be a criteria for the that person to be able to gain a permanent visa to remain in the country.
- 1.3.2 A sustained media campaign through television, radio and newspapers which informs victims of agencies both governmental and NGO's as well as informing them of a web site that provides them privacy/anonymity or an 0800 number that they can contact to find out more on how to escape the situation they find themselves in.
- 1.3.3 NGO's should be involved as support people to the victims by providing interpreters and shelter and in some cases employment. It is important that victims are able to support themselves if possible, as this gives them self respect and confidence, while they waiting for the prosecution case to go forward in the courts. Often victims are more responsive to some one helping them who is not from a government department as they are seen as authoritarian figures whereas the NGO's are seen as 'helpers'.

In February 2008 the Special Rapporteur on the Human Rights of Migrants released a report and in its conclusions stated that States should view "irregular migration as an administrative offence, reversing the trend toward greater criminalization, and to incorporate the applicable human rights framework into their bilateral and regional

arrangements for managing migration” and went on to further say “ Specific attention should be paid to detainees, smuggled migrants, victims of trafficking, children, women, asylum-seekers and other vulnerable groups. Policies designed for readmission and reintegration of returnees should ensure that migrants seeking international protection are not forcibly returned without guaranteeing their rights to seek asylum. BPW NZ is pleased to note that the proposals in the discussion document take these comments into account and list specific ways to deal with these issues.

Thank you for the opportunity to have our say and we hope that our comments are of use to you.

Yours Sincerely

Noeline Reisch
Legislation Convenor
BPW NZ