

<b>Title</b>	<b>Restaurant to Brothel – Debt Bonded into Sex Work</b>	<b>Case No.</b>	<b>01-A</b>
<b>Type</b>	<b>15 Thai Women forced into Prostitution Sex Slavery / Human Trafficking / Debt Bondage</b>	<b>Location</b>	<b>Auckland</b>
<b>First Known</b>	<b>2001</b>	<b>Duration</b>	<b>Not provided</b>

### **Who it happened to**

15 Thai women.

### **Who the perpetrators were**

Not provided.

### **How victims were obtained**

The promise: Jobs at an Auckland restaurant.

“In 2001 a woman left a home in which she had been living in Auckland, and reported to the border investigation group of the Department of Immigration. The woman related that she and other Thai women had been told that for NZ\$10,000 they could get a job at a restaurant in Auckland. These women owed the recruiting agent in Thailand an interest rate of 36 percent and had agreed to make this payment.” [Ref 1]

### **What happened to them**

“However, when they were picked up at the airport their money, return tickets, and passports were taken from them. They were taken to live in a house with 14 other Thai women, slept six to a room, and to their “tab” was added \$150 a week in rent, even though rent on the whole house was only \$450 a week. Every day at 1 p.m. the girls were picked up and taken to a brothel. Every night they were picked up at the brothel at 3 a.m. and brought back to the house, with all the money they had earned that night taken from them to repay their debt.” [Ref 1]

### **How they were made to stay**

“Coercion was present in that the debt made the women feel they had no choice.” [Ref 1]

### **How it ended**

After being notified of the situation by one of the victims... “Immigration obtained a warrant for the home and Police accompanied them on the execution of the warrant. The women were moved from the search location within a week.” [Ref 1]

### **Judicial outcome**

“No case was ever brought against anyone as Police indicated without bondage or physical restraints, the women were free to come and go from the home and the brothel. With the addition of 98D to the Crimes Act in 2002, this case could today be prosecuted as one of trafficking. The women were clearly brought into New Zealand from another state, Thailand, by an act of deception. New Zealand law on trafficking does not require any additional exploitation once the individuals are brought into the country. By not requiring exploitation of the person once they are in New Zealand, the cases are actually easier to prove. Arranging the entry of a person into New Zealand, or harbouring them once they are here, by one or more acts of coercion or deception is people

trafficking. There was deception in this case as the job promised was not the one delivered. Coercion was present in that the debt made the women feel they had no choice. This type of trafficking case if found today, would be prosecuted in New Zealand under 98D. If the women were told that if they did not work in the sex industry they would be deported, there is also a violation of section 16(2) of the PRA. Lastly, charges could also be brought under section 98 of the Crimes Act as there was debt bondage. Additionally, the Immigration Act has since added a section on exploitation of people not legally entitled to work in New Zealand. Under this section an employer commits an offense where it exploits an unlawful person.

New Zealand Police recognised in a 2001 vice report that Asian women are often “contracted and financially bonded in various forms to either their employer or the agent or organisation responsible for recruiting them.” Further, cases involving debt bondage to employers “and excessive wage reductions are not restricted to the sex industry alone. Similar arrangements are also reported to exist in sweatshops, painting and plastering gangs, and bakeries run by Asians in the Auckland metropolitan area.” One massage parlour owner noted prior to the passage of the PRA that “many young women are brought to New Zealand to work in the sex industry and many are exploited.” The owner had even been offered Asian sex slaves.

NZPC acknowledged that some Thai women are in the commercial sex industry because they have debts to pay off. The NZPC confirmed that Thai women as a group often work too hard and that the debt owed has a connection to the girl’s family back home. They have also stated that there are very small numbers of Eastern Europeans and Brazilians beginning to work in the sex industry in New Zealand, but had no evidence of trafficking with respect to these groups.

Training for Police and Immigration should include indicators of people trafficking, such as the withholding of travel documents, workers not receiving their wages, and unusually high fees leading to debt, and different factual scenarios law enforcement may encounter.

One scenario is that of a migrant sex worker who arrives initially with a visitor permit and then simply stays in New Zealand voluntarily. There is no coercion or deception with respect to the entry or the job, so this case is not people trafficking. There may be immigration violations, but some people may simply be following a financial incentive, deciding they can make more money in the commercial sex industry in New Zealand than in Asia.

Another scenario is when a woman is deceived into working in the sex trade by being told she has a job in a restaurant or the clothing industry, only to find once she is here that no job exists. Even if this woman came here willingly, using fraudulent travel documents, she was deceived as to the job that awaited her so this scenario is people trafficking. If the woman is in disproportionate debt this may be an indicator of trafficking or debt bondage. If she pays higher than the going rate for air tickets, accommodation, and placement and her travel documents are held until her debt is paid; if the debt has exorbitant interest rates; and if she loses the ability to say “no” to sex work, this is people trafficking and she is a victim. In this last example, there may also be violations under the PRA s 16.

New Zealand Police incorrectly stated in their 2001 report that if workers find they need a higher paying job to pay back their “placement fees,” they can choose to become a sex worker to pay off their debt. Debt bondage in New Zealand is a crime as well as an indicator of trafficking. While police claimed they found no “trafficked” individuals, they did note that Asian prostitutes worked “extremely long hours in substandard conditions with little or no control over their terms of employment.” In many instances it is believed workers passports are held as security, . . . for

placement fees incurred during the recruitment process.” Again, Police have detailed more indicia of trafficking, even recognising that an Asian workers’ immigration status may make her vulnerable to her employers. These indicators need to be evaluated in terms of the PRA and the Crimes Act and more prosecutions should result when facts, such as those discussed above, are present.” [Ref 1]

### **Fate of the victims**

“The women living in the house were removed from the house within a week and were, I understand, removed from the country.” [Ref 2]

### **References**

1. [https://www.fulbright.org.nz/wp-content/uploads/2011/12/axford2006\\_coppedge.pdf](https://www.fulbright.org.nz/wp-content/uploads/2011/12/axford2006_coppedge.pdf)
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