



New Zealand

Country Reports on Human Rights Practices - [2007](#)

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New Zealand is a parliamentary democracy with a population of 4.24 million. Citizens periodically choose their representatives in free and fair multiparty elections, most recently held in 2005. The Labour Party won 50 parliamentary seats and formed a minority coalition government; Helen Clark remained prime minister. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. There were disproportionate societal problems for indigenous people.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected this prohibition in practice. During the year there were some complaints that individual members of the police committed abuses. The Independent Police Conduct Authority handled complaints of police abuse, ranging from use of abusive language to allegations of complicity in deaths.

In March a jury acquitted a suspended assistant police commissioner and two former police officers on charges of kidnapping and indecent assault stemming from allegations of rape by a woman in Rotorua in 1984. In 2006 the same three men were found not guilty of sexual offenses against two other Rotorua women in 1986. Prosecution of all these cases began in 2004.

The police also charged the assistant police commissioner with numerous breaches of police regulations relating to his behavior during and after the 2007 trial. In November the accused commissioner resigned from the police force, one day before the first scheduled hearing on those charges.

In a related case, authorities charged a former police chief inspector, responsible for investigating the alleged Rotorua assaults, with attempting to obstruct, prevent, or defeat the course of justice in his handling of the sex charges. In August a court found him guilty and in October sentenced him to four and one-half years' imprisonment.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by human rights observers.

In the 12-month period ending June 30, there were six serious assaults on staff by inmates and 27 assaults of inmates by other inmates.

Due to increased prison capacity, overcrowding was no longer a problem. During the year the government opened two

new prisons, in Spring Hill and Otago, with a capacity of 600 and 335 prisoners, respectively.

Juvenile detainees (under 17 years old) come under the jurisdiction of Child, Youth, and Family Services rather than the police.

d. Arbitrary Arrest or DetentionThe law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police commissioner, appointed by the governor general, is the chief executive of the police force and reports to the minister of police. Allegations of corruption or impunity are referred to the Independent Police Conduct Authority. Changes to the law during the year also allowed the authority to open investigations on its own initiative.

The police generally did not have problems with corruption and impunity. However, in a report issued on April 3, a government-initiated commission of inquiry established in 2004 found that police management lacked the policies, procedures, and practices necessary to deal effectively with incidents of sexual misconduct by officers. The inquiry was prompted by publication of allegations suggesting that police officers might have deliberately undermined or mishandled investigations into complaints of sexual assault made against other officers. Soon after the report's release, the government proposed new police regulations, which were under consideration by Parliament at year's end.

Arrest and Detention

Police may arrest a suspect without a warrant if they have reasonable cause. Police also may request a warrant from a district court judge. Police may enter premises without a warrant to arrest a person if they reasonably suspect the person of committing a crime on the premises or have 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 a suspect has been arrested and charged, police have the power to release the person on bail until the first court appearance. That bail comes to an end at the first court appearance and is distinct from court bail. Court bail is granted unless there is a significant risk that the suspect would flee, tamper with witnesses or evidence, or commit a crime while on bail. Police bail is not normally granted for more serious offenses such as serious assault or burglary. Family members were granted prompt access to detainees. Detainees were allowed prompt access to a lawyer of their choice, and, if indigent, to a lawyer provided by the government.

e. Denial of Fair Public TrialThe law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy the rights found in other common-law jurisdictions, including a presumption of innocence, a right to a jury trial, a right of appeal, and the right to counsel, to question witnesses, and to access government-held evidence. The law extends these rights to all citizens. A lawyer is provided at public expense if the defendant cannot afford counsel.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, which includes access to the Human Rights Review Tribunal and other courts to bring lawsuits seeking damages and other remedies for alleged human rights abuses. There are also administrative remedies for alleged wrongs through the Human Rights Commission (HRC) and the Office of Human Rights Proceedings.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. Section 2 Respect for Civil Liberties, Including: a. Freedom of Speech and PressThe law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was widely available and widely used by citizens.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association The law provides for freedom of assembly and association, and the government generally respected these rights in practice. c. Freedom of Religion The law provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

Relations among religions generally were amicable, although there were isolated instances of societal abuses or discrimination based on religious belief or practice.

The Jewish community numbered approximately 10,000 persons. In October vandals spray-painted anti-Semitic graffiti in a Wellington Jewish cemetery. At year's end no one had been charged in the incident, and the investigation remained open. Investigations also remained open in the August 2006 vandalizing of a synagogue in Christchurch and a mosque in Wellington, respectively.

The government-funded HRC actively promoted religious tolerance.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

There is no statutory authority for imposing a sentence of exile, and the government did not practice forced exile.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government also provided temporary protection to individuals who may not qualify under the definition of the 1951 convention and the 1967 protocol, until their status was determined and action taken. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

On September 3, Ali Reza Panah, an Iranian citizen who applied for asylum as a Muslim convert to Christianity, was placed in the care of the Anglican Church following a 53-day hunger strike. The Department of Labour and the independent Refugee Status Appeals Authority both rejected Panah's claims to refugee status, and the authorities detained him for more than 18 months while they attempted to deport him. However, Iran refused to accept Panah until he applied for an Iranian passport, and he refused to do so, claiming he would be persecuted if returned to Iran. The government offered to facilitate Panah's transfer to a third country, which he first accepted but then rejected. While in the care of the Anglican Church, Panah was not permitted to work and was not eligible for state subsidies; he remained in the church's care at year's end.

On September 13, the Security Intelligence Service (SIS) withdrew the security risk certificate it had placed on asylum seeker and former member of the Algerian parliament Ahmed Zaoui in 2003. Citing possession of new intelligence, the SIS determined that Zaoui no longer presented a security risk to New Zealand. The SIS maintained that its original decision to apply the security risk certificate was justified on the basis of the information it held at the time.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice

through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Parliamentarians are elected under a mixed-member, proportional representation system. In the most recent general elections, held in 2005, the Labour Party won 50 of 121 parliamentary seats and formed a minority government with the Progressive Party (one seat), the New Zealand First Party (seven seats) and the United Future Party (three seats). The Labour Party also had a cooperation agreement with the Green Party (six seats). Three other parties were represented in Parliament: the National Party (48 seats), the Maori Party (four seats), and the ACT party (two seats). During the year two members of Parliament (MPs), one from the Labour Party and the other from the United Future Party, left their respective parties to become independent MPs. Although this reduced the Labour Party's parliamentary majority, it continued to govern comfortably. Executive authority is vested in a 20-member cabinet led by the prime minister.

Women participated fully in political life. There were 39 women in the 121-seat Parliament. There were eight women (including the prime minister) on the executive council, which comprises 28 ministers (20 within the cabinet and eight outside the cabinet). The speaker of the house and the chief justice of the Supreme Court were women. There were three women in the 25-seat Parliament of the Associated State of the Cook Islands and three women in the 20-seat Parliament of the Associated State of Niue.

Seven seats in Parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every five years, based on the number of persons who register to vote on the Maori electoral roll.

As of July 30, there were 20 Maori members, four members of Pacific Island descent, and two members of Asian descent in Parliament. The cabinet included at least three members of Maori ancestry.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption during the year. Efforts to combat corruption and prosecution of corruption cases are handled through the Serious Fraud Office and the Ministry of Justice. In 2007 the government initiated prosecution of one MP for bribery.

The law requires MPs, including all ministers, to submit an annual report of their financial interests, which is then disclosed publicly. Career civil servants are not subject to this requirement but are subject to ethics standards established by the State Services Commission.

The law provides for public access to government information, to be provided within 20 working days of a request. Information must be made available unless a good reason, such as concern for national security, exists for not doing so. The requester must be provided with an estimate of any fees before the information is provided.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 very cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, sex, disability, and national or ethnic origin, and the government actively enforced it.

Women

Violence against women affected all socioeconomic groups. The law criminalizes rape, including spousal rape; the maximum penalty is 20 years' imprisonment. In the 12-month period ending June 30, police recorded 2,374 "sexual attacks" and resolved 61.3 percent of those cases.

From July 2006 through June 2007, there were four prosecutions for spousal rape, with one conviction. During the same period there were three prosecutions for unlawful sexual connection with a spouse, resulting in one conviction. Rape crisis groups existed throughout the country and included centers focusing specifically on Maori and Pacific Islanders.

Assault by a male on a female is a non-sexual crime punishable by up to two years' imprisonment (a penalty double that for a male on male or a female on male assault, which carry a one-year maximum penalty). In the 12-month period ending June 30, 5,372 persons were prosecuted for assault by a male on a female. Of these prosecutions, 50 percent involved Maori men, 30 percent men of European ancestry, and 14 percent Pacific Islanders. Although only 15 percent of the total population claimed Maori ancestry, during the 12-month period ending June 30, 42 percent of the 28,845 women and children who used the National Collective of Independent Women's Refuges were Maori; 43 percent were of European ancestry, and 8 percent were Pacific Islanders.

The government's Task Force for Action on Violence within Families coordinates a variety of government initiatives to eliminate family violence, including its Te Rito program, a national strategy to address all forms and degrees of domestic violence. Police were responsive when domestic violence was reported. The government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

In July the government established the Task Force for Action on Sexual Violence, including members from both the government and NGOs, to provide leadership and coordination of efforts to address sexual violence and to develop recommendations by 2009 on how to better prevent and respond to such violence.

The 2003 Prostitution Reform Act (PRA) decriminalized prostitution and created a certification regime for brothel operators. The act prohibits persons under age 18 from working in the sex industry and gives prostitutes the same workplace protections as other industries. The law also eliminates the defense (by clients, brothel operators, and pimps, for example) of claiming ignorance that a person engaged in commercial sexual activity was under age 18. The act extends culpability to any person who receives financial gain from such activity involving an underage person. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts.

The PRA also established a statutory Prostitution Law Review Committee (PLRC) to review the act within three to five years of its enactment (by June 2008), including an assessment of the act's impact on the number of persons engaged in prostitution, and the nature and adequacy of assistance available to persons to avoid or leave the commercial sex industry. The government also agreed with the United Future Party to review the act to "address problems associated with street soliciting, under age involvement, and local authority control over brothel zoning."

The law prohibits sexual harassment. Sexual harassment in violation of the Employment Relations Act or the Human Rights Act carries civil penalties. However, sexual contact induced by certain threats may also fall under the criminal code, with a maximum 14-year prison sentence. The HRC published fact sheets on sexual harassment and made sexual harassment prevention training available to schools, businesses, and government departments on a regular basis.

The Ministry of Women's Affairs addresses problems of discrimination and gender equality, and there is a minister of women's affairs in the cabinet. While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the government acknowledged that a gender earnings gap persisted in practice. A unit dedicated to this issue within the Department of Labour administers a \$750,000 (one million NZ dollars) annual fund supporting employer and union initiatives to promote pay and employment equity. According to June 2006 figures, the most recent available, women earned 88 percent of the average hourly earnings for men.

ChildrenThe law provides specific safeguards for children's rights and protection. The government demonstrated its commitment to children's rights and welfare through its well-funded systems of public education and medical care.

The law provides for compulsory, free, and universal education through age 16, and the government effectively enforced the law. As of July 2006, on average 99 percent of children ages six to 16 were enrolled in primary or secondary education. There was equal access to postsecondary education for boys and girls, with nearly 49 percent of girls and 42 percent of boys age 18 to 19 enrolled in higher-level studies.

The government provided free health care to all children under age five, and boys and girls had equal access.

Child abuse continued to be of concern to the government. The government promoted information sharing between the courts and health and child protection agencies to identify children at risk of abuse. From July 2006 through June 2007, there were 22,287 applications to Family Court for guardianship and parenting orders under the Guardianship Act or Care of Children Act and 4,347 applications for protection orders under the Domestic Violence Act. During the same period, there were 667 prosecutions and 312 convictions involving assaults on children. The Office of the Commissioner for Children played a key role in monitoring violence and abuse against children.

Commercial sexual exploitation of children remained a problem.

The Department of Internal Affairs' Censorship Compliance Unit actively policed images of child sex abuse on the Internet and prosecuted offenders. The government maintains extraterritorial jurisdiction over child sex offenses committed by the country's citizens abroad.

Trafficking in Persons

The law prohibits trafficking in persons. The Department of Labour followed up on all allegations of trafficking but did not discover evidence sufficient for prosecution. No new confirmed cases of internationally trafficked persons have been brought to the attention of the authorities since 2001, although there was evidence that some women from Asia, and more recently the Czech Republic and Brazil, were working illegally in the country as prostitutes. Although prostitution has been decriminalized, it remains illegal for nonresidents to work in the commercial sex industry.

Commercial sexual exploitation of children was a problem. An informal PLRC study completed in 2004 estimated that approximately 200 young persons under age 18 were working as prostitutes.

The government has signed the relevant international instruments dealing with trafficking and has adopted tough domestic legislation to criminalize trafficking, with penalties of up to 20 years in prison and fines of up to \$375,000 (NZ\$500,000). Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison. Under the PRA, it is illegal to use a person under 18 years of age in prostitution. Under the criminal law, it is also illegal to have sexual contact with a child under 16 years of age, regardless of whether the accused believed the child to be 16 years or older. During the 12-month period ending June 30, authorities prosecuted four persons on seven prostitution-related charges involving commercial exploitation of persons under age 18. These cases remained pending at year's end. The case of a man charged in Christchurch with recruiting a 14-year-old girl and a 16-year-old girl to provide sexual services in his brothel in 2005 also remained pending.

The Department of Labour has primary responsibility for coordinating government efforts to combat trafficking in persons. Other agencies involved in antitrafficking efforts included the police, the HRC, the Ministry of Foreign Affairs and Trade, the Ministry of Justice, the Customs Service, the Ministry of Women's Affairs, the Department of the Prime Minister and Cabinet, and the Ministry of Health.

During the year the government continued work on its national plan of action against trafficking in persons, begun in 2005, addressing the areas of prevention, protection, prosecution, and victim reintegration. There was strong coordination on antitrafficking matters between the government and NGOs, and an extensive infrastructure of government and NGO assistance programs was available to victims of trafficking, including short-term sanctuary, witness protection, access to medical services, and safe repatriation.

The government also had a national plan of action against the commercial exploitation of children developed in concert with NGOs, and it operated programs to reintegrate children out of prostitution through vocational training and educational opportunities. The government also worked to address trafficking in children by providing funding for NGO outreach programs in Auckland and Christchurch that provided accommodations and other support for young persons involved in or at risk of involvement in prostitution.

Shakti Community Council, Incorporated, an NGO with a strong interest in combating trafficking, reported abuses resulting from the immigration of Indian women for forced marriages and provided services to abused women through four refuges located in three cities: Auckland, Christchurch, and Tauranga.

Persons with DisabilitiesThe law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provision of goods, services, and accommodation. Compliance with access laws varied. The government is prohibited from discrimination on the basis of physical or mental disability, unless such discrimination can be "demonstrably justified." Of the 5,796 inquiries and complaints that the HRC received during the 12-month period ending June 30, there were more complaints of discrimination based on disability than for any other type of discrimination (29.6 percent of all inquiries and complaints). In its five-year action plan for human rights released in 2005, the HRC noted that persons with disabilities faced major barriers in obtaining and retaining employment and earning adequate income.

The government supported equal access for persons with disabilities to polling facilities, as well as their general participation in civic affairs.

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

In 2006 New Zealand Sign Language for the hearing impaired joined Maori and English as the country's official languages.

National/Racial/Ethnic Minorities

Pacific Islanders, who made up 7 percent of the population, experienced societal discrimination and, as of November 25, accounted for 12 percent of prison inmates and 9 percent of those serving community sentences. In 2005 the Department

of Corrections launched its Pacific Strategy 2005-8, designed to reduce the crime rate and recidivism among Pacific Islanders through the use of culturally based techniques. The Ministries of Justice and Pacific Island Affairs also had a program to identify gaps in delivery of government services to Pacific Islanders and to involve agencies and communities in developing proposals to reduce crime among Pacific Islanders.

Asians, who as of June 30 made up 10 percent of the population, also reported discrimination. However, as of November 25, Asians constituted only 2.6 percent of the prison population and 1.2 percent of those serving community sentences.

Indigenous People

Approximately 15 percent of the population claimed at least one ancestor from the country's indigenous Maori minority. The law prohibits discrimination against the indigenous population; however, there was a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households.

As of November 25, Maori constituted approximately 50 percent of the prison population and 45 percent of persons serving community sentences. The government had an action plan to reduce Maori recidivism and overrepresentation in the criminal justice system, including the establishment of Maori focus units and special cultural assessments of Maori offenders. The Department of Corrections established a Maori Advisory Group and a Pacific Advisory Group to guide department policy and operational decisions.

Government policy recognized a special role for indigenous people and their traditional values and customs, including cultural and environmental issues that affected commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous people. A special tribunal established in 1975 continued to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

A 2004 law regulates ownership of the foreshore (the land between high and low tide) and the seabed. The law grants ownership of the foreshore and seabed to the state and provides for universal public access. It also established a mechanism to accommodate customary indigenous rights of land use, including preservation of existing fishing rights. This legislation was the focus of protests by Maori groups asserting customary title to the land and by non-Maori groups opposing such claims.

On August 15, the United Nations Committee on the Elimination of Racial Discrimination (CERD) reported on racial discrimination in the country. The report criticized the government's foreshore and seabed legislation and its handling of Maori land claims. The report also expressed concern that the Bill of Rights Act and the Treaty of Waitangi, under which many Maori rights are spelled out, do not enjoy protected status within the country's parliamentary system. Therefore, according to CERD, enactment of legislation contrary to the act and the treaty is possible. The report included 16 recommendations for changes relating to Maori rights or the rights of other ethnic groups that the government was considering at year's end but had not endorsed.

On October 15, a total of approximately 300 police officers conducted coordinated raids in multiple locations nationwide and arrested 17 persons, some of whom were Maori (including a well-known Maori activist), on various weapons charges, including unlawful possession of rifles. The raids reportedly stemmed from an investigation begun in 2005 after hunters told authorities they had seen a group of men training with firearms in a camp in a remote mountain area. Maori MPs and others in the Maori community strongly criticized police conduct of the raids as excessive and heavy-handed. In November the *Dominion Post* newspaper published excerpts from police documents indicating that some of those arrested had discussed the killing of government officials and attacks on public facilities. The accused persons denied planning to harm anyone. By November the charges against one defendant were dropped and the remaining defendants had been released on bail. Their cases were pending at year's end.

Other Societal Abuses and Discrimination

The law prohibits violence or discrimination against persons based on sexual orientation and against persons with HIV/AIDS. During the 12-month period ending June 30, the HRC received 52 discrimination complaints relating to sexual orientation (3.1 percent of all complaints), but it did not keep records as to whether violence was involved. The Ministry of Justice received no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS, and there were no criminal prosecutions relating to these crimes.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join organizations of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Nearly all unionized workers were members of the

Council of Trade Unions, a federation that included unions representing various trades and locations. A few small, independent labor unions also existed. Unions represented approximately 18 percent of all wage earners.

Labor organization was rudimentary in the territory of Tokelau (population 1,400) and in the Associated State of Niue (population 2,200). In the more developed Associated State of the Cook Islands (population 21,000), most workers in the public sector, the major employer, belonged to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of national legislation. b. The Right to Organize and Bargain CollectivelyThe law provides for the right of workers to organize and contract collectively, and workers exercised this right in practice.

The Employment Relations Act governs industrial relations and promotes collective bargaining. In order to bargain collectively, unions must be registered, be governed by democratic rules, be independent, and have at least 15 members. Unions may not bargain collectively on social or political issues.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. Sworn police officers (which includes all uniformed and plainclothes police but excludes clerical and support staff) are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and bargain collectively. Disputes that cannot be settled by negotiation between the police association and management are subject to compulsory, final-offer arbitration. Strikes by providers of "key services" are subject to certain procedural requirements, including mandatory notice of three to 14 days, depending on the service involved. The Department of Labour offers mediation in such cases, and the Employment Court is empowered to resolve matters relating to such disputes.

During the nine-month period ending March 31, 40 work stoppages ended, and none were ongoing.

There were no special laws or exemptions from regular labor laws in export processing zones.

c. Prohibition of Forced or Compulsory LaborThe law prohibits forced or compulsory labor, including by children, and the government generally enforced these provisions effectively; however, there were reports of commercial sexual exploitation of children.

d. Prohibition of Child Labor and Minimum Age for Employment

Department of Labour inspectors effectively enforced a ban on the employment of children under the age of 15 in manufacturing, mining, and forestry. Children under age 16 may not work between the hours of 10 p.m. and 6 a.m. By law children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

There were reports of children involved in the commercial sex industry.

e. Acceptable Conditions of WorkOn April 1, the minimum wage increased to approximately \$8.45 (NZ\$11.25). Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage generally was adequate to provide a decent standard of living for a worker and family. The separate youth minimum wage for younger workers (ages 16 to 17) also increased, to approximately \$6.75 (NZ\$9.00). A majority of the work force earned more than the minimum wage.

A 40-hour workweek is traditional. There are legal limits regarding hours worked and premium pay for overtime work. The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it was the norm. The law provides for a minimum four-week annual paid vacation (increased from three weeks on April 1) and 11 paid public holidays. There were some reports of exploitation of foreign workers. In June eight Thai workers complained that recruitment agents and employers promised them well-paid work in the horticulture industry, but that instead they were forced to work 60- to 70-hour, seven-day weeks in vineyards, often at less than the minimum legal wage. The Department of Labour's investigation of that complaint continued at year's end.

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.

Workers have the legal right to strike over health and safety issues, as well as the right to withdraw from a dangerous work situation without jeopardy to continued employment. Department of Labour inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The Department of Labour normally investigated reports of unsafe or unhealthy working conditions within 24 hours of notification.

