



Table 1: Parties involved in the forced labour trafficking chain

| Party                            | Elements of the offence potentially committed  | Actions going toward proof of actus reus  | Actions going toward proof of mens rea   |
|----------------------------------|--|---|--|
| New Zealand Charter Party (NZCP) | <ul style="list-style-type: none"> <li>• Arranged entry of persons into New Zealand.</li> <li>• Created an environment in which crew were coerced into working.</li> </ul> | <ul style="list-style-type: none"> <li>• Instructed agent to lodge application with Immigration New Zealand for approval in principle to hire foreign crew.</li> <li>• Lodged visa applications with New Zealand authorities.</li> <li>• Met crew at airport and escorted to vessel.</li> <li>• Gave crew members' documents to vessel officers to hold.</li> <li>• Together with Korean officers, forced crew to sign a bank nomination form for wages to be paid into an account not controlled by crew.</li> </ul> | <ul style="list-style-type: none"> <li>• Chartered a foreign vessel to fish their annual catch entitlement.</li> <li>• Made demonstrably weak effort to obtain New Zealand crew ensuring foreign (cheap-labour) crew from Indonesia will be permitted entry.</li> <li>• Intimidated crew members, for example by identifying "whistle-blowers". One charter party placed an advertisement in the local newspaper offering a "bounty" for information on missing crew member. These examples reinforce the position that the NZCP is in a position of power over crew members.</li> </ul> |
| Korean Officers                  | <ul style="list-style-type: none"> <li>• Arranged entry of crew into New Zealand.</li> <li>• Coerced crew members.</li> </ul>  | <ul style="list-style-type: none"> <li>• Physically, emotionally and sexually abused crew members.</li> <li>• Took possession of crew members' documents.</li> <li>• Forced crew to work long shifts without</li> </ul>   |  |



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|-------------------------------|---|---|--|
|                               |   | <p>breaks.</p> <ul style="list-style-type: none"> <li>•Threatened crew with retribution from manning agents.</li> </ul>   |  |
| Korean fishing companies      | <ul style="list-style-type: none"> <li>•Arranged entry into New Zealand of crew, knowing that the entry was arranged through an act of coercion or deception.</li> <li>•Arranged or procured or organised the reception in New Zealand of a person, knowing that the person's entry was arranged by an act of coercion or deception.</li> </ul> | <ul style="list-style-type: none"> <li>•Undertook charter agreement to fish. Contract set up to ensure Immigration NZ will allow fishing operation to proceed.</li> <li>•Hired officers and crew, and took primary responsibility for paying their wages.</li> <li>•Made contract with Korean manning agent.</li> <li>•Forced crew to sign a bank nomination form for wages to be paid into an account not controlled by crew.</li> <li>•Paid Korean manning agent the monthly salary for each crew member as stated on the Indonesian contract.</li> </ul> | <ul style="list-style-type: none"> <li>•Terminated contracts of some fishers, sending them home early before they could testify in court.</li> <li>•Attempted to prevent crew members from talking to authorities by entering into a "Peace Agreement" with them.</li> </ul> |
| The Korean Manning Agent      |   | <ul style="list-style-type: none"> <li>•Received money to be paid to crew - deducted 50% before forwarding remainder to Indonesian agent.</li> </ul>  | <ul style="list-style-type: none"> <li>•Undertook contract with Indonesian manning agents to provide crew.</li> </ul>  |
| The Indonesian Manning Agents | <ul style="list-style-type: none"> <li>•Arranged entry into New Zealand of crew, knowing that the entry was arranged through an act of coercion or deception.</li> </ul>  | <ul style="list-style-type: none"> <li>•Recruited crew members as per contract with Korean manning agent.</li> <li>•Applicants required to pay cash fee of three months' salary as well as put up security in the form of titles to property.</li> <li>•Applicant not shown New Zealand</li> </ul>  |  |





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|  |  | <p>employment contract. Some applicants required to sign blank signature pages.</p> <ul style="list-style-type: none"><li>•Intimidated crew members to ensure compliance.</li><li>•Deducted commission from funds received from Korean manning agent. Withheld up to 40% of remainder to ensure ongoing compliance, and pays what is left to crew member.</li></ul> |  |
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Source: Harré, T. (2013) Human Trafficking for Forced Labour at Sea: An Assessment of New Zealand's Response. Master of Laws Thesis, University of Canterbury, Christchurch.

