

Modern slavery in New Zealand

Global Slavery Index 2023 Country Study



KEY STATS

Population (2021) 4,822,000

GDP per capita, PPP (Current intl \$) \$44,658

1.6

PREVALENCE OF
MODERN SLAVERY
per 1,000 people

8,000

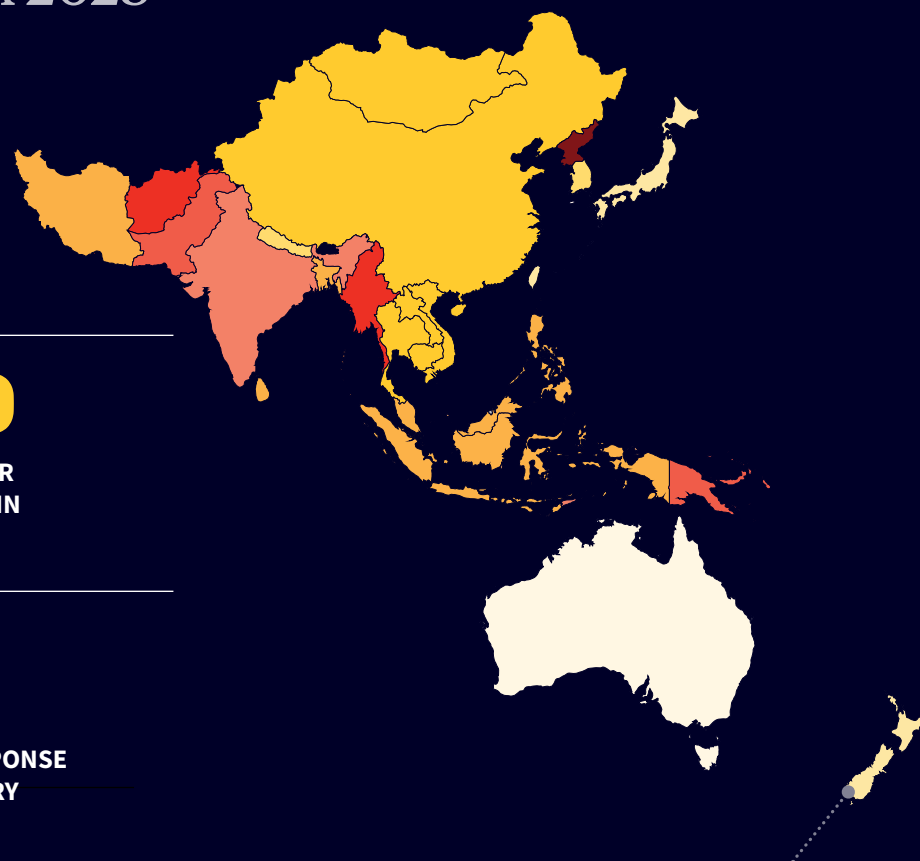
ESTIMATED NUMBER
OF PEOPLE LIVING IN
MODERN SLAVERY

8/100

VULNERABILITY TO
MODERN SLAVERY

54/100

GOVERNMENT RESPONSE
TO MODERN SLAVERY



Estimated prevalence
of modern slavery across
Asia and the Pacific

New Zealand



Overview

New Zealand had among the strongest responses to modern slavery in the Asia Pacific region. This reflects relatively strong criminal justice mechanisms and a range of positive measures introduced since the 2018 Global Slavery Index, including criminalising forced marriage,¹ launching a new national action plan against modern slavery,² and taking steps to address the vulnerability of temporary migrant workers.³ However, there are opportunities for further action, including strengthening survivor support by establishing a national referral mechanism, dedicating resources for specialised support services, and passing legislation to address modern slavery in government and business supply chains. New Zealand is among the least vulnerable countries to modern slavery in Asia and the Pacific, and relatedly, has the third lowest prevalence of modern slavery in the region.

Prevalence

The 2023 Global Slavery Index estimates that on any given day in 2021, there were 8,000 individuals living in modern slavery in New Zealand. This equates to a prevalence of 1.6 people in modern slavery for every thousand people in the country. This places New Zealand among the countries with lowest prevalence both in the region (25 out of 27) and globally (148 out of 160). Despite comparatively low prevalence, several forms of modern slavery are reported in New Zealand, including forced labour, forced sexual exploitation of adults, commercial sexual exploitation of children, and forced marriage.

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Forced labour

Forced labour exploitation

Forced labour exploitation has been reported in labour intensive industries in New Zealand such as agriculture, dairy, horticulture, viticulture, construction, hospitality, and domestic service industries.⁴ In 2020, Joseph Auga Matamata was convicted on 13 charges of slavery and 10 charges of human trafficking for bringing 13 Samoan nationals to New Zealand between 1994 and 2019 on the promise of paid employment, becoming the first person in New Zealand to be convicted on both charges. Matamata arranged visas for the individuals to travel to New Zealand and withheld their passports upon arrival. The majority of survivors were made to perform horticultural work without pay, often working long hours with no days off, and were forced to perform domestic work in Matamata's home. The offender received a jail sentence of 11 years and was ordered to pay \$183,000 in reparations to survivors.⁵ Meanwhile, Pacific migrants face risks of exploitation in New Zealand's horticulture and viticulture industries under the Recognised Seasonal Employer (RSE) scheme,⁶ which enables seasonal workers to stay in New Zealand for up to seven months, or nine months in the case of workers from Tuvalu and Kiribati, to fulfil labour shortages.⁷

Forced commercial sexual exploitation of adults

Despite reports of trafficking for sexual exploitation among national and migrant women in New Zealand, the government has never reported formally identifying any adult victims of sex trafficking.⁸ While recent information is limited, adults reportedly experience non-payment of wages, passport withholding, abuse, and restricted movement within sex establishments.⁹ Migrant women are also at risk of debt-based coercion where they are forced to pay fines or illegal recruitment fees to operators of sex establishments or brokers.¹⁰ Earlier reports similarly indicate that migrants have come to New Zealand on false promises of work in restaurants or beauty parlours, only to be forced to repay migration costs by working in sex establishments.¹¹

Commercial sexual exploitation of children

It has been reported that parents play a significant role in facilitating sexual exploitation of children in New Zealand.¹² In 2018, Kasmeeer Lata was sentenced to over ten years imprisonment for manipulating her 15-year-old daughter to provide sexual services over an 18-month period. Lata pled guilty to charges of dealing in slaves and sexually exploiting and profiting from the commercial sexual exploitation of an underage person.¹³ Offences related to the digital exploitation of children have also increased in New Zealand. A two-year investigation led by the Department of Internal Affairs found over one hundred online accounts based in New Zealand that were linked to online child sexual exploitation.¹⁴ Despite this, reports suggest that child victims of sex trafficking in New Zealand have not been identified as victims due to a lack of understanding and identification procedures among frontline responders.¹⁵

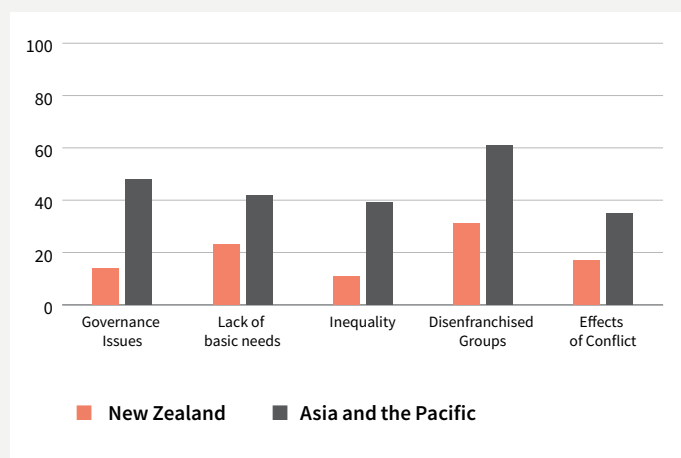
Forced marriage

There is no official collection of data on the prevalence of forced marriage in New Zealand.¹⁶ However, there is evidence forced marriage occurs, and may be more visible in communities characterised by 'conservatism' and strict social doctrines.¹⁷ In a 2018 study that interviewed or analysed case files for 13 survivors of actual or threatened forced marriage in Australia and New Zealand, tradition, culture, faith, family honour, promiscuity and homosexuality, interracial and interfaith relationships, migration, better opportunities, age and sex were cited as reasons for the marriage.¹⁸ Participants were engaged to be married between the ages of 12 and 24, and for those that were married, the marriages took place between the ages of 14 and 21.¹⁹

Vulnerability

Figure 1.

Vulnerability of New Zealand to modern slavery by dimension, compared to the regional average



New Zealand is among the least vulnerable countries to modern slavery in the Asia Pacific region and globally. Vulnerability is largely driven by low acceptance of migrants, which manifests in systemic discrimination against temporary migrant workers. Migrant workers are exploited in sectors such as hospitality,²⁰ construction,²¹ viticulture,²² and horticulture,²³ and reportedly experience underpayment, withholding of wages, excessive work hours, passport retention, contract substitution, and health and safety violations.²⁴

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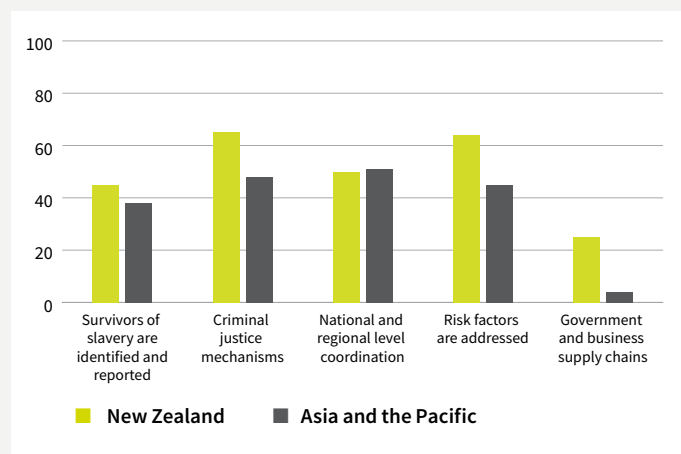
A study published by Walk Free in 2020 found that in both Australia and New Zealand, vulnerability among migrant workers stems from a limited understanding of the local context, particularly with regard to domestic and criminal legislation, which may be exacerbated by a lack of formal education and limited understanding of English.²⁵ Unscrupulous employers take advantage of this, imposing excessive working hours, underpayment, poor living conditions, and other exploitative practices.²⁶ In some cases, employers prevent workers from leaving exploitative work by instilling fear of arrest, deportation, or loss of their job or visa status if they were to seek assistance from authorities.²⁷ This abuse is further enabled by tied visa schemes, which render migrants dependent on their employer for their right to work in New Zealand, exacerbating the employer-employee power imbalance.²⁸ For example, the RSE scheme sees workers from Pacific countries migrate to New Zealand to work for a 'recognised employer' in the horticulture and viticulture industries.²⁹ Reports of exploitation of migrant workers on the scheme continue to emerge, including poor living conditions, unfair deductions, freedom of association infringements, and restrictions on freedom of movement.³⁰

Exploitation of migrant women on partner-sponsored visas is also a concern.³¹ Earlier reports indicate that women who travel to New Zealand on a temporary Culturally Arranged Marriage Visitor Visa are said to be at risk of forced marriage, and may additionally face forced labour exploitation in farm or domestic work to 'repay their debt' for having their travel to New Zealand arranged.³² Vulnerability for migrants on these visas stems from the dependency on their partner for continued sponsorship.³³ Migrant women are also reportedly vulnerable to trafficking for sexual exploitation in the commercial sex industry, where threats of deportation or punishment may be used to prevent them from leaving.³⁴ Loopholes in the decriminalisation of the commercial sex industry perpetuates migrant workers' vulnerability to forced labour in the sector. For example, although the 2003 Prostitution Reform Act decriminalised the sex work of nationals, non-residents were prohibited from legally working in the commercial sex industry and excluded from the protections the law provided.³⁵

Government response

Figure 2.

Government of New Zealand's responses to modern slavery by milestone, compared with the regional average



Overall, New Zealand received a government response rating of 54 per cent. New Zealand performed well in terms of its criminal justice response to modern slavery and addressing risk factors. Despite this, the New Zealand government failed to formally identify any victims of modern slavery in the past two years. Although survivors of serious crimes are eligible to receive government-funded services, the government did not allocate any funding dedicated to supporting survivors.³⁶ Further, there is no national referral mechanism in place to refer survivors, and support services were reportedly not easily accessible for those experiencing trafficking for forced labour or sexual exploitation.³⁷

New Zealand had among the strongest criminal justice responses in the region, although some gaps remain. Sections 98 and 98D of the Crimes Act effectively criminalise human trafficking and slavery, yet the law does not recognise that victims should not be treated as criminals for conduct that occurred while under the control of criminals.³⁸ Further, New Zealand has not criminalised forced labour as a distinct crime: although the definition of slavery is broad under the Crimes Act, some forced labour cases would not be covered under section 98.³⁹ However, New Zealand has made a number of legislative improvements in respect to modern slavery. In 2018, the Family Violence (Amendments) Act 2018 amended the Crimes Act to criminalise forced marriage.⁴⁰ The government also ratified International Labour Organization (ILO) 2014 Forced Labour Protocol in December 2019, though is still yet to ratify the ILO Domestic Workers Convention 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.

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Section 351 of the Immigration Act criminalises the exploitation of unlawful employees and temporary workers.⁴¹ However, independent research conducted as part of the government's Review into Temporary Migrant Exploitation in 2019 found that exploitation was more widespread in New Zealand than is acknowledged.⁴² Following the review, in July 2020, the government announced new measures to protect temporary migrants, committing NZD\$50 million to the initiatives. Measures implemented included establishing a hotline dedicated to reporting migrant exploitation and introducing a new visa to allow exploited migrants to stay in New Zealand lawfully and seek work with another employer.⁴³ Despite these measures, reports indicate that the labour inspectorate is insufficiently resourced,⁴⁴ there is a lack of coordination between agencies, and responses to complaints lodged by migrant workers have been inconsistent.⁴⁵

In a positive step in 2021, the New Zealand government launched the Plan of Action against Forced Labour, People Trafficking and Slavery for the 2020-2025 period. However, the implementation of the Plan has not been fully funded.⁴⁶ The Plan incorporated activities to "eliminate forced labour, people trafficking and slavery from supply chains", including improving government procurement practices, building consumer awareness, implementing the United Nations Guiding Principles on Business and Human Rights, and to consider introducing legislation on transparency in supply chains.⁴⁷ In 2022, the government proposed new modern slavery legislation that would require organisations (depending on size) to take action on incidents, disclose steps taken, and undertake due diligence into operations and supply chains.⁴⁸



THE GLOBAL SLAVERY INDEX 2023

WALK FREE

For more information on modern slavery, visit the Global Slavery Index 2023 website.



Recommendations

1

Survivors identified and supported

- Establish a hotline available to receive all reports of modern slavery, not only migrant exploitation.
- Improve access to support services by allocating funding specifically for assisting victims of modern slavery, including specialised support services, and strengthen funding and resources for civil society organisations to provide support services.
- Establish a national referral mechanism to ensure all victims are referred to support services.

2

Criminal justice mechanisms

- Strengthen existing legislation to protect survivors of exploitation by ensuring they are not treated as criminals for conduct that occurred while under the control of traffickers and criminalise forced labour in line with international standards.
- Ratify international conventions, including the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

3

National and regional level coordination

- Fully fund the implementation of the activities within the Plan of Action against Forced Labour, People Trafficking and Slavery 2020-2025.
- Cooperate with Pacific labour sending countries in establishing effective mechanisms to monitor the recruitment and employment of migrant workers.

4

Risk factors are addressed

- Raise the minimum legal age of marriage to 18 for girls and boys with no exemptions.
- Strengthen protections for temporary migrant workers, including by:
 - increasing monitoring of labour and living conditions,
 - ensuring workers understand their employment rights, and
 - addressing migrant workers' fears of job loss or deportation, including by ensuring those who report exploitative employers are not unfairly penalised.
- Amend section 19 of the Prostitution Reform Act to decriminalise work in the commercial sex industry for non-residents.

5

Government and business supply chains

- Pass the proposed legislation to address modern slavery in business operations and value chains.

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Endnotes

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