

## Submission to the Justice Committee: Crimes (Increased Penalties for Slavery Offences) Amendment Bill

As the independent advocate working for and with mokopuna (children and young people), Mana Mokopuna – Children and Young People's Commission (Mana Mokopuna)<sup>1</sup> makes the following submission on the Crimes (Increased Penalties for Slavery Offences) Amendment Bill (the Bill).

### Summary of our submission

“I felt vulnerable, I didn't know what to do. I was scared. I knew what was happening, but I didn't know why.”  
(Mokopuna victim-survivor of slavery and sexual exploitation in Aotearoa New Zealand)<sup>2</sup>

1. All mokopuna have the right to be protected from all forms of exploitation including modern slavery and people trafficking.<sup>3</sup> Slavery and trafficking can and do occur cross-border and internally within Aotearoa New Zealand, breaching the rights of mokopuna.<sup>4</sup>
2. We support the Crimes (Increased Penalties for Slavery Offences) Bill, because increasing the penalties for these offences sends the message that Aotearoa New Zealand strongly denounces this offending, including against mokopuna, whether or not it occurs internationally or domestically.
3. Although it is a reality that mokopuna have their rights violated by slavery, trafficking and exploitation in Aotearoa New Zealand and cross-border with a New Zealand-related dimension, it is difficult to quantify the prevalence and impacts of slavery, trafficking and exploitation of mokopuna in Aotearoa New Zealand. This is due to a lack of official data collection and likely significant underreporting.<sup>5</sup>
4. **In addition to the Bill, to further strengthen Aotearoa New Zealand's approach to preventing the exploitation of mokopuna, Mana Mokopuna recommends:**
  - a. Implementing the recommendations of the UN Committee on the Rights of the Child (UN Committee) in its 2023 Concluding Observations on New Zealand, specifically those relating to violence against and exploitation of mokopuna.<sup>6</sup>
  - b. Implementing the recommendations from the US Department of State 2024 Trafficking in Persons Report on New Zealand.
  - c. Noting that the current Combatting Modern Forms of Slavery Plan of Action is due to be renewed this year,<sup>7</sup> ensure that the rights, interests, wellbeing and

<sup>1</sup> Mana Mokopuna – Children and Young People's Commission is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of all children and young people (mokopuna) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years if they are, or have been, in care or custody.

<sup>2</sup> [Jail term increased for Kasmee Lata - mother who sold teen daughter for sex more than 1000 times - NZ Herald](#)

<sup>3</sup> United Nations Convention on the Rights of the Child (1989), Arts 32, 34, 35, 36.

<sup>4</sup> [Combatting modern forms of slavery: Plan of action against forced labour, people trafficking and slavery](#)

<sup>5</sup> [Modern slavery in New Zealand | Walk Free](#)

<sup>6</sup> CRC/C/NZL/CO/6: [The UN's Concluding Observations to Aotearoa New Zealand | Mana Mokopuna](#)

<sup>7</sup> [Combatting modern forms of slavery: Plan of action against forced labour, people trafficking and slavery](#)

participation of mokopuna are central to the development of any further action plans.

- d. Increasing the maximum penalty of \$500,000 to \$1,000,000 across the offences that make up Aotearoa New Zealand's regulatory regime to address human trafficking.<sup>8</sup>

## Introduction

“ I often feel lonely, but don't trust others anymore... I don't trust or believe anyone, including my family. Some days I have so much anxiety I don't even want to get out of bed.”

(Mokopuna victim-survivor of sexual exploitation and slavery in Aotearoa New Zealand)<sup>9</sup>

5. The Crimes (Increased Penalties for Slavery Offences) Bill seeks to strengthen Aotearoa New Zealand's regulatory approach to addressing human trafficking by aligning the maximum penalties across offences under the regime.<sup>10</sup>
6. The Bill increases the maximum penalties for the offence of dealing in slaves (section 98 Crimes Act 1961) and the offence of dealing in people under the age of 18 for sexual exploitation, removal of body parts, or engagement with forced labour (section 98AA Crimes Act 1961) aligning with the offences of smuggling migrants (section 98C Crimes Act 1961) and trafficking in persons (section 98D Crimes Act 1961), resulting in a consistent maximum penalty of 20 years imprisonment and/or a fine not exceeding \$500,000 across all offences.
7. While Mana Mokopuna supports the Bill, we emphasise that increasing penalties can only have a meaningful effect once cases of exploitation are identified, prosecuted and convictions are successfully obtained. The Bill does not address the barriers that exist in identifying, preventing and addressing exploitation against mokopuna. Nor does the Bill address barriers faced by mokopuna victim-survivors in their journeys to heal from the violations of their human rights.<sup>11</sup>
8. Mana Mokopuna recommends further government investment in the prevention of the exploitation of mokopuna, and to support mokopuna victim-survivors in their healing journey. This is also acknowledged as an integral part of preventing and interrupting cycles of violence, trauma and harm under Te Aorerekura National Strategy to Eliminate Family Violence and Sexual Violence (Te Aorerekura).<sup>12</sup>

## UN Committee on the Rights of the Child Concluding Observations

9. In 2023, the United Nations Committee on the Rights of the Child (UN Committee) made a number of recommendations to Aotearoa New Zealand as a States Party to the United Nations Convention on the Rights of the Child (Children's Convention) and the Optional

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<sup>8</sup> Crimes Act 1961, ss 98, 98AA, 98C, 98D.

<sup>9</sup> [Exclusive: Teen sex slave to mother Kasmeeer Lata speaks: 'Now it's over, I am free' - NZ Herald](#)

<sup>10</sup> Crimes (Increased Penalties for Slavery Offences) Amendment Bill (2024) at Explanatory Note.

<sup>11</sup> ["A place to talk peacefully: Mokopuna voices on healing from family violence and sexual violence in Aotearoa | Mana Mokopuna](#)

<sup>12</sup> Te Aorerekura National Strategy to Eliminate Family Violence and Sexual Violence, p 10: [Te-Aorerekura-National-Strategy-final.pdf](#)

Protocol on the sale of children, child prostitution and child pornography (the Optional Protocol).<sup>13</sup>

10. The Optional Protocol details specific requirements to enhance protections against child exploitation, and ensure responses at the domestic level uphold children's rights. It recognises mokopuna as active participants in their own lives and guards against them being treated as objects or commodities.
11. We draw the Justice Committee's attention to the UN Committee's recommendations in respect of the Optional Protocol, in particular the following which are directly relevant to the Bill and its purpose and legislative intent:<sup>14</sup>
  - a. To establish a comprehensive data-collection system covering all areas of the Optional Protocol and disaggregated by form of exploitation and the age and gender of victims;
  - b. To adopt a national action plan addressing all crimes as defined in the Optional Protocol, ensuring it is responsive to the nature and root causes of the sexual exploitation of children;
  - c. To strengthen the coordination and cooperation between child protection stakeholders to improve the early detection and identification of children who are victims of all offences prohibited under the Optional Protocol, taking into account acts that are perpetrated both online and offline, and ensure that they have immediate access to victim support services, including shelters;
  - d. To ensure that all crimes under Articles 2 and 3 of the Optional Protocol are investigated and that perpetrators, including legal persons such as corporations, are prosecuted and sanctioned for offences under the Optional Protocol.
12. Mana Mokopuna strongly advocates for these recommendations to be actioned by the Government as part of the work to strengthen Aotearoa New Zealand's approach to human trafficking, slavery and exploitation. We recommend that the Justice Committee draws Parliament's attention to these Concluding Observations of the UN Committee in its report back on the Bill, highlighting them as important steps to further ensure the purpose and wider intent relating to the Bill is fulfilled more broadly.
13. In its consideration of the Bill, Mana Mokopuna recommends that the Justice Committee takes into account the direct views of mokopuna victim/survivors of family and sexual violence, shared in, *A Place to Talk Peacefully: Mokopuna voices on healing from family violence and sexual violence in Aotearoa*.<sup>15</sup> The views and experiences of mokopuna on their experiences of violence, including recommendations for what works well for them when healing from violence, are relevant to this Bill and its context. It is crucial that mokopuna themselves inform the development of any supports to help them to heal from the violation of their rights.

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<sup>13</sup> CRC/C/NZL/CO/6: [The UN's Concluding Observations to Aotearoa New Zealand | Mana Mokopuna](#), see paras 24 and 44 in particular.

<sup>14</sup> CRC/C/NZL/CO/6 at para 44(a)-(d).

<sup>15</sup> ["A place to talk peacefully: Mokopuna voices on healing from family violence and sexual violence in Aotearoa | Mana Mokopuna"](#)

## US Department of State 2024 Trafficking in Persons Report

14. The Bill intends to respond to recommendations from the Trafficking in Persons (TIP) report,<sup>16</sup> to strengthen approaches to prevent human trafficking in Aotearoa New Zealand. Mana Mokopuna recommends further work is done to implement the remaining recommendations from successive TIP reports, including with a specific focus on mokopuna.

## Combatting Modern Forms of Slavery Plan of Action

15. The Ministry of Business, Innovation and Employment's (the Ministry) Combatting Modern Forms of Slavery Plan of Action against Forced Labour, People Trafficking and Slavery 2020-2025<sup>17</sup> (the Plan of Action) refers to Aotearoa New Zealand's obligations in respect of the Children's Convention and the Optional Protocol.
16. Mana Mokopuna advocates for work to be undertaken to renew the Plan of Action, and for the protection of children's rights to be at the heart of the Plan. Mana Mokopuna strongly recommends implementation of the UN Committee's recommendations relating to slavery, trafficking and exploitation of mokopuna is included in the programme of work under the Plan of Action.
17. We further advocate that the rights, interests, wellbeing and participation of mokopuna is central to the development of any further Plans of Action.

## Conclusion

18. Mana Mokopuna supports the Bill as a way to denounce human trafficking in Aotearoa New Zealand. However, with these penalties only coming into play following a successful conviction, there is significant additional work still to be done to prevent and address the harms of trafficking upon mokopuna.
19. Mana Mokopuna recommends the implementation of further initiatives with a strong children's rights focus to effectively prevent, identify and address exploitation against mokopuna in Aotearoa New Zealand.

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<sup>16</sup> Crimes (Increased Penalties for Slavery Offences) Amendment Bill, at Explanatory Note.

<sup>17</sup> [Combatting modern forms of slavery: Plan of action against forced labour, people trafficking and slavery](#)