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People Trafficking Submissions  
Department of Labour  
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To whom it may concern

Thank you for the opportunity to comment on the proposal to develop a Plan of Action to Prevent People Trafficking. This is a joint submission from Family Planning and Family Planning International.

Family Planning is a not-for-profit organisation which provides quality sexual and reproductive health services for all New Zealanders. Family Planning seeks to expand access and reduce the barriers to achieving improved sexual and reproductive health and reproductive rights. We also undertake violence screening in our clinics. ( 30 clinics nationwide, with 180,000 visits per annum).

Family Planning is committed to reducing the level of violence to women and young people. We are also committed to raising awareness of the linkages between violence and negative sexual and reproductive health outcomes, including unsafe sexual activity, unplanned pregnancy and increased vulnerability to sexually transmissible disease.

Established in 1996, Family Planning International (FPI) is a unit within Family Planning. FPI is a dual advocacy and project unit: FPI advocates on international population and development issues, both in New Zealand and across the world. FPI also undertakes projects in developing countries to increase access to sexual and reproductive health information and services. FPI has a geographical focus on the Pacific. FPI is committed to achieving the goals of the International Conference on Population and Development (ICPD, as well as all other international human rights agreements and conventions.

### **General Comments**

1. Family Planning and FPI are supportive of the proposal to develop a New Zealand Plan of Action to Prevent People Trafficking.
2. We are supportive of the adoption of a human rights approach to this work. Family Planning and FPI recommend that New Zealand's broad international obligations to the protection of human rights be prioritized.

3. We welcome reference to a variety of relevant international agreements in the discussion document, including the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW). We recommend that reference be made to these documents throughout the document.
4. We would like to see greater attention to gender. A gender analysis of all factors, including prevention, push factors, protection, impact, settlement and support services needs to be central to this work. For example, women and children are especially vulnerable to trafficking and this needs to be outlined and addressed.
5. We welcome the adoption of an interagency approach and would be interested in receiving further information on the development of this work.

### **Regional and International Focus**

6. We welcome the proposal's commitment to regional and international cooperation and recommend that this remain a key focal area of this Plan. We are very supportive of a strong commitment for New Zealand to actively participate in regional and international consultation on this Plan, and general cooperation on trafficking and related issues. Consideration of international best practice and research is vital to success.
7. We recommend consultation and cooperation also be prioritised with regional and international non-governmental organisations (NGOs,) including the Fiji Womens' Crisis Centre and UNIFEM Pacific, as well as inter-governmental organisations, such as the Secretariat of the Pacific Community and Pacific Islands Forum. FPI is willing to provide the contact information of partner organisations for this purpose, if required. Such organisations have extremely valuable knowledge and research on related regional issues.
8. We strongly recommend support for the prioritisation and resourcing of Overseas Development Assistance (ODA) in Asia and the Pacific, particularly the Pacific. Indeed, we would like to this as one of the key priority areas.
9. We would like to see much stronger emphasis on New Zealand actively prioritising and resourcing work to mitigate the social, economic, political and environmental factors that lead to trafficking.
10. The Pacific region is currently the second least likely region in the world to meet the Millennium Development Goals, after Sub-Saharan Africa, and New Zealand can play a vital role in overcoming this. There is evidence of critical rates of poverty, gender inequality, and violence, including sexual violence, against women and children in our own region, which are push factors and/or components of the trafficking process. There are also reports of sex tourism, child prostitution, and trafficking.<sup>1</sup>

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<sup>1</sup> For further information, see for example, Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific, a Regional Report, UNICEF, 2006, [http://www.unicef.org/eapro/Pacific\\_CSEC\\_report.pdf](http://www.unicef.org/eapro/Pacific_CSEC_report.pdf)

11. We therefore recommend strong consultation with NZAID and the international development community. Again, we are happy to provide contacts for this purpose, if required.
12. There is a strong body of evidence that investing in gender and sexual and reproductive health and rights contributes to the elimination of poverty, as well as building sustainable economic growth. Reducing poverty and ensuring human rights are respected in source countries will also reduce push factors for trafficking.

### **Prevention**

13. Prosecution of people traffickers alone will not deter people traffickers from targeting New Zealand. Whilst we recognize the need for prosecution, we believe that strong messages can be generated if New Zealand takes a firm stance on upholding human rights, by opposing exploitation and taking steps to eliminate violence against women and children.
14. The Plan should not stand alone. It should be linked to strategies for improving the status of New Zealanders in the area of advancing human rights: eliminating violence and discrimination and addressing economic disparities. A country with a strong reputation for upholding human rights would potentially be less attractive to traffickers.
15. We note that paragraph 80 identifies a number of services. We would like to see specific reference to sexual and reproductive health services, particularly for individuals who may have been exposed to sexual violence or exploitation, or had limited access to sexual health services.
16. It is important to note that sexual and reproductive health is a critical issue within the Pacific region, with evidence of high rates of Sexually Transmissible Infections (STIs), unplanned teenage pregnancy, as well as poor access to modern contraceptives.

### **Conflation of Sex work and Trafficking**

17. We are aware that sex work and trafficking are often conflated. We strongly recommended a clear distinction be maintained between sex work and trafficking throughout the consultation and implementation of this Plan.
18. Trafficking is not exclusive to sexual services, but also includes trafficking into other work areas, including domestic, factory, and agricultural services. This fact needs to be clearly communicated and reflected in related strategies and activities.
19. The conflation of trafficking and sex work can and does result in the violation of the human rights of sex workers and other persons, a worsening of their working conditions, increased stigmatisation, inaccuracy of information, and ineffective discussions and strategies to prevent and overcome trafficking.

20. The focus of anti-trafficking policy should be on preventing exploitation and denial of human rights irrespective of the occupation (agriculture, sex work, factory work, domestic work).
21. We note that the recent review of the Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003

*Although much international dialogue surrounding both trafficking and prostitution claims prostitution and trafficking are often linked, the extent of this link is debated. The Committee considers that in the case of New Zealand, there is no link between the sex industry and human trafficking.*

### **Decriminalisation**

22. We are aware that there is a perception/belief that the decriminalisation of sex work creates more demand for workers and, as a result, trafficking is more likely to take place. However, we refer to the recent PRA review which concludes that:

*Accurately counting the number of sex workers remains difficult. However, the Committee endorses the findings of the CSOM that the enactment of the PRA has had little impact on the numbers of people working in the sex industry.*

23. Where workers have legal protection, workers are able to pursue their rights and have protection against exploitation. Such an environment may be less likely to be appealing to traffickers.

*One of the consequences of decriminalisation has been the illumination of the workings of an industry which have historically been hidden. Sex workers and brothel operators can now be more open about their occupation.*

24. We would not be supportive of policies that set out to re-criminalise sex work as a means of curbing 'demand' for trafficking in a domestic or a regional context. We are aware that this policy has been pursued in some countries. As we have noted previously, we are strongly supportive of policies that set out to address the drivers of trafficking, including economic and social inequalities.

25. We are concerned that Section 19 of the PRA, which prohibits non-residents working in the sex industry, may not be conducive to good policy and practice around preventing trafficking. Section 19 has the potential to create an environment where exploitation can take place, as individuals are silenced by fear of criminal repercussions.

Thank you again for the opportunity to comment. We would welcome the opportunity for further involvement.

Yours faithfully,  
Jackie Edmond  
Chief Executive

Jo Spratt  
FPI Manager