

# **PROTECTING OUR INNOCENCE**

## **NEW ZEALAND'S NATIONAL PLAN OF ACTION AGAINST THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

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## **FOREWORD**

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The abuse of a child is one of the most abhorrent crimes that can be committed. Childhood should be a time in which a child can grow and develop while being loved and supported by their family, whānau and the community.

Every child who suffers from abuse and exploitation has their right to childhood stolen from them. The consequence of this abuse may be that they do not go on to lead a productive, rewarding and dignified life. To realise their dreams and goals as adults, children need a safe and nurturing environment in which to grow. There can be no greater investment than providing for the happy healthy development of young people in New Zealand.

After undertaking an extensive consultation process, involving government and non-government organisations involved in the prevention of exploitation of children, the New Zealand Government is pleased to present *Protecting Our Innocence* New Zealand's National Plan of Action against the Commercial Sexual Exploitation of Children.

*Protecting Our Innocence* provides a comprehensive examination of commercial sexual exploitation of children in New Zealand. It outlines the measures that government and non-government organisations are currently implementing to prevent and respond to child exploitation through prostitution, pornography and child trafficking. It also details further activities, which were identified during the development of the Plan of Action, that need to be actioned as New Zealand works toward the goal of eliminating the exploitation and abuse of children.

The commercial sexual exploitation of children is a global problem that will not be stopped by the actions of one country alone. New Zealand must continue to work with its neighbours in the Pacific and Asia, building co-operative relationships, to ensure that children everywhere enjoy their fundamental rights free from all forms of commercial sexual exploitation.

As educators, police officers, judges, policy makers, legislators, travel agents, community leaders, parents, and concerned citizens, this plan of action reminds us that we all have an important role to play in the protection of our children.

Hon Phil Goff  
Minister of Justice

## **BACKGROUND**

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The term commercial sexual exploitation of children (or CSEC) is used to describe the various activities that exploit children for their commercial value including child prostitution, child pornography, child sex tourism and child trafficking for sexual purposes.

The term implies that the child is not only sexually exploited but that there is a profit arising from the transaction, in cash or kind, where the child is considered to be a sexual and commercial object. According to the United Nations Convention on the Rights of the Child, which New Zealand has ratified, a child is a person aged under 18 years of age.

In 1994 the ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Campaign proposed a World Congress to encourage the direct involvement of governments in ending the commercial sexual exploitation of children. In 1996 a World Congress against the Commercial Sexual Exploitation of Children was held in Stockholm. At the Congress, delegates representing 122 countries unanimously adopted a Declaration and Agenda for Action, thus committing themselves to a global partnership against the commercial sexual exploitation of children. The Agenda for Action is essentially a set of guidelines for concrete action. It proposes a five-pronged approach to the eradication of CSEC:

- the co-ordination of actions at the local, national, regional and international levels
- the taking of preventive measures through the formal and informal education sector and sensitising target groups to their rights and to the issues
- the protection of children already caught in the sex trade through the strengthening or development of relevant laws, policies and law enforcement
- the recovery and reintegration of children into society through non-punitive gender-sensitive support systems
- promoting the participation of children, including child victims and their families, so they are able to express their views and take action to protect children from commercial sexual exploitation.

## **THE SITUATION IN NEW ZEALAND**

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The following is a comprehensive examination of the four main activities that exploit children for their commercial value: child prostitution; child pornography; child sex tourism; and child trafficking for sexual purposes.

To give a full account of New Zealand's Plan of Action against the Commercial Sexual Exploitation of Children, the final section will also detail some of the laws, social policies, administrative measures and programmes which have been developed to respond to child abuse and exploitation in general.

## CHILD PROSTITUTION

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The term prostitution is used to describe commercial sexual activities. Many adults in the sex industry use the term 'sex work' and label themselves 'sex workers'. Children or young people often do not identify themselves as either sex workers or prostitutes, nor do they view their actions in the context of those terms.

As a result, new labels for the commercial sexual activity of young people have been developed, especially in first world countries such as New Zealand and Australia. These terms include 'sex for survival', 'opportunistic prostitution' and 'sex for favours'. Such terms acknowledge that when a young person exchanges sex the transaction may not always involve money, but may involve an exchange for basic needs such as accommodation, food, clothing, drugs or safety.

### New Zealand Legislation

Prostitution itself is not illegal in New Zealand, but a range of provisions exist which deal with aspects of prostitution, including soliciting. Legislation relating to child prostitution and soliciting in general has been, and is currently, the focus of reform in New Zealand. Gaps in New Zealand legislation relating to child prostitution were addressed by the Crimes Amendment Act 2001. Section 149A of the Crimes Act 1961 prohibits any person being a client in an act of prostitution by a person under 18 years of age. The Amendment Act also corrected a gender bias in the legislation. Previous legislation only prohibited the procuring of females for sexual intercourse with males. Section 149 of the Crimes Act now prohibits the procuring of a person for the purposes of prostitution with another person.

A private member's Prostitution Reform Bill to decriminalise prostitution and the offences around prostitution, including soliciting, is currently before a parliamentary Select Committee. This Bill also aims to protect children by making it an offence to be a party to a contract using a child under 18 years as a prostitute.

### Child Prostitution in New Zealand

As with every other area of commercial sexual exploitation of children, estimating the true nature and extent of child prostitution in New Zealand is very difficult due to the clandestine nature of the activity. However, research and anecdotal evidence suggest that child prostitution is a growing problem in New Zealand. ECPAT NZ has recently completed the first stage of a three-stage research project on the extent of CSEC in New Zealand. Initial findings revealed that child prostitution is reported throughout New Zealand, in rural districts and towns as well as cities.

The underlying reasons for young people becoming involved in sex work are complicated and multi-layered. Increased awareness and research overseas has indicated that the majority of children do not enter into prostitution willingly and that their participation is indicative of compulsion or desperation rather than choice.

Children drawn into prostitution do not come from one particular background. Some may still be living with parents or caregivers, others may be living away from home in residential care, while others may have run away and be homeless. There is not a single pattern; children may enter prostitution through a number of pathways including homelessness, family breakdown, pressure from friends already involved in prostitution, sexual abuse, poverty, drug/ alcohol misuse, educational underachievement or unemployment. Frequent school absences or absence for an extended period, either through truancy or suspension, may also make children especially vulnerable. The government has recognised the need to keep young people in the education system by increased funding to expand alternative education places for those who are too disruptive or alienated to remain in regular classes.

### **Programmes and Policies**

Young sex workers are a difficult group to engage with and provide support, information and education. One programme in New Zealand that has been particularly successful at engaging with young people involved in prostitution is the Child and Young Person's Prostitution Programme, which developed from a collaboration between the New Zealand Prostitutes Collective Charitable Trust and the Youth Health Trust. The pilot programme has operated from the Christchurch branch of New Zealand Prostitutes Collective and from the 198 Youth Health Centre. The Department of Internal Affairs through the Community Project Workers Scheme has funded the pilot for the past four years to May 2001.

The Child and Young Person's Prostitution Programme provides timely and appropriate responses to the mental, physical, social and spiritual needs of targeted children and young people. Responses are made in a manner that is appropriate to the age and developmental stage of the children and young person involved. Programme staff work in partnership with the youth to break down their mistrust of healthcare and social service agencies which has resulted from either a real experience or a perception of past institutional abuses or inadequacies. The Child and Young Person's Prostitution Programme also aims to keep young people aged between 16 and 18 years safe when they engage in sex work, and takes a pragmatic approach, as this is critical to immediately reducing harm faced by these young people.

While the number of Māori children involved in prostitution is unknown, it is likely that Māori are over-represented among child prostitutes because the risk factors that give rise to children becoming involved in prostitution are more common among Māori families. Māori youth are more likely to have family problems, to abuse drugs and alcohol, live in poor neighbourhoods, and lack positive cultural identity. This latter point is exacerbated for many young Māori by the cultural alienation that has been produced by a perception of historical injustice; the urban drift of Māori; and the subsequent breakdown of traditional support structures.

Consequently, appropriately targeted and well-designed programmes that offer support, education and advocacy to Māori young people involved in prostitution are needed.

Programmes delivered by Māori on the basis of Māori values are those likely to be most effective. The programmes provided by Te Aronga Hou Trust provide an example. Te Aronga Hou provides three services to takataapui (gays, lesbians, bisexuals and transgender people) and youth soliciting on the streets of Counties-Manukau. The outreach service, Toro Atu, is a mobile service offering information, advice and support. The support and advocacy service, Awhinatia, evaluates the needs of takataapui and youth and links them with appropriate support services. The knowledge and training service, Matauranga, provides wellbeing education and awareness programmes, personal development and vocational rehabilitation. Te Aronga Hou recently received funding from Te Puni Kokiri which will be provided over the next three years.

### **Future Directions**

Representatives from many agencies including Police, Child, Youth and Family, ECPAT NZ, Maori Wardens, NZ Prostitutes' Collective, Manukau Youth Centre, Youthline and Te Aronga Hou Trust recently met to discuss the issue of child prostitution in the greater Auckland region, share information and develop a plan to address the problem. As a result, child prostitution has been identified in the latest South Auckland Community Response Plan, which informs Child, Youth and Family community funding decisions. Child, Youth and Family has also agreed to investigate with Police options for joint development of pamphlets to explain the changes to the law prohibiting the use of a prostitute under 18 years of age. The pamphlets would assist in educating the public and young people about the unacceptability of underage prostitution.

Child, Youth and Family will also be reviewing funding and support to community agencies in both Auckland and Christchurch to deal with underage prostitution. Further service development will be informed by research and well-regarded programmes such as the Child and Young Person's Prostitution Programme. The success of the Child and Young Person's Prostitution Programme demonstrates that peer education is a highly effective way of engaging with young people involved in prostitution.

In order to continue providing peer education services, organisations, such as the New Zealand Prostitutes Collective, must have their resourcing needs met where practicable to enable them to train front-line staff with the skills needed to work effectively with young people. Individuals and agencies working with these young people should ideally have an understanding of sex work, as well as an appreciation of the developmental processes affecting these young people. They must also have a working knowledge of legislation and working practices that affect children and young people engaged in prostitution. Representatives of statutory authorities, such as the Police, Justice, and Child, Youth and Family, must be able to interface with non-governmental groups who have experience and expertise in this area.

Transgendered youth may be especially vulnerable to entering into prostitution because of homophobic reactions to their gender and sexuality from family or peers that may leave them alone and unsupported. The levels of discrimination experienced by young transgender people when trying to find accommodation, obtain an education, get a job,

access health services generally results in them being among the most vulnerable and marginalised young people in society.

Until there is intensive education work promoting attitudinal change this situation will no doubt continue. The Human Rights Commission has been directed by government to produce a National Plan of Action, which will be a strategic blueprint for the development of New Zealand human rights. As part of this work the Human Rights Commission will continue educating the New Zealand public about human rights issues and discrimination, including discrimination based on gender and sexuality.

As with Māori children, Pacific children also fall into a group amongst which the identified risk factors that give rise to children becoming involved in prostitution are high. This is particularly the case in terms of living in poor neighbourhoods, lacking positive cultural identity, educational underachievement or unemployment and frequent absences from school. Given that an overwhelming proportion of the Pacific population is of a youthful age the potential effects of such situational and social conditions cannot be underestimated in relation to the issue of child prostitution. Appropriately targeted programmes based on Pacific values are needed for Pacific young people involved in prostitution to ensure that the support services they receive are responsive to their particular needs.

## **CHILD PORNOGRAPHY**

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Child pornography is any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child, the dominant characteristic of which is depiction for a sexual purpose. Child pornography can exist in different forms. Visual child pornography is the most common. Audio child pornography is the use of any audio devices using a child's voice, real or simulated, intended for the sexual gratification of the user.

Child pornography almost always commences with a crime against a child. In order to create child pornography someone has to abuse a child, often in the most violent and degrading ways. Users and traders in child pornography are, in a sense, parties or accessories after the fact to that abuse.

### **New Zealand Legislation**

Pornography per se is not illegal in New Zealand. However, the Films, Videos and Publications Classification Act 1993 prohibits child pornography. Sections 123 and 131 of the Act make it an offence to make, possess or distribute an objectionable publication. The Act creates strict liability, as there is no defence that the defendant had no knowledge or no reasonable cause to believe that the publication was objectionable.

The definition of publication is comprehensive and includes all tangible forms of recorded material. A publication will be deemed objectionable if it promotes or supports the exploitation of children and young persons for sexual purposes. It may also be

objectionable if it describes, depicts or otherwise deals with sexual conduct with or by children or young persons or exploits the nudity of children or young persons for sexual purposes. The Act does not define “young person” but decisions by the Film and Literature Board of Review and the Office of Film and Literature Classification seem to have interpreted it as meaning people under the age of 18 years of age. Certainly, there appears to be scope for the Board and Office to interpret young person in this way if international obligations require it.

## **Child Pornography in New Zealand**

Child pornography, particularly that which is related to the Internet, is a growing problem in New Zealand. The problem is largely associated with the possession and distribution of pornography that has been imported, as opposed to the production of child pornography within New Zealand.

## **Policies and Programmes**

The Censorship Compliance Unit of the Department of Internal Affairs is the primary enforcement agency for all aspects of the Films, Videos and Publications Classification Act 1993. As such, the Unit is the main agency responsible for the investigation of the distribution of child pornography via the Internet. In the five years since the Censorship Compliance Unit was established in July 1996, it has investigated 380 cases of New Zealanders distributing and trading objectionable material, most of which is child pornography.

Because of the nature of the Internet, widespread co-operation is needed between officials in many jurisdictions. The Department of Internal Affairs works closely with Interpol and overseas enforcement agencies in a world-wide effort to combat the distribution and making of objectionable material. Inspectors take a proactive role in prosecuting both New Zealanders who trade objectionable material via the Internet and individuals who are trading within other jurisdictions. New Zealand’s international co-operation has led to the prosecution of offenders who otherwise may never have been detected. Within some European countries it is illegal for inspectors to undertake covert investigations on the Internet. By undertaking this work in New Zealand and providing the evidence through Interpol to the authorities, the Department of Internal Affairs inspectors are able to thwart the attempts of offenders to avoid prosecution by trading in different jurisdictions. The Department of Internal Affairs has also developed software applications for Internet tracking which has been provided to overseas jurisdictions.

The Department of Internal Affairs also works jointly with the New Zealand Customs Service and the Police to co-ordinate investigations into the manufacture and supply of pornography for the purpose of identifying paedophiles and persons with a sexual interest in children. Information about individuals who possess or distribute objectionable material collected through the Department of Internal Affairs is currently being used to profile offenders in a general sense, and also to establish whether there is a link between viewing child pornography and committing sexual offences against children. It has been suggested that child pornography is associated with active paedophilia within New

Zealand. Paedophiles trade child pornography and covertly encourage each other in paedophilic offending. It is also used to induce children into believing that sexual activity with adults is normal.

As well as allowing pornographic material to be disseminated quickly and unobtrusively to anyone with access to a computer and modem, the Internet also provides an easy, non-threatening means to contact potential victims. The anonymity of the Internet can allow an adult to masquerade as a child and initiate friendships with trusting children. The adult is then in a position to encourage physical meetings or introduce pornographic material and abuse can follow.

Prevention is the key strategy for protecting children and young people who use the Internet. The Department of Internal Affairs produces a number of pamphlets about the Internet, censorship and child safety which are distributed to schools, universities and libraries. This information is also available on the Department's website along with a draft Code of Conduct that businesses, schools and universities can implement to clearly set out what is considered appropriate use of the Internet.

In 1998 an Internet Safety Group, comprising representatives from Police, the Department of Internal Affairs, Auckland Rape Crisis, the Internet Company of New Zealand, the Peace Foundation, the SAFE network, ECPAT NZ and a number of Auckland schools, was established to address the question of how to educate parents and young people about safety on the Internet. The Group has since developed an Internet Safety Kit designed teach safe Internet practices and how to be aware of potential abuse situations. At the same time the Kit was launched, the Group also established an Internet Safety website at [www.netsafe.org.nz](http://www.netsafe.org.nz).

## **Future Directions**

The speed at which technology can change and adapt has the potential to leave laws and legal processes redundant. It is necessary to regularly review existing legislation and methods of law enforcement to ensure they keep in step with the developments in technology.

Concerns have been raised about the applicability of the Films, Videos and Publications Classification Act 1993 to child pornography, especially its relevance to Internet technology. ECPAT NZ has concerns about the overall inadequacy of the Act to address advances in modern technology. The rapid technological advances enabling sexual images of children to be traded instantaneously, anonymously, and globally, with minimal cost, could not have been contemplated when the Act was passed in 1993.

The Government Administration Select Committee has commenced an inquiry into the operation of the Films, Videos and Publications Classification Act 1993. The Committee will specifically inquire into the capacity of the Act to deal with the impact of new technology on the classification process set out in the Act, including the transmission of live performances via the Internet. The Committee started hearing submissions in late July and has no formal report back date.

Further concern has also centred on the light penalties regime under the Act. The most severe penalty under the Act is one year's imprisonment for dealing in objectionable materials. The most severe penalty for possession of objectionable materials is a fine of \$2000 in the case of an individual or \$5000 in the case of a body corporate. The Ministry of Justice will be undertaking a review of the penalties regime of the Films, Videos and Publication Classification Act, as part of its work programme, in order to consider this concern.

## **CHILD SEX TOURISM**

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Child sex tourism is the commercial sexual exploitation of children by foreigners, including paedophiles, businessmen and tourists. It usually refers to either persons who travel from their own country to another to engage in sexual acts with children, or foreigners who engage in sexual activity with a child while overseas. Child sex tourism often involves a third party who procures a child from local communities.

### **New Zealand Legislation**

The Crimes Amendment Act 1995 was introduced in August 1995 in response to international concern about the growing sexual exploitation of children by foreigners in a number of countries. The Act created a new extra-territorial offence, under section 144A of the Crimes Act 1961, which made it a crime to engage in any sexual conduct with children that, if done in New Zealand, would be an offence. The Act also created a second offence, under section 144C of the Crimes Act, which prohibits acts done in New Zealand in order to assist or encourage others to travel overseas for the purpose of having sex with children or to promote child sex tours. The provision covers such activities as booking tickets and reserving accommodation, providing transport to overseas destinations, and printing or publishing information to promote child sex tours. The offence is targeted at those who deliberately help others to travel overseas for the purpose of having sex with children.

### **Child Sex Tourism by New Zealanders**

There is evidence to show that New Zealanders are among the child sex abusers in a number of countries. Charges of child sex abuse brought against New Zealand men in countries such as India and Fiji indicate the extent of the problem. These cases have all been against individual offenders. As in most other countries, child sex tours no longer appear to be operating out of New Zealand.

### **Policies and Programmes**

Public education initiatives about child sex tourism have included a pamphlet, developed by ECPAT New Zealand and funded by the Ministry of Justice, setting out the law relating to extra-territorial child sex offences. It requests travellers to pass on to the

Police any information that suggests a New Zealander may have committed a sexual offence against a child whilst outside New Zealand.

The Police make use of the Interpol network and have an established network of contacts with other government agencies (Project Sapphire) and law enforcement agencies overseas. They also have a liaison officer located in Thailand to facilitate the flow of information regarding New Zealand offenders operating there.

Notwithstanding these initiatives, there has been little direct enforcement activity as a result of the 1995 amendment and no conviction either. Organisations such as ECPAT NZ argue that unless a prosecution is made, the legislation will not deter New Zealanders from committing sexual offences against children overseas, as there will be no fear of conviction. In Australia ten prosecutions have been brought against Australians who have sexually abused children in another country. Several of these prosecutions have received substantial media coverage. This attention has sent a direct message to the public that the Australian authorities will not tolerate child sex tourism.

### **Future Directions**

There are several practical limitations to bringing about a prosecution under child sex tourism legislation. Investigating an incident of child sex tourism can be very difficult when the offence takes place in another country. Some of the difficulties include the high cost of collecting evidence in another country, difficulties in locating witnesses, and the need to use interpreters during both preparation and the trial process itself. Police need to rely on the co-operation of their counterparts in other jurisdictions to gather the required evidence. It is not known whether sufficient co-operation will always be forthcoming. New Zealand needs to continue building co-operative relationships with other countries, such as Thailand, the Philippines and Fiji, where there have been reports of New Zealanders engaging in child sex tourism.

The other main difficulty relates to the trial phase. Prosecutions on child sex charges are notoriously difficult as child witnesses may retract their allegations through fear, intimidation and a desire for privacy, or they may give inconsistent accounts of the abuse because of confusion or loss of memory. These difficulties are compounded when the child is from another country and language and cultural difficulties also exist.

New Zealand government and Non-Government Organisations such as ECPAT need to continue educating and promoting awareness amongst the public of this issue. Heightened awareness may deter some people who would seek out this activity when they realise that they will not escape liability for their sexual conduct simply by travelling overseas.

New Zealand participates in a number of international and regional tourism organisations, including Pacific Asia Travel Association, International Air Transport Association, and World Tourism Organisation. These organisations have made public statements on the need for the industry to accept some corporate responsibility for child sex tourism, but so far there has been no public action by national tourism organisations. An education

campaign directed at Tourism Schools, Travel Industry Associations, and Airlines on the relationship between child prostitution and tourism in other countries would be an effective way of raising awareness and understanding of the problem.

## **CHILD TRAFFICKING**

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Trafficking is defined as the transporting of a person from one place to another through means of deception, kidnapping, actual, threatened or implied violence, and/or the abuse of individuals actual or perceived by a person in a position of authority eg. immigration officer, police officer, etc. An individual may be trafficked for the purposes of domestic employment, work in the commercial sex industry, manual labour, arranged marriage etc. The term trafficking implies a profit arises from the transportation of the child, which can occur across borders or within countries, across State lines, from city to city and from rural to urban areas.

### **New Zealand Legislation**

Section 98 of the Crimes Act 1961 prohibits the sale of any person as a slave and provides a comprehensive ban on the trafficking of slaves. The Crimes Act prohibits the employment or use of any person as a slave. It is also illegal for a parent or guardian of a child under 18 years to deliver that child to another person so that child's labour may be exploited.

### **Child Trafficking to New Zealand**

While trafficking to New Zealand may be a relatively small problem, organisations such as the Human Rights Commission and the Police acknowledge that it has the potential to become a growing problem. Throughout the world the trafficking of people from socio-economically deprived circumstances has increased markedly.

The New Zealand Police estimate that there are over 500 Thai women in the sex industry in Auckland alone. However, it is impossible to determine how many of them are under 18 years of age, and thus, inherently able to be considered to have been victims of trafficking. There are many obstacles that prevent trafficked children from coming to the attention of the police or other authorities. The majority of the girls are under constant surveillance by their traffickers. In addition, they may fear the police or believe that they will be in trouble with New Zealand authorities. The Human Rights Commission has received a number of telephone calls from health personnel reporting incidents of Thai girls, under 18 years of age, seeking medical attention, who had been subjected to sexual violence. However, by the time the Police have become involved it has been discovered that the addresses given are false or the girls have been moved to a new location.

### **Policies and Programmes**

New Zealand is committed to addressing the issue of child trafficking and this has been demonstrated internationally through the ratification of the Convention on Protection of

Children and Co-operation in Respect of Intercountry Adoptions. The Intercountry Adoption Act establishes a system of co-operation amongst Contracting States to ensure that safeguards are respected and thereby prevent the abduction, sale or traffic in children. Under the Act the Department of Child, Youth and Family Services is involved with intercountry adoptions and internal policy is in place to identify and oppose applications for adoption where trafficking of children is alleged.

The New Zealand government is also working with non-government organisations to implement measures to help those people who may already be trapped in sexual slavery in New Zealand. Last year an interagency group, comprising the Human Rights Commission, the Mayor of Auckland, Auckland City Council, Police, Immigration Service, Shakti Asian Women's Refuge, ECPAT NZ and the Prostitutes Collective, was established by the Mayor of Auckland in response to concerns about Thai and other women and girls being trafficked into New Zealand and held in debt bondage. In 2000 the Human Rights Commission launched a 'Pink Sticker Campaign' to publicise the repatriation programme, which provides a safe house, travel arrangements and follow-up support from Thai women's organisations on return to Thailand. By April 2001, the Commission had helped six Thai women bonded to the New Zealand sex industry. The Human Rights Commission has also assisted one of the women to make a successful claim in the Distributes Tribunal for moneys paid to the traffickers.

### **Future Directions**

As with child sex tourism, child trafficking cases are very difficult to both investigate and prosecute as similar difficulties are faced. It is also difficult for Police in New Zealand to protect witnesses who are returned to their own country. Current policy in New Zealand is to return the trafficked person to his or her own country as soon as possible. As a result, many victims will not agree to provide evidence, for fear of the repercussions from the traffickers that they, or their family, will experience when they return home. The human trafficking business is extremely lucrative for those involved, and the measures they undertake to protect their business reflect that.

Due to these difficulties, it can be argued that the effective punishment of traffickers is not yet occurring in New Zealand. New Zealand law enforcement authorities must take all practicable steps to bring to trial any New Zealanders involved in the trafficking trade, as well as offer assistance to overseas jurisdictions upon their requests for help with their domestic prosecutions. Child trafficking is a transnational activity and it will not be stopped by the activities of one country alone. More effort has to be made to co-operate effectively with law enforcement agencies in origin and transit countries.

International co-operation can be achieved through international conventions that establish frameworks for action against organised criminal groups involved in people trafficking. Having signed the United Nations Convention against Transnational Organised Crime and its accompanying Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, New Zealand hopes to ratify these instruments by the end of 2002. New Zealand has a long-standing practice of not ratifying a Convention or Protocol unless domestic law and practice are fully aligned

with the treaty's provision. Accordingly, a working group of officials, led by Immigration Services, has been convened to develop a comprehensive policy on trafficking and a strategy for implementing measures to curb people-smuggling. New Zealand will also be enacting new offences prohibiting trafficking in persons in accordance with the requirements of the Protocol.

## **ACTIVITIES TO ADDRESS CSEC IN GENERAL**

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New Zealand is actively involved in the protection of children both nationally and internationally and has a consistent record of being a supporter of children's rights.

New Zealand has worked with other Asia Pacific States to assist development of their own capacity to address the problem of sexual exploitation of children through New Zealand Official Development Assistance allocations. For example the government organised a visit by Thai officials and prosecutors in 1997 to study our child evidence laws and procedures.

New Zealand recently ratified the ILO Convention 182 Concerning the Worst Forms of Child Labour. This Convention is aimed at the immediate abolition of the worst forms of child labour, including slavery, the sale and trafficking of children, child prostitution and child pornography. Under Article 6 of the Convention, New Zealand is bound to "design and implement programmes of action to eliminate as a priority the worst forms of child labour". New Zealand government must ensure that it applies a consistent and cohesive approach as it implements strategies and programmes in accordance with both the Stockholm Declaration and the ILO Convention 182 Concerning the Worst Forms of Child Labour.

New Zealand signed up to the United Nations Convention on the Rights of the Child (UNCROC) in 1993. It sets out agreed rights to protections, entitlements and freedoms for children and covers everyone under 18 years of age. Article 34 and 35 relate specifically to the Stockholm Declaration and Agenda for Action as they require States to protect the child from all forms of sexual exploitation and sexual abuse, including: inducing or coercing of a child to engage in any unlawful sexual activity; using children in prostitution; and exploiting children in pornographic performances and materials. States must also prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

In response to international concern about the increasing traffic of children for exploitation and the widespread practice of child sex tourism, an Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography was developed which extends the measures that State Parties must undertake as signatories to UNCROC. The Optional Protocol aims to enhance the international legal protection for children from sexual and other forms of exploitation by requiring State Parties to prohibit various activities associated with the sale of children, child prostitution and child pornography, whether they are committed domestically or transnationally. New Zealand has signed the Optional Protocol and is

currently undertaking work to ensure that both New Zealand domestic law and policy fully comply with the Optional Protocol as part of the ratification process.

In addition to the legislation prohibiting CSEC, there are laws aimed at preventing the abuse of children, such as those enabling workers to be vetted prior to being employed in positions of trust with children. The education sector is the biggest employer of people coming into contact with children. The Education Amendment Bill, which is expected to come into force later this year, will require that all employees of schools and early childhood education services are vetted. Some organisations employing people to work with children not covered by the Bill may be unaware of the vetting system or how to access it. After the enactment of the Education Amendment Bill, the Police will monitor the vetting process with a view to identifying issues that may enhance it, which may include increasing or targeting their publicity about the vetting system.

The New Zealand government has also recognised the need to ensure that international students are safe and properly cared for when they come to study in New Zealand. In 1996 the Ministry of Education developed a voluntary code of conduct for providers of education in New Zealand. The Code set out the obligations and responsibilities of education providers to their international students. The Ministry of Education is currently revising the voluntary Code, and as of 1 September 2001, it will become a mandatory Code of Practice for Providers who enrol International Students. Under the mandatory Code all international students under 18 will be required to live in boarding houses or homestay accommodation that have been vetted. The Code will also see the establishment of the International Education Appeal Authority and the Review Panel for dealing with complaints from students about breaches of the Code, with power to impose sanctions on signatories who breach the Code.

Recognition has recently been given to the need to effectively manage the risk that sex offenders pose to the community when they are released from prison or receive a community based sentence. Government officials are investigating measures to improve the management of convicted sex offenders released into the community. The measures include a formalised disclosure regime between government agencies that have contact with released sex offenders to increase the access of agencies to relevant information, a systematic risk assessment of sex offenders, and multi-agency monitoring and risk management for sex offenders within their post-release supervision period to reduce the risk of re-offending.

When children do fall victim to abuse, special protections are needed to ensure the justice system does not revictimise the child. Additional measures to improve the rights of all victims are currently before Parliament. The Victims' Rights Bill, and a Supplementary Order Paper to the Bill aim to improve the treatment of victims of crime, by making many of victims' existing rights mandatory obligations on agencies, and introducing a number of new rights. The legislation will provide victims with the opportunity to be consulted on name suppression applications and will allow former child victims to apply to have name suppression of the offender lifted once they turn 16 years of age.

A Child Witnesses programme is currently being developed to improve the preparation of child witnesses for court. The programme was piloted in July 2001, and will be evaluated and progressively implemented nation-wide. The programme will be delivered through existing Victim Advisers and will include explanation of the purpose of the criminal justice system; explanation of the various court hearings; roles of people within the Courtroom; and guidance for parents on supporting children without contaminating evidence.

The Agenda for Action requires that countries promote the participation of children, so they are able to express their views. The Office of the Commissioner for Children is currently developing a community based child advocacy training programme to advance children's advocacy. The Office is working on modules for a set of three training packages: Training for Individual Advocacy; Natural Justice Training for the Education Sector; and Participation Training for other Organisations Working with Children. Each of the three training packages focus on developing child advocacy skills, mechanisms for increasing children's involvement in decision-making processes and structures and processes that enable children's voices to be heard.

The government, led by Ministry of Social Development, is currently developing an Agenda for Children to provide a framework to inform policy development and research relating to children across government over the next five years. Public consultation is being undertaken and contributions have been actively sought from children and young people. The government, led by Ministry of Youth Affairs, is also progressing a Youth Development Strategy Aotearoa, which is being developed in consultation with young people, as well as key youth-focused organisations.

In addition to these specific activities, key government agencies have agreed to focus awareness on the problem of CSEC through effective information sharing. While protocols are in place between Child, Youth and Family, the Police and Health relating to sexual abuse, co-ordination of activity relating to the commercial sexual exploitation of children as a whole still needs to be addressed. Child, Youth and Family is seeking to work with others, including the Police, to address specific recognised problem areas where commercial sexual exploitation is occurring. Government agencies have also agreed to improve public awareness by taking every appropriate opportunity to specifically refer to the problem of CSEC when providing information and press releases on child abuse in general.

## TABLE OF ACTIVITIES AGAINST THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

OBJECTIVES	TYPES OF ACTIVITIES	AGENCY/ORGANISATION	TIME
<p>1. To identify ongoing causes of vulnerability and patterns of exploitation among young people experiencing commercial sexual exploitation and gaps in existing legislation, policies and services that protect children</p>	<p><b>Child Prostitution</b></p> <p>1.1 Research the incidence and extent of child prostitution in New Zealand.</p> <p><b>Child Pornography</b></p> <p>1.2 Create a general profile of offenders who possess or distribute objectionable material using information collected through the DIA.</p> <p>1.3 Conduct research to establish whether there is a link between viewing child pornography and committing sexual offences against a child.</p> <p><b>General</b></p> <p>1.4 Produce regular updates on the situation of CSEC.</p> <p>1.5 Report to Committee on the Rights of the Child on the national implementation of the Convention on the Rights of the Child.</p>	<p>ECPAT</p> <p>DIA</p> <p>DIA</p> <p>ECPAT</p> <p>Youth Affairs</p>	<p>Stage I completed Stages II &amp; III by end 2002</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing (two to date)</p>
<p>2. To ensure public, political, community and official awareness of child abuse and CSEC</p>	<p><b>General</b></p> <p>2.1 Focus awareness on the problem of CSEC through effective information sharing, including producing, collecting and circulating relevant research reports, statistics and information from conferences.</p> <p>2.2 Improve public awareness by taking every appropriate opportunity to specifically refer to the problem of the commercial sexual exploitation of children wherever relevant.</p> <p>2.3 <i>Establish a Media Code of Practice to ensure responsible and non-exploitative reporting of issues relating to CSEC.*</i></p>	<p>Justice, CYF, Social Development, Police, Health, OCC, DIA, ECPAT, NZPC, HRC</p> <p>Justice, CYF, Social Development, Police, Health, OCC, DIA, ECPAT, NZPC</p>	<p>Ongoing</p> <p>Ongoing</p>

\*Activities in italics have been identified as necessary components of New Zealand's National Plan of Action against the Commercial Sexual Exploitation, but have not yet been signed up to by an appropriate agency/organisation.

OBJECTIVES	TYPES OF ACTIVITIES	AGENCY/ORGANISATION	TIME
2. To ensure public, political, community and official awareness of child abuse and CSEC	<p><b>Child Sex Tourism</b></p> <p>2.4 Work to ensure information is provided to travellers against child sex tourism and New Zealand's extra-territorial legislation.</p> <p>2.5 <i>Provide information to tourism schools about CSEC and guidelines for prevention and action, which will be included in tourism and travel personnel training.</i></p> <p><b>Child Prostitution:</b></p> <p>2.6 Continue to provide training to staff that will enhance their capacity to respond effectively to situations of CSEC.</p> <p>2.7 Hold a seminar on child prostitution to facilitate action.</p>	<p>ECPAT</p> <p>Health, CYF</p> <p>Social Development</p>	<p>Ongoing</p> <p>End of 2001</p>
3. Ensure that there are comprehensive laws that cover all aspects of CSEC	<p><b>Child Prostitution/Child Pornography/Child Trafficking</b></p> <p>3.1 Complete an assessment of legislation relating to child prostitution, child pornography, and child trafficking.</p> <p>3.2 Identify gaps and propose necessary legislative amendments in relation to child prostitution, child pornography, the sale of children to enable ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.</p> <p><b>Child Trafficking</b></p> <p>3.3 Prepare drafting instructions to enable the enactment of new offences of trafficking in persons, and smuggling of migrants to enable ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.</p>	<p>Justice</p> <p>Justice</p> <p>MFAT</p>	<p>31 Oct 2001</p> <p>31 Dec 2001</p> <p>End of 2002</p>
4. To ensure international co-operation and co-ordination in prosecution of offenders and protection of children.	<p><b>Child Sex Tourism/Child Pornography/Trafficking</b></p> <p>4.1 Increase communication and co-operation between police, DIA censorship compliance inspectors and prosecuting authorities in other jurisdictions.</p>	<p>DIA, Police</p>	<p>Ongoing</p>

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OBJECTIVES	TYPES OF ACTIVITIES	AGENCY/ORGANISATION	TIME
4. To ensure international co-operation and co-ordination in prosecution of offenders and protection of children	4.2 Receive materials from Interpol's Standing Working Party on Offences Against Minors.	Police	Ongoing
	<p><b>Trafficking</b></p> 4.3 Co-ordinate procedures for ratifying the United Nations Convention on Transnational Organised Crime, and its accompanying Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.	MFAT	Ongoing
	<p><b>Child Prostitution/Child Pornography/Child Trafficking</b></p> 4.4 Co-ordinate procedures for ratifying the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.	MFAT	Ongoing
	<p><b>General</b></p> 4.5 Give consideration to funding through the Good Governance Programme of New Zealand Overseas Development Assistance to assist Asia Pacific partners with capacity building to address the problem of CSEC.	MFAT	Ongoing
5. Enforcement of laws to protect children from CSE.	<p><b>General</b></p> 5.1 Monitor movements and share information on convicted child sex offenders and collectors of child pornography via Interpol or directly with foreign police and immigration authorities.	Police, DIA, Customs	Ongoing
	<p><b>Trafficking</b></p> 5.2 Establish a working group of officials, which will develop a strategy for implementing measures to curb trafficking as part of New Zealand's ratification of the United Nations Convention against Transnational Organised Crime and its accompanying Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.	Immigration Services (lead), Human Rights Commission, Police, Customs, Corrections, DIA	30 Nov 01
	5.3 Prosecute traffickers, their clients and those who assist them when the necessary evidence is available.	Police	

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OBJECTIVES	TYPES OF ACTIVITIES	AGENCY/ORGANISATION	TIME
6. To ensure that children are not victimised by the legal system.	<p><b>General</b></p> <p>6.1 Establish a Child Witnesses programme to provide education and support for child victims and witnesses (and their caregivers) when they are required to give evidence in court.</p> <p>6.2 Support the passage of the Victims Rights Bill and Supplementary Order Paper, which will make victims rights mandatory obligations on agencies.</p>	<p>Courts (lead), Advisory Group (including parents, MPIA, CYF, Youth Law, Police, NZLS)</p> <p>Justice</p>	<p>July 2001</p> <p>End of 2001</p>
7. To reduce factors that make children vulnerable to CSEC.	<p><b>Child Prostitution</b></p> <p>7.1 Provide vocational and life skills training and/or non-formal education for children who leave the regular school system.</p> <p><b>General</b></p> <p>7.2 Establish a mandatory Code of Practice for the Recruitment, Welfare and Support of International Students.</p> <p>7.3 Support the passage of the Education Amendment Bill, which will ensure that all employees of schools and early childhood centres are vetted.</p> <p>7.4 Monitor the vetting process operated through the Licensing and Vetting Service Centre of New Zealand Police with a view to identifying issues that may enhance it.</p>	<p>Education, Te Aronga Hou</p> <p>Education</p> <p>Education</p> <p>Police</p>	<p>Ongoing</p> <p>After the enactment of Education Amendment Bill</p> <p>End of 2001</p> <p>After the enactment of Education Amendment Bill</p>
8. To ensure that children are educated to protect themselves against CSEC.	<p><b>Child Prostitution/Child Pornography</b></p> <p>8.1 Provide personal safety programmes, which provide children and young people with the skills to cope with situations that might involve sexual abuse (Keeping Ourselves Safe Programmes).</p>	<p>Police</p>	<p>Ongoing</p>

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OBJECTIVES	TYPES OF ACTIVITIES	AGENCY/ORGANISATION	TIME
9. To prevent computer literate children from being sexually exploited.	<p><b>Child Pornography</b></p> <p>9.1 Promote safe Internet use policies for children (e.g. Internet Safety Kit; DIA's online safety pamphlet).</p> <p>9.2 Develop co-operation strategies between the DIA Censorship Compliance Unit and Internet Service Providers to remove and report illegal content.</p> <p>9.3 Increase communication between all parties who can contribute to the prevention of victimisation of children on the Internet.</p> <p>9.4 Encourage research relating to the online victimisation of children and young people.</p>	<p>DIA, ECPAT, ISG</p> <p>DIA, Internet Service Providers</p> <p>ISG DIA, ECPAT, Internet Service Providers</p> <p>ISG</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>
10. To provide health care and sex education for young people.	<p><b>Child Prostitution</b></p> <p>10.1 Provide age appropriate information on sexual relationships and STD prevention in schools and clinics.</p>	<p>Teachers, Parents/ guardians, Health professionals.</p>	<p>Ongoing</p>
11. To provide services to rescue and protect children from CSEC.	<p><b>General</b></p> <p>11.1 Provide a service to receive and respond to reports from the public of suspected CSEC.</p> <p>11.2 Develop measures for the effective monitoring and management of sex offenders when they are released from prison or receive a community-based sentence.</p>	<p>CYF, Police,</p> <p>Justice</p>	<p>Ongoing</p> <p>End of 2001</p>
12. To enable children who have experienced CSEC to recover and reintegrate	<p><b>Child Prostitution</b></p> <p><i>12.1 Establish alternative income sources for children rescued from commercial sexual exploitation.</i></p> <p>12.2 Provide alternative safe accommodation for children and young people who need protection from abuse.</p>	<p>CYF</p>	<p>Ongoing</p>
13. To encourage child participation and increase community based child advocacy skills	<p><b>General</b></p> <p>13.1 Develop and implement a Community Based Child Advocacy Training Programme.</p>	<p>OCC</p>	<p>Implemented over the next 12 months</p>

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## GLOSSARY

DIA	Department of Internal Affairs
NZPC	New Zealand Prostitutes Collective
MFAT	Ministry of Foreign Affairs and Trade
CYF	Department of Child, Youth and Family Services
OCC	Office of the Commissioner for Children
NZLS	New Zealand Law Society
WINZ	Work and Income New Zealand
ISG	Internet Safety Group
MPIA	Ministry of Pacific Island Affairs
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
Youth Affairs	Ministry of Youth Affairs
Justice	Ministry of Justice
Health	Ministry of Health
Social Development	Ministry of Social Development
HRC	Human Rights Commission
Customs	New Zealand Customs Service
Courts	Department of Courts
Education	Ministry of Education

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