

Article 22 of the Constitution of the ILO

Report for the period 1 June 2007 to 31 May 2009
made by the Government of New Zealand on the

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

- I Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Organisation with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

There are no changes since the last report on this Convention.

- II Please indicate in detail for each of the following articles of the Convention the provisions of the abovementioned legislation and administrative regulations, etc., or other measures under which each article is applied.**

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has this effect. Please also specify what action has been taken to make effective those provisions of the Conventions which require a national authority to take certain specific steps for its implementation, such as measures to define its exact scope, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;*
- (b) as a method of mobilising and using labour for purposes of economic development; as a means of labour discipline;*
- (c) as a punishment for having participated in strikes;*
- (d) as a means of racial, social, national or religious discrimination.*

In relation to questions in Section II Part A, there have been no changes since the last report on this Convention.

Section II Part B, which reads as follows:

If any persons may be subjected to forced or compulsory labour in cases other than those set out above, please indicate the circumstances in which such measures may be authorised and state what precautions are taken to ensure that these measures do not lead to violations of the Convention.

Human Trafficking

The New Zealand Government has had no reported incidences of human trafficking and is committed to working with interagency groups, non-governmental organisations (NGOs) and regional and international bodies to prevent human trafficking in New Zealand.

The Department of Labour leads an Interagency Working Group (IWG) that enables a co-ordinated "whole of Government" approach. The IWG has developed a New Zealand National Plan of Action (NPA) to Prevent Trafficking in Persons that incorporates processes to raise awareness of human trafficking, establish relationships with key NGOs, coordinate offshore prevention activities, ensure victim protection response if needed and align law enforcement/judicial investigation and prosecution. The NPA is expected to be approved by the New Zealand Government later this year.

The New Zealand Government continues to participate in, or develop and enhance, existing anti-trafficking programmes to ensure that it is able to make timely interventions to combat or prevent human trafficking. This includes active membership of the Bali Ministerial Process and the New Zealand Agency for International Development (NZAID) anti-trafficking work in Asia and the Pacific.

Labour in Prisons

The New Zealand Government has introduced the Corrections (Contract Management of Prisons) Amendment Bill which is expected to be enacted later this year. This Bill will allow the competitive tendering of prison management on a case-by-case basis.

For more information on the Corrections Amendment Bill and labour in New Zealand Prisons please see New Zealand's report on Forced Labour Convention, 1930 (No. 29), 2009.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Please indicate what measures, if any, have been taken with a view of giving effect to this Article.

Please indicate, in particular, what penal provisions and sanctions are applicable in cases of illegal exaction of forced or compulsory labour: (i) by a public official or body; (ii) by private individuals or associations.

New Zealand has a maximum sentence of 14 years imprisonment imposed for dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour under section 98AA of the Crimes Act 1961.

III Please state to what authority or authorities the application of the abovementioned legislation and administrative regulations, etc., is entrusted and the methods for supervising and enforcing that application. In particular, supply information on the organisation and working of inspection.

There is no change since the last report on this Convention.

IV Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

There is no change since the last report on this Convention.

V Please give a general appreciation of the manner in which the Convention is applied in your country and supply copies of the reports of the competent services, such as judicial administrations, etc. Please supply also all available statistics concerning the number of persons on whom forced or compulsory labour has been imposed, the nature of the work carried out by the persons in question, the reasons for which the said person have been subjected to such work, the number of working hours effected during the period under review, and the wages paid to these persons. Please state also whether the persons in question enjoy the same conditions of work as free workers and, if not, indicate in what respects their conditions differ.

The New Zealand Government does not allow forced labour and is committed to the enhancement of decent work for all New Zealanders. The New Zealand Government also promotes decent work internationally by condemning forced labour in bilateral trade agreements and condemning countries who practice forced labour.

For details of prisoner employment, please refer New Zealand's report on the Forced Labour Convention, 1930, (No. 29), 2009.

VI Please indicate the representative organisations of employers and workers to which copies of this report have been provided.

Copies of this report have been forwarded to:
Business New Zealand
The New Zealand Council of Trade Unions