

NEW ZEALAND 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

New Zealand is a parliamentary democracy. Citizens chose their representatives in a free and fair multiparty election held most recently in September 2017. The Labour Party formed a coalition government with the New Zealand First Party, with Green Party support. Labour Party leader Jacinda Ardern serves as prime minister.

The New Zealand Police, under the Ministry of Police, are responsible for internal security, and the armed forces, under the Ministry of Defense, are responsible for external security. Civilian authorities maintained effective control over the security forces.

There were no reports of significant human rights abuses.

The government has effective mechanisms for prosecuting officials who commit human rights abuses; there were no reports of such abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports government officials employed them.

Prison and Detention Center Conditions

Watchdog groups highlighted overcrowding; inadequate mental health treatment and treatment of prisoners who risked self-harm; excessive restraint, including the abuse of solitary confinement; preventive detention; and prisoner-on-prisoner violence as systemic problems in prisons and detention facilities. Both the government and civil society groups highlighted the disproportionate rates of incarceration of indigenous peoples (see section 6, Indigenous People).

Physical Conditions: Persons accused of a crime who are age 17 or older are tried as adults and, if convicted, sent to adult prisons. Authorities held male prisoners younger than 17 in four separate detention facilities operated by the national Child and Youth Welfare Agency. There was no separate facility for juvenile female prisoners because there were very few such prisoners.

Watchdog groups criticized the penal system for overcrowding and for inadequate and inconsistent health care.

Suicide rates in prisons were higher than in the general population and were increasing: According to a March 2018 Official Information Act request, one suicide occurred in 18 months from March 2016-September 2017; there were then six suicides in the six months September 2017-March 2018. The Department of Corrections began pilot mental health and reintegration services aimed at promoting self-care and independence.

Due to a lack of beds in secure youth residences, children have been detained in police cells. The children's commissioner said that this practice breaches UN conventions regarding separating children from the influence of adults in custody.

In July the independent Office of the Ombudsman reported that the Department of Corrections found that a small number of at-risk prisoners in one prison were being held in cells without toilets or running water when the Intervention and Support Unit's "safer cells" were full--in contravention to the UN Standard Minimum Rules for the Treatment of Prisoners, said the ombudsman.

In October the Office of the Ombudsman began monitoring visits at secure dementia units and psychogeriatric units. The program of visits began after the Human Rights Commission (HRC) published a report in 2018 on safeguarding the legal and human rights of an estimated 5,000 elderly residents in these facilities. Local media reports had previously reported on locked aged-care and disability facilities where physical restraints were used to restrict patients' movements.

Administration: Inmates could make uncensored complaints to statutory inspectors, an ombudsperson, and nongovernmental organizations (NGOs). The Ombudsman's Office reports to parliament annually on its findings about prison conditions.

Independent Monitoring: The government permitted prison monitoring visits by independent human rights observers. The law provides for specified rights of inspection, including by members of parliament and justices of the peace, and information was publicly available on complaints and investigations, subject to the provisions of privacy legislation. The Office of the Ombudsman also inspects prisons and mental-health facilities to prevent cruel and inhuman treatment, in line with national standards and the country's international obligations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police may arrest a suspect without a warrant if there is reasonable cause; however, a court-issued warrant is usually required. Police officers may enter premises without a warrant to arrest a person if they reasonably suspect the person committed a crime on the premises or found the person committing an offense and are in pursuit. Police must inform arrested persons immediately of their legal rights and the grounds for their arrest.

After arresting and charging a suspect, police may release the suspect on bail until the first court appearance. Except for more serious offenses, such as assault or burglary, bail is normally granted and frequently does not require a deposit of money. Suspects have the right to appear promptly before a judge for a determination of the legality of the arrest and detention. After the first court appearance, the judge typically grants bail unless there is a significant risk the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Authorities granted family members timely access to detainees and allowed detainees prompt access to a lawyer of their choice and, if indigent, to a lawyer provided by the government. The government did not detain suspects incommunicado.

Pretrial Detention: Approximately 34 percent of prisoners were held in custody on remand, while they await trial or sentencing. The number of prisoners held on remand has increased more than threefold in the past 20 years, primarily due to increased time required to complete cases and stricter bail restrictions. The median duration of prisoners' time held in remand was between one and three months.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence and the right to counsel. By law authorities must inform defendants promptly and in detail of the charges and provide adequate time and facilities to prepare a defense. Defendants cannot be compelled to testify or confess guilt, but they have the right to be present at their trial. Defendants also have the right to present witnesses and evidence, confront witnesses against them, appeal convictions, and receive free interpretation as necessary from the moment charged through all appeals. The government provides a lawyer at public expense if the defendant cannot afford counsel. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil judicial remedies for human rights violations, including access to the Human Rights Review Tribunal. There are also administrative remedies for alleged wrongs through the HRC and the Office of Human Rights Proceedings.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

Censorship or Content Restrictions: In late March the government imposed a ban on internet and other publication of the video footage of the March 15 Christchurch terror attack, and on the attacker's "manifesto."

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. In July, however, Auckland University of Technology (AUT), a public university, canceled a student-organized seminar commemorating the 30th anniversary of Tiananmen Square. Commentators and NGOs widely rejected AUT's claim that booking issues forced the event's cancellation, viewing the cancellation as resulting directly from pressure from the Chinese consulate in Auckland.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

The government complained to the Chinese embassy following a July 29 incident at the University of Auckland in which three mainland Chinese men verbally and physically assaulted a Hong Kong student while she was at a rally in support of

Hong Kong's antiextradition law protesters. The focus of the government's complaint was a statement issued by the Chinese consulate in Auckland praising the mainlanders' actions as "spontaneous patriotism" and criticizing biased coverage of the Hong Kong situation.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Internally Displaced Persons

Not Applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has an established system for providing protection to refugees, who can arrive in the country in three ways: 1) approximately 1,000 refugees per year come through the UN High Commissioner for Refugees (UNHCR) resettlement program (with 50 per cent of that number coming from the Asia-Pacific region); 2) an additional approximately 150 asylum seekers (also known as "protection claims," see below) are recognized as refugees; 3) family members join refugees already living in the country. Although the government's goal was to decide 75 percent of refugee and protection claims--people who seek asylum after arriving--within 140 days, a media outlet reported in August that only 28 percent of cases were resolved in that time frame due to the heavy caseload.

As of August, eight asylum seekers were being detained either in prison or at the country's sole refugee resettlement center, according to media outlets. The HRC reported that asylum seekers detained in these prisons are subject to general prison standards; media noted that refugees are subjected to such detentions because of security concerns or cases of uncertain identity. According to media reports, about 5 percent of asylum seekers ask for refugee status immediately after landing in

country and nearly 60 percent do so within three months of arriving. A third of cases were overstayers who claimed refugee status before they were deported.

In October, reacting to pressure from lawmakers and human rights organizations, the government abolished a 10-year-old policy of tightly restricting the total number of refugees it would accept annually from the Middle East and Africa and only accepting those with family already living in the country.

Durable Solutions: The government accepts 1,000 refugees annually, under the UNHCR resettlement program. Refugees who arrive in the country through this program are granted permanent residence status. When refugees arrive they stay at a central refugee resettlement center in Auckland for six weeks, where they receive settlement support including help with English, health, education, and finding work for up to 12 months.

Temporary Protection: The government also provided temporary protection to persons who may not qualify as refugees under the country's UN quota commitment. Approximately 150 asylum seekers--people who have fled from their own country because they fear persecution or harm--were recognized as refugees. Advocacy groups were concerned that the approximately 150 annual asylum seekers outside the quota system did not receive the same level of governmental support, specifically in finding employment, as quota refugees.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government through free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Following the most recent general election in September 2017, the Labour Party formed a coalition government with the New Zealand First Party and with Green Party support, led by Labour Party leader Jacinda Ardern as prime minister.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. At the last general election in 2017, 46 women were elected to parliament, and this number has since grown: with a 2019 total of 49 female members of parliament, women comprise more than 40 percent of all members of parliament (MPs). Voter turnout in the general election was 79 percent, while turnout in designated Maori electorates was lower and ranged from 60 percent to 69 percent. In South Auckland electorates with a high percentage of Pacific Island voters, turnout was 69 percent.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year. The Serious Fraud Office and police investigate corruption matters. Allegations can be reported anonymously, and the law protects employees who make a report relating to their employers. Agencies such as the Office of the Controller, the Office of the Auditor-General, and the Office of the Ombudsman independently report on and investigate state sector activities, acting as watchdogs for public sector corruption.

Financial Disclosure: The law requires members of parliament, including all cabinet ministers, to submit an annual report of financial interests, including income and assets, which the government releases to the public. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission. There were no reports of criminal or administrative sanctions against elected officials for noncompliance with financial regulations.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The Ministry of Justice funded the HRC, which operates as an independent agency without government interference. The HRC had adequate staff and resources to perform its mission.

The Office of the Ombudsman, responsible to parliament but independent of the government, is charged with investigating complaints about administrative acts, decisions, recommendations, and omissions of national and local government agencies; inspecting prisons; and following up on prisoner complaints. The office enjoyed government cooperation, operated without government or party interference, had adequate resources, and was considered effective. The office produced a wide variety of reports for the government that were publicly available on its website.

The law mandates that the Department of Internal Affairs provide administrative assistance to significant public and governmental inquiries into, among other items, human rights abuses. As of October, three human rights-related inquiries were underway: into the conduct of New Zealand forces involved in peacekeeping operations in Afghanistan; into historical abuse in state and faith-based care; and into the protection of the country from terrorist attacks.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rates of reported violence against women were at historic high levels, according to the Organization for Economic Cooperation and Development. Ministry of Justice data shows there were 2,605 convictions for sexual offenses in 2018-19, up from 2,172 in 2009-10. According to a 2016 government report, one in three women reported having experienced physical or sexual violence or both by an intimate partner. The law criminalizes rape, including spousal rape. The maximum penalty is 20 years' imprisonment; however, indefinite detention may occur in cases where the parole board, during its annual review, believes the prisoner poses a continuing threat to society.

Domestic violence is a criminal offense. Police were responsive to reports of domestic violence. The law provides victims with 10 days of paid domestic violence leave. The government partially funded women's shelters, psychosocial services, rape crisis centers, sexual abuse counseling, family violence victim support networks, and violence prevention services. Victims' programs include: a new crisis response plan for the 72 hours after a sexual assault; programs to reduce harmful sexual behavior, offending, and reoffending; programs focusing on adults who pose a risk to children; and services for male survivors of sexual abuse.

The *E Tu Whanau* program is a Maori-centered response, supported by government social services resources, to high levels of violence within Maori homes, which aims to increase protective factors and decrease risk factors for family violence.

Sexual Harassment: The law prohibits sexual harassment and provides civil penalties. Sexual contact induced by certain threats may also fall under the criminal code, with a maximum prison sentence of 14 years. In July the HRC released an updated guide on making a complaint about sexual harassment, which includes access to the HRC's free, informal, and confidential service for questions or complaints about sexual harassment and unlawful discrimination. The HRC also published fact sheets on sexual harassment and made regular sexual harassment prevention training available to schools, businesses, and government departments.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides for the same legal status and rights for women and men, including under family, religious, personal status, labor, property, nationality, and inheritance laws. Although the law prohibits discrimination in employment and requires equal rates of pay for equal or similar work, academics and watchdog groups argue that the lack of pay transparency hinders pursuing pay discrimination claims.

Children

Birth Registration: Children born in the country attain citizenship if either parent is a citizen or legal permanent resident of the country. Children born outside the country attain citizenship if either parent is a citizen born in the country. The law requires notification of births by both parents as soon as "reasonably practicable," deemed as being within two months of the child's birth, and most births were registered within this period.

Child Abuse: A 2018 Auckland University of Technology report found that, by age 17, nearly one-quarter of children had at least one report submitted to child protection services, and almost 10 percent had been a victim of abuse or neglect, while 3 percent had gone into foster or other care. A disproportionately high number of reported cases of child abuse involved Maori children. The government

promoted information sharing between the courts and health and child protection agencies to identify children at risk of abuse.

Early and Forced Marriage: The legal minimum age for marriage is 18 for both men and women, but persons between 16 and 18 may marry with family court approval. Marriages involving persons younger than 18 were rare. Watchdog groups believed that a small number of marriages of persons between 16 and 18 were forced by parents. To reduce these, the parliament passed a law in May 2018 requiring family court approval of marriages involving a person younger than 18.

Sexual Exploitation of Children: The law provides that any person who has a sexual connection with a person younger than age 16 is liable to a maximum prison sentence of 10 years. Further, the law makes it an offense punishable by seven years' imprisonment to assist a person younger than 18 in providing commercial sexual services; to receive earnings from commercial sexual services provided by a person younger than 18; or to contract for commercial sexual services from, or be a client of, a person younger than 18. The law also makes it an offense to traffic in persons younger than 18 for sexual exploitation or for forced labor. The courts may prosecute citizens who commit child sex offenses overseas.

Government statistics reported 422 convictions in 2018-19 for sexual offenses against children younger than age 16, approximately the same number as a decade before.

The law prohibits child pornography and provides for a maximum 14 years' imprisonment, as well as maximum individual and corporate fines of NZ\$200,000 (\$129,000) if a person produces, imports, supplies, distributes, possesses for supply, displays, or exhibits an objectionable publication. The Department of Internal Affairs Censorship Compliance Unit polices images of child sex abuse on the internet and prosecutes offenders.

Institutionalized Children: In 2018 Prime Minister Ardern announced the creation of a Royal Commission--the highest level of governmental inquiry--into the historical abuse of children in state care. The inquiry is expected to be completed by November 2023, later than originally intended due to its scope being expanded to include abuses in faith-based institutions. The Royal Commission is tasked with focusing on physical, sexual, and emotional abuse and neglect, as well as systemic bias based on race, gender, or sexual orientation during the period 1950-1999.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered approximately 5,200, according to the 2018 census. While anti-Semitic incidents were rare, in March videos emerged of a man linking the Christchurch mosque shootings to Israeli intelligence and Zionist businesses at an antiracism rally in Auckland. The New Zealand Jewish Council said anti-Semitism was increasing, particularly online. In November the pro-Israel lobby group the Israel Institute of New Zealand (IINZ) reported that Prime Minister Ardern, along with three MPs from the coalition government-supporting Green Party, were members of a pro-Palestinian Facebook page, called Kia Ora Gaza, where anti-Semitic comments were rife. A spokesperson for Ardern said she had been added to the group “without her knowledge” and would remove herself forthwith. The IINZ criticized the Green MPs for not responding to the request to disassociate themselves from the group.

Social media reports described a New Zealand Sign Language sign--making a hook-nose gesture for the word Jew--as anti-Semitic and called for its removal.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities. The law prohibits the government from discriminating based on physical, sensory, intellectual, or mental disability, unless such discrimination can be “demonstrably justified.” The government effectively enforced applicable laws. Most school-age children with disabilities attended either separate or mainstream schools. The HRC's 2018 report expressed concern that the Minimum Wage Exemption (MWE) system, which can be applied to workers who are significantly and demonstrably limited by a disability, is discriminatory. During the year, approximately 900 exemptions were in place, with 70 percent of them allowing wages of NZ\$5.00

(\$3.20) per hour and below. The government responded with a proposal to replace the MWE with a wage supplement to encourage employers to take on workers with disabilities.

The HRC and the government's Office for Disability Issues worked to protect and promote the rights of persons with disabilities. In addition, both the HRC and the Mental Health Commission addressed mental disabilities in their antidiscrimination efforts.

Watchdog groups were concerned about compulsory assessments and treatments, and the use of seclusion and restrictive practices in medical facilities, especially those involved with mental-health services. Maori were significantly more likely to be subjected to these practices. The HRC has also expressed concern that courts may authorize the sterilization of intellectually disabled persons if they consider it to be in those persons best interest.

Approximately 20 percent of eligible voters had a disability and faced obstacles to exercising their electoral right. The Electoral Commission has a statutory obligation to administer the electoral system impartially and seeks to reduce barriers to participation by developing processes that enable citizens with disabilities to access electoral services fully.

National/Racial/Ethnic Minorities

Pacific Islanders (also known as Pasifika), who comprised 8.1 percent of the population in 2018, experienced some societal discrimination and had the highest rates of unemployment (8 percent) and lowest labor force participation (60 percent) of any demographic group. In late 2018 the HRC reported on significant ethnic pay gaps in the country's public service that left Pasifika women paid 21 per cent lower than the average.

Several government ministries, such as the Ministry for Pacific Peoples and Ministry of Health, had programs to identify gaps in delivery of government services to Pacific Islanders and to promote their education, employment, entrepreneurship, culture, languages, and identity. The Office of Ethnic Affairs within the Department of Internal Affairs focused on improving dialogue and understanding about minority communities among the wider population.

Asians, who comprised 12 percent of the population, reported some societal discrimination.

On March 15, a racially and religiously motivated terrorist attacked the Al Noor Mosque and the Linwood Islamic center in Christchurch. The attacks, the country's worst mass murder ever, killed 51 and injured 49 persons. All the victims were from ethnic minorities, and many observers noted the attack was indicative of anti-immigrant and Islamophobic sentiment in the country.

Indigenous People

Approximately 16.5 percent of the population claim descent from the indigenous Maori. The government bestows specific recognition and rights, enshrined in law, custom, and practice, to the indigenous Maori population. These derive from the 1840 Treaty of Waitangi, the country's founding document, which guarantees autonomy, self-determination, sovereignty, and self-government to the Maori.

The law prohibits discrimination against the indigenous population, but there were disproportionately high numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts and single-parent households, and with elevated infant mortality statistics.

To redress historic violations of the terms of the Treaty of Waitangi, a multi-year process (the Waitangi Tribunal) continued adjudicating claims by various Maori groups (*iwi*). In the nine months ending March 31, the government paid NZ\$5.448 million (\$3.510 million) as commercial and financial compensation to several indigenous Maori groups to settle their claims. The government continued active negotiations with almost all other *iwi* that made claims and were in various stages of the process. In July a Waitangi Tribunal report found that the government breached the Treaty of Waitangi by failing to address persistent Maori health inequities and by failing to fulfill other treaty guarantees, thereby validating the claims of many *iwi*.

Although Maori represented 16 percent of the country's population, they comprised nearly 52 percent of the prison population and 43 percent of persons serving community-based sentences. In August the Department of Corrections launched *Hokai Rangi*, a five-year strategy that aims to cut the number of Maori in prison to 16 percent. The strategy aims to improve rehabilitation and reintegration outcomes. The department stated that the strategy was codesigned with the Maori community, and Maori-specific support is slated for every prison.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not criminalize consensual same-sex sexual conduct between adults. The law prohibits abuse, discrimination, and acts of violence based on sexual orientation and gender identity, and the government generally enforced the law. During the year, approximately 1.6 percent of discrimination complaints received by the HRC related to gender identity or sexual orientation. The UN Human Rights Commission observed an elevated risk of mental-health issues, suicide risk, and youth discrimination in the country's lesbian, gay, bisexual, transgender/transsexual, intersex, and queer/questioning population.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice without previous authorization or excessive requirements, to bargain collectively, and to conduct legal strikes, with some restrictions. The law prohibits antiunion discrimination. While it does not require reinstatement of workers dismissed for union activity, the courts may order this at their discretion.

Police have the right to freedom of association and the right to organize and bargain collectively, but sworn police officers (including all uniformed and plainclothes police but excluding clerical and support staff) do not have the right to strike or take any form of industrial action.

Contractors cannot join unions, bargain collectively, or conduct strike action.

Workers may strike while negotiating the right to a collective bargaining agreement or over matters of health and safety. Strikes by providers of key services are subject to certain procedural requirements, including mandatory notice of three to 28 days, depending on the service involved. The list of "key services" was broader than international standards on the definition of "essential services."

To bargain collectively, unions must be registered, independent, governed by democratic rules, and have a minimum of 15 members. Unions may not bargain collectively on social or political issues.

The government respected these rights and effectively enforced applicable laws without lengthy delays. The law provides penalties for violations of freedom of association or collective bargaining protections and includes fines sufficient to deter violations. Cases were occasionally referred to the Civil Employment Court.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced labor. The government's efforts to enforce the law were not always effective. Penalties were not sufficiently stringent to deter violations because of the possibility that a fine can be imposed in lieu of imprisonment. Fines can also be imposed for labor violations that may be indicators of forced labor such as underpayment of wages and excessively long working hours.

The government continued to pursue convictions under forced labor and trafficking laws.

Recruitment agencies based in the country that recruit workers from abroad must utilize a licensed immigration adviser. The government expanded partnerships with foreign governments during the year to better monitor and regulate the recruitment of foreign migrant workers. According to the government, the aim of these partnerships was to reduce the risk of exploitation by providing greater transparency in recruitment and compliance to employers.

Foreign migrant workers, including in agriculture, construction, hospitality, and domestic service were vulnerable to forced labor. Some foreign migrant workers were charged excessive and escalating recruitment fees, experienced unjustified salary deductions, nonpayment or underpayment of wages, excessively long working hours, and restrictions on their movement. Some had their passports confiscated and contracts altered. Victims were often deterred from filing complaints out of fear of jeopardizing their visa status. In response to forced labor concerns, foreign-flagged fishing vessels in the country's economic waters are required to reflag as New Zealand vessels and follow New Zealand labor laws.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and provides for a minimum age of employment, limitations on working hours, and occupational safety and health restrictions for children. By law children younger than 16 years may not work between 10 p.m. and 6 a.m. The law also states that children enrolled in school may not work, even outside school hours, if such employment would interfere with their education. The law bans employment of children younger than 15 in hazardous industries such as manufacturing, mining, and forestry.

Inspectors from WorkSafe New Zealand effectively enforced these laws. The law outlines prison sentencing guidelines and fines for the most serious offenses. Penalties were adequate to deter violations.

Children ages 16 to 18 worked in some hazardous industries and occupations, such as agriculture. The law requires them to be fully trained. Children younger than 15 cannot drive a tractor or large vehicle, except children working in agriculture if they are older than 12 and are fully trained or are being trained, or they live on the property. Concerns remained about the commercial sexual exploitation of children (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> for information on the country and its self-governing territories, Cook Islands and Niue, and the dependent territory, Tokelau.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation. The government effectively enforced these prohibitions.

The HRC has an equal opportunity employment team that focuses on workplace gender-related problems. This team regularly surveyed pay scales, conducted a census of women in leadership roles, and engaged public and private employers to promote compensation equality. The Office of Ethnic Affairs continued to take measures to promote ethnic diversity in occupation and employment.

According to the New Zealand Council of Trade Unions, Maori and Pacific Island people--and women in particular--remained disadvantaged compared with the general population in terms of conditions of employment and wages.

e. Acceptable Conditions of Work

The minimum hourly wage was above the amount--60 percent of the median household income--that researchers frequently used as an unofficial poverty level.

The law provides that work hours should be set in collective or individual agreements between employers and employees. Although a 40-hour workweek is traditional, employer and employee parties may contractually agree to a workweek of more than 40 hours. Labor regulations do not define an absolute maximum number of overtime hours.

Extensive laws and regulations govern health and safety issues. Employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others. The government requires employers to provide health insurance for their seasonal workers. The law allows workers to refuse to perform work likely to cause serious harm and permits legal recourse if they believed an employer penalized them as a result.

The government proactively investigated labor conditions and in cases of noncompliance with labor law inspectors levied fines, required restitution of wages to workers, and revoked licenses of offenders. The Ministry of Business, Innovation, and Employment enforces laws governing working conditions, including wages and hours, through Employment New Zealand's labor inspectorate. The number of inspectors was sufficient to deter violations. In particular, employers who have breached minimum employment standards with regard to vulnerable migrant workers face a set "stand-down" period from the ability to support migrant visa applications.

In 2018 the Employment Relations Authority ordered a South Island-based tour company to pay NZ\$75,000 (\$48,270) in penalties, having found the company culpable for 153 breaches of employment law covering 30 employees. These breaches ranged from failure to keep proper time and wage records, failure to pay holiday pay, and failure to pay the minimum wage. In addition to fines, the New Zealand Transport Agency revoked the company's Transport Service License, and Immigration New Zealand placed the company on the stand-down list. As of August, 90 companies or employers in the country were on the stand-down list.

WorkSafe New Zealand deals with occupational health and safety issues. The department's inspectors effectively enforced safety and health rules in all sectors including the informal economy, and they have the power to shut down equipment

if necessary. The department normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification. Convictions for violations of the occupational health and safety law and the wages and hours law carry either monetary penalties or imprisonment, penalties sufficient to deter violations. The law stipulates penalties for employers who exploit workers, including migrant workers; penalties include imprisonment, a fine, and deportation for noncitizen residents.

Between July 2018 and June 2019, the country saw 82 workplace-related fatalities. Construction, agriculture, forestry, and fishing were the country's most dangerous sectors; 15 persons were killed in construction-related work. The majority of workplace assessments carried out in 2018 by WorkSafe New Zealand's health and safety inspectors targeted the high-risk industries and manufacturing. WorkSafe New Zealand reported that 75 percent of surveyed employers changed their workplace practices following its inspections.