

SEX TRAFFICKING IN AOTEAROA NEW ZEALAND

Domestic Sex Trafficking in Aotearoa New Zealand:
Law Enforcement Experiences and Identification

Kristen Haines

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ABSTRACT

Perceptions of human trafficking in New Zealand resemble commonly held assumptions that portray human trafficking as a transnational crime, oftentimes neglecting acknowledgement of trafficking that occurs on the domestic level. Both internationally and domestically, human trafficking, including exploitation in commercial sex, is frequently met with misconceptions about what dynamics are involved in these commercially exploitative processes. Domestic sex trafficking, in particular, has received little attention or focus in the New Zealand context, and the experiences of law enforcement relating to sex trafficking are yet to be addressed. The purpose of this research was to explore law enforcement understanding and experience related to human trafficking, focusing specifically on the dynamics of exploitation in commercial sex as it occurs in New Zealand, where transnational movement is not evident.

Utilising a qualitative research design, interviews were conducted with seven New Zealand law enforcement personnel, including personnel involved in frontline intervention, intimate partner violence, sexual assault, family violence, and child abuse. The aim was to increase understanding of the experiences of law enforcement personnel dealing with domestic sex trafficking within New Zealand. Two international-based key informants were included in the study to provide insight into the progression and development of effective human trafficking units and programmes within law enforcement and the criminal justice system.

Thematic analysis identified three themes in the dialogue and experiences of the participants; perceptions and knowledge gaps, patterns of response, and barriers to identification and response. These themes provide insight into knowledge and perceptions of what constitutes trafficking on both the international and domestic levels; who is perceived as being vulnerable or impacted by trafficking; the perceived relationship between consensual involvement in the sex industry and trafficking in commercial sex; and how legislation, policy, and protocols are utilised in practice. The study indicates that knowledge pertaining to human trafficking varies among law enforcement personnel, ultimately influencing levels of identification and response, specifically at the domestic level, where exploitation in commercial sex is frequently conflated with varying other crime types, including family or intimate partner violence and child abuse, or conflated with voluntary involvement in the sex industry.

DEDICATION

In memory of my father, Brian. And while you are not here to read this, I find solace in knowing that in some way, you were here with me, every step of the way. This one's for you dad.

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CHAPTER ONE: BACKGROUND AND CONTEXT

1.1. Introduction

The issue of human trafficking, including exploitation in commercial sex, both on the international and domestic levels, is frequently met with varying assumptions and misconceptions. International efforts to address issues relating to human trafficking significantly progressed in the year 2000 with the development of the United Nations ‘Palermo protocols’, supplementing the United Nations Convention against Transnational Organized Crime. The purpose of this Convention is to “promote cooperation to prevent and combat transnational organized crime more effectively” (United Nations Office on Drugs and Crime, 2003), and includes the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which sets out three elements required to identify trafficking in persons; the elements of force, fraud, and coercion (Showden, 2017). The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote cooperation among States Parties in order to meet those objectives

(United Nations Human Rights Office of the High Commissioner, 2000)

The implementation of this protocol has had a significant impact on the development of international and national human trafficking laws and policies (Rafferty, 2013).

While the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is used globally to inform international and domestic strategies, varying interpretations exist as to what constitutes human trafficking (Nichols & Heil, 2015; Ontario Native Women’s Association, 2016), including conflated perceptions of human trafficking and migrant smuggling, the assumption that transnational movement is required to define and identify human trafficking, and the conflation of human trafficking with various other crime types. These existing interpretations further facilitate inaccurate perceptions of the dynamics of human trafficking, including the factors that increase vulnerability, who is targeted, and methods of grooming, recruitment, and control. Such misinterpretation hinders the ability to accurately identify and respond to trafficking victim-survivors. This research seeks to explore the experiences of law enforcement in New Zealand in the context of human trafficking, with a specific focus on domestic sex trafficking. Further, it attempts to provide insight into the sociocultural dynamics influencing perception of sex trafficking occurring within New Zealand’s borders.

1.2. Definitions and Prevalence

Human trafficking is depicted in Article 3 of the United Nations Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) as,

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs”

(United Nations Office on Drugs and Crime, 2003)

The terms human trafficking, trafficking, trafficking in persons, and people trafficking will be used interchangeably throughout this discussion consistent with existing literature, research, and documentation.

The International Labour Organization (ILO) (2017) estimates that approximately 40.3 million people are trafficked worldwide at any one time, both domestically and internationally, with 24.9 million people in forced labour and 15.4 million people in forced marriage. For the purpose of this research, forced marriage and exploitation in forced labour outside of commercial sex are not included. Women and girls are disproportionately represented amongst victims of all forms of human trafficking, accounting for 71% of those affected in all sectors of trafficking, and 99% of those exploited in the commercial sex industry (International Labour Organization, 2017). However, acquiring an accurate representation of those who are being trafficked is difficult given the underreporting of trafficking situations by victim-survivors resulting from fear, coercion, and manipulation exerted by traffickers.

While it is commonly assumed that human trafficking involves international movement across borders, it is important to acknowledge that movement or transportation is not required to define situations of trafficking (United States Department of State, 2019). As the aforementioned definition outlines, human trafficking includes recruitment, transportation, transfer, harbouring, *or* receipt of persons; however, it is not required that trafficking include each of these components. Additional definitions will be discussed below.

Research has illustrated that legal definitions of human trafficking may not be well known or understood (Farrell & Pfeffer, 2014; Mapp et al., 2016; Renzetti et al, 2015). Although transnational movement across international borders has widely been assumed to be a required element in defining and

identifying human trafficking, where the term trafficking commonly implies the movement of victims across borders (Farrell, et al., 2010), international research suggests that the majority of human trafficking occurs on the domestic level (International Labour Organization, 2017), and while the term trafficking itself implies a level of movement, international and domestic legislation does not require transportation of victims across borders (Farrell et al., 2010). The misconception that human trafficking is defined by the movement of victims, and the inclusion of the transnational component in working definitions of human trafficking, create misinterpreted views and understanding of the various forms of trafficking in persons.

1.2.1. Human trafficking or Migrant Smuggling

Human trafficking is frequently conflated with migrant smuggling, where consensual movement across borders for the purpose of migration is misinterpreted as coercion for the purpose of exploitation. Smuggling; however, includes the facilitation, transportation, or illegal movement of a person across international borders (Nichols & Heil, 2015; Rodríguez-López, 2018; Wilson & Dalton, 2008). Under the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2002) (Article 3), “smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. Within the dynamics of migrant smuggling, the person paid to transport the migrant, or the smuggler, and the migrant are involved in a commercial transaction that ceases following movement across the border into the destination country (Smith & Kangaspunta, 2012). Information provided by Smith and Kangaspunta (2012) further describe migrant smuggling as including movement across international borders; however, the components required to meet the definition of trafficking, specifically an exploitative component, are absent.

In comparison, trafficking includes elements of exploitation; namely, the trafficker’s action, the means of force, fraud, or coercion, and the purpose of exploitation, where a person can be trafficked without transnational movement (Smith & Kangaspunta, 2012). While human trafficking and migrant smuggling are distinct issues and crime types, migrant smuggling frequently increases vulnerability to trafficking and exploitation as those who are smuggled across international borders often lack government documentation and have no means of financial and/or social support in the destination country. However, misinterpretation of the differentiating factors of human trafficking and smuggling creates barriers to effective and responsive identification of trafficking victim-survivors, facilitated by the

underlying assumption that trafficking must include transnational movement or that all victims of trafficking have illegal immigration status.

1.2.2. Domestic Sex Trafficking and Domestic Commercial Sexual Exploitation (CSE)

While it is crucial to acknowledge the working definition of human trafficking as stated in the United Nations Palermo Protocol (2000), which is utilised globally to assist in the understanding of what constitutes human trafficking and how these definitions influence policy and protocol development, the focus of this research specifically examines the issues and dynamics pertaining to domestic sex trafficking. The terms domestic sex trafficking and domestic commercial sexual exploitation (CSE) are commonly utilised within discourses relating to human trafficking; however, there exists a common misconception in regard to the working definitions of these terms. Domestic sex trafficking refers to the exploitation of an individual who is exploited in their country of residence for the purpose of exploitation in commercial sex, which may also occur within state/provincial/territorial borders, and more specifically, regional and local boundaries (Macy & Graham, 2012). Victims of sex trafficking are forced or coerced into commercial sex under fraudulent conditions, where the trafficker profits off of the victim's involvement in commercial sex.

At this time, the New Zealand *Crimes Act 1961* does not include a definition of sex trafficking specifically. Exploitation in commercial sex is included in the legislative definition of human trafficking as a subset of human trafficking (refer to section 2.3.4.); therefore, the United States' legislative definition as stated in the *Victims of Trafficking and Violence Protection Act (VTVPA) 2000*, and information regarding the developmental progression of this legislative framework, is utilised for the purpose of this research. The *VTVPA 2000* states that sex trafficking "means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act" (p. 8), where a commercial sex act is "any sex act on account of which anything of value is given to or received by any person" (p. 7).

The misconception that the term trafficking constitutes movement across international borders has consistently created barriers in the understanding of the various forms of trafficking in persons, specifically exploitation on a domestic level as a form of human trafficking. As previously stated, human trafficking does not solely include transnational movement and need not incorporate any form of movement or transportation of the victim (International Labour Organization, 2017). Domestic sex trafficking and domestic CSE; therefore, are understood as forms of human trafficking. For the purpose of this discussion, the terms domestic sex trafficking and domestic commercial sexual exploitation (CSE) will be used interchangeably, consistent with existing literature, research, and documentation.

The commercial sexual exploitation of children (CSEC) or domestic minor sex trafficking (DMST) refers to the exploitation of a minor under 18 years of age through buying, selling, or trading their sexual services (Shared Hope International, 2007). The elements of force, fraud, or coercion which are required to identify a situation of trafficking involving an adult, are not required when identifying trafficking of a person under 18 years of age (The United States Department of Justice, 2000). For the purpose of this discussion, commercial sex, sex work, and the sex industry will be used when referring to involvement in the commercial sex industry, both voluntary involvement and trafficking; where voluntary involvement in commercial sex refers to entry into the sex industry due to choice or circumstance. Adhering to current international requirements, voluntary involvement in commercial sex refers to people 18 years of age or over, as minors cannot consent to involvement in commercial sex under international and domestic statutes (The United States Department of Justice, 2000).

1.2.3. Labour Trafficking

Trafficking in the sex industry is frequently referred to as a distinct form of trafficking or exploitation separate from labour trafficking in sectors such as agriculture, hospitality and tourism, fishing, farming, or construction. However, this differentiation has been met with criticism as the distinction is seen as delegitimising work in the sex industry (O'Brien, 2015). Therefore, trafficking in commercial sex is also discussed as a subset of labour trafficking, distinguished only from different forms of labour and industries. The ILO Forced Labour Convention, 1930 (No. 29) refers to forced labour as “all work or service that is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (International Labour Organization, 2017). Under the umbrella of forced labour, three categories are identified:

- 1) Forced labour exploitation, imposed by private agents for labour exploitation, including bonded labour, forced domestic work, and work imposed in the context of slavery or vestiges of slavery.
- 2) Forced sexual exploitation of adults, imposed by private agents for commercial sexual exploitation, and all forms of commercial sexual exploitation of children. This encompasses the use, procuring, or offering of children for prostitution or pornography.
- 3) State-imposed forced labour, including work exacted by the public authorities, military, or paramilitary, compulsory participation in public works, and forced prison labour.

(International Labour Organization, 2017)

1.3. New Zealand Policy Context and Service Response

In 2003, New Zealand ratified the United Nations Convention against Transnational Organized Crime, ensuring commitment to international standards and efforts to eradicate all forms of human trafficking as proposed in the supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Thorburn, 2018); however, it was not until 2015 that New Zealand adopted international definitions of human trafficking, removing the required element of transnational movement in the ‘Trafficking in persons’ legislation of the *Crimes Act 1961*, subsequently the *Crimes Amendment Act 2015* (New Zealand Legislation Parliamentary Counsel Office, 2020). While this legislative framework currently exists including both the international and domestic components of human trafficking, effective implementation of this framework is currently lacking, as the assumption that international movement is required in the identification processes of human trafficking continues to be widely accepted.

Human trafficking that occurs on the domestic level, specifically sex trafficking, is frequently misidentified as intimate partner violence, family violence, or child abuse, or is conflated with voluntary involvement in commercial sex. New Zealand-based research (Thorburn, 2018; Thorburn & Beddoe, 2021) illustrates significant gaps in the identification of domestic sex trafficking victim-survivors, which ultimately creates barriers to the development of intervention processes and supports provided by law enforcement, social service, healthcare, and mental healthcare organisations, and the New Zealand government. Illustrated by Thorburn (2017), sex trafficking is commonly believed to not exist in New Zealand, and while “New Zealand has a robust legislative framework to safeguard people doing sex work; the work itself is decriminalised, and trafficking legislation disallows exploitative behaviour” (p. 77), trafficking legislation is underutilised and focuses specifically on international human trafficking. Domestic sex trafficking has received no attention or prevention efforts from the Government and there exists no initiatives to assist identification and intervention (Thorburn, 2017).

1.4. Gaps in Existing Research

While substantial literature exists evaluating the experiences of United States-based law enforcement organisations with human trafficking, at this time research conducted with New Zealand Police to explore these dynamics in the New Zealand context is lacking. Specifically, there has been no research conducted to explore law enforcement knowledge pertaining to what trafficking looks like in the New Zealand

context, nor any exploration of the identification processes utilised in the response to trafficking; policies, procedures, or existing training.

1.5. Researcher Interest

As a trained social worker, with Canadian-based experience working collaboratively with law enforcement, governmental, and non-governmental organisations addressing issues relating to human trafficking, and more specifically domestic sex trafficking, I have significant interest in gaining insight and knowledge into the experiences of law enforcement, social services, healthcare, mental healthcare, and additional frontline services with victim-survivors of domestic sex trafficking. It is through my professional knowledge and experience that I have furthered my understanding of the dynamics of sex trafficking, with a specific focus on the domestic level, the perceptions and commonly held misconceptions of what constitutes trafficking, and the barriers that exist to effective identification and response. Given the lack of research conducted in New Zealand on the experiences of law enforcement with domestic sex trafficking, it is my interest to contribute to a growing body of research that seeks to explore these dynamics and to inform future practice and response.

1.6. Aims of Research

Currently, as noted above, there is limited information on the prevalence of domestic sex trafficking in New Zealand, as victim-survivors are misidentified as victim-survivors of intimate partner violence, family violence or child abuse, or as involving consensual and voluntary entry into commercial sex. Lack of statistics or estimates based on identified cases limits the further development of comprehensive and collaborative intervention strategies and supports provided to victim-survivors to address their needs following complex forms of exploitation. Generating further understanding of the factors that influence identification can facilitate change in the policies, protocols, and procedures employed in the identification process, and can assist in addressing perceptions attributed to victims that may additionally have an effect on identification. The advancement of identification processes can; therefore, provide estimated statistics on the prevalence of domestic sex trafficking in New Zealand, further influencing the development of relevant programmes and intervention strategies.

The aim of this research is to explore the experiences of New Zealand Police with domestic sex trafficking in New Zealand, to gain a better understanding of the dynamics of sex trafficking in New Zealand and the responses of law enforcement within this context.

- 1) What is the understanding and perceptions of New Zealand Police in relation to human trafficking, and more specifically, domestic sex trafficking as it occurs in New Zealand?
- 2) What are the experiences of law enforcement in relation to responding to various forms of sex trafficking on the domestic level in New Zealand?
- 3) What are the current policies, protocols, and practices employed within New Zealand Police, such as the inclusion of human trafficking training and legislative frameworks, and protocols utilised in police response to domestic sex trafficking?

1.7. Structure of Thesis

This thesis comprises six chapters, beginning with an overview and introduction to the research topic, highlighting the rationale for the study focus, the New Zealand legislative and policy context pertaining to domestic sex trafficking, existing research gaps around New Zealand law enforcement experience with domestic sex trafficking, and how the researcher's interest facilitated the development of this project. Chapter two presents a discussion of the relevant existing literature in relation to the research topic, focusing on identifying the dynamics of domestic sex trafficking, perceptions, assumptions, and misconceptions that frequently affect the understanding, identification and response to domestic sex trafficking, and what this looks like in the New Zealand context, the international policy context, and international experiences and responses of law enforcement to sex trafficking on the domestic level. Chapter two is organised thematically, covering international and domestic based literature. Given the gaps in literature relating to the experiences of New Zealand Police with domestic sex trafficking, United States based literature was utilised throughout this review. Chapter three provides an overview of the methodological processes and considerations utilised in the research design, data collection, analysis, and ethical considerations. Chapter three further describes the rationale behind the qualitative and thematic design of the research, including participant recruitment, interview style, analytical processes, and finally the challenges that were undertaken throughout. Chapter four provides the results of the research, utilising excerpts from the participant interviews to support the analytical findings. Chapter five discusses the research findings, drawing on current literature to comparatively analyse the data collected in relation to existing research and knowledge. Finally, chapter six draws conclusions from the research data and will focus on the importance of dismantling perceptions, assumptions, and misconceptions that affect identification and response to domestic sex trafficking, training needs and recommendations, legislative and policy implications, and recommendations for future research.

1.8. Conclusion

Human trafficking is an issue that is frequently met with varying interpretations, perceptions, assumptions, and misconceptions, which significantly impacts the implementation of effective identification and response protocols. Human trafficking that occurs on the domestic level in particular is oftentimes less likely to be identified as trafficking, given the absence of movement across international borders, with domestic sex trafficking frequently misidentified as intimate partner violence, family violence, child abuse, or conflated with voluntary involvement in commercial sex. This research seeks to explore experiences of New Zealand-based police in the context of domestic sex trafficking, focusing on the knowledge base around what constitutes domestic sex trafficking, the processes of identification and response, and the current policies, protocols, and practices employed within New Zealand Police to address trafficking on the domestic level. This chapter provided the background and context to the research presented here; outlining the issue of human trafficking, including terminology and prevalence, the gaps in existing literature and research in relation to law enforcement experiences with human trafficking, specifically domestic sex trafficking in the New Zealand context, researcher interest and goals, and the research aims. Chapter two will now provide an overview of the existing international and domestic-based literature and research, which will be further utilised in discussing the research findings.

CHAPTER TWO: LITERATURE REVIEW

2.1. Introduction

Chapter one provided an overview and background of the study, focusing on developing an understanding of international and New Zealand domestic contexts of sex trafficking, the perceptions, assumptions, and misconceptions that create barriers to effective identification of sex trafficking victim-survivors, international and domestic legislative and policy contexts, and the aim and justification for the research presented here. This chapter will focus on providing a review of relevant, existing literature in relation to the proposed research topic, that is; the experiences of law enforcement with domestic sex trafficking in New Zealand. The topics covered in this review include a definitional overview of human trafficking and sex trafficking in relation to adults and minors, voluntary involvement in commercial sex in comparison to sex trafficking, sex trafficking in the contexts of intimate relationships, families, and within gang involvement, what the New Zealand context looks like in relation to sex trafficking, and the knowledge, experiences, and strategies utilised by law enforcement in the identification and response processes to domestic sex trafficking. This overview of the literature will also focus on discourse and dialogue pertaining to sex trafficking as perceptions are frequently influenced by language used, creating varying perceptions, assumptions, and misconceptions about what constitutes sex trafficking. While the purpose of this research is to focus on the experiences of law enforcement with domestic sex trafficking of both adults and minors in the New Zealand context, there will be a specific focus on existing literature in relation to DMST.

Given the absence of prior research on law enforcement in New Zealand in relation to sex trafficking in the domestic context, literature has been sourced that focuses on the experiences of law enforcement in the United States, and to a lesser extent, Canada and the United Kingdom. While the New Zealand *Crimes Act 1961* includes the definition of human trafficking, sex trafficking is not explicitly defined. This literature review; therefore, incorporates the United States sex trafficking legislative definitions. However, it is important to note the differences between the New Zealand and United States contexts; notably, varying climates of criminalisation, decriminalisation and legalisation of commercial sex between New Zealand and the United States. More specifically, in the United States, all but one state criminalises the sex industry, where it is illegal to sell and purchase sexual services (State Prostitution Laws, 2021); whereas, the sex industry was decriminalised in New Zealand following implementation of the *Prostitution Reform Act (PRA) 2003* (New Zealand Legislation Parliamentary Counsel Office, 2018).

2.2. Methods

Various databases were utilised to provide a comprehensive overview of the literature relating to this research topic. The primary databases used were EBSCOhost, ProQuest, HeinOnline, Sage Journals, and Taylor & Francis Online. The search terms used were Sex traffick* AND Prostitution AND police OR law enforcement AND identification OR governance AND combatting AND New Zealand. Additional data and resources were sourced from New Zealand Police, New Zealand Parliamentary Counsel Office, the United Nations, the International Labour Organization, the United States Department of State, and various additional supplemental sources to acquire relevant legislative, policy, and international convention resources and data. The literature was sourced and organised thematically. The themes were both predetermined and acquired throughout the review and analytical process. The literature is presented thematically in the following sections.

2.3. Sex Trafficking Dynamics

2.3.1. *What is Sex Trafficking?*

Sex trafficking, consistent with frequently held assumptions of various other forms of human trafficking, is overwhelmingly perceived as a transnational issue, consisting of the movement of people, and more specifically women and girls, across international borders to be exploited in commercial sex, a perception that oftentimes creates barriers to identification (Farrell et al, 2008, Smith & Kangaspunta, 2012). Consistent misinterpretations of human trafficking definitions, and lack of definitions being effectively utilised, can further cause confusion among frontline professionals who are likely to come across victim-survivors of trafficking (Jordan et al., 2003; Rafferty, 2013, Reid, 2010). Significant bodies of research and literature support these misperceptions, as the focus of sex trafficking depicts this rhetoric; however, there has been recent and ongoing emphasis placed on encouraging the acknowledgement and response to both international and domestic trafficking. The 2019 Trafficking in Persons (TIP) Report produced by the United States Department of State called on governments globally to recognise and address trafficking as it occurs on the domestic level. The report states that while progress has occurred, “a number of countries still struggle with gaps in their domestic legal response” (p. 2), often because they do not recognise and address human trafficking using the definition proposed, which emphasises,

“Traffickers may be family members, recruiters, employers, or strangers who exploit vulnerability and circumstance to coerce victims to engage in commercial sex or deceive them into forced labor. They commit these crimes through schemas that take victims hundreds of miles away from

their homes or in the same neighborhoods where they were born” (United States Department of State, 2019, p. 2).

This means that governments risk overlooking situations of trafficking that occur on the domestic level, that does not incorporate transnational movement, and which may not fit into common perceptions in regard to the dynamics of trafficking, who can be targeted and victimised, and what force, fraud, coercion, and control look like in situations of domestic trafficking (United States Department of State, 2019).

As discussed in chapter one, the *VTVPA 2000* defines sex trafficking as “a commercial sex act which is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age”. Sex trafficking is understood as a subset of human trafficking involving exploitation in commercial sex, overwhelmingly affecting women and girls (Goodey, 2004; Hodge & Lietz, 2007, Kaye & Winterdyk, 2012, Rafferty, 2013), and is used as an umbrella term, encompassing all types of commercial sex work, including forced involvement in pornography and live-streaming sexual services, exotic dancing, mail-order brides, sexual exploitation in travel and tourism, and sex for survival; however, this list is not exhaustive as traffickers frequently find new ways of trafficking and exploiting victims (Ontario Native Women’s Association, 2016). While research has illustrated that victim-survivors of sex trafficking frequently come into contact with service providers, they are infrequently identified due to inaccurate perceptions of what constitutes human trafficking, lack of effective training on how to identify and respond, and inconsistent implementation of human trafficking legislation, policy, and protocol (Macy & Graham, 2012).

Research conducted in the United States based on interviews with pimps and sexually exploited children in several U.S. cities found that the majority of pimps manage between one and three girls at one time. What this research illustrates is the overwhelming majority of sex trafficking is occurring on the domestic level; where at least half appeared to operate at the local level only, not affiliated with a larger criminal network, at least one-quarter appeared to be tied to a larger, citywide crime ring, approximately 15% appeared to be tied to regional or national networks, and only approximately 10% appeared to be affiliated with international sex crime networks (The United States Department of Justice, 2007).

2.3.2. Sex Trafficking or Pimping?

The term pimping is frequently referred to in relation to trafficking, and is oftentimes recognised more readily than trafficking when referring to exploitation in commercial sex. While there are considerable parallels between both crime types, it is important to acknowledge the differentiating

characteristics, as these are frequently misinterpreted. The dynamics of pimping frequently involve the elements of force, fraud, coercion, manipulation, threats, and violence, coupled with affection, love, and protection, where a third party, “pimp” or “trafficker” controls the movements of a person for the purpose of exploitation in the sex industry (Duncan & DeHart, 2019; Jordan et al, 2013; Kennedy et al., 2007; Miller, 2014). These dynamics occurring on the domestic level; however, are oftentimes misidentified and not incorporated into the definition of sex trafficking, as pimps or traffickers may be friends or family, intimate partners, or domestic level gangs, as well as organised crime units, smugglers, or madams (Jordan et al, 2013). Pimping; however, also refers to the dynamics where a person working in commercial sex provides payment to a third party for protection or for management purposes. While both pimping and trafficking carry criminal elements, pimping need not carry the elements of force, fraud, or coercion (Kennedy et al., 2007). For the purpose of the following discussion, the term trafficking will be utilised, and the correlation between pimping and trafficking will be discussed further in chapter five.

2.3.3. *Victim Vulnerability*

Varying factors, oftentimes referred to as push-pull factors, contribute to increased vulnerability to trafficking and exploitation (Curtol et al., 2004, Hodge & Lietz, 2007). On the international level; poverty, war, and the lack of economic stability and a promising future, act as push factors that can facilitate the desire to move away from an individual’s originating country (Hodge & Lietz, 2007). Additionally, Hodge and & Lietz (2007) discuss the impact of media-constructed images that glamorise industrialised nations, acting as a pull factor that seemingly appear to offer a better life, with increased opportunities. While these factors create an environment conducive to trafficking, it is the criminal networks involved in international trafficking that exploit these vulnerabilities and push-pull factors, which is the most critical factor in these dynamics (Hodge & Lietz, 2007; Hughes, 2000). The crime of human trafficking is considered high-profit, low-risk for traffickers and criminal networks; therefore, facilitating the manipulation of victim vulnerability for financial gain (Curtol et al., 2004, Hodge & Lietz, 2007, Jordan et al., 2013).

Individual risk factors have frequently been discussed in the context of both international level and domestic level trafficking (judgemental trafficking that occurs in the absence of transnational movement across borders). Specifically, related to the dynamics of domestic sex trafficking, literature and research outlines intersecting factors that are influential in increasing vulnerability to trafficking and exploitation. Female adolescents and young adults are significantly overrepresented among those who are recruited, trafficked, and, victimised in commercial sex (Miller, 2014, Rafferty, 2008), which is frequently

compounded by childhood physical and sexual abuse, runaway or throwaway (i.e. children or young people who have been told to leave their home by parents, caregivers, or family) status, involvement in the child welfare and protection system, mental health, substance use, Indigenous status, immigration status, inadequate social skills, and intellectual ability (Miller, 2014). Poverty, homelessness, and an immediate need for income and housing place both young people and adults in precarious situations, increasing vulnerability to recruitment and victimisation in commercial sex, where compliance is oftentimes easily achieved by the trafficker as the benefits of the relationship frequently overshadow the mistreatment experienced (Cobbina & Oselin, 2011, Hodge & Lietz, 2007, Thorburn, 2018). In many circumstances, the beneficial aspects of the relationship, including access to shelter, clothing, and food, alcohol and/or drugs, protection, and perceived love and affection, provide an environment that may be more ideal than homelessness or a hostile and violent home environment (Thorburn, 2018).

Past experiences of abuse, neglect, or abandonment have also been evidenced as precipitating factors to recruitment and victimisation in commercial sex. These factors are frequently exploited by traffickers who are perceived by victims as providing love, affection, protection, and other necessities (Thorburn, 2018). As discussed by Reid (2012), “the colluding effects of a childhood marred by neglect and/or abuse coupled with the calculated exploitative methods of sex traffickers facilitate the creation of an emotional connection, or trauma bonding, between the traumatized minor and the exploitative trafficker” (p. 2). While Reid (2012) focuses here on the dynamic of trauma bonding as experienced between a minor and a trafficker, patterns of trauma bonding have also been evidenced in the experiences of adult victim-survivors of trafficking. Trauma bonding, as stated by Thorburn (2018), “can flourish within situations where there is a perceived threat to survival, perceptions of ‘small kindnesses’ by abusers, isolation from any perspectives other than the abuser’s, and the perception that escape is impossible and/or futile” (p. 20). It is the exploitation of vulnerability through the process of grooming utilised by the trafficker which facilitates the development of a trauma bond, a form of coercive control over the victim (Jordan et al, 2013). While these dynamics have been evidenced in the context of both international and domestic trafficking, the understanding of these underlying components of a trafficking or exploitative situation is crucial in the identification of domestic sex trafficking, which oftentimes does not include overt indicators of trafficking, and alternatively relate to systemic factors and covert methods of coercion and control (Countryman-Roswurm & Bolin, 2014).

Additionally, significant correlations between substance use, victimisation, and exploitation are evident. According to Sikka (2009), there is a link between the influence of drugs and sex work, where in

some cases, young people who have been forced into commercial sex are forced to engage in drug use prior to their entry into the sex industry. Drug providers are reported to frequently use drugs to both recruit and control women and girls in a sexually exploitative situation by maintaining an addiction (Sikka, 2009). Substance use and addiction have been referred to as factors facilitating a person's entrance into the sex industry (Cobbina & Oselin, 2011; Kennedy et al., 2007; Marcus et al., 2014); however, Marcus et al. (2014), did not identify drugs as a form of trafficker control, whereas Kennedy et al. (2007) report findings that suggest drugs are used both to recruit a victim and to develop a type debt bondage, where a person must trade sexual acts for drugs.

2.3.4. Focus on Sex Trafficking of Minors

The commercial sexual exploitation of children (CSEC), which refers to severe forms of child abuse encompassing child sex trafficking, the production and dissemination of objectionable material involving a minor under 18 years of age, and the exploitation of youth through sex work (Sapiro et al., 2016), has become a significant international policy concern following the 1996 World Congress against Commercial Sexual Exploitation of Children, representing the Governments of 119 countries, and the development of The Stockholm Declaration and Agenda for Action, committing to a global partnership against the commercial sexual exploitation of children (CSEC) (Marcus & Curtis, 2014; United Nations: World Congress against Commercial Sexual Exploitation of Children, 1996). The amendments made to the United States *VTVPA 2000* expanding the working legal definition of sex trafficking to include 'any person induced to perform [a commercial sex act who] has not attained 18 years of age' as a victim of 'severe trafficking' by virtue of age was in partial response to this conference (Marcus & Curtis, 2014). While the definition of CSEC includes DMST as a subset, the terms are frequently used interchangeably. However, the term commercial sexual exploitation of children (CSEC) is oftentimes understood to a greater extent than domestic minor sex trafficking (DMST), incorporating various forms of CSE such as exploitation in the sex industry, including in travel and tourism, and online sexual exploitation (The United States Department of Justice: Office of Justice Programs, 2007). The legal definition of sex trafficking has changed significantly, as prior to 2000 a minor in the United States involved in forced commercial sex could be inaccurately regarded as an 'underage sex worker' and arrested for prostitution (Countryman-Roswurm & Bolin, 2014; O'Brien, 2019). However, the perception of underage involvement in commercial sex as part of the spectrum of delinquency has begun to change (Mitchell et al., 2010), and under sex trafficking law, minors (under 18 years of age) who are identified as being involved in

commercial sex are automatically identified as a victim of trafficking (Heil & Nichols, 2014). Sapiro et al. (2015) further propose that the term ‘trafficking’ implies an adult third party exploiter in situations of DMST, which ceases to include situations such as sex for survival facilitated in collaboration with peers or other young people.

Girls often enter into commercial sex through an intermediary such as a pimp or trafficker, which frequently involves the development of a romantic relationship for the purpose of exploitation, a process which could involve coercion, blackmail, emotional ties or attachment, violence, financial pressure, debt bondage, and/or exploitation of substance use (Countryman-Roswurm & Bolin, 2014; Dodsworth, 2012; Kennedy et al., 2007; Marcus et al., 2014; Miller, 2014; Thorburn, 2014, Thorburn 2018). However, research conducted in Britain identifies three groups which encompass the experiences of young people involved in commercial sex; namely, the exchange of sexual services for some form of payment, such as money, basic necessities, consumer goods or gifts, alcohol or drugs; engagement in commercial sex to gain highly desired needs, such as financial or material, but which does not occur as a result of necessity; and those who are forced or coerced to engage in commercial sex by someone who exerts power over them (Ayre & Barrett, 2000).

While under human trafficking legislation, any minor involved in commercial sex is identified as a victim of trafficking, the elements of force, fraud or coercion must be present and evidenced in situations involving a person 18 years of age and over for the crime of sex trafficking to be considered (Heil & Nichols, 2014; Macy & Graham, 2012). Moreover, adults who are maintained in commercial sex through coercion, would be classified as trafficking victims, regardless of whether their entry into the sex industry was voluntary and consensual (Macy & Graham, 2012).

2.4. Perceptions and Misconceptions

2.4.1. *Underlying Assumptions and Definitions*

As is discussed in chapter one, significant challenges exist in the understanding of human trafficking definitions and identification, frequently facilitated by commonly held perceptions, assumptions, and misconceptions around what constitutes trafficking. Perceptions of human trafficking frequently include the element of transnational movement, conflation with migrant smuggling, and assumption that human trafficking resembles what is overwhelming portrayed in movies, in the media, and on social media; a sensationalised image of human trafficking which sees victims kidnapped, drugged, and trafficked across international borders for the purpose of sexual exploitation (while this form of sex trafficking can occur, in

the majority of countries, these situations are the minority) (Rodríguez-López, 2018). Furthermore, sex trafficking is frequently conflated with voluntary commercial sex, where perceptions also exist that frame sex trafficking as a chosen ‘criminal act of sex work’, as a consensual act between consenting adults, or as a woman’s right to enter into sex work as a legitimate form of work (Countryman-Roswurm & Bolin, 2014).

Media representations of human trafficking are frequently conflicting, with depictions of human trafficking emphasising transnational movement frequently conflated with migration and smuggling and sensationalised images of drug induced kidnapping and rape, differing significantly from the reality of human trafficking which sees the majority of trafficking occurring covertly on the domestic level, and which is linked to underlying systemic factors that increase vulnerability. Media representations further facilitate conflicting perceptions among the general public, and even within the anti-human trafficking movement, regarding who is or is not considered a victim-survivor of human trafficking (Ontario Native Women’s Association, 2016), with human trafficking myths creating false beliefs that “deny or justify the sale or trade of human beings, denigrate victims, excuse traffickers, and obfuscate the true nature of human trafficking” (Browne-James et al., 2021, p. 114). Myths create varied misperceptions around what human trafficking looks like; for example, that sex trafficking is only an international issue, people who are involved in sex work are immoral or dirty, that sex trafficking is always violent and involves elements of kidnapping and rape, and that victims lack agency and are need of rescuing (Browne-James et al., 2021; Gerassi, 2015; Jordan et al., 2013). The role of the media in framing human trafficking representations and perceptions will be discussed in the next section.

Confusion around how to define human trafficking frequently relates to the definition of human trafficking itself. Until the year 2000, there was no internationally accepted or recognised definition of human trafficking; therefore, given the issue of human trafficking as both a political issue and practical problem, human trafficking was conflated with illegal migration and smuggling processes (Gallagher & Holmes, 2008). As previously stated, the *VTVPA 2000*, was developed in response to the United Nations Convention against Transnational Organized Crime, and defines sex trafficking as, “a commercial sex act induced by force, fraud, or coercion, or which the person induced to perform such an act has not attained 18 years of age”; and the human trafficking legislative definition as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery”. While these definitions present clear exploitative and victimising components, there exists various definitional

challenges associated with the working legislative definitions and how they are operationalised (Farrell, 2012, Nichols & Heil, 2015). This has been evidenced in the experiences of researchers, as well as law enforcement, where these definitions are oftentimes understood as victims having the status of “illegal immigrant”, or where trafficking is conflated with smuggling, migration, or otherwise crossing borders (Nichols & Heil, 2015). According to Wilson and Dalton (2008), there are several aspects of the definitions that need clarification; namely, understanding the differences between human trafficking and migrant smuggling (Refer to Section 1.2.), that victims need not be physically moved across any borders (city, state/province, or country), that victims are exploited for labour, including commercial sex, and finally, that minors who are involved in commercial sex do not need to have been induced by force, fraud, or coercion to be considered a victim of sex trafficking.

Where definitions are lacking, confusion among frontline professionals around how to define the components and dynamics of human trafficking can impact the ability to prevent, intervene, and respond to situations of trafficking (Jordan et al., 2013). For example, interviews with police and prosecutors evidenced various areas of uncertainty around the enforcement of human trafficking law, specifically confusion pertaining to how to define such elements as coercion, and further confusion around the movement or transportation component that was previously a requirement in past human trafficking legislation (Farrell & Pfeffer, 2014).

2.4.2. Discourse, Language, and the Role of the Media

The role of the media is particularly influential in framing criminal activity, which has been evidenced in relation to human trafficking dialogue and representations. According to Potter and Kappeler (1998), for the majority of people, mainstream media serves as the primary source of information on crime and crime control policies (as cited in Farrell & Fahy, 2009). The media provides a platform for anti-trafficking stakeholders to convey their messaging to the public and; therefore, legitimise certain problem frames in particular. As a result, media images of human trafficking portray publicly accepted definitions and responses to human trafficking issues (Farrell & Fahy, 2009).

Media portrayals frequently construct human trafficking as synonymous with illegal migration, as an organised crime threat, or as conflated with voluntary involvement in commercial sex, and oftentimes identifies what is characterised as an “ideal” victim as perceived by public perception (Rodríguez-López, 2018; Sikka, 2009). In relation to the previous discussion pertaining to human trafficking and migrant smuggling, Rodríguez-López (2018) illustrate the tendency of the media to use the terms “trafficking” and

“smuggling” interchangeably, and that despite the fact that there are similarities between the two crime types, they are differing offences. However, given the transnational component that is required in situations of migrant smuggling, and is frequently an assumed requirement in situations of human trafficking, confusion arises when differentiating between the two offences which is oftentimes portrayed on media platforms.

Sensationalised media portrayals of human trafficking, highlighting people victimised by organised criminal networks by such means as violence, rape, and kidnapping, according to Rodríguez-López (2018), “are more likely to awaken public empathy, generate social alarm, and consequently, put the issue on the political agenda” (p. 68) as they illustrate human experience and suffering by use of images and language that is utilised to shock the general public. For example, as presented by Sikka (2009), media reports which highlight Russian organised crime networks and Eastern European sex workers have contributed to the narrative that assumes organised criminal involvement as an element of human trafficking, as well as the movement of people across international borders. Furthermore, media portrayals of sex trafficking have frequently implied that the majority of young girls who are missing and assumed kidnapped are potential victims of sexual exploitation; whereas, in actuality kidnapping for the purpose of sex trafficking is rare in countries such as the United States (Abdelhadi, 2017). The framing of human trafficking as influenced by the media, and the depictions of human trafficking as conflated with organised crime and terrorism, according to Farrell and Fahy (2009), may impede identification of trafficking, as the majority of victims and offenders do not fit the perceived profile.

Additionally, media representations of human trafficking have perpetuated an image of an “ideal victim” which is deeply engrained in public perception and opinion. Trafficking victims are frequently portrayed as young, innocent, vulnerable women, and lacking control or agency, often viewed as passive and in need of rescuing and protection; whereas, men are rarely mentioned in the media as victims of human trafficking (Bergquist, 2015; Rodríguez-López; 2018, O’Brien, 2013). Lack of consent is further portrayed in media representations of ideal victimhood, which facilitates and arouses public sympathy to a greater extent than the image of an illegal migrant or a person who is involved in commercial sex voluntarily, with control, agency, and who is responsible for their own circumstances (Rodríguez-López, 2018).

2.4.3. Conflation of Sex Trafficking and Sex Work

Research and literature overwhelmingly discuss the risk associated with misidentification of both

adult and minor sex trafficking victims as being involved in commercial sex voluntarily, frequently conflating all involvement in commercial sex with trafficking and exploitation. Sex trafficking differs from voluntary involvement in commercial sex work; however, sex work that is not induced by force, fraud, or coercion and involves consensual dynamics, frequently remains associated with sex trafficking and exploitation (Huisman & Kleemans, 2014). Countries globally have focused significantly on developing and implementing human trafficking legislation since the beginning of the twenty-first century, following the advancements of international human trafficking policy, law, and protocol. However, as the development of anti-trafficking legislation has progressed, a debate has unfolded between activists on both sides of the spectrum; namely, anti-prostitution or neo-abolitionists, viewing sex work as degrading or exploitative, and non-abolitionists, viewing sex work as a legitimate form of labour (Farvid & Glass, 2014; O'Brien, 2015).

Neo-abolitionists, opponents of the sex industry, presume that by legalising the sex industry, commercial sex will increase; therefore, sex trafficking rates will increase. Alternatively, non-abolitionists, or advocates for legalisation of the sex industry, claim that legalisation may improve the position of sex workers and of the sex industry, in ways outlined below, leading to decreases or eradication of sex trafficking (O'Brien, 2015; Huisman & Kleemans, 2014). Advocates of the abolitionist perspectives support the direct correlation between legalised and decriminalised sex work and sex trafficking, where the conditions for sex trafficking to occur are created, arguing that sex work is not a legitimate form of labour and is a form of men's oppression of women and patriarchal power relations (Farvid & Glass, 2014; O'Brien, 2015, Thorburn, 2018). Farley et al. (2017), support this narrative suggesting that "prostitution dehumanizes, commodifies and fetishizes women, in contrast with non-commercial casual sex where both people act on the basis of sexual desire" (p. 34). The perspective of Farley et al. (2017) suggests that sex workers are unrecognised victims of intimate partner violence, with the majority of sex work controlled by pimps, where the "systematic violence of pimps against prostituted women is aimed not only at control, but also emphasizes the victim's powerlessness, worthlessness and invisibility except in her role as a prostitute" (p. 36). Given the overrepresentation of women and girls as victim-survivors of human trafficking globally, and given the majority of those victims are trafficked in commercial sex, the assumption that sex trafficking is fueled by the commercial sex industry is significantly prevalent, furthered by the focus on labour trafficking in commercial sex as opposed to other industries and the conflation of sex trafficking with voluntary commercial sex (Cho et al., 2012; Chuang, 2010).

On the opposing side of the narrative, non-abolitionists argue that legalisation and decriminalisation

will improve working conditions and safety for sex workers, where businesses can recruit and hire those who have entered into commercial sex consensually and voluntarily, making exploitation in commercial sex less likely to occur (Cho et al., 2014). Supporters and advocates of the liberal perspective, including sex worker rights advocacy groups, view the decision to enter into the sex industry as motivated by legitimate business decisions, and believe that work in the sex industry is a form of legitimate labour and should be understood as “sex work” (O’Brien, 2015). The differentiation between sex trafficking and voluntary sex work, and movement from the “end demand” perspective held by neo-abolitionists, has been presented by several sex worker rights organisations and advocates, asserting that such abolitionist approaches to human trafficking legislation are harmful to women, oftentimes pushing sex workers into dangerous working conditions (Bergquist, 2015). Conflation of sex trafficking and voluntary commercial sex risks evoking inaccurate perceptions about what is involved in sex trafficking and who can be impacted, creating barriers to effective identification and response (Thorburn & Beddoe, 2021).

According to Farrell and Cronin (2015), the differentiation between sex trafficking and voluntary involvement in commercial sex is an important component of effective identification and response. While questions have been raised around the influence of legalisation and decriminalisation on rates of sex trafficking, countries and jurisdictions who have adopted varying frameworks of legalisation and decriminalisation have aimed to create increased levels of transparency in the sex industry (Huisman & Kleemans, 2014); however, under legalised and decriminalised frameworks, confusion around terminology and the differentiation of sex trafficking and voluntary sex work remains significantly prevalent, weakening intervention and response (Dandurand, 2017; Farrell & Cronin, 2015; Farrell & Pfeffer, 2014).

2.4.4. Feminist Perspectives

The majority of theoretical frameworks utilised in the violence against women discourse are derived from feminist theories, which strive to understand the roles, expectations, values, and experiences of individuals based on gender (Gerassi, 2015; Miriam, 2005). Feminist theories focus on societal structures that oppress people on the basis of gender, “highlighting the oppression of women by patriarchal systems of power, identify contributing factors and avenues for change, and situate present situations within a historical context of gendered oppression” (Thorburn, 2018, p. 35). In relation to sex trafficking, a crime that is characterised by the majority of victim-survivors being women and girls, the feminist frame questions whether involvement in commercial sex, or any exchange of money or goods for sex, can be voluntary (Gerassi, 2015). Human trafficking has primarily been perceived as an issue affecting women

and girls, with explanations of trafficking focused on gender-based forms of discrimination and the feminisation of sex trafficking, with often polarising debates over the status of “victim” or “agent” among those affected by trafficking (Kaye & Winterdyk, 2012). This leads back to the discussion presented in the previous section, where neo-abolitionists, including radical and Marxist feminists, suggest that sex work can never be consensual and that the sex industry perpetuates existing patriarchal structures, allowing for sexism and male privilege to continue to exist (Gerassi, 2015).

Alternatively, non-abolitionists, or sex-positivists, argue that a woman has a right to choose the sex industry as a legitimate form of employment (Gerassi, 2015). Many feminist scholars and activists propose a distinction between sex trafficking and voluntary involvement in the sex industry, advocating for a broader understanding of human trafficking that includes men, women, and children who are exploited in various industries, including forced involvement in commercial sex, forced marriage, and domestic servitude (Kaye & Winterdyk, 2012). The focus of many sex-positivists shifts from the neo-abolitionist approach that focuses on the individual as a victim, to supporting a person who works in the sex industry with the appropriate services (Gerassi, 2015).

These polarising perspectives further facilitate debate around prohibition, legalisation, and decriminalisation. Of those who support prohibition, some have argued that high rates of homelessness, mental health, trauma, and sexual and physical assault that studies have shown to be correlated with sex work indicates that the majority of those who are involved in the sex industry do not do so consensually, and this inclines them towards the assumption that legalisation and decriminalisation will not decrease the harm posed to women and girls (Gerassi, 2015). Whereas, advocates of legalisation and decriminalisation propose that these methods aim to reduce the stigma associated with the sex industry, legitimising the sex industry as a valid form of labour, further increasing access to service and supports for sex workers (Gerassi, 2015).

Feminist, neo-abolitionist perspectives seek to conflate the experiences of those who have entered into the sex industry consensually, with those who have been induced by force, fraud, or coercion. However, this narrative perpetuates the image of ideal victimhood as innocence, vulnerability, and lack of agency, oftentimes determining who is deserving of services and support (Farrell & Fahy, 2009; Rodríguez-López, 2018, Sikka, 2009). Deeply engrained feminist perspectives are influential in framing perspectives around what sex trafficking and voluntary sex work look like, and the conflated perceptions that assume that either all involvement in the sex industry is voluntary, potentially creating barriers to

identification of those who have been coerced into commercial sex, or that involvement in the sex industry is never consensual, framing all those involved in the sex industry as lacking control and agency.

2.5. Sex Trafficking in the New Zealand Context

Human trafficking, and more specifically sex trafficking, is frequently perceived as an issue that is not prevalent in the New Zealand context. According to Thorburn and Beddoe (2021), “the classification of experiences that constitute “trafficking” is obscured by a legislative and law enforcement context in which trafficking is rarely mentioned and where sex work has been decriminalised through the Prostitution Reform Act 2003” (p. 63). Human trafficking in New Zealand remains widely considered a transnational crime as opposed to a domestic concern. Prior to the year 2015, the ‘Trafficking in persons’ legislation of the *Crimes Act 1961* (Section 98D), required an element of movement across international borders to be considered human trafficking (New Zealand Legislation Parliamentary Counsel Office, 2015; Thorburn & Beddoe, 2021). Although amendments to the *Crimes Act 1961* were implemented in 2015, there currently has been no successful cases of trafficking in New Zealand, other than those including exploitation in labour industries outside of commercial sex; however, this does not imply that trafficking is not occurring within New Zealand but that trafficking is not being identified or prosecuted under trafficking legislation (Thorburn & Beddoe, 2021).

There are currently no statistics available regarding the prevalence of both adults and minors who are involved in commercial sex in New Zealand induced by force, fraud, or coercion, or through deceptive means (Thorburn, 2017). However, research undertaken by Thorburn (2018), including interviews conducted with 16 human trafficking survivors and six key informants, and surveys conducted with 70 medical professionals and 61 social service practitioners, illustrates the domestic nature of sex trafficking that is occurring within New Zealand’s borders. As reported by Thorburn (2018), young people who have been trafficked in commercial sex on the domestic level in New Zealand have had their entry into the sex industry facilitated by intermediaries such as a parent or caregiver, friend, an intimate partner or “boyfriend”, or gang member, where the intermediary facilitates the victim’s dependence on the trafficker and the subsequent entry and immersion into trafficking. According to Thorburn (2018), and consistent with international literature, entrapment by gang members or boyfriends often involves a grooming dynamic where the victim is “love-bombed” by the trafficker, where the trafficker gains the trust and love of the victim by illustrating love, affection, protection, and providing gifts, and other necessities. Whether the recruitment by the trafficker and subsequently the exploitative situation was organised or

opportunistic varied amongst research participants; however, the narratives of many of the participants highlighted the immediate need to obtain money as a significant facilitating factor (Thorburn, 2018).

2.5.1. Sex Trafficking in Intimate or Familial Relationships

According to Thorburn (2018), there exists significant diversity among the relationship characteristics the participants identified with their trafficker, including romantic or intimate partnerships, friendships, and evidential perpetrator-victim relationships; which was explained as shifting between these three identifiers for some of the participants. Young people who have been coerced or deceived into a trafficking situation are frequently tricked into believing that the person exploiting them is an intimate partner or “boyfriend” (Countryman-Roswurm & Bolin, 2014). Research conducted in Canada, and more specifically the Prairie provinces, found that someone seeking to traffic a young woman or girl will exploit their vulnerabilities, providing validation and acceptance. Older “boyfriends”, peers, family members, and gang members have all been identified as influencers and facilitators of young women and girls entering forced commercial sex (Sikka, 2009). The role of gangs in forced commercial sex will be discussed in the following section. Intrafamilial sex trafficking has been identified as frequently correlated with poverty and intergenerational trauma and abuse, where a younger family member may be offered for sex in exchange for benefits such as money, food, drugs, etc. (Sikka, 2009). In both Canada and the United States, sex trafficking has been shown to be facilitated through the victim’s relationship with the trafficker who then profits from the victim’s involvement in commercial sex, typically a “boyfriend” or family member (Thorburn & Beddoe, 2021).

2.5.2. Sex trafficking and Gang Involvement

The influence of gangs in sex trafficking or forced commercial sex has become increasingly evident (Sikka, 2009). However, similar to other types of sexual harm and violence occurring within gangs, this is frequently not reported due to fear of reprisals or close association of gang members with the victim’s friends, family, or community (Brookings, 2013). According to Thorburn’s (2018) research conducted on domestic sex trafficking in the New Zealand context, gangs, including Black Power, Mongrel Mob, Head Hunters, King Cobras, White Power, Killer Beez, and Mothers, have been identified in many participants’ stories, while less organised youth gangs also played a role in some participants’ experiences. According to Thorburn (2018), gang life was often seen as a “source of social satisfaction, pride, and personal identity” and “a source of protection for those working on the street, especially with the added vulnerability of being

underage” (p. 113). Furthermore, involvement in a gang and the sense of unity and family that is provided in a gang dynamic is seen as an influential factor in a person’s participation in activities that are considered by society as deviant or anti-social (Thorburn, 2018).

2.5.3. Sex Trafficking and Sex for Survival Among Young People

According to Thorburn and de Haan (2014), definitive statistics on the proportion of adults purchasing sexual services from children and young people are lacking in the New Zealand context. International research suggests that on average, girls begin using sex for survival between 12 and 15 years of age (Thorburn & de Haan, 2014). In New Zealand, purchasing sexual services from a person under 18 years of age is prohibited under the *PRA 2003*, which will be discussed in the following section; however, the available supports and services for young people involved in commercial sex for survival are lacking (Thorburn & de Haan, 2014). As stated by Thorburn and Beddoe (2021), the benefits and gains that may be offered by traffickers, such as access to safety/protection while working in the sex industry, alcohol, drugs, transportation, food, shelter, and love/affection, often facilitate continued involvement in an exploitative situation.

Previously, New Zealand-based literary works based on young females involved in commercial sex frame sex for survival as delinquent, and while there has been a progression towards conceptualising children and young people as not having the ability to consent to commercial sex socially, emotionally, developmentally, or legally, the perception of the underage delinquent frequently persists (Thorburn & de Haan, 2014). According to Thorburn & de Haan (2014), there exists four distinct pathways that facilitate entry into sex for survival; namely, coercion from gangs or individuals, historical child sexual abuse, runaways, throwaways, and marginalisation, and financial desperation, resulting in a range of adverse social, psychological, emotional, and physical outcomes for children and young people.

While research on the experiences of adults and sex for survival in New Zealand is lacking, as one international study suggests, among those who enter into commercial sex in adulthood, 35% enter as a means of survival and to obtain basic necessities such a shelter and food (Cobbina & Oselin, 2011). A further study conducted by Kennedy et al. (2007), illustrating the experiences of women 19-45 years of age, identified numerous routes into commercial sex, including coercive control and manipulation, sex for survival for basic needs, and exchanging sex for drugs (as cited in Duncan & DeHart, 2019).

2.5.4. Sex Trafficking, New Zealand Legislative and Policy Context, and Response

Consistent with conflicting feminist perspectives around the decriminalisation and legalisation of the sex industry, legislative reforms relating to commercial sex are contentious (Thorburn, 2018). The decriminalisation of the sex industry occurred in 2003 with the passing of the *PRA 2003*, in which women's groups and sex worker advocacy and activist groups had an influential role. Such groups including the New Zealand's Prostitutes' Collective were instrumental in gaining support on public and political platforms, advocating for legislative changes that were designed to support sex workers' rights and protections (Farvid & Glass, 2014; Thorburn, 2017). The passing of the *PRA 2003* made New Zealand the first country globally to fully decriminalise sex work, which at the time was the only country to do so (Schmidt, 2017).

The initial introduction of the *PRA 2003* was met with varying responses and polarising opinions, both supporting and opposing decriminalisation (Farvid & Glass, 2014). Decriminalisation and the *PRA 2003* garnered significant support from politicians, groups of sex workers, lawyers, academics, students, women's networks, and some progressive religious groups; while various parliamentary members, more radical, hardline feminists, some women's groups, conservative religious groups, ex-sex workers, and business owners voiced oppositional perspectives (Farvid & Glass, 2014). According to Showden (2017), polarising dialogue further focused on the implications of decriminalisation on the prevalence of sex trafficking, with some opponents prompting adoption of the Swedish model, which sees decriminalisation of sex workers and criminalisation of the buyers. However, in contrast, supporters of decriminalisation emphasised New Zealand's history on human rights and individual privacy, facilitating discussion by supporters illustrating that sex trafficking was already criminalised and alluding to the fact that sex trafficking and voluntary sex work are separate phenomena (Showden, 2017).

At the induction of the *PRA 2003*, there were simultaneous amendments and repeals of sections of the *Crimes Act 1961* pertaining to sex work; namely, Section 147 relating to brothel-keeping, Section 148 relating to living off the earnings from sex work, and Section 149 relating to management of others' sex work (New Zealand Parliament, 2012; Thorburn, 2017). While commercial sex has been decriminalised as a result of the *PRA 2003*, sections 20, 21, and 22 prohibit the use of children and young people under 18 years of age for sexual purposes, generating a profit for themselves or others (New Zealand Legislation Parliamentary Counsel Office, 2018; New Zealand Parliament, 2012; Thorburn, 2018). Additionally, purchasing sexual services from a person under 18 years of age is punishable under Section 149A of the *Crimes Act 1961* (New Zealand Legislation Parliamentary Counsel Office, 2020; Thorburn, 2018).

Crimes Act 1961. As discussed in the previous chapter, in November 2015, the *Crimes Amendment Act 2015* was passed, incorporating numerous changes to New Zealand's 'Trafficking in persons' legislation Section 98D, aiming to align the legislation more closely with international standards as defined by the United Nations (Thorburn, 2018). More specifically, the amendment removed the required transnational component, now stating that trafficking in persons involves,

“entry of a person into, or the exit of a person out of, New Zealand or any other State, for the purpose of exploiting or facilitating exploitation, or knowing that entry or exit involves one or more acts of coercion or deception of the person, or both”, and the “reception, recruitment, transport, transfer, concealment, or harbouring of a person in New Zealand or any other State, for the purpose of exploiting or facilitating exploitation, or knowing that entry or exit involves one or more act of coercion or deception of the person, or both”, where exploitation refers to an "act of deception or coercion involved in prostitution and other sexual services, slavery, practices similar to slavery, servitude, forced labour, or other forced services, or the removal of organs” (New Zealand Legislation Parliamentary Counsel Office, 2020)

Unlike various international-based legislative definitions of trafficking in persons, including the United States *VTVPA 2000*, Section 98D does not include a section explicitly covering trafficking of a person under 18 years of age, or the indication that the elements of force, fraud, or coercion need not be evident in cases involving a minor. Alternatively, Section 98AA of the *Crimes Act 1961*, which states 'Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour,' is the legislative framework proposed for sexual exploitation of a person under 18 years of age (New Zealand Legislation Parliamentary Counsel Office, 2020). However, this statute is not explicitly correlated with situations of sex trafficking in practice.

New Zealand and International Protocol. New Zealand is a signatory to various international human rights instruments focusing on human rights, social justice, and equity, and the eradication of all forms of violence and exploitation, including human trafficking (Thorburn, 2018). As mentioned in the previous chapter, New Zealand ratified the United Nations Convention against Transnational Organized Crime in 2003, and subsequently the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Thorburn, 2018), which outlines its intention to prevent and combat trafficking in persons, especially women and children; to provide victims of trafficking with protection and to assist victims of trafficking, emphasising their human rights; and to promote collaboration among State Parties to meet those objectives (Thorburn, 2018; United Nations Human Rights

Office of the High Commissioner, 2000). New Zealand has further signed and ratified Convention 182 of the ILO, concerning the worst forms of child labour, including the involvement of children in commercial sex, requiring member State Parties to protect children from all types of sexual exploitation, with specific mention of sexual exploitation in the sex industry (International Labour Organization, 1999; Thorburn, 2018). Finally, New Zealand signed and adopted the United Nations Convention on the Rights of the Child (UNCROC), and subsequently the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, requiring State Parties to prevent trafficking of children across international borders and to ensure the protection of children from all forms of abuse, violence, and maltreatment (Thorburn, 2018, United Nations Human Rights Office of the High Commissioner, 1990; United Nations Human Rights Office of the High Commissioner, 2002). Relevant articles; however, fail to mention trafficking of children within national borders, but as Thorburn (2018) states, the Convention does “indicate the unacceptability of state inaction” (p. 5).

New Zealand Response to Human Trafficking. While commitment with international protocol is evident, identification and response to human trafficking in New Zealand remains contentious, and has not specifically been a focus of either governmental or academic research (Thorburn, 2018). Currently, the TIP Report, conducted yearly by the United States Department of State highlighting the elements of prosecution, protection, and prevention, is the sole publication that reports on the prevalence and response to human trafficking in New Zealand (Thorburn, 2018).

Rated on a four-tier system, the report rates the responses of governments and countries internationally. Prior to the 2021 report, New Zealand consistently rated Tier 1; stating the Government of New Zealand fully meets the minimum standards for the elimination of trafficking (United States Department of State, 2020). As of the 2021 publication, New Zealand has been downgraded to Tier 2; stating the Government of New Zealand does not fully meet the minimum standards for the elimination of trafficking but is making significant effort to do so (United States Department of State, 2021). However, the report states that the efforts made were not “serious and sustained compared to efforts in the previous period” (United States Department of State, 2021).

There exists; however, conflicting dialogue and opinion as to whether the TIP Report provides a valid representation of human trafficking within New Zealand, given legislative differences pertaining to the sex industry and decriminalisation in New Zealand as opposed to criminalisation of the sex industry in all but one state in the United States, concerns around the assumed conflation of sex trafficking and voluntary sex work in United States legislation or the failure to differentiate between the two in the TIP

Report, and lack of cited sources for the data collected (Thorburn, 2018). It has further been suggested that lack of robust research conducted in New Zealand on the issues pertaining to human trafficking, coupled with the influx of sensationalised media images of human trafficking, are influential in the conclusions made in the TIP reports, and that these conclusions are as likely to be informed by anecdotal reports as opposed to statistical data or findings (Thorburn, 2018).

2.6. Sex Trafficking and Law Enforcement

2.6.1. Barriers to Identification and Response

While robust legislative frameworks exist on both the international and domestic levels, a significant area for concern has been inconsistent enforcement where, according to the United Nations Office on Drugs and Crime (UNODC), few traffickers are identified and convicted in human trafficking related cases (Amahazion, 2015). As a result of the development of human trafficking legislation, countries globally have also seen the development of government level anti-trafficking task forces to assist law enforcement with identification and response; however, despite the movement towards increasing anti-trafficking efforts, identification of victim-survivors of human trafficking has remained low (Farrell et al., 2015). Over the past decade, the UNODC has reported on the weak response and criminal justice action taken by national authorities, reflected by the low numbers of convictions reported by countries (United Nations on Drugs and Crimes, 2020). While the rate of global conviction has begun to rise slightly, consistent with increased adoption of trafficking in persons legislation making human trafficking a criminal offence, this increase in global conviction has been attributed to the rise in convictions recorded in East Asia, the Middle East, and the Americas (United Nations Office on Drugs and Crimes, 2020). However, the response to anti-trafficking legislation and protocol has been slow internationally (Farrell, 2012), with the implementation of human trafficking legislation alone insufficient in increasing identification, prosecutions, and convictions of human trafficking cases (Farrell, 2014, Farrell et al, 2014). According to Mapp et al. (2016), law enforcement must be able to effectively utilise and implement human trafficking legislation to identify and respond to cases of trafficking.

Illustrated by Farrell et al. (2015), and based on research conducted on United States-based law enforcement, little is known about how police view human trafficking issues within local communities and how perceptions and assumptions about what constitutes human trafficking influence investigative practices, including the identification of human trafficking victim-survivors. It has been suggested in

international-based research that law enforcement response to human trafficking is influenced by a multitude of factors, including difficulties police face prioritising and identifying cases of human trafficking (Farrell et al., 2010; Farrell et al., 2012; Mapp et al., 2016). According to Farrell et al. (2012), challenges originate from low prioritisation of human trafficking within communities and law enforcement agencies, limited resources to allocate to training, staffing, and investigative processes, lack of training for law enforcement, including frontline patrol officers and first responders, and the clandestine nature of human trafficking (Abdelhadi, 2017; Nichols & Heil, 2015), including low levels of victim-survivor self-disclosure. Farrell (2012) further emphasises the difficulties in identifying cases of human trafficking; victim-survivor fear of law enforcement and reluctance to participate in criminal justice investigations, strained relationships between law enforcement and victim-survivors, and challenges securing arrests and succeeding in moving forward to prosecution, as influential factors in the limited number of identified human trafficking victim-survivors.

According to Dandurand (2017), victim-survivor cooperation is essential to the detection and prosecution of human trafficking cases, where trafficking victim-survivors are frequently the primary witness in the case. However, levels of self-disclosure and cooperation among trafficking victim-survivors remains low resulting from fear, manipulation, and coercion by the trafficker, victimisation and trauma, fear of law enforcement (Clawson et al., 2006; Countryman-Roswurm & Bolin, 2014; Farrell, 2009; Farrell, 2010; Farrell, 2013; Farrell, 2014; Farrell & Fahy, 2009; Farrell & McDevitt, 2014; Farrell et al., 2012; Farrell & Pheffer, 2014; Farrell et al., 2014; Gallagher & Holmes, 2008; Jurek & King, 2020; Mapp et al., 2016; Nichols & Heil, 2015; Renzetti et al., 2015; Wagner, 2012), and embarrassment (Farrell & Pheffer, 2014). Victim-survivors further illustrate lack of trust in support systems, including social work and the social services, healthcare, mental healthcare, and additional community supports and services (Clawson et al., 2006, Countryman-Roswurm & Bolin, 2014; Heil & Nichols, 2014; Farrell, 2014; Farrell et al., 2012; Gallagher & Holmes, 2008), frequently stemming from previous negative interactions with frontline professional support, stigma, and negative perceptions (Bejinariu et al, 2021; Farrell et al., 2013).

As is illustrated by Countryman-Roswurm and Bolin (2014), the trauma bonding in which traffickers undertake throughout the grooming process, as previously discussed in section 2.3.3, ensures victim compliance and protects the trafficker from victim-survivor self-disclosure and subsequent cooperation with law enforcement and the criminal justice system. The techniques employed by a trafficker oftentimes deceive a victim into perceiving a trafficking relationship is a mutually beneficial dynamic, where a trafficker illustrates love, affection, protection, and provides survival needs such as shelter, clothing, and

food, facilitating dependence on the trafficker (Nichols & Heil, 2015, O'Brien, 2019). The trafficker frequently exploits the victim's existing vulnerabilities, including such things as poverty, homelessness, mental health, substance use, and disconnection from family and friend support networks (Farrell, 2012; Farrell, 2013; Farrell & Pfeffer, 2014). The affection and loyalty that develops as a result of the grooming process, subsequent trauma bonding, and the need for survival, create significant barriers to victim-survivor self-disclosure, factors which are compounded in situations where the trafficking includes intrafamilial dynamics, frequently preventing recognition of the exploitative nature of the relationship (Nichols & Heil, 2015; Thorburn, 2018).

2.6.2. Perceptions, Assumptions, and Misconceptions of Sex Trafficking

Research conducted in the United States incorporating sample data from municipal and county police departments with a population of 150,000 or more concluded that the perceptions held overwhelmingly by law enforcement was that, while human trafficking may be an issue for 'other' law enforcement agencies, it was not an issue for the reporting agency, strengthening the perception that human trafficking is not a local problem and is addressed most effectively by federal law enforcement (Wilson et al., 2006). Additional survey data derived from the same research suggests that law enforcement further hold perceptions as to what types of traffickers exist and are most prevalent, with 75% of respondents agreeing that human trafficking is perpetrated by transnational organised criminal networks, 64% agree that human trafficking involves large national organised criminal networks, where only 41% believe that local organised crime networks are involved in human trafficking dynamics, and 39% reporting an assumption that human trafficking involves individuals without connections to organised crime (Wilson et al., 2006). According to Wilson et al. (2006), this data suggests that law enforcement have limited scope of knowledge around what human trafficking dynamics look like, which may be more reflective of sensationalised media images than reality, creating the perception that trafficking is a transnational crime, including cross-border dynamics, violence, and as linked to migration and immigration status of victim-survivors (Dandurand, 2017; Mapp et al., 2016; Nichols & Heil, 2015).

According to O'Brien (2019), human trafficking cases on the domestic level are frequently misidentified, suggesting uncertainty relating to the role of force, fraud, and coercion in determining whether a case is domestic sex trafficking, specifically in cases involving minors and determining where situations of domestic minor sex trafficking may differ from other forms of child abuse and exploitation. It has been further suggested that, based on United States-based research, federal and state policies further

fail to effectively align with human trafficking victim-survivor and service provider understanding of the commercial element associated with sex trafficking cases (O'Brien, 2019). Unfamiliarity with legal definitions of human trafficking, including the elements required to identify a situation of trafficking and the exclusion of various elements in cases involving minors, have further been discussed as creating uncertainty among law enforcement around what constitutes human trafficking, where legal definitions may conflict with the definitions utilised by organisations in practice (Farrell, 2014; Farrell et al., 2010; Nichols & Heil, 2015; Wagner, 2012). Uncertainty relating to legal and working definitions of human trafficking has further been linked to the overarching assumption that human trafficking is an issue that is occurring in other jurisdictions, states/provinces, or countries, impacting law enforcement understanding of the scope of human trafficking in their specific community (Farrell, 2009; Nichols & Heil, 2015; Jurek & King, 2020; Wagner, 2012).

2.6.3. Sex Trafficking and Victim-Survivor Criminalisation

Frequently held assumptions around what is considered deviant, anti-social, or outside of social norms, are influential in framing victimisation and criminalisation (Bejinariu et al., 2021; Duncan & DeHart, 2019; Sikka, 2009), where victim-survivors can be tagged as criminal if they deviate from the rhetoric of what is perceived as socially acceptable (Duncan & DeHart, 2019). According to Bernburg (2009), “social labels constitute a part of the cultural framework that people use to define and categorize the social world, deviant labels are special in that they are stigmatizing labels or markers” (p. 2). Criminal labels in particular are associated with stigma, where mainstream society has attributed specific negative images, stereotypes, or perceptions to deviant labels, where law enforcement and the criminal justice system are regarded by labeling theorists as a pertinent source of labeling (Bernburg, 2009).

The sex industry and commercial sex are frequently stigmatised and criminalised in mainstream society, which has potential impacts on the ability of law enforcement to identify victim-survivors of trafficking (Bejinariu et al., 2021, Dodsworth, 2012; Farrell et al., 2013). As is illustrated in section 2.4.3., the criminalisation of the sex industry is influential in the experiences of sex workers who are involved in voluntary commercial sex; however, for the purpose of the discussion here, the focus will be the impacts of criminalisation on victim-survivors of sex trafficking. Given the stigmatisation and criminalisation of the sex industry, and the conflation of sex trafficking with voluntary sex work, victim-survivors are oftentimes deemed risky or criminal, perceptions that are further facilitated by the factors that increase vulnerability to exploitation, including substance use (Farrell et al., 2013), the assumption that all commercial sex is

consensual and victimless (Clawson et al., 2006; Countryman-Roswurm & Bolin, 2014; Nichols & Heil, 2015; Wagner, 2012), and potential involvement in additional criminal activity, frequently facilitated by the trafficker (Farrell et al., 2013; Countryman-Roswurm & Bolin, 2014, Wagner, 2012), potentially mislabeling victim-survivors as perpetrators, undermining the exploitative nature of their situation (Breuil et al., 2011; Farrell et al., 2015; Mapp et al., 2016; Renzetti et al., 2015). The criminalisation of both the sex industry and victim-survivors of sex trafficking oftentimes promotes victim-blaming and judgemental attitudes, influencing the reluctance of victim-survivors to self-disclose and cooperate with law enforcement and community services (Ayre & Barrett, 2000, Barnett et al., 2016; Bejinariu et al., 2021; Farrell et al., 2012), further blurring boundaries between victimisation and offending (Cobbina & Oselin, 2011).

2.6.4. Sex Trafficking, Law Enforcement, and Training

Consistent throughout the literature is the emphasis on the influence of law enforcement training in the identification and response to human trafficking, where the need for further training on human trafficking for law enforcement is frequently identified (Dandurand, 2017; Farrell & McDevitt, 2014; Jurek & King, 2020; Mapp et al, 2016; Renzetti et al, 2015). According to Mapp et al. (2016), training of law enforcement has been correlated with increased understanding of legal definitions of human trafficking; whereas, lack of targeted, specialised, and efficient training has frequently meant that law enforcement may lack the required skills to identify, investigate, and respond to cases of human trafficking (Farrell et al., 2015), lack the skills necessary to conduct effective, victim-centred, trauma-informed interviews (Farrell & Pfeffer, 2014, Jacobi, 2018), and further impacts ability to identify trafficking that may co-occur within the dynamics of domestic violence, intimate partner violence, sexual violence, sex work, and illegal immigration (Nichols & Heils, 2015).

Law enforcement training on human trafficking has been identified as the first step to improve identification and response (Farrell et al., 2010); however, as reported by Bejinariu et al. (2021), few organisations have specialised human trafficking training and resources. As previously discussed, research suggests that law enforcement and the criminal justice system, including police, prosecutors, judges, and juries, are often unaware of the scope or extent of human trafficking (Farrell et al., 2013; Dandurand, 2017), and are unprepared to respond to cases of human trafficking (Dandurand, 2017). It has further been suggested, that while human trafficking training may be provided for detectives, more specifically on detective training courses, frontline patrol officers may not receive training on how to identify and respond

to cases of human trafficking, which is crucial given first-responders are frequently the first to come in contact with victim-survivors of human trafficking (Farrell et al., 2012; Farrell and Pheffer, 2014).

The impact of law enforcement human trafficking training has been evidenced as improving police response to sensitive crimes (Farrell et al., 2013; David, 2010; Gallagher & Holmes, 2008; Nichols & Heil, 2015), where according to Bejinariu et al. (2021), victim-blaming, stigmatisation, and stereotypical perceptions, frequently framed by media platforms (Mapp et al., 2016), stems from lack of law enforcement training on human trafficking issues. Furthermore, according to Stolz (2010), increased agency-leader perception of the issue of human trafficking frequently dictates whether an organisation will implement human trafficking training and/or protocols, with organisations identifying human trafficking more likely to implement training (Farrell, 2009; Stolz, 2010). According to Stolz (2010), increased outreach and training to law enforcement agencies of all sizes, the availability of this training at all levels of law enforcement, and advancing specialised training, enhances the ability to identify and investigate human trafficking cases effectively (Stolz, 2010).

2.6.5. Legislative and Legal Consequences

Uncertainty pertaining to the legal environment in relation to human trafficking has been found to impede successful law enforcement and criminal justice system response to human trafficking, where research based in the United States found that law enforcement and prosecutors have cited several challenges in the interpretation of human trafficking law, including uncertainty pertaining to the element of coercion, and the elements necessary to prove force, fraud, and coercion in human trafficking cases (Farrell et al., 2013; Jurek & King, 2020; Nichols & Heil, 2015). Amongst these uncertainties, law enforcement and prosecutors are less likely to utilise human trafficking statutes and will charge an offender under varying crime types and long-standing legislation with evidence of successful implementation in court proceedings (Breuil et al., 2011; Farrell et al., 2013). However, according to Gallagher & Holmes (2008), penalties and sanctions must be proportionate to the offence as per international law, and comprehensive legal frameworks must ensure immediate protection, safety, and support for victim-survivors.

2.6.6. Service Provision and Collaboration

Scholars and researchers focusing on the responses of law enforcement to human trafficking have emphasised the need for considerable collaboration between all levels of law enforcement, governmental

agencies, and community services and partners (Asian Pacific Institute on Gender-Based Violence, 2016; David, 2010; Wilson & Dalton, 2008, Wilson et al., 2006), and the implementation of cross-service protocols among government agencies and service providers (Stolz, 2010). The underlying intention is that the development of protocols, policies, and specialised personnel will progress the ability to respond and will increase capacity (Farrell et al., 2014; Gallagher & Holmes, 2008; Grubb & Bennett, 2012; Stolz, 2010; Wilson & Dalton, 2008). According to Wilson and Dalton (2008), collaborative efforts need improvement within and across organisations and agencies, with increased coordination and connection increasing cooperation. Additionally, the improvement of communication pathways (Grubb & Bennett, 2012), cross training for law enforcement, governmental agencies, and community services and partners (Nichols & Heil, 2015), outreach and education to facilitate increased cooperative and collaborative protocol and response (Wilson & Dalton, 2008), and pathways for collaborative referrals (Stolz, 2010), have been identified as influential in the ability to increase service provision and response to trafficking victim-survivors and cases of human trafficking.

2.7. Conclusion

The aim of this chapter was to provide a comprehensive overview of the existing literature focusing on human trafficking, and more specifically sex trafficking, perceptions, assumptions, and misconceptions that influence identification and response to human trafficking, what this looks like in the New Zealand context, and the experiences of law enforcement in the identification and investigative processes utilised in cases of human trafficking. Research and literature on domestic sex trafficking in the New Zealand context is limited, and currently there has been no research conducted with New Zealand Police on the experiences of human trafficking on both the international and domestic levels; therefore, literature based on the United States, Canada, and Britain was sourced and utilised for the purpose of this literary review. Analysis of this literature emphasised that while international policy, law, and protocol has been widely adopted globally, there exists significant gaps in enforcement and identification, with underlying perceptions, assumptions, and polarising views around what constitutes human trafficking creating barriers to effective interventions and response. In the following chapter, the methodological process that informed this research will be outlined, including the rationale for the research project, the design of the research project, recruitment of participants, data collection and analysis, and ethical considerations.

CHAPTER THREE: METHODOLOGY

3.1. Introduction

Chapter one provided an overview and introduction to the research topic and aims. It discussed New Zealand legislative and policy context pertaining to domestic sex trafficking, existing research gaps around New Zealand law enforcement experience with domestic sex trafficking, and how the researcher's interest facilitated the development of this project. Chapter two followed with a discussion of the existing literature, focusing on identifying the dynamics of domestic sex trafficking, perceptions, assumptions, and misconceptions that frequently affect the understanding, identification, and response to domestic sex trafficking and what this looks like in the New Zealand context, the international policy context, and international experiences and responses of law enforcement on the domestic level.

Chapter three will focus on the research process, including the design of the research project, recruitment of participants, data collection and analysis, and ethical considerations. The goal of this research was to explore the experiences of New Zealand Police with domestic sex trafficking that is occurring within New Zealand's borders. The initial research design aimed to include approximately ten participants who are current New Zealand Police personnel with at least one-year experience providing frontline intervention in the areas of child abuse, family violence, intimate partner violence, and/or commercial sex. Due to the narrow focus of the research topic and limited discussion pertaining to domestic sex trafficking in New Zealand, participant recruitment yielded seven New Zealand Police participants. Data was collected utilising single, semi-structured participant interviews, and was analysed using a qualitative design and a thematic analysis framework. The chapter will conclude with a discussion of the challenges that were encountered throughout the research process.

3.2. Research Approach

Qualitative research methods are frequently used to produce rich and comprehensive data, focusing more on the ability to elicit in-depth dialogue, observation, and content analysis as opposed to data that is statistical and generalisable to the population being studied as a whole. As Malterud (2001) explains, this involves "the systematic collection, organisation, and interpretation of textual material derived from talk or observation" (p. 483). The purpose of qualitative social work research is "to produce descriptive data in an individual's written or spoken words and /or observable behavior" (Holosko, 2011, p. 4). While quantitative research is also utilised to produce descriptive data, this is usually in quantitative-descriptive, or numerical/statistical form (Holosko, 2011). In comparison, qualitative research and analysis includes

non-quantitative, inductive, in-depth studies including individuals, groups, organisations, and communities (Barker, 1999). Utilising an inductive process where themes are identified through data collection processes including interviews, focus groups, observation, case studies, and content analysis (Carnap, et al., 2011), qualitative analysis focuses on exploring human experience and perception from an individual point of view (Holosko, 2011). This aspect of qualitative research is especially pertinent here, in that understanding the experiences of New Zealand Police in relation to domestic sex trafficking, and perceptions of those experiences, is the overarching focus of this research.

Understanding the social world and the dynamics that influence human ideas, thoughts, perceptions, and behaviour can be a complex and nuanced process. Social science research strives to facilitate that understanding through careful data collection and analysis. Constructionist theories within qualitative research enhance understanding of the nature of the assumptions that are held in relation to what is real, and what processes should be undertaken to study these realities (Marvasti, 2011). Constructionists are focused on the importance of understanding human interaction and how this relates to the creation of social reality (Marvasti, 2011). It is also important to note that the concept of constructionism encompasses a vast range of approaches, and terms such as ‘symbolic interactionism’, ‘interpretivism’, and ‘postmodernism’ may also be used to refer to the basic constructs of constructivism (Marvasti, 2011). Illustrated by Burr (1995), from a constructionist perspective, “meaning and experience are socially produced and reproduced, rather than inherent in the individual” (Clarke & Braun, 2006, p. 85). As will be discussed later in this chapter, the aim of this research was to acquire rich and in-depth data that reflect the experiences of New Zealand Police with domestic sex trafficking, utilising thematic analysis techniques through an inductive process to derive information and meaning from the information provided by the participants. Thematic analysis conducted within a constructionist framework does not aim to focus on individual psychologies, theoretical perspectives, or motivations, but strives to understand and theorise the sociocultural contexts that facilitate the experiences of the individuals, groups, or communities that are being studied (Clarke & Braun, 2006).

The themes and patterns derived through thematic analysis of data can be identified through either inductive or ‘bottom-up’ processes or through deductive, theoretical or ‘top down’ processes (Clarke & Braun, 2006). Given the exploratory nature of this research and the limited knowledge surrounding the experiences of New Zealand Police with domestic sex trafficking, an inductive approach was the ideal method to employ throughout the analytical process. Inductive analysis allows for the coding of data without attempting to structure the information provided into pre-existing coding frames or existing

preconceptions held by the researcher (Clarke & Braun, 2006). This will be covered in more detail further in the chapter when the data analysis process is discussed.

3.3. Participants, Population, and Sample

Given that the aim of qualitative research is to analyse a rich data set examining complex issues relating to human behaviour, a method that produces a sample tailored to the research topic is ideal (Marshall, 1996). Researchers utilising qualitative methods recognise that there are informants that will have the ability to provide increased richness in data and are more apt to provide an enhanced level of insight and understanding for the researcher (Marshall, 1996).

Given the narrow focus of the research and the resource limitations, such as time constraints of the participant group, convenience sampling was used to recruit participants. Convenience sampling employs a process where the selection of participants is based on accessibility and the appropriateness of the participants for the specific research topic, locating participants who meet the criteria, and selecting those who respond on a first-come-first-serve basis until the desired sample size is acquired (Marshall, 1996; Robinson, 2014). As discussed by Patton (1990), convenience sampling is encompassed under the broad term of ‘purposeful sampling’, which is defined as being incorporated in all sampling involved in qualitative research. Morse (1991), describes purposeful sampling as a method where the researcher chooses to “interview informants with a broad general knowledge of the topic or those who have undergone the experience and whose experience is considered typical” (as cited in Coyne, 1997). However, the risk in utilising convenience sampling in qualitative research is that if the sample is broad, “unwarranted generalisations may be attempted” (Robinson, 2014, p. 32). Robinson (2014), suggests the best way of utilising convenience sampling in qualitative research is to define the samples as demographically and geographically local; therefore, restricting generalisation to that local level. Given the restrictive focus of this research topic and the aim to understand the experiences of local New Zealand law enforcement, convenience sampling was effective in recruiting an effective participant sample, utilising the skills and knowledge of New Zealand police personnel with the greatest likelihood of having the ability to contribute content rich and accurate data.

The initial proposed recruitment method included consultation with the researcher’s professional contacts (Child ALERT (ECPAT NZ)). It was proposed that consultation would begin with both Child ALERT (ECPAT NZ) Board members and additional professional contacts (who would be provided with the recruitment email) who have further networks incorporating New Zealand Police and who could

support in the recruitment process, utilising snowball sampling to enhance the recruit process. However, following discussion with the New Zealand Police Research Evaluation and Steering Committee, recruitment proceeded through the support of a research sponsor within the New Zealand Police organisation. The New Zealand Police Research and Evaluation Steering Committee and the research sponsor were provided with the recruitment email (Appendix A & B), the participant information sheet (Appendix C & D), and consent form (Appendix F & G) required for both the organisation and participant group. Recruitment emails were sent by the New Zealand Police Research Evaluation and Steering Committee, including the participant information sheet and consent form; however, there was no response from potential participants. Following further communication between the researcher and the New Zealand Police Research Evaluation and Steering Committee, the potential participant group was expanded to include former New Zealand Police with experience providing frontline intervention in the areas of child abuse, family violence, intimate partner violence and/or commercial sex, within five years of leaving New Zealand Police. While the potential participant group had been expanded, New Zealand Police were unable to support recruitment of former police personnel; therefore, this first recruitment process was unsuccessful.

However, in response to a follow-up email to the initial recruitment email disseminated by the New Zealand Police Research and Evaluation Steering Committee, a final participant group of seven current New Zealand Police personnel were identified (refer to Table 1). The research was further expanded to include key informants, to assist in providing information pertaining to the successful implementation of human trafficking units within law enforcement and the criminal justice system. While the initial goal was to include data from ten current New Zealand police personnel, the participant group was deemed sufficient to produce a comprehensive overview of the experiences of New Zealand police with domestic sex trafficking, as saturation of the target group was reached. The final participant group included New Zealand personnel located in various regions nationally, with extensive experience in sexual exploitation, child and adult sexual abuse, child protection, family violence, organised crime, and additional high-profile crime management. This participant group was well-positioned to provide the rich data required to facilitate a greater understanding around the dynamics of domestic sex trafficking in New Zealand, as experienced by New Zealand Police.

Table 1:*Participant Summaries*

Participant #	Summary
1	Experience in child exploitation and domestic situations, and criminal investigations.
2	Experience in child and sexual assault and organised crime; reviewing and directing investigations.
3	Experience child protection and adult sexual assault, oversight of high-profile crimes, policy, procedure, and training.
4	Experience in family violence/family harm and multi-agency support.
5	Experience in coordination of child protection and adult sexual assault teams.
6	Experience in child protection, adult sexual assault, organised crime, homicide, burglaries, and additional metro crimes; specialist interviewing and investigating.
7	Experience in child protection, adult sexual assault, family violence/family harm; harm reduction, community partnership and prevention.

All research participants were identified as having 15 or more years' experience within New Zealand Police, with the exception of one participant who reported having been involved with New Zealand Police for approximately five years.

3.4. Key Informants

The recruitment of key informants began with consultation with my professional community network, yielding two representative key informants. Both key informants were included from a current human trafficking unit, active for approximately three years, within a municipal United States District Attorney's Office. Currently, there are no human trafficking units within New Zealand-based law enforcement or criminal justice agencies or organisations; therefore, the inclusion of international-based key informants was required to support the research. The key informants were provided with the key informant participant information sheet (Appendix E) and consent form (Appendix H), and were asked to return and confirm consent via email.

3.5. Data Collection

In qualitative research, the aim of acquiring rich data is frequently achieved through methods that include content analysis, in-depth observation, dialogue, and communication between the researcher and participant. (Gill, et al., 2008; Goodman, 2011). Of the methods frequently employed, one of the most

common methods utilised are in-depth interviews, which has been deemed one of the most effective and powerful tools in qualitative research (McCracken, 1988; Gill, et al., 2008; Goodman, 2011). Qualitative research interviews are believed to provide a deeper understanding of social phenomena and human and social dynamics than what would be achieved by quantitative methods such as questionnaires (Gill, et al., 2008). Gill, Stewart, Treasure, and Chadwick (2008) discuss three fundamental types of research interviews, including structured, semi-structured, and unstructured. Semi-structured interviewing was included to provide participants with a level of guidance around the focus of the study and also to provide the participants with flexibility to elaborate on the various topics and, given their professional expertise, to include additional information and data the participants may consider to be useful or pertinent to the research topic (Gill, et al., 2008). Given the goal of facilitating participant conversation that would provide a rich data set and the ethical considerations around confidentiality and privacy of the participants, single, semi-structured interviews were employed throughout the data collection process. Furthermore, little is known about the experiences of New Zealand Police with domestic sex trafficking within New Zealand borders; therefore, the goal of this research was to gain insight into what these experiences look like, requiring in-depth dialogue with the participants, supporting the decision to utilise qualitative interviewing throughout the data collection process (Gill, et al., 2008). The semi-structured nature of the interviews facilitated open dialogue, providing the opportunity to expand the research questions to produce a comprehensive overview of the participants' experiences with domestic sex trafficking in New Zealand.

The interview schedule was provided to the New Zealand Police Research Evaluation and Steering Committee and was approved during the research evaluation process. Interviews were conducted via online video platforms, and ranged in time between 45 and 75 minutes. Two options for interviewing locations were initially proposed, online and in-person. An online option was proposed in response to the COVID-19 pandemic, taking into consideration the potential for lockdown restrictions to be implemented. Although New Zealand was not under lockdown restrictions at the time the data collection and interviewing process began, all of the participants chose to participate via various online video platforms; including Zoom and FaceTime. Conducting the interviews via online video platforms allowed for the expansion of the participant group to include New Zealand Police personnel in various regions nationally; therefore, facilitating a more robust and comprehensive data set. Each interview was recorded with both video and audio; however, only audio recordings were downloaded and stored on the secure University of Auckland server. Consent to record the interviews and information regarding data storage were given in written format via the consent form, and was also given verbally prior to the commencement of the

interviews.

The interview consisted of three parts; 1) General questions relating to definitions and perceptions of human and sex trafficking (international and domestic) and what this looks like in the New Zealand context, including the experiences of the participants; 2) Four scenarios illustrating domestic sex trafficking situations; and 3) Discussion around training that New Zealand police receive relating to human and sex trafficking, dialogue within New Zealand Police around human trafficking and sex trafficking, and legislative components. The scenarios were approached in two ways, if the participant had experience with a similar case, they were asked to discuss the experience and the response; if the participant did not have experience with a similar case, they were asked to discuss what the standard protocol would be in responding to a case including the dynamics presented. The interview schedule was approved by the University of Auckland Human Participants Ethics Committee prior to interviewing. Participants were provided with the opportunity to add any additional information prior to concluding the interview and were given the opportunity to ask any questions that had arisen during the interview. The interviews were transcribed following the interview, and it was not deemed necessary to contact the participants following transcription to corroborate or clarify the data and information provided due to the clarity of the participant responses and quality of the recording.

3.6. Data Analysis

In qualitative research, the approaches utilised are diverse, complex, and distinct (Holloway & Todres, 2003), and as discussed by Clarke and Braun (2006), thematic analysis should be a foundational method in the qualitative research process. Thematic analysis is a method used to identify and analyse themes or patterns within a data set (Clarke & Braun, 2006; Clarke & Braun, 2017). Thematic analysis provides a framework where codes and themes are generated from a qualitative data set to extract patterns that can be evidenced across the data and information provided through the data collection process (Clarke & Braun, 2017). Once themes have been identified, the data can be organised and the analytical observations can be reported (Clarke & Braun, 2017). It is a crucial part of the research design to determine the level of analysis that will be most effective in providing the information relevant and desired for a specific research project. Thematic analysis can be utilised to analyse patterns that are identified across the participant sample as a whole, where the analysis will capture the important and predominant themes of the whole group, requiring the development of appropriate themes that will effectively represent the overall data (Clarke & Braun, 2006).

In comparison, thematic analysis can also be utilised to provide a more detailed overview of one theme, or a group of themes (Clarke & Braun, 2006). As was mentioned previously in this chapter, thematic analysis and the identification of themes or patterns in the data can either employ an inductive or ‘bottom up’ approach, or a theoretical or deductive or ‘top down’ approach (Clarke & Braun, 2006). Patton (1990), through the inductive approach, links the themes identified to the data themselves, where the data collected may lack resemblance to the interview or focus group questions utilised and will not be driven by the researcher’s theoretical interest (Clarke & Braun, 2006). Boyatzis (1998) further identifies duality in regard to the level in which themes are identified in the data, at a semantic or explicit level, or at a latent or interpretive level. On the semantic level, “themes are identified within the surface meanings of the data; whereas, the latent level begins to identify and examine the underlying ideas, assumptions, and conceptualisations that are theorised in shaping or informing semantic content of the data” (Clarke & Braun, 2006, p. 84). Given the small sample population and the aim to generate a rich and descriptive data set, a thematic analysis was utilised to identify themes across the participant group as a whole, using an inductive approach to analyse the themes produced from the data. It was not the goal of the research to generate data stemming from the theoretical perspective or interest of the researcher, but to facilitate a greater understanding of the experiences of the participants through the themes evident in the data. Codes and themes were identified initially at a semantic level, identifying common terms and ideas discussed by the participants, which was then further analysed on an interpretive level to identify the themes that emerged relating to overarching concepts discussed by participants across the data set.

Utilising the thematic analysis descriptive process illustrated by Clarke & Braun (2006), the data reduction process began with familiarisation with the data. The transcripts were reviewed numerous times to increase familiarity with the data set. Next, the transcripts were analysed and coded descriptively, organising the data into meaningful groups (Hsieh & Shannon, 2005; Tuckett, 2005). Terms, ideas, and concepts were extracted from data to generate relevant codes, which was then replicated for each transcript. The coding process was data-driven, where the codes were generated from the data itself, as opposed to developing themes in response to specific questions (Clarke & Braun, 2006). The codes and corresponding relevant dialogue from each transcript were organised in chart form, allowing for a visual depiction of existing and overlapping codes. Additional codes were added as each transcript was analysed. This process included analysis of various terms and concepts that were evidenced across the data set, which yielded 51 relevant codes. The next step was to refocus the analysis and to extract broader level themes from the codes generated. This process involved sorting through the different codes and organising

them into sub-themes or sub-categories that were identified through a content analysis of the language, terms, ideas, and concepts that were illustrated through the development of the relevant codes, which yielded 12 sub-themes (Clarke & Braun, 2006). The sub-themes were then analysed and organised into three relevant themes, encompassing perceptions and knowledge gaps, patterns of response, and barriers to identification and response, which will be explored in greater detail in chapter four. The sub-themes were identified in at least one of the overarching themes. While the development of interview questions was informed by researcher professional experience in the field of human trafficking, thematic analysis and coding was conducted utilising an inductive method, with the researcher approaching the data analysis process objectively, without bias, and open-mindedly.

To supplement the interview process, a content analysis of New Zealand Police Policy and Procedure manuals were conducted. In qualitative research, content analysis is one of the various methods utilised to analyse text data (Hsieh & Shannon, 2005). In this process, the New Zealand Police ‘People trafficking and migrant smuggling’ and ‘Child protection - Investigating online offences against children’ documents were reviewed.

3.7. Ethics

3.7.1. *Ethics Approval*

Ethics approval was provided by the University of Auckland Human Participants Ethics Approval Committee on June 30, 2020 for a period of three years.

3.7.2. *Informed Consent*

Participants were provided with information regarding the purpose, goals, and aims of the study, data collection processes, extent of participant involvement, data analysis processes, use of data, and ethical considerations. This information was provided to the participant via the participant information sheet and consent form, which participants were asked to review and return via email. Participants were asked to provide individual written consent, as opposed to consent provided by the New Zealand Police organisation. Participants were further provided the opportunity to request a copy of the recording, written transcript, and/or summary of findings. It was requested that participants must provide free and informed consent to participate in this research project, respecting the autonomy of all participants. The New Zealand Police organisation could not provide permission on behalf of their employee to participate.

3.7.3. Confidentiality and Privacy

Given the sensitive nature of the topics and cases being discussed with participants and the focus on individual and organisational responses to the identification of domestic sex trafficking, safeguarding participants' confidentiality and privacy was essential. No data that could potentially identify a participant was included in reporting the research. Titles for the purpose of reporting the data are differentiated numerically (i.e. Participant #1, Participant #2, etc.). Consent forms, audio recordings, and transcripts were stored on the secure University of Auckland server, with additional security measures including ten-digit passcodes required by both the researcher and her academic advisor. The identities of the participants were only known by the researcher. The New Zealand Police organisation name is used in the final publication/report, as are the individual and overall experiences of the participant group; however, identifying information including names, employment title, rank, and location remain confidential. The organisation, New Zealand Police, does not have access to information that has the potential to identify participants or their data, which could potentially compromise the confidentiality of the participants.

3.7.4. Risk of Psychological or Emotional Harm and Safety

There was some risk of psychological/emotional distress and/or social discomfort as a result of the exploration of participants' experiences with victim-survivors of domestic sex trafficking. Participants were informed prior to the interview that the aim of the research is to explore overall experiences with and identification of victim-survivors; however, through dialogue, individual experiences may be disclosed. The participants were informed that at any time they feel uncomfortable with the information that is being discussed, they may choose to alter the focus of the discussion. Participants were offered a list of supports by the student researcher if requested by the participant, which could be accessed if the participant felt distressed following the interview. Participants were also encouraged to access employment-based counselling supports if needed. Organisation assurance that participation or non-participation would not affect the participant's relationship and employment with the organisation or access to its services was required in writing by the organisation (Refer to Section 3.6.2.).

3.7.5. Participant Right to Withdrawal

Due to the sensitive nature of the topics discussed for the purpose of this research project, the participants were given the option to choose to withdraw from the study. The participants had the choice to withdraw themselves and their data from the research project without giving reason throughout the process

of the interview and the data collection process. Participants could further request to not answer a particular question throughout the interview process. However, once data analysis had begun, the participants could no longer request to withdraw. Participants were provided with the opportunity to view and edit transcripts and had two weeks to edit content or withdraw consent following receipt of the transcript. The organisation could not withdraw consent for the participant or their data.

3.8. Challenges Experienced in the Research Process

Several challenges were identified and overcome throughout the research development and data collection processes. Given the timing of the initial application made through the New Zealand Police Research and Evaluation Steering Committee was approximately four months into the COVID-19 pandemic, limited resources within New Zealand Police as a result of the pandemic delayed initial review of the research application by two months. Following submission of the application, communication time was delayed as the New Zealand Police Research and Evaluation Steering Committee resumed. Once review and conditional approval was provided by the New Zealand Police Research and Evaluation Steering Committee, a meeting was scheduled with the New Zealand Police Research and Evaluation Steering Committee representatives and the potential research sponsor within New Zealand Police, the researcher, and her academic advisor. Resulting from this meeting, the research was approved to proceed, with support of the research sponsor to assist in the recruitment process. As per New Zealand Police policy, recruitment was to be undertaken by the research sponsor as opposed to the researcher, which was agreed upon by all parties. Subsequent delays were experienced in the initial stages of the recruitment process, ultimately delaying the progression of the data collection, data analysis, and production of the research project, with a delay of approximately five months. Following communication with the New Zealand Police Research and Evaluation Steering Committee, recruitment emails were disseminated to a potential participant group. This initial email did not yield any responses, and it was requested by the researcher to expand the potential participant group to include former New Zealand Police, within five years of leaving the New Zealand Police organisation. While this request was approved, the New Zealand Police Research and Evaluation Steering Committee informed that New Zealand Police could not assist with the recruitment of former police personnel. This additional recruitment; however, did not yield any applicable responses. Following additional communication with the New Zealand Police Research and Evaluation Steering Committee, follow-up emails were disseminated which then garnered response and interest in research participation.

3.9. Conclusion

The purpose of this chapter was to outline the research process and methodology, including the methods and frameworks utilised, methodological rationale, the process of participant recruitment and engagement, data collection and analysis, ethical considerations, and the challenges undertaken throughout the progression of this research. Furthermore, this chapter provides insight into the processes employed to design the project and to engage with the topic in a way that effectively illustrates the importance of this research and the experiences of the participants. It was the goal of this chapter to provide a comprehensive overview of both the challenges and success that were experienced throughout this process. The challenges relating to research approval, recruitment, and the additional complexity that was experienced as a result of the COVID-19 pandemic were outlined. However, while significant challenges were undertaken, the willingness and openness of the research participants provided an opportunity to generate rich data, facilitating effective thematic analysis of the experiences of New Zealand Police with domestic sex trafficking within New Zealand's borders. The following chapter will provide the research findings, including the themes and sub-themes generated, providing participant dialogue as related to the thematic analysis conducted.

CHAPTER FOUR: RESULTS

4.1. Introduction

In chapter three, the methodological processes that informed this research were outlined to provide an overview of the stages of development, research approach, theoretical underpinnings that informed the research process, participant recruitment, and the challenges that were undertaken throughout the research process. Through inductive, thematic analysis, three themes were identified encompassing 12 sub-themes. The experiences and perceptions of the participants were coded and descriptively organised, which facilitated the identification of consistent themes throughout the data set; namely, perceptions and knowledge gaps, patterns of response, and barriers to identification and response. The first and most pertinent theme identified in the data and across participant interviews is the perceptions and knowledge gaps that are experienced within New Zealand Police pertaining to domestic sex trafficking, emphasising such things as conflated interpretations of international and domestic sex trafficking, understanding the dynamics of sex trafficking, and various factors that are influential in the perceptions which are held in regard to sex trafficking, and more specifically on the domestic level in the New Zealand context. From here, the theme ‘patterns of response’ was identified, including the focus on victim-survivor support and existing police policies and procedures that inform identification and response. Finally, the third theme focuses on barriers to identification and response that are evident. Table 2 provides a breakdown of the three themes and subsequent sub-themes. This chapter will focus on discussing the themes in more detail, exploring the dialogue and experiences provided by the participants, and an overview of the content analysis conducted to further explore the New Zealand police policies and procedures. This chapter will conclude with additional information provided by the key informants, highlighting the key factors identified as crucial components in the development of successful human trafficking responses within law enforcement and the criminal justice system. The themes and sub-themes identified will be discussed using dialogue extracted from the participant interviews.

Table 2:

Themes and Sub-Themes

Theme	Sub-Theme
Perceptions and Knowledge Gaps	Transnational Human (Sex) Trafficking Domestic Human (Sex) Trafficking

Theme	Sub-Theme
Perceptions and Knowledge Gaps	Classification of Trafficking Dynamics of Coercion, Power, and Control Online Sexual Abuse as Trafficking Victim Vulnerability Reviewing Dialogue
Patterns of Response	Victim-Survivor Support Policy and Procedures
Barriers to Identification and Response	New Zealand Police Training Legislative Framework Victim-Survivor Response

4.2. Perceptions and Knowledge Gaps

4.2.1. International Human (Sex) Trafficking

Human (Sex) Trafficking as a Transnational Crime. Five participants discussed the perception of international sex trafficking as something that is occurring in differing geographical locations internationally, and not something that is perceived to be occurring in New Zealand, whether that be the trafficking of people from another country into New Zealand, or out of New Zealand into another country for the purpose of commercial sexual exploitation. Consistent across the participant interviews and dialogue was the vast interpretations of what human trafficking, and more specifically sex trafficking, looks like in relation to the movement of victims or potential victims across international borders. The international component was frequently discussed as an element that is incorporated in situations of sex trafficking and is not known to occur in the New Zealand context.

If it was someone going to a different country, and it's happening there, that would be international to me. - Participant 6

Southeast Asia and Europe were mentioned as hubs for human trafficking, with Thailand referred to specifically as being related to the trafficking of women and children both in Thailand and into New Zealand.

So, the international context for me would be the, probably the Thai experience. Young kids being taken out of their villages in Thailand and moved to metros and moved around the country and just subjected to slavery, torture, all sorts of child exploitation. - Participant 2

One participant reported the perceived correlation between trafficking and organised crime in relation to exploitation that is known to occur in overseas countries. However, this was discussed as not something that has been evidenced in the New Zealand context.

What we've noticed in New Zealand at least, and I understand that Europe in that situation in particular, is that sex trafficking, trafficking and slavery is a big part of organised crime in most parts of the world, you know, that they are actually running full on exploitation of you know, Eastern European girls and etcetera, a lot of these gangs. We haven't seen it here. - Participant 3

Additionally, one participant reported having not experienced situations where a person had been brought into New Zealand for exploitative purposes in employment.

You know, here, you hear about it and you hear what happens overseas. I guess what I do, you know, you do sort of think of as people from the employment side being brought in for trafficking. I've never really been privy to any, anyone being brought in or conversations around them being brought in, like children being brought in and a woman being brought in for, if I think around the sexual exploitation and trafficking. - Participant 7

Extreme poverty was reported as being a significant facilitating factor of trafficking. This was discussed as a perception that is held as a result of media reports and the depiction that is portrayed of children being trafficked in impoverished, overseas regions.

If I think about international, it's, I think, and I don't mean to stereotype, but it's probably from my understanding of seeing in the news, it's often where people in poverty have potentially sold people, you know, family members or children into that trafficking to be exported over, to an overseas, that they're selling a child to be exported out to an overseas market. - Participant 4

One participant additionally provided the perception that international trafficking can also incorporate situations where a New Zealand victim is involved, but the exploitation is occurring overseas.

I guess, I don't know whether I'm correct or not, I could be wrong, but I think of international as something that is happening overseas or there's I guess a New Zealand victim, but it's happening overseas, and domestic would be happening in New Zealand. - Participant 1

One participant discussed trafficking, both on the domestic and international levels, in terms of lack of choice, or forced entry into commercial sex. Lack of choice was emphasised by this participant, who furthered their explanation of trafficking by highlighting the likeness of trafficking to slavery.

It's essentially where, the first thing that pops to mind for me is lack of choice. If I think about it, it's a lack of choice, where somebody has been put into, or has been put into sex trafficking, you know, sex work, and I don't know whether my understanding's right, either within their own country or trafficked outside of their country for um, and I almost think of it like slavery, to be honest, because it's not a choice. - Participant 4

Sex Trafficking or Labour Trafficking? Mention was made of the assumed 'sex' component of trafficking, and the importance of facilitating discussion relating to international 'labour trafficking' as occurring in the New Zealand context. While sex trafficking is frequently the form of trafficking that is given a significant focus within media, research, and dialogue as opposed to trafficking in industries such as agriculture, hospitality and tourism, fishing, farming, or construction, much of what is discussed within the New Zealand context is forced labour outside of the sex industry. Language is an important consideration here as emphasis has been placed on incorporating trafficking in the sex industry under the umbrella term of 'labour trafficking' and not as a separate type of trafficking, which oftentimes creates the perception that commercial sex is not a legitimate industry (O'Brien, 2015). However, sex trafficking and other types of forced labour trafficking are discussed separately across the participant group.

I think when people hear trafficking, they think of sex. Whereas we had a case not that long ago up in Hawkes Bay, where a Samoan man was bringing people in from Samoa and having them work for very little, in his business, and just treating them quite badly, and I have heard of other organisations that have brought people over from overseas into New Zealand and paying them very little to, or not living up to the expectations of what they've sold the business to be. And, you know, severely disadvantaged people. - Participant 6

Perceptions of what constitutes trafficking frequently yield conversation relating to labour trafficking in industries outside of commercial sex.

If there is a large scale, organised sort of industry, I think I'd have to say, we probably have knowledge gaps around that. Other than, probably some of the operations around people that have been exploited for labour or of the type, that MBIE have attempted to prosecute in the past. So, you know, there's certainly examples of, probably migrants that are probably in the fruit picking type industry that have been exploited. So, that's probably the one that's been the more commonly discussed in the last sort of four/five years at least. - Participant 3

One participant discussed the connection between exploitation in various industries, specifying that sex trafficking will frequently be occurring in the background when other types of exploitation are present.

A friend of mine in [City] ran a labour trafficking job with immigration where they were bringing grape pickers. And, you know, we have a lot of restaurants around doing it. There's been a case in [City] here, Asian restaurants and foreign restaurants, trafficking people, and I just make the presumption that generally, where there's something bad happening, there'll be sex involved in the background. - Participant 7

While participant five focused specifically on labour trafficking in this context, there was mention of girls and women being brought into New Zealand from overseas countries and forced into massage parlours and brothels.

Human Trafficking or Migrant Smuggling? One participant furthered this discussion with a focus on the conflation of trafficking and smuggling and the importance of differentiating between the two. Human trafficking and migrant smuggling are frequently conflated and misconceptions frequently arise in the understanding of the factors that constitute each crime type. Where human trafficking involves force, fraud, or coercion, in that a person is forced into an exploitative situation, migrant smuggling is when a person provides payment to another person to move them illegally across international borders. Migrant smuggling and human trafficking can be inherently linked both prior to and following movement across a

border given the potential vulnerability of the person being smuggled (i.e. lack of government documentation, status and/or support in the destination country).

So, I think in New Zealand, certainly, I think the term human trafficking and people smuggling are confused and often used in the same context, where legally, that sort of main two are different things. So, in terms of, you know, people smuggling, we're talking about people that are generally complicit or arranging or are complicit in their own smuggling through the borders, so they want to get here. So, they'll pay someone to facilitate their illegal entry to, to New Zealand, so they're very much a willing party. Whereas human trafficking, either ... or probably more often by coercion or deception. - Participant 3

4.2.2. Domestic Human (Sex) Trafficking

Discussion relating to trafficking on a domestic level yielded varying interpretations and discussion relating to what those dynamics look like in the New Zealand context. Two participants discussed domestic trafficking in that the offending is occurring in New Zealand, including trafficking of a victim from another country into New Zealand; however, mention was made to uncertainty around whether that would constitute international trafficking, as illustrated by participant one.

Domestic would be happening in New Zealand. It could I guess include people being brought over from another country. I would think of it as domestic even though someone might be brought from say from an island for the purposes of trafficking, I would consider that as domestic, but perhaps the actual definition would be international, I'm not too sure. - Participant 1

Participants further illustrated situations perceived to be domestic sex trafficking; however, these were not discussed as being identified as trafficking situations. Commonly held misconceptions or uncertainty around what elements illustrate a domestic trafficking situation, and the frequently held perception of the transnational nature of trafficking, facilitate the understanding of domestic CSE situations as not incorporating trafficking dynamics.

I've seen that domestic sort of level of girls being used and, that's not the right word, but taken advantage of and just pressurised into sex work or sexual violence. But in terms of your actual

trafficking, I guess that's how I would define it and bear in mind, I'm working in drug trafficking at the moment and ... people trafficking offshore and all the other things I just haven't seen that in the sex industry as such, not here, not other than that I've described. - Participant 2

Trafficking of Children and Young People. Sex trafficking was also reported across the participant group in reference to the trafficking of children and young people, more so than adult women, with the experiences of adult men in commercial sex not arising across the participant group.

I'll give you a scenario because we've had a situation like this where she was quite a young girl, run away from home, she's met this guy, he's got her hooked on drugs, kept her drugged up, basically, prostituted her out in the bedroom and gained money out of that, and she's just been in this drug haze. So, I don't know whether it meets the definition of it. - Participant 4

Forced Commercial Sex. One participant reported domestic trafficking in relation to gang-related force into commercial sex, illustrating the element of force, having no control, and not having a voice or say over what they are doing.

I guess well, domestic trafficking, actually if I think about, so domestic trafficking is potentially, if I think about that it might be gangs having, you know, a group of women who they might use and in the context of you know, them having no voice and being forced to do things they don't want to, so I guess I think of a little bit of it in that context. - Participant 7

Sex Trafficking or Commercial Sexual Exploitation (CSE)? Varying perceptions were reported across the participant group relating to the relationship between sex trafficking and CSE, with discussion provided, illustrating the inherent differences between sex trafficking and CSE, as well as the overlapping nature of the terms. Participants emphasised the 'commercial' or 'monetary' component, with the correlation of making money by exploiting the actions of another person with both sex trafficking and CSE.

I think they cross over and I think um, they are very similar, when I think of commercial sexual exploitation, I think of perhaps someone who is working in, providing sexual services, they're being

taken advantage of by a commercial entity, in terms of their work conditions, or they feel stuck there, or something like that. - Participant 1

One participant commented that while the term commercial would be affiliated with a monetary component, they did not have knowledge of that language being used within the organisation.

Commercial, the word commercial, you'll have a lot of people in our organisation probably think of there's a monetary component in that, but I've never heard that within our organisation. - Participant 7

One participant differentiated sex trafficking and CSE in terms of the monetary gain, whether on a business or individual level. CSE was discussed as incorporating a business model or organised dynamic, whereas sex trafficking was discussed in that the gains would be more on the individual level.

Whereas a commercial might be, the vision I have in my mind as a brothel where they're running a business, more of a business type of situation. We've seen occasions of this, where there was an illegal brothel being run where there was a lot of illegal workers in there. So, that's kind of how I differentiate it in terms of that being maybe for individual sort of gain as opposed to being run more as a business. - Participant 4

Sex Trafficking or Pimping? Participants emphasised terminology relating to pimping as opposed to sex trafficking, illustrating the more common use of term 'pimping'. While pimping and sex trafficking are interrelated, pimping dynamics are diverse and contextually dependent. Pimping was referred to more in the context of paying a pimp for protection or 'minding' through a consensual relationship, but was also referred to in the context of sexual exploitation.

Pimping for adults in the sex trade, who, there are different degrees. So, there are people who actually do have a say and have someone that does their minding and that they pay for, and it is a beneficial, mutually beneficial arrangement, then that's not exploitation. So, it's a commercial transaction, I guess. As for exploitation, then it would be quite similar to trafficking. If you're making money off someone who's in a disadvantaged position - Participant 6

Gang Involvement. The dynamics of pimping or sex trafficking that are occurring within gangs in New Zealand were discussed by six participants; however, the experiences of the participants were diverse. It was evident throughout participant dialogue that the perception of involvement in commercial sex that is gang facilitated is viewed more so as a pimping dynamic, or an opportunistic scenario where women and girls who are affiliated with the gang are involved in the sex industry or are being used for sex as dictated by the gang, as opposed to targeted recruitment by a gang for the purpose of exploitation.

One participant discussed the knowledge of pimping within gangs, but emphasised the non-commercial dynamic where women and girls are used for sex.

I haven't worked on any personally, but I'm aware of gangs potentially pimping out females, not particular cases, but there's knowledge it does happen, it's not so commercial, but if it's female, the gang will potentially use her for sex, use her as they want. - Participant 1

A second participant illustrated the knowledge of gang involvement in the sex industry; however, this involvement was secondary to their primary business models.

What the gangs are doing here, I'm talking about the high-end business gangs that are running proper business models. They're high-end users of sex workers, so that they're always in the parlours, they're always getting sex workers around, we see that, but a lot of the girlfriends are generally, in the stripper, sex worker industry, and so they're immersed in it. But they're not really deeply involved. They're immersed in the scene, but they're not deeply involved in running it. - Participant 2

Participant three discussed the lack of knowledge around gang involvement in pimping or trafficking, while also mentioning the interest gangs have in the massage parlours. Lack of knowledge was discussed as stemming from the decriminalisation of the sex industry and the *PRA 2003*, which was reported as creating barriers for law enforcement in terms of restricted access and lack of communication opportunity between law enforcement and potential victim-survivors.

It's not something that I've heard a lot about, actually, we know that the gangs certainly have an interest in some of the parlours around town. But again, when you go, you know, it's actually quite

hard for us to go in under the Prostitution Reform Act anymore ... so ya can't just do that sort of routine type inspections anymore, like prior to that Act. - Participant 3

Victim Vulnerability and the Gang Dynamic. Finally, participants explained pimping or trafficking within gangs in relation to victim vulnerability and the facilitation of a ‘family’ dynamic where exploitation occurs. Participants reported various strategies used by gangs to gain trust, power, and control over young girls, including providing shelter, clothing, and food, protection and emotional support, or providing drugs and alcohol, creating the perception of a family unit, which can then be utilised as a tool to force a person into commercial sex.

Girls come from both, I guess associates of family members and associates of the gang, whether they've come in as girlfriends of the prospects, and then being sort of brought into the gang and then put out on the street. So, yeah, I didn't see them actively going out looking for young girls, it was more ones that came to them. But, again, they're vulnerable, those vulnerable kids that have nowhere else, who they offer this family type scenario. But to live in that family there's a job you have to do. - Participant 6

It was further discussed by participant five that gangs are known to run “stables” of girls; however, it was not as well known if the women and girls are recruited intentionally for trafficking, but that they enter into the gang life for a sense of family and protection, and are then subsequently working in the sex industry.

Sex for Survival. All seven participants discussed a level of knowledge pertaining to the prevalence of sex for survival occurring in New Zealand. However, the extent to which sex for survival is known to occur varied across the participant group. Sex for survival was referred to as being facilitated by circumstance, where a person does not have another option to support themselves, to provide basic necessities, to cover such expenses as university fees, or mothers who are unable to provide for their children.

Yeah, the way it seems to me is that it's people that don't see that they have any other option, and actually, this is all I've got to do to survive. The other thing that springs to mind for me that I've

often heard talked about in this category, it also makes me think about it might be single mums that feel they've got no other choice but to support their children. And to me, it's like, I've got this, in order to survive, this is the choice I've got. - Participant 4

One participant specifically mentioned sex for survival in the dynamic of trafficking, where the trafficker provides the necessities the victim requires for survival. This was also viewed as a facilitating factor that causes a person to remain in the trafficking or exploitative situation, in that the situation with the trafficker may provide more for the person than they were provided in their home or living on the streets.

You know, maybe they weren't being provided even half of what the trafficker provides them in their home or living on the streets. I've worked with survivors and victims, you know, frontline. And I worked with a lot of people who just kept cycling in and out because, you know, it's more ideal than going back to what they came from. And my role was to provide supports, regardless of what situation they were in. - Participant 6

Sex for Survival and Family Violence. Additionally, one participant facilitated discussion associating sex for survival with the family violence space, emphasising the dynamics of power and control.

That would be very common in New Zealand, and especially in the family violence space. So, that's the whole power and control. You hear it time and time again. And the sad thing about it is, a lot of these women don't realise that it's wrong, they don't understand it. - Participant 7

Identification of Sex for Survival. Participants additionally mentioned the survival dynamic makes it difficult for police to identify and speak with victim-survivors. Identification of a sex for survival, trafficking, or exploitative situation potentially risks a person losing those supports or access to basic necessities; therefore, self-disclosure among victim-survivors remains low.

Again, I think we probably don't have a huge knowledge base around that either. You'd run into probably cases where, you know, people might say that their primary motivation is to survive or to

get an income, or being the only method, they think that they can essentially earn a living. I think, assuming the underage component, it's always quite hard, because whenever there's underage sex services on offer, it's really quite difficult, because as soon as the police turn up, everyone just disappears. - Participant 3

Participant five expressed sex for survival as being common; prevalent among young people who are homeless, living on the streets, and vulnerable, further exacerbated by such things as substance use and mental health.

Is Sex Trafficking Referred to as Sex Trafficking? While all seven participants identified knowledge gaps around the dynamics of domestic sex trafficking in New Zealand, examples and scenarios were provided depicting relevant experience on the domestic level.

Dialogue was presented by two participants outlining commercial sex involvement where an exploitative dynamic was known to be present; however, the scenarios provided were not explicitly discussed as incorporating trafficking components. Correlations were made between forced entry into commercial sex and underlying vulnerabilities such as substance use, violent and hostile home environments, and low socioeconomic status; where intimate partners were frequently perceived as the facilitator of the young person's entry into commercial sex.

It's generally underwritten by a drug habit, quite low socioeconomic, uneducated girl just can't cope. When you actually track them back to their homes, they've got an extremely bad home environment. You find this with a lot of the girls on the streets, is they've got a very poor home environment, they've escaped extreme violence. And so, the next guy that comes around that sort of offers them a bit of comfort then they end up in prostitution, I'd say that that's probably very common. - Participant 2

Two participants discussed the involvement of an intimate partner or boyfriend, as is illustrated by participant seven; however, it was not mentioned whether the relationships between the boyfriend and victim was a targeted grooming dynamic or an opportunistic trafficking situation.

We do have Oranga Tamariki girls that run away, to be with the new boyfriend. They run away to be with the new boyfriend, get to where they're going to be, and then it's not what it was supposed to be and they're set up to be having sex with, you know working in the sex industry.
- Participant 7

In comparison, two participants provided examples discussing the elements of sex trafficking on the domestic level, acknowledging the connection between situations involving young girls forced into commercial sex and sex trafficking and exploitative components. These dynamics are outlined by participant four.

There was one in particular where there was a man who, he would boarder, he would board girls, but he was also running a bit of a trafficking ring. So, he was taking in girls off the streets who were runaways and were homeless, and I do understand that some of them were quite young, and I think he had at one stage about three or four of them that he was basically running a business out of and that was, that was well publicised in terms of he went before the courts for that in New Zealand. - Participant 4

4.2.3. Classification of Trafficking

Pertinent to the discussion around what domestic sex trafficking looks like in the New Zealand context was the varying understanding of how to define these dynamics. Sex trafficking or CSE was discussed in the contexts of intimate partner violence, family violence/harm, and child abuse; however, while there was a collective agreement that forced entry into commercial sex does occur in the context of families and intimate relationships, this was not discussed specifically as being perceived as sex trafficking.

Intrafamilial Dynamics in Commercial Sex. Participants reported CSE occurring within families as quite common; however, this was not discussed as including trafficking components. Two participants discussed the intergenerational component where mothers facilitated the entry of their daughters into commercial sex, which is highlighted by participant two.

Yeah, the parlours were dare I say, fairly good. I think where it became problematic was the

outcalls at residential houses and so we did have... particularly mothers who are sex workers, getting their daughters into the industry. - Participant 2

One participant reported knowledge of a couple who had offered their children to another couple for sexual purposes; however, the couple was law enforcement and the parents of the children were subsequently arrested.

We actually had an incident in [City] where they were selling their children, so they were, they were having an incestual sexual relationship with their own children, and offering them to another couple. They went to meet that couple but got arrested when that couple was actually some police officers. - Participant 6

Power and control in the context of family and intimate relationships were discussed as being elements that may already exist in a relationship, increasing the ability to control a person in a situation of CSE.

That's probably more what I've seen an exposure to, because coupled with it, obviously, is the, generally what goes hand in hand with more of a partner exploitation is the family violence, because there's obviously the power and control, there's the violence side of it to actually keep them in check. - Participant 4

Intrafamilial Exploitation and Online Sexual Abuse. Additionally, three participants explained intrafamilial exploitation as including online sexual abuse, as is illustrated by participant two. Online sexual abuse was discussed as being one of the most highly investigated crime types in New Zealand, which was linked not only to overseas buyers and consumers, but to the domestic level where family members are the facilitators of child sexual abuse and the subsequent production of objectionable material.

You know, imagery, and that's happening in New Zealand, we have incidents, you know, I've had files with investigations, where, you know, locals who have taken images of, you know, and traded those offshore and, you know, they certainly, I've come across cases where family members have been pawned off to other friends and family for sex. - Participant 2

4.2.4. Dynamics of Coercion, Power, and Control

Sex trafficking, including the grooming and recruitment processes and the ongoing dynamics of an exploitative situation, involve elements of coercion, power, and control, where the victim is often forced into commercial sex. While the elements of force, fraud, or coercion must be present when defining trafficking of an adult, these elements do not need to be present for situations involving a person under 18 years of age. Human trafficking, not specifically sex trafficking, was referred to across participant interviews as including coercion, deception, and power and control dynamics, where lack of choice is frequently identified.

So, I guess it's making, or having power over someone and what they are doing, I guess from my experience, that would be in the sex trade or something like that, having power over that person so that they are forced to do something they wouldn't normally or maybe not even choose to be doing.
- Participant 1

One participant further provided insight into the difficulty determining the level of coercion in various situations they had encountered. The complexity of the experiences of the people who are known to be involved in commercial sex was identified as complicating the ability of law enforcement to identify the level of coercion that may be present.

I would see probably 13 to 15-year-olds in the parlours at times, quite often school girls, runaway girls, that were you know, cycling through, and what level of coercion was on them was hard to establish at times. - Participant 2

4.2.5. Online Sexual Abuse as Trafficking

Each of the participants reported knowledge pertaining to online sexual abuse and the prevalence of this form of exploitation in New Zealand. Online sexual abuse; however, was not referred to in the context of sex trafficking, but was commonly referred to as a form of sexual exploitation. While online grooming was discussed by all seven participants, this was also not referred to in relation to grooming for sex trafficking purposes. Knowledge of online grooming focused specifically on the grooming of children and young people with the intent of contact offending.

Live-Streaming Online Sexual Abuse. Live-streaming online sexual abuse was mentioned as occurring on an international level; namely, scenarios where the offending takes place overseas and the purchasing takes place in New Zealand. Of the participants who made mention of live-streaming sexual abuse, there was no knowledge of live-streaming where the offending is occurring in New Zealand. The dynamics of live-streaming sexual abuse was referred to as a type of harm that is significantly prevalent in Third World countries, purchased by online offenders globally.

I have experienced it but, generally the purchaser, the buyer of the live-streaming is in New Zealand, the person committing the live-streaming, the ones I've worked on, is in the Philippines. And as I said before it's very hard to investigate because live-streaming, not a long of evidence is saved on the computer. - Participant 1

Participant five expressed live-streaming as being increasingly common; however, it is more often people from New Zealand accessing live-streaming that is being produced overseas.

Sextortion. Two participants made mention to 'sexting' and 'sextortion'; however, this was not discussed in relation to sex trafficking or the process of grooming, highlighted by participant one. While it was acknowledged that sextortion or blackmail is a technique that may be used by traffickers to control their victims, this was not discussed specifically in relation to the New Zealand context. More so, it was reported that sextortion or blackmail is used to elicit more material, such as nude photos or videos.

I mean a lot of that is, it's not so much pimping out, but people, offenders, will contact young people online and see nude pictures or convince them to, and blackmail them for more and more, and "if you don't send me more, I will tell your friends", and things like that um, it happens a lot, we see a lot of that. - Participant 1

Online Grooming. As mentioned above, while online grooming was not discussed explicitly in relation to grooming or recruitment for sex trafficking, one participant provided insight into the process of online grooming and the relation to offline, contact offending.

So, I've been involved in cases like that the online world then turns into the real world. And in some of them, the cases I've been involved in, they groom them for a long time, and then they, and ultimately try to arrange to meet to then continue that, you know, abuse. - Participant 7

4.2.6. Victim Vulnerability

Numerous participants explained the impact of underlying vulnerability in their understanding of the experiences of the individuals exploited in commercial sex, with mention of the impact of substance use and drug debt. The correlation of substance use and sex trafficking was discussed further in the context of intersecting vulnerability, where homelessness, previous experiences of violence, and involvement in state care were factors that further increased vulnerability to being groomed into an exploitative situation. Substances were known to play various roles in sex trafficking dynamics; namely, substances were often provided to the victim as a means of coercion, manipulation, deception, power, and control. Drug debts were also referred to as accumulating over time, facilitating a relationship of debt bondage; however, traffickers will continue to supply drugs to their victims, preventing a debt from being paid. An example of these dynamics is provided by participant six.

I know that we've had a number of young people, so young girls, particularly who are in state care, who have been approached to join the sex industry and have been groomed, I would say, through providing alcohol and drugs to them, and then um, it progressing. And while we know about them, quite often, they don't want to talk to us, and they won't talk to us about it. So yeah, it is there.
- Participant 6

4.2.7. Reviewing Dialogue

Each of the participants reported that minimal dialogue or conversation in relation to sex trafficking is occurring, where focus of police discussion lies heavily on various other crime types, highlighted by participant two. The limited amount of dialogue that was reported by the participant group was discussed as a factor that has a potential influence on the knowledge and perceptions that exist in relation to sex trafficking in New Zealand, specifically on the domestic level. Extensive discussion throughout the interview process highlighted the knowledge gaps that continue to be present among law enforcement around human trafficking and the likelihood that law enforcement will not turn their mind to situations of trafficking.

Yeah, not much, really, and I'm probably in the hub ... I would hear about that because I'm plugged in at a headquarters level now, for the police, so I'm kind of over most projects going on, or discussions and trends. - Participant 2

One participant explained the emphasis on migrant smuggling within New Zealand Police as opposed to trafficking in commercial sex.

I think there's probably been more discussion around people smuggling, than human trafficking. - Participant 3

Whereas, another participant reported dialogue pertaining to drug trafficking is more prevalent within New Zealand Police.

Not that I've seen. That's not to say there isn't for police officers that are working in this area, but as I said to you, there's been more to me about drug trafficking than I've seen around this, so I'd say it's been pretty poor. - Participant 4

One participant reported that conversation around trafficking is likely; however, these conversations would not be occurring on the everyday level. Facilitating these conversations on the everyday level was perceived as an important component of moving towards an understanding of trafficking.

I think yes there are, although they're at, they're not at that everyday level, where, where they possibly should be. And I don't think the normal detective would turn their mind to trafficking, to say, oh, this is, I think this is a type of trafficking, they would look probably more at the, is there a sexual offence here? Is there some other type of offence, so then you know, a physical assault? - Participant 6

4.3. Patterns of Response

4.3.1. Victim-Survivor Support

When discussing response protocols and standards, participants focused specifically on providing

victim-centred approaches and ensuring the safety and empowerment of the victim-survivor was the priority, with police investigations occurring only after the victim-survivor had received the support and care required.

I'll probably just to give you my ethos, I thought police should really be at the back of the contact chain, really people should report into, a victim should report into an NGO and get themselves right first and get all the care they need, and then progress through the evidential chain, the police could really come last in terms of gathering evidence. - Participant 2

Two participants additionally discussed effective service provision as the ability to provide individuals with ongoing support regardless of their situation, their referral source, or where the disclosure was made, which is discussed by participant six.

I was working with children and adults, you know, if they were not in an age category where our child protection needed to be involved, then regardless, if they're being trafficked, or not actively trafficked, I was still providing supports. - Participant 6

4.3.2. Policy and Procedures

In addition to varying legislative frameworks discussed by participants as being utilised in cases involving sex trafficking or CSE (provided in the following section), one participant provided information regarding the guidelines for dealing with specific cases involving sexual exploitation, focusing on investigative protocols.

It would be investigated as an adult sexual assault. I would doubt there would be too much immediate knowledge around the domestic human trafficking application of the sexual exploitation side of that offending, so it's likely that there'd be some questions asked, and then, probably after some period of speaking to supervisors and maybe legal advisors, then that offence would probably become within a consideration, - Participant 3

4.4. Barriers to Identification and Response

4.4.1. New Zealand Police Training

Each of the seven participants reported that specific law enforcement training on human trafficking and; therefore, sex trafficking, on both the international and domestic levels, is significantly lacking. Participants discussed that while there is a module included in Criminal Investigation Branch (CIB) training that covers sexual offences, human trafficking training is not explicitly included, and that courses or modules stating the inclusion of human trafficking training focused on various other crime types.

The only training we really got is when you become a detective, you get CIB training, so you have a module that covers off sexual offences, things like that, it's probably the most training you get. There's not a real formal training in terms of human trafficking, or anything like that, it's pretty much learn as you go, unfortunately. - Participant 1

One participant discussed trafficking training within New Zealand Police as encompassing more migrant smuggling dynamics as opposed to human trafficking.

I know the detective qualifying course, which is the course that they're training detectives to finish off their apprenticeship, there's a session on, well it's actually entitled human trafficking, but I rather suspect it's more people smuggling because it's the lessons delivered by MBIE. - Participant 3

Whereas another participant reported training within New Zealand Police as focusing on drug trafficking.

So, I would have to say in the time that I've been here, I've seen nothing around it. I think there's quite a focus I would say that I've seen within police on drug trafficking, that seems to be the biggest focus that I've seen. It's very much focused on drug trafficking. - Participant 4

4.4.2. Legislative Framework

Three participants discussed the use of Section 98AA ("Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour") of the *Crimes Act 1961* as the

relevant legislation for cases that include the sexual exploitation of a person under 18 years of age, including online sexual abuse, as opposed to Section 98D (“Trafficking in persons”). The elements of consent and coercion were discussed, emphasising that Section 98AA does not require the elements of force, fraud, or coercion to be evident, or even present, given Section 98AA focuses specifically on offending against a person under 18 years of age; whereas, Section 98D does not specify trafficking in persons as defined in the context of a minor.

I think generally we have guidelines dealing with, for example, sexual assault victims or things like that. I think generally they're the guidelines that we would follow, we rely on like 98AA for that, live-streaming and things like that, so, which can fit in a whole lot of different types of offending.
- Participant 1

Two participants focused their discussion on the use of differing legislative frameworks to incorporate commercial sexually based offences. While the participants acknowledged commercial sexual offences would fit the trafficking in persons legislation, Section 98D was reported as not being tested and the likelihood the charge would be successful is low in cases of domestic sex trafficking, as highlighted by participant two.

There's a number of offences in the Crimes Act that we would use normally under abduction, kidnapping, which would probably be easier to prove, you know, abduction for sex is one. That's actually pretty simple to prove and I'd suggest that might, when you look at these, they look great some of these laws, but they've never really been tested. - Participant 2

Participant two additionally discussed Section 98D as meeting the standards of international protocols as is related to the United Nations Convention Against Transnational Organized Crime; and the supplemental protocol; however, it has not been tested for use in the New Zealand context.

I think it [Section 98D] strikes me as one of those, it's one of those pieces of legislation that aligns with international protocols that we should be doing in terms of, probably under the Conventions, but actually, it's use in New Zealand maybe has not been tested. - Participant 2

Decriminalisation of Commercial Sex and the *Prostitution Reform Act (PRA) 2003*. Three participants reported the barriers that law enforcement have experienced following the decriminalisation of the sex industry and the implementation of the *PRA 2003*. While decriminalisation has provided sex workers rights and protections, with commercial sex now acknowledged as a legitimate industry in New Zealand, participants discussed the impact they have experienced in terms of identifying and providing supports to those who are involved in commercial sex as a result of force, coercion, or deception, highlighted by participant seven.

Yeah, it's not as easy as it probably used to be. I used to go into, you know, we used to be able to go in, when I first came out as a police officer, and we would go in and talk to the girls and have a conversation. You weren't really going in "are you ok, are you being exploited", but you know. Yeah, but certainly it's made it harder for us. - Participant 7

4.4.3. *Victim-Survivor Response*

Participants discussed the barriers that prevent identification of sex trafficking relating to low levels of self-disclosure and non-compliance by victim-survivors. Victim-survivors frequently do not disclose their trafficking or exploitative situation as a result of fear, survival needs, a bond that has developed with their trafficker, limited knowledge of what trafficking is, or they may not identify their situation as exploitative. Participants reported the sensitive nature of sexually based offences and the difficulty a person may have discussing the harm they have experienced with someone they have not built trust with, whether that be police, social services, or any additional frontline professional.

I just think you're unlikely to get complaints. We know this from sexual violence, that the percentages are low that want to come to the police, a lot of people don't want to come to the police. - Participant 2

4.5. *New Zealand Police Protocols and Procedures*

Provided as supplemental information by a research participant within New Zealand Police, content analysis of the New Zealand Police "People trafficking and migrant smuggling" and the New Zealand Police "Child protection - Investigating online offences against children" policy and procedure manuals was conducted to gain insight into the definitional components and the protocols utilised within New

Zealand Police in identifying and responding to cases of people trafficking and migrant smuggling and online sexual offences against children. Appendix I and J provide an overview of the definitions and procedures for response as per the New Zealand Police “People trafficking and migrant smuggling” and New Zealand Police “Child protection - Investigating online offences against children” policy and procedure manuals, respectively. The corresponding appendices provide synthesised information and are not intended to provide the full New Zealand Police manuals. Components of the manuals not included in the appendices are such things as investigative response to migrant smuggling and people trafficking, victim profile, needs, reluctance, and risk, and issues (“People trafficking and migrant smuggling” policy and procedure manual) and indecent communication with a young person under the age of 16, online grooming, text bullying and harassment, and sextortion and sexting (“Child protection - Investigating online offences against children” policy and procedure manual).

4.6. Key Informant Data

Two key informant interviews were conducted with representatives of a human trafficking unit within a United States municipal Crown Attorney’s Office. Key informants had the opportunity to discuss their knowledge and experience in relation to the development of a human trafficking unit, the gaps that were present and acknowledged which helped to facilitate the initial and ongoing developmental processes, who and what was needed in the beginning phases of development, and what is needed to facilitate ongoing progression of the responses to human trafficking, including the importance of training, communication, and collaboration to enhance the awareness of human trafficking at a local, national, and international level. Table 3 below highlights the common themes and sub-themes that were discussed by the key informants. Further discussion of key informant data will be illustrated in chapter six, where recommendations as discussed by the key informants will be presented.

Table 3:

Key Informant Data

Theme	Theme	Theme
Gaps identified leading up to development of human trafficking unit and programmes	Initial steps in the development of a human trafficking unit or programme	What is needed?

Sub-Theme	Sub-Theme	Sub-Theme
Lack of law enforcement buy-in around human trafficking, need for upper level buy-in and for someone at that level to say “this is happening... something needs to be done”	Build a team who is engaged	Education for law enforcement around what to look for, what to ask victim-survivors
Need for training in every area or sector possible, including law enforcement, Criminal Justice System, governmental organisations, NGOs, social work/social services, healthcare, mental healthcare, education, etc.	Build rapport with external agencies	Appropriate legislation
Limited resources available to focus effectively on human trafficking	Engage in finding out everything that needs to be done, where the gaps are, and how learn Involve the right people with the right knowledge and skills	Emphasising human trafficking as a financial crime
Knowledge gap, avoidance of looking at or learning new things	Involve the right people with the right knowledge and skills	Decriminalisation victim-survivors
Not wanting to include human trafficking investigations on law enforcement level	Attention must be paid to identify anything that may look like trafficking	Differentiation of consent and coercion in the context of commercial sex
Need to meet quotas affect ability to investigate human trafficking cases as they are labour intensive, requiring more extensive resources over a longer investigation	Persistence of key people	Change response to victim-centred
		Openness to learn
		Support from other law enforcement agencies to teach law enforcement human trafficking dynamics, identification, and response
		Collaboration and cooperation at all levels
		Focus on what was missed in previous human trafficking cases to inform future investigations
		Communication
		Outreach
		Awareness-raising

4.7. Conclusion

The purpose of this chapter was to discuss the data, themes, and sub-themes that were identified through the analysis of participant interviews, which was presented utilising participant interview excerpts.

Following single, in-depth interviews with the seven participants within New Zealand police, three themes and 12 sub-themes were identified. The first theme, which encompassed significant components of the participant dialogue, focused on the perceptions and knowledge gaps of New Zealand Police pertaining to domestic sex trafficking as discussed by the participants. Participants provided open dialogue relating to existing gaps in knowledge around the understanding of human trafficking components, including the dynamics of both international and domestic trafficking, what this looks like in the New Zealand context, and the common perceptions, assumptions, and misconceptions which are held, which were identified as impacting identification of sex trafficking as trafficking on the domestic level. The second theme identified focused on patterns of response, specifically exploring sex trafficking victim-survivor support and existing policy and procedures that inform identification, emphasising a victim-first, victim-centred approach in the response to victim-survivors of sexual harm. Finally, the third theme identified focused on barriers to identification and response, illustrating the need for enhanced training on human trafficking overall and discussing the implementation of various legislative frameworks in cases of sex trafficking. Concluding this chapter, an overview of the New Zealand Police 'People trafficking and migrant smuggling' and New Zealand Police 'Child protection - Investigating online offences against children' policy and procedure manuals were provided, followed by key informant data, themes, and sub-themes which will be discussed in the following chapters. Chapter five will focus on presenting the research findings as discussed in relation to the existing literature.

CHAPTER FIVE: DISCUSSION

5.1. Introduction

Chapter four provided an overview of the research findings, synthesising the data into three categories. The data was presented thematically as three identified themes, with corresponding sub-themes. Excerpts from participant interviews were included to support the overview of the findings. Chapter five will now provide an analytical discussion of the research findings in relation to the existing literature to facilitate an understanding of the experiences of New Zealand Police with domestic sex trafficking. More specifically, the following discussion will begin by focusing on the perceptions, assumptions, and misconceptions frequently held in relation to what constitutes human trafficking, specifically focusing on how perception impacts the identified knowledge gaps among law enforcement pertaining to trafficking in commercial sex on the domestic level in New Zealand. Furthermore, perceptions, assumptions, and misconceptions will be discussed in relation to labeling, frames, and common representations (e.g. presented in the media) and underlying sociocultural and theoretical factors influential in the development of perception, and the impacts this has on the understanding and identification of domestic sex trafficking in the New Zealand context. Next, the discussion will illustrate the implications that perceptions and knowledge gaps subsequently have on responses to domestic sex trafficking, including implementation of human trafficking legislation, policy, and procedures informing law enforcement service provision, and finally how identification, intervention, and response are impacted by these factors.

5.2. Perceptions and Knowledge Gaps

5.2.1. *Human Trafficking as a Transnational Crime*

According to Thorburn and Beddoe (2021), human trafficking, and more specifically sex trafficking, is frequently perceived as not occurring within the New Zealand context. Participants identified knowledge gaps pertaining to the prevalence and dynamics of human trafficking in New Zealand, including where trafficking occurs and in what sector, where victims are recruited or “moved” from and what this process looks like, who the traffickers are, and what the methods of coercion, power, and control look like in situations of trafficking. Varying interpretations of the domestic element of trafficking was further discussed as creating additional uncertainty around how to define and identify trafficking that does not occur as a transnational crime. Trafficking in commercial sex affects adults and young people in New Zealand, where victims are induced by force, fraud, coercion, or deception into involvement in the sex

industry without movement across international borders, meaning a person has not been transported into or out of New Zealand for the purpose of exploitation in commercial sex (Thorburn, 2018). In the New Zealand context, trafficking of young people on the domestic level in particular, is frequently facilitated by intermediaries including family, friends, and intimate partners or “boyfriends”, or a gang member (Thorburn, 2018). However, this is oftentimes not perceived as not incorporating trafficking components, given commonly held perceptions of what constitutes trafficking and the required elements that are assumed in the identification and classification of trafficking.

As is discussed in chapter two, perceptions, assumptions, and misconceptions are frequently influenced by common discourse and representations of human trafficking which are prevalent in the media, across anti-trafficking platforms, and further within varying levels of government, law enforcement, and across community sectors, which frame trafficking in relation to transnational movement, migration and immigration, criminality labeling, and the conflation of trafficking in commercial sex with voluntary involvement in the sex industry (Farrell & Fahy, 2009; Rodríguez-López, 2018, Sikka, 2009). It is argued here that perceptions influenced by common discourse and representation are influential in the understanding and identification of domestic sex trafficking. Elements of trafficking in commercial sex on the domestic level are infrequently recognised as a result of the assumptions that are held pertaining to migration and international movement as being correlated with all situations of trafficking, and the elements of CSE as they are perceived in the context of family or intimate partner violence, and involvement in the sex industry.

5.2.2. Perceptions, Assumptions, and Misconceptions

Trafficking in commercial sex is frequently perceived as a transnational issue, consistent with commonly held assumptions of various other forms of human trafficking, where people, and more specifically women and girls, are transported across international borders for the purpose of exploitation in the sex industry, a factor which has been recognised as creating barriers to response and service provision (Farrell et al., 2008, Smith & Kangaspunta, 2012). While there was significant differentiation by participants between the components of human trafficking and migrant smuggling, differing from various literary reports emphasising the conflation of human trafficking and migrant smuggling (Nichols & Heil, 2015; Wilson & Dalton, 2008), participants reported varying interpretations around what constitutes trafficking on both the international and domestic levels, where trafficking was perceived as incorporating transnational movement. Trafficking is frequently perceived as a crime occurring in overseas countries and

as an issue that is not prevalent in the New Zealand context, is perceived as labour exploitation occurring in New Zealand following forced movement of a person from an overseas source country into New Zealand for the purpose of exploitation, or as exploitation of a person from New Zealand following movement to an overseas country. Participants discussed international trafficking specifically as incorporating organised crime components, in relation to extreme poverty, lack of choice, and forced entry into commercial sex in particular. Commonly held perceptions pertaining to organised criminal network involvement have been correlated with sensationalised images and portrayals, frequently publicised in the media and common discourse, in which trafficking is framed as being facilitated by international, or local organised criminal networks, highlighting elements of violence, kidnapping, and rape (Farrell & Fahy, 2009; Rodríguez-López, 2018, Sikka, 2009). It has been argued that human trafficking myths that are often perpetuated by media representations and common discourse create varied misperceptions around what trafficking looks like, similar to commonly held assumptions identified in this research which risk conflating trafficking with international movement, organised criminal networks, and extreme violence and poverty, and framing trafficking as strictly an international issue (Browne-James et al., 2021; Gerassi, 2015; Jordan et al., 2013).

5.2.3. Human Trafficking Definitions and Perception

Varying interpretations of human trafficking have been linked to definitional restrictions of trafficking itself, where an internationally accepted definition of human trafficking was not developed until the year 2000, creating confusion around the elements that are required to identify a situation of trafficking and facilitating the common conflation of human trafficking with illegal migration and smuggling processes (Gallagher & Holmes, 2008). However, while New Zealand ratified the 2000 United Nations Convention against Transnational Organized Crime, and the supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the international legal definition of trafficking in persons was not adopted into New Zealand legislation until 2015, whereas prior to the *Crimes Act Amendment 2015*, Section 98D “Trafficking in persons” included a required transnational component to classify a case as human trafficking (Thorburn, 2018). While these amendments were implemented, participants identified barriers in relation to the applicability of the “Trafficking in persons” legislation, which will be discussed later in this chapter.

While changes have been made to the human trafficking definition as proposed by New Zealand Legislation, and consistent with internationally accepted definitions and requirements to identify a

situation of human trafficking, information provided in the New Zealand Police “People trafficking and migrant smuggling” policy and procedure manual creates definitional restrictions regarding the elements required to classify a situation as trafficking in persons. The manual differentiates between migrant smuggling and people trafficking, where migrant smuggling is defined as involving a person being brought illegally into New Zealand for financial or other gain (Appendix I), and where people trafficking is defined as involving a person being brought into New Zealand by means of coercion and/or deception, for gain (Appendix I).

However, the focus of people trafficking as presented in the “People trafficking and migrant smuggling” policy and procedure manual is on the relationship between people trafficking and migrant smuggling, in that to be a victim of people trafficking, the entry of that person into New Zealand must have been induced by coercion or deception, further stating that, as a result, people trafficking can only occur as cross-border/transnational offence. This is presented in the context of illegal migration where a person cannot be classified as a victim of trafficking if they entered into New Zealand unlawfully and is then forced, coerced, or deceived into an exploitative situation following unlawful entry into New Zealand (Appendix I). This definition; however, excludes domestic level trafficking where someone is exploited in the labour market, whether in commercial sex or other industries, without the element of transnational movement. This definition further fails to identify the correlation of migration or migrant smuggling with increased vulnerability to exploitation in the destination country, referring only to the relationship between migrant smuggling and people trafficking in relation to a change in status of the person being transported only if the person facilitating the transportation assumes trafficker status prior to the victim entering New Zealand (Appendix I). The definitions presented in the “People trafficking and migrant smuggling” policy and procedure manual; therefore, associate human trafficking with transnational movement and issues relating to migrant smuggling, limiting documented referral definitions available for New Zealand Police incorporating human trafficking as it occurs on the domestic level, where the elements of force, fraud, or coercion is evident in situations of forced labour, including labour in commercial sex occurring in the absence of transnational movement for the purpose of exploitation.

5.2.4. Incorporating Perceptions of Labour Trafficking

Additionally, participant dialogue suggested the assumed sexual component in human trafficking, oftentimes overshadowing labour trafficking in other industries; however, participants further discussed the knowledge of trafficking in industries such as agriculture, hospitality and tourism, fishing, farming, or

construction as more prevalent in the New Zealand context. Knowledge gaps around the prevalence of domestic sex trafficking in New Zealand, which will be discussed in the following section, was frequently identified in the context of consensual sex work and sex for survival. According to O'Brien (2015), trafficking in the sex industry is frequently referred to as a distinct form of human trafficking separate from other forms of labour trafficking, delegitimising the sex industry, subsequently creating confusion around how to define and identify trafficking in commercial sex as separate from voluntary involvement in the sex industry, conflating all involvement in commercial sex as sex trafficking and incorporating exploitative components.

5.2.5. Perceptions of Domestic Human Trafficking

As is previously discussed, human trafficking is frequently referred to as incorporating transnational movement across borders, excluding trafficking that occurs within national borders which may not include an element of transportation, minimising the prevalence of trafficking that does not meet commonly held perceptions of trafficking where an international component is required. Consistent misinterpretations of human trafficking, and ineffective implementation of the legal definitions of human trafficking, can cause confusion among frontline workers and first responders who are likely to come in contact with victim-survivors (Jordan et al., 2003; Rafferty, 2013; Reid, 2010). Consistent with the previous discussion relating to law enforcement perceptions of international human trafficking dynamics in the New Zealand context, participants identified varying assumptions around the dynamics of trafficking as they are evidenced on the domestic level in New Zealand. While participant perception continued to focus on the movement of people across international borders, participants additionally discussed the inclusion of cases where the offending is occurring in New Zealand. This was referred to in the context where the victim-survivor is from New Zealand, as well as situations where a person is transported into New Zealand and exploited upon arrival; however, participants reported uncertainty around whether a case would be considered domestic if the victim-survivor is a person from outside of New Zealand, who is then exploited within New Zealand's borders. While there has been long-standing emphasis on the international components of human trafficking, significant efforts are being made to encourage the inclusion of domestic level trafficking in discourse, identification, response, and service provision (United States Department of State, 2019), with further effort being made by professionals and experts in the field to address commonly held misperceptions around human trafficking. These efforts address issues relating to the transnational assumption, conflation of human trafficking with other crime types, conflation of

trafficking in commercial sex with voluntary sex work, and the polarising views of ideal victimhood and criminality frames and labels; assumptions that have been identified as impeding effective identification and response to trafficking (Farrell & Fahy, 2009).

As discussed by Wilson et al. (2003), law enforcement oftentimes have limited scope of knowledge in relation to human trafficking, which as previously discussed, may be more reflective of sensationalised images than the reality of human trafficking, where domestic trafficking cases in particular are frequently misidentified, suggesting uncertainty relating to the role of force, fraud, and coercion in cases of domestic trafficking (O'Brien, 2019). Participants overwhelmingly identified experience with cases of domestic sex trafficking; however, these experiences were discussed in the context of human trafficking infrequently, where cases were referred to in the context of family or intimate partner violence, child abuse, sexual assault, gang involvement, and voluntary involvement in commercial sex or sex for survival. However, participants did not differentiate between targeted or opportunistic exploitative situations in the context of trafficking within intimate partner relationships. Participant dialogue provided extensive knowledge and subsequent examples of situations that meet the definition of domestic sex trafficking; however, participants identified having knowledge gaps around the prevalence of domestic trafficking in the context of commercial sex. Participant examples, while illustrating elements that are consistent with human trafficking dynamics as it occurs on the domestic level, were not explicitly linked to trafficking. Correlations were made between forced entry into commercial sex and underlying vulnerability, highlighting the intersecting nature of vulnerabilities such as poverty, homelessness, mental health, substance use, involvement in the child welfare/protection system, abuse, and violent, hostile, or neglectful home environments.

5.2.6. Vulnerability, Sex for Survival, and Sex Trafficking

While participants identified varying levels of knowledge of the prevalence of sex for survival in the New Zealand context, domestic sex trafficking was referred to by participants in the context of sex for survival and as correlated with underlying vulnerability that facilitates a situation where a person relies on the sex industry for survival, including poverty, homelessness, runaway or throwaway status, immediate need for shelter, clothing, or food, involvement in the child protection and welfare system, substance use, and past experiences of abuse, neglect, or abandonment (Cobbina & Oselin, 2011; Hodge & Lietz, 2007; Miller, 2014; Thorburn, 2018). While the above-mentioned dynamics were not explicitly discussed in relation to trafficking, participants referred to the dynamics of coercion, power, and control evidenced in

situations of sex for survival which create barriers to victim-survivor self-disclosure and ability to leave an abusive or exploitive situation. Additionally, access to shelter, clothing, food, alcohol and/or drugs, protection and affection may be perceived as more ideal by the victim-survivor than homelessness or returning to an abusive or neglectful home environment (Thorburn 2018; Thorburn & de Haan, 2014). Participants further referred to the dynamics of sex for survival as evidenced in situations of family harm/family violence, where the elements of power and control are exacerbated by intrafamilial dynamics, creating further barriers to self-disclosure, identification, and response, impacting the victim-survivor's perceptions of the relationship as incorporating exploitive components. Situations involving sex for survival were identified by participants as difficult for law enforcement to identify, given sex for survival is frequently linked to underlying vulnerabilities such as poverty, homelessness, and substance use, where disclosure to law enforcement places the victim-survivor at risk of losing supports, and increases risk of additional violence and harm.

Significant links between substance use and vulnerability to trafficking and exploitation have been identified in the literature, where substance use has been correlated with the processes of grooming of victims, recruitment of victims into trafficking situations, and as a method of control utilised by traffickers to ensure dependency and compliance (Sikka, 2009). The correlation between substance use and trafficking and exploitation was discussed overwhelmingly by the participants in the context of additional existing vulnerabilities, where the use of alcohol and/or drugs is often associated with poverty, homelessness, and past experience of violence and abuse, with the intersectional nature of these vulnerabilities compounding to increase susceptibility to victimisation. Participants referred to alcohol and/or drugs as being provided to the victim as a means of coercion, manipulation, power, and control, with reference to the accumulation of drugs debts as a form of debt bondage. While the use of substances as a form of control has been debated in the literature, where research has shown both no evidence of the use of alcohol and/or drugs as a method of trafficker control (Marcus et al., 2014) or evidence to support the use of alcohol and/or drugs in the process of control through the development of a debt bondage (Kennedy et al., 2007), exploitation of substance use and addiction have been referred to extensively in the literature as methods employed by traffickers in the grooming and recruitment processes (Cobbina & Oselin, 2011; Kennedy et al., 2007; Marcus et al., 2014).

5.2.7. Gang-Facilitated Sex Trafficking and Forced Commercial Sex

According to Sikka (2009), the influence of gangs in sex trafficking and forced commercial sex has

become increasingly prevalent. The dynamics of power and control were identified by participants as evident in the context of gang-facilitated involvement in the sex industry and sex trafficking, where promises of a family dynamic are frequently used to exploit a victim's vulnerabilities, where victims are often provided with basic necessities, protection, and affection, to facilitate a bond. Participants discussed varied perceptions in relation to the role of gangs in the context of commercial sex and sex trafficking; however, gang-facilitated involvement in the sex industry was referred to overwhelmingly by participants as occurring more so as an opportunistic pimping dynamic, where women and girls who may already have affiliation with a gang are involved in the sex industry. Similar to these findings, Thorburn's (2018) research on the dynamics of domestic sex trafficking in the New Zealand context found that gangs including Black Power, Mongrel Mob, Head Hunters, King Cobras, White Power, Killer Beez, and Mothers were consistently identified in the stories of victim-survivors. While the participants in this research project identified knowledge of forced entry into the sex industry by gangs, where the victims may either be girlfriends of gang prospects or may be affiliated through existing family member involvement, this was not discussed in the context of targeted recruitment by gangs for the purpose of exploitation in the sex industry, with pimping or gang involvement in the sex industry more frequently referred to as secondary to other primary criminal business models. However, lack of knowledge stemming from decriminalisation of commercial sex and the implementation of the *PRA 2003* was identified, where participants discussed decriminalisation as restricting access to locations associated with the sex industry. The implications of decriminalisation as identified by the participants will be discussed at greater length later in this chapter.

5.2.8. Discourse, Language, Frames and Labels

Frequently discussed in the literature, assumptions around what is considered deviant are influential in framing victimisation and criminalisation (Bejinariu et al., 2021; Duncan & DeHart, 2019; Sikka, 2009), where criminal or deviant labels are often associated with stigma, negative images, stereotypes, or perceptions (Bernburg, 2009). This has been discussed, as previously mentioned, as influenced by common discourse and representations that are frequently portrayed in the media, across anti-trafficking platforms, and further within varying levels of government, law enforcement, and across community sectors (Farrell & Fahy, 2009; Rodríguez-López, 2018, Sikka, 2009). However, in contrast to existing literary reports emphasising the criminalisation of the sex industry, and subsequent influence that criminalisation of commercial sex has on victim-blaming and judgemental attitudes, participants did not discuss victim-

survivor criminality as perceived in the context of involvement in commercial sex or sex trafficking, or what was frequently referred to by participants as sex for survival or sexual exploitation. Participants further emphasised a victim-centred approach and the safety of the person involved as primary in response processes, identified as the initial stage of intervention and support that would be provided in situations of trafficking, which will be discussed further later in this chapter. These dynamics were additionally discussed in the context of decriminalisation of the sex industry in New Zealand and the *PRA 2003*, focusing on the influence of decriminalisation of the sex industry on perception and identified barriers to identification and response.

5.2.9. Trafficking of Children and Young People

Knowledge held by participants around what constitutes domestic sex trafficking in particular, focused overwhelmingly on the experiences of, and response to, children and young people who are forced into commercial sex, lacking control or say over their actions and movements, with frequent mention of the commercial component in relation to the sexual exploitation of persons under 18 years of age. What is frequently referred to as CSEC refers to extreme forms of child abuse, including child sex trafficking, the production and dissemination of objectionable material involving a minor under 18 years of age, and the exploitation of young people through sex work (Sapiro et al., 2016). While participants reported trafficking on a smaller scale in comparison to international human trafficking issues, as discussed above, young people were identified in the context of sex for survival, gang-facilitated sex work, and in intrafamilial dynamics including situations of both online and offline exploitation.

The term commercial sexual exploitation of children (CSEC), as well as commercial sexual exploitation (CSE) involving persons 18 years of age and over, is oftentimes used and understood more readily than the term sex trafficking, where CSEC may be utilised as an umbrella term for the varying forms of CSE experienced by children and young people; however, both terms are often used interchangeably where sex trafficking can also refer to exploitation of children in objectionable material, in travel and tourism, etc. (The United States Department of Justice: Office of Justice Programs, 2007). While participants reported varying perceptions regarding the use of the term CSE in relation to the term sex trafficking, the terms were commonly identified as being intrinsically linked. Participants identified both sex trafficking and CSE as incorporating the dynamic of a person being utilised and taken advantage of in the sex industry, where a third party is profiting off of a person's involvement in commercial sex, with the commercial or monetary component emphasised as an element of sex trafficking and CSE. However,

additional discussion illustrated the differentiation between the monetary gain associated with the differing terms, where CSE was referred to in relation to an organised business model and the exploitation by a commercial entity. While the dynamics of trafficking and exploitation were identified throughout participant dialogue, uncertainty around the correlations between what is referred to as sex trafficking and CSE, and confusion around how to define components of sex trafficking, can impact ability to prevent, intervene, and respond to situations of trafficking that may be perceived as not meeting the requirements of a trafficking classification (Jordan et al., 2013).

5.2.10. *Sex Trafficking or Pimping?*

The term pimping was frequently referred to in relation to trafficking and was identified by participants as being utilised and understood more readily in the New Zealand context. The differentiation of the terms pimping and trafficking can be complex, where the factors that make the two crimes distinct are frequently overlooked; however, dynamics of pimping are also frequently misidentified in situations where the elements of trafficking are evident. The dynamics of pimping frequently involve the elements of force, fraud, coercion, and levels of violence, integrated with protection, love, and affection, where the actions and movements of the victim are controlled by a third party “pimp” or “trafficker” (Duncan & DeHart, 2019; Jordan et al., 2013; Kennedy et al., 2007; Miller, 2014). However, these dynamics as they occur on the domestic level are frequently misidentified, and not incorporated into the definition of sex trafficking, as traffickers may be friends, family, or intimate partners, or domestic level gangs (Jordan et al., 2013).

Participants referred to pimping in the context of protection or minding, where a person involved in the sex industry enters into a consensual relationship with a third party who subsequently manages the person’s work in the sex industry, including providing a location, facilitating appointments with buyers, transportation, and protection, which may not include the elements of force, fraud, coercion, or deception. It was further identified by participants that law enforcement may not associate the dynamics of pimping with trafficking, given the assumed consensual nature of pimping as is referenced in the New Zealand context. While there are distinct definitions of pimping and trafficking in the context of criminal elements, illustrating aspects of similarity and differences between the two, common discourse and representation of what constitutes pimping creates uncertainty around differentiation of pimping and trafficking in the identification and response processes. Conflation of the two terms risks misinterpretation of situations where trafficking or forced entry into commercial sex is evident, and further risks assuming

elements of force, fraud coercion, or deception having induced a person to be involved in the sex industry where consensual involvement is evident. While the terms pimping and trafficking, and pimp and trafficker, are frequently used interchangeably in the context of human trafficking, distinct differentiation and understanding of these elements in the processes of identification is crucial to effective intervention and response.

5.2.11. Intrafamilial Dynamics, Sex Trafficking, and Online Sexual Abuse

As was previously discussed, sex trafficking or CSE was discussed by participants as occurring within the contexts of intimate partner violence, family violence/harm, and child abuse; however, CSE that was discussed as occurring within families and intimate partner relationships was not discussed as being intrinsically linked to the dynamics of sex trafficking. While an intergenerational component where mothers were known to facilitate the entry of their daughters into commercial sex was discussed, participants overwhelmingly referred to the involvement of intrafamilial dynamics in the exploitation of children and young people in the online space. Online trafficking or exploitation, or what is more often referred to as online sexual abuse, was not initially included in the research topic or focus; however, the online dynamics of sexual exploitation, including the production and dissemination of objectionable material, live-streaming sexual abuse, the dynamics of sexting and sextortion, online grooming, and the need for international organisational collaboration were identified by participants. The following will provide a synthesised and comprehensive overview of the information provided by the participants; however, this discussion will not further engage with the existing literature, given the unintended inclusion of the online dynamics of sexual exploitation.

Online sexual abuse was identified by participants as one of the most highly investigated crime types in New Zealand, where reference was made to both overseas buyers and consumers, the consuming, sharing, or storing of objectionable material in New Zealand, and the contact offending element where offending is occurring on the domestic level in New Zealand. Contact offending was referred to as frequently facilitated by a family member, where objectionable material that illustrates the sexual abuse of a child is produced in New Zealand and is consumed by buyers both domestically and internationally. Commercial online sexual abuse; however, was not referred to in the context of sex trafficking and was commonly identified by participants as CSE or CSEC.

Live-Streaming online sexual abuse was discussed by participants as occurring on an international level, where the contact offending, or active, live-streaming of sexual abuse is facilitated overseas and is

then consumed by buyers in New Zealand who pay to access the live-stream. Participants identified no knowledge of live-streaming where the offending is occurring within New Zealand, where live-streaming was frequently referred to as prevalent in Third World countries, linked to extreme poverty.

Sextortion, or the use of sexualised images or videos to blackmail a person into complying with a request or demand, including to produce more sexualised material, to provide a sexualised live-stream, to meet in person, or as a method of grooming and control in a sex trafficking situation was known to occur; however, this was not identified as being associated with sex trafficking in the New Zealand context.

While grooming was identified by participants as occurring in online spaces, this was not referred to in relation to grooming for sex trafficking purposes, and was discussed in the context of children and young people who are targeted and groomed online with the intention of further contact offending. However, online platforms, including social media, peer-to-peer platforms, and gaming platforms are frequently utilised by traffickers to recruit and groom for the purpose of sex trafficking or CSE.

International organisational collaboration was reported by participants as a crucial component in combating online sexual abuse and exploitation. Given the borderless nature of online offending, where material can be produced, traded, shared, disseminated, uploaded, downloaded, and purchased internationally, significant international cooperation was discussed as incorporated in the investigative, intervention, and support processes.

The production of objectionable material is frequently not associated with the dynamics of human trafficking. Objectionable material, while overwhelmingly referred to as involvement of children and young people in online sexualised material, also incorporates the involvement of non-consenting adults in the production of pornography which may occur in some adult film. Although the experiences of adults more specifically often include the elements of force, fraud, or coercion, where a person's involvement in the production of sexualised material is linked to their trafficking situation through forced involvement in pornography, this is understood and identified less than what is perceived as common forms of human trafficking, as is depicted through discourse and media representation.

5.2.12. Reviewing Dialogue

According to Farrell & Pfeffer (2014), interviews conducted with police and prosecutors evidenced varying areas of uncertainty in relation to understanding and identification of human trafficking and the enforcement of human trafficking law, more specifically pertaining to confusion around how to define and identify the elements of coercion in trafficking situations. While human trafficking training has been

referred to in research and literature as being the primary step in advancing law enforcement and criminal justice response to the issue of trafficking (Farrell et al., 2010) (refer to section 5.4.), participants referred to increasing dialogue around human trafficking and how this presents in the New Zealand context as an important component in facilitating a greater understanding of what constitutes trafficking, and how to identify and respond to effectively to situations that occur within New Zealand's borders. However, at this time, participants reported minimal dialogue or conversation relating to human trafficking, and more specifically trafficking that is occurring on the domestic level where transnational movement is not a component, with conversation rarely occurring on the everyday level.

Lack of current dialogue or conversation was further illustrated as being an influential factor on the knowledge and perceptions of law enforcement that exist in relation to domestic sex trafficking in New Zealand, where participants identified conversation that focuses heavily on varying other crime types, including drug trafficking, migrant smuggling, or organised crime networks operating in New Zealand. While participants highlighted the knowledge gaps that continue to exist within law enforcement around human trafficking, it can be argued that increasing dialogue and conversation at all levels of law enforcement will support advancement in the understanding of the working and legal definitions of human trafficking, dismantling common perceptions that assume such things as a required transnational component or conflation with voluntary sex work, or the overarching assumption that trafficking is not occurring on the domestic level. According to the literature, misperceptions of human trafficking oftentimes facilitated by common myths around the dynamics of trafficking, which present trafficking as only an international issue, as associated with organised international criminal networks, as frequently involving significant levels of violence, kidnapping, and rape, or as always involving consensual involvement in the sex industry (Browne-James et al., 2021, Gerassi, 2015; Jordan et al., 2013), ultimately affect effective identification, intervention, and investigative strategies. Increasing active dialogue and conversation around the issue of human trafficking in New Zealand was viewed by participants as an important component of a transformative move to increasing response and service provision.

5.3. Patterns of Response

5.3.1. *Victim-Survivor Support and Effective Service Provision*

According to current research and literature, advancing and implementing cross service policies and protocols across governmental agencies and service providers have been identified as influential factors in the ability to increase service provision and response, progressing law enforcement ability to

respond and increasing capacity, facilitating increased levels of intervention, response, and support available to trafficking victim-survivors (Asian Pacific Institute on Gender-based Violence, 2016; David, 2010; Farrell et al., 2014; Gallagher & Holmes, 2008; Grubb & Bennett, 2012; Stolz, 2010; Wilson & Dalton, 2008; Wilson et al., 2006). Participants discussed the importance of victim-centred approaches in situations of violence and harm, with reference made to the importance of these approaches in response to situations of trafficking, where the safety and empowerment of the victim-survivor is priority. Participants further identified an effective approach to service provision which sees law enforcement investigative processes as the final stage of intervention with a victim-survivor, where social, healthcare, mental healthcare, and further community supports should be provided prior to police involvement. Addressing the immediate and ongoing transitional needs of the victim-survivor before progressing to the investigative and criminal justice processes, with effective service provision identified as being consistent and ongoing, was further identified as priority.

5.4. Barriers to Identification and Response

5.4.1. *New Zealand Police Training*

According to Farrell et al., (2012), challenges faced by law enforcement in the identification of human trafficking originate from low prioritisation of human trafficking cases, limited resources allocated to training, staffing, and investigative processes, lack of police training available at all levels of law enforcement, including frontline and first-responders, and the covert nature of human trafficking dynamics. The need for increased training availability for law enforcement is frequently identified throughout research and literature (Dandurand, 2017; Farrell & McDevitt, 2014; Jurek & King, 2020; Mapp et al., 2016; Renzetti et al., 2015), where law enforcement training corresponds with increased knowledge and understanding of the legal definitions of human trafficking and increased skill and ability to identify and respond to cases involving trafficking (Farrell et al., 2015; Mapp et al., 2016). Participants overwhelmingly agreed that law enforcement training on human trafficking in both the international and domestic contexts, including training on trafficking in the context of commercial sex, is significantly lacking. While participants identified the inclusion of a human trafficking unit in detective training courses, this was discussed as incorporating more of the dynamics of migrant smuggling as opposed to human trafficking, and where training within New Zealand focuses more heavily on the trafficking of drugs as opposed to the trafficking of people.

As previously stated, human trafficking training for law enforcement has been identified as the first step to improving response, including identification, investigation, and intervention (Farrell et al., 2010), increasing ability to implement victim-centred, trauma-informed interviewing practices (Farrell & Pfeffer, 2014; Jacobi, 2018), and the ability to identify trafficking as it may occur in the contexts of family or intimate partner violence, sexual violence, gang involvement, sex work, and illegal migration (Nichols & Heil, 2015). Given the identification by participants of uncertainty around the definitions of both international and domestic level trafficking, and more specifically trafficking occurring within the dynamics of commercial sex in the New Zealand domestic context, training was further discussed as an important component of increased knowledge of these issues as they present within New Zealand's borders. While representations of human trafficking in common discourse frequently perpetuate inaccurate perceptions of what constitutes human trafficking, specialised and collaborative training responses are understood to have a positive effect on dismantling common misconceptions that impact identification, response, and service provision (Bejinariu et al., 2021; Mapp, et al., 2016).

5.4.2. New Zealand Legislative and Policy Framework

The New Zealand *Crimes Amendment Act 2015* was passed into legislation in November 2015, which incorporated numerous changes to the existing "Trafficking in persons" legislation, including the removal of the previously required transnational component of Section 98D (Thorburn, 2018) (refer to section 2.5.4.), aligning New Zealand's legislative definition with international standards as defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplemental to the Convention against Transnational Organized Crime (United Nations Office on Drugs and Crime, 2004). However, while New Zealand's "Trafficking in persons" legislation was amended in 2015, participants identified difficulties in the implementation of the human trafficking legislative framework into practice, where lack of testing and research into the applicability of the legislation was outlined. The "Trafficking in persons" legislation was further referred to as meeting international convention and protocol requirements; however, research to support the relevance of such human trafficking legislative frameworks in New Zealand is identified as lacking. United States-based researchers have found that challenges have been identified by law enforcement and the criminal justice system in the interpretation of human trafficking legislation, including challenges in identifying the elements of force, fraud, and coercion in cases of human trafficking (Farrell et al., 2013; Jurek & King, 2020; Nichols & Heil, 2015). Given the uncertainties relating to knowledge and understanding of human

trafficking legislation, law enforcement and prosecutors are more likely to utilise legislative frameworks where successful prosecution has been evidenced (Breuil et al., 2011; Farrell et al., 2013).

While participants acknowledged the applicability of the human trafficking legislation in cases involving commercial sexual offences, varying other legislative frameworks were identified as being utilised in cases involving sexually-based offences; however, the commercial element was not explicitly discussed in relation to the legislation highlighted. Specifically, the participants distinguished between the implementation of the “Trafficking in persons” legislation and Section 98AA “Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour” in cases involving a person under 18 who is being exploited for sexual purposes. Participants emphasised the underlying characteristics of Section 98AA where the elements of force, fraud, or coercion are not required in cases involving a person under 18 years of age, an element that was further highlighted as not being incorporated in the “Trafficking in persons” legislative framework. In addition to Section 98AA, varying other charges were identified as being utilised in cases that may involve sex trafficking dynamics; namely, legislation that includes such things as kidnapping, abduction for sex, and sexual violation by coercion, and where the *Films, Videos, and Publications Classification Act 1993* was discussed as being utilised in cases involving the production, distribution, or consumption of objectionable material. As discussed by Farrell (2012), the response to anti-trafficking legislation and protocol has been slow internationally, with the development and implementation of legislation alone being insufficient in the identification, investigation, and intervention processes involved in human trafficking cases (Farrell, 2014; Farrell et al., 2014); however, the ability of law enforcement to effectively utilise appropriate legislative frameworks in investigative processes is discussed as being a significant component of effective human trafficking response processes (Mapp et al., 2016).

5.4.3. Decriminalisation of Commercial Sex and the Prostitution Reform Act (PRA) 2003

As is discussed by Huisman and Kleemans (2014), there exists significant conflation of sex trafficking with voluntary involvement in commercial sex in the process of legislative debates, where debates have been presented by advocates on both sides of the commercial sex industry, with anti-prostitution or neo-abolitionists viewing sex work as degrading or exploitative, advocating for criminalisation of the sex industry, and non-abolitionists viewing sex work as a legitimate form of labour, advocating for legalisation or decriminalisation and sex worker protection of rights and privileges (Farvid & Glass, 2014; O’Brien, 2015). These views have been influenced significantly by varying feminist

theoretical frameworks utilised in common violence against women discourse, which strive to understand the roles, expectations, values, and experiences of individuals, attributed on the basis of gender (Gerassi, 2015; Miriam, 2005), which have further been influential in framing involvement in the sex industry and exploitation in commercial sex, and which defines victimhood and criminality (Bejinariu et al., 2021; Duncan & DeHart, 2019; Sikka, 2009). While participants did not identify perception of involvement in the sex industry as influenced by common discourse and frames, there was discussion pertaining to barriers experienced by law enforcement resulting from decriminalisation of the sex industry in New Zealand and the passing of the *PRA 2003*.

Decriminalisation of the sex industry occurred in New Zealand in 2003 following the passing and implementation of the *PRA 2003*, in which women's groups and sex worker advocacy and activist groups had a significant impact (Farvid & Glass, 2014; Thorburn, 2017). Participants discussed the relationship between the sex industry and sex trafficking in the context decriminalisation, and the impact law enforcement has experienced in their ability to identify potential victim-survivors of exploitation. Participants identified the increasing knowledge gaps around the exploitation that may be occurring in the sex industry, as routes of contact with individuals who may have been involved in commercial sex due to force, fraud, or coercion are limited, where law enforcement previously had access to locations in the sex industry such as brothels and massage parlours. Prior to decriminalisation, participants highlighted a focus on communicating with those working in commercial sex to ensure safety and consensual involvement, as opposed to criminalisation. While decriminalisation has provided sex workers rights and protections in a legitimate form of labour, law enforcement has acknowledged difficulties identifying situations of exploitation in commercial sex and levels of coercion that are present.

5.4.4. *Victim-Survivor Response and Self-Disclosure*

As is illustrated by Dandurand (2017), the cooperation of a victim-survivor is essential in the identification, investigation, and prosecution of human trafficking cases. However, low levels of self-disclosure among victim-survivors of human trafficking frequently result from fear instilled by the trafficker, manipulation and coercion, victimisation and trauma, trauma-bonding (refer to section 2.3.3.), fear of reprisal or loss of benefit or support provided by the trafficker, fear of law enforcement, and embarrassment (Clawson et al., 2006; Countryman-Roswurm & Bolin, 2014; Farrell & Pheffer, 2014, Gallagher & Holmes, 2008; Jurek & King, 2020; Mapp et al., 2016; Nichols & Heil, 2015; Renzetti et al., 2015; Wagner, 2012). Participants acknowledged the barriers to disclosure that are frequently evident, and

the impact low-levels of victim-survivor self-disclosure and cooperation have on the ability to identify and respond to situations of forced commercial sex or sex for survival. Consistent with the literature, participants referred to fear, immediate survival needs, trauma-bonding between the victim-survivor and the trafficker, lack of victim-survivor awareness of what trafficking is, ability to recognise the exploitative nature of a relationship, and the sensitive nature of sexually-based offences as creating barriers to victim-survivor self-disclosure. Lack of victim-survivor trust in services, including law enforcement, social work and social services, healthcare, mental healthcare, and further community supports frequently relates to previous negative interactions with frontline workers and support services (Clawson et al., 2006; Countryman-Roswurm & Bolin, 2014; Heil & Nichols, 2014; Farrell, 2014; Farrell et al., 2014; Gallagher & Holmes, 2008). Stigma, victim-blaming, and judgemental perceptions of those involved in commercial sex, frequently facilitated by common discourse, representations, labels, and frames, have also been evidenced as negatively impacting identification, intervention, and response processes (Ayre & Barrett, 2000, Barnett et al., 2016; Bejinariu et al., 2021; Farrell et al., 2012).

5.5. Conclusion

This chapter presented an analytical discussion of the research findings, synthesising these findings with existing literature and research. The research findings focused on three distinct themes; namely, perceptions and knowledge gaps, patterns of response, and barriers to identification and response. This research aimed to explore and understand the experiences of law enforcement with human trafficking in the New Zealand context, specifically trafficking in the commercial sex industry on the domestic level, where movement across international borders has not occurred. Consistent with the literature and evidential findings from previous research, knowledge gaps were identified by participants as impacting perception of the prevalence of domestic sex trafficking in New Zealand and the dynamics of commercial sexual exploitation as occurring within New Zealand's borders.

Human trafficking is overwhelmingly perceived as a transnational crime. Discourse and media represent human trafficking as intrinsically linked to transnational movement, migration and migrant smuggling, and international organised criminal networks, frequently involving extreme violence and kidnapping. The perception that human trafficking only includes the movement of people across international borders for the purpose of exploitation risks conflating trafficking occurring in the domestic sex industry with voluntary involvement in commercial sex, and obscures the dynamics of sex trafficking as it occurs in the context of family or intimate partner violence, as co-occurring with other forms of sexual

violence or sexual harm, or as perpetrated by gangs. Participants overwhelmingly discussed experience with cases that fit the definition of domestic trafficking; however, these were not explicitly discussed as including the dynamics of trafficking, illustrating gaps in knowledge around understanding and utilisation of the definition of domestic human trafficking. Furthermore, the research identified the influence of current human trafficking legislation, policies, protocols, and procedures currently implemented in the response to human trafficking in the New Zealand context on the processes employed by New Zealand Police in the identification, investigation, and intervention of situations of domestic sex trafficking. Next, chapter six will provide an overview of recommendations stemming from the research findings, limitations to the research, and recommendations for future research.

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

The previous chapter provided an analytical overview of the research findings as discussed in relation to existing research and literature. This chapter will focus on the implications of the research findings, and the impact these findings have on police protocols and procedures in relation to effective response and service provision directed towards domestic sex trafficking in New Zealand. The context of this research facilitated discussion focusing on knowledge of human trafficking, specifically exploitation in commercial sex, perceptions around how domestic sex trafficking is facilitated within New Zealand's borders, law enforcement experiences with domestic sex trafficking, including identification and response, and implementation of various legislative frameworks, policy, and protocol. This chapter will provide conclusions and recommendations for future practice and research, highlighting the importance of dismantling frequently held perceptions, assumptions, and misconceptions that are influential in the recognition, identification, and response to human trafficking, both internationally and domestically. This chapter presents recommendations for future law enforcement training, and an overview of effective strategies to increase identification and response to domestic sex trafficking in New Zealand, including legislation and policy implications.

6.2. Dismantling Perceptions, Assumptions, and Misconceptions

Sensationalised images and assumptions in relation to the dynamics of human trafficking are influential in creating misperceptions around how people are recruited and controlled in trafficking situations, who may be targeted and affected by trafficking and who the traffickers are, and how the elements of force, fraud, coercion, and movement are presented in trafficking situations. The overarching misperceptions that are often held by, not just the general public, but governmental organisations, law enforcement, community agencies and partners, and in the anti-trafficking movement itself, ultimately affect effective identification of victim-survivors, intervention, and response strategies. Participants identified gaps in knowledge and conflated perceptions of human trafficking on both personal and organisational levels, discussing the assumption that human trafficking incorporates transnational movement across borders, women and girls being transported into New Zealand to work in brothels and massage parlours, and the tendency to view trafficking in New Zealand as forced labour in industries such as agriculture, hospitality and tourism, fishing, farming, or construction. Trafficking for the purpose of

exploitation in commercial sex, specifically on the domestic level, was discussed in the context of sex for survival, where the elements of human trafficking were commonly not identified as being incorporated where movement across international borders did not occur. Assumptions related to trafficking in the context of commercial sex are frequently correlated to sociocultural factors facilitating images and perceptions of the sex industry that regularly associate the sex industry with criminality and deviance, framing victimhood and criminality on the basis of representations of commercial sex in mainstream society, depicting those who are victims and those who are deviant on the basis of social perception.

As stated above, misconceptions about what constitutes human trafficking risks ineffective service provision, including identification, intervention, and response, and both immediate and ongoing transitional supports. Perceptions influencing conflation of human trafficking with varying other crime types and trafficking in commercial sex with consensual involvement in the sex industry, risk ineffective interviewing strategies; therefore, impacting identification, and further risks victim-blaming, stigma, and assuming levels of criminality. Increasing knowledge of what constitutes trafficking on both the international and domestic level, what the element of coercion looks like in situations of trafficking, who may be targeted and affected, what traffickers may look like, and the dynamics of recruitment, grooming, power, and control have a significant positive impact on victim-survivor-centred response and the inclusion of trauma-informed intervention. As discussed through international research and literature, collaborative, cross-organisation, and specialised training for law enforcement, awareness-raising, and outreach are critical steps in addressing misperceptions affecting knowledge and response to human trafficking, specifically in the domestic context where the dynamics of trafficking are frequently covert, and oftentimes easily conflated with such things as family and intimate partner violence, child abuse, gang involvement, and voluntary involvement in the sex industry.

6.3. Training Needs and Recommendations

International-based research and literature suggest that consistent gaps in law enforcement training on the issues of human trafficking are evidenced globally; acknowledging that, as stated in the previous section, collaborative, cross-organisation, and specialised training for law enforcement addresses misperceptions surrounding the dynamics of trafficking, and assists in increasing knowledge and skill in trafficking identification and intervention, and victim-centred, trauma-informed approaches to trafficking intervention. Participants identified a lack of human trafficking training received by New Zealand Police, acknowledging the inclusion of a human trafficking module in detective training only; however,

emphasised the focus on migrant smuggling and international trafficking presented through the training. It is crucial in the development of human trafficking training to focus on the elements influencing human trafficking on both the international and domestic levels, including exploitation in various sectors including labour trafficking in commercial sex and various other industries, such as agriculture, hospitality and tourism, fishing, farming, or construction, and domestic servitude, and emphasising the underlying systemic factors that may increase vulnerability to trafficking and exploitation. However, emphasis on the domestic level components of trafficking are critical to enhance knowledge and skill in identification, intervention, and response, furthering ability to identify situations of domestic sex trafficking occurring in the context of family violence, intimate partner violence, and within gang involvement, and in situations where coercion into the sex industry may not be overt, further increasing understanding of effective implementation of trafficking in persons legislative frameworks. Information provided by the key informants involved in this research emphasised the importance of training at all levels of law enforcement and the criminal justice system, where training is most effective when executed collaboratively by experts in the field, law enforcement organisations and agencies, and community partners and stakeholders. Consultation with law enforcement internationally may be useful in the development stage of extensive human trafficking training, with the incorporation of proven training strategies, further incorporating consultation with New Zealand-based resources to develop strategies specific to recognising trafficking in the New Zealand context.

6.4. Increasing Identification and Response; including legislation and policy implications

While New Zealand is a signatory of numerous international conventions and has adopted internationally accepted trafficking in persons legislation, amending Section 98D of the *Crimes Act 1961* in 2015 to align with international standards pertaining to active response to the issue of human trafficking, New Zealand's "Trafficking in persons" legislation is not extensively utilised in practice. Additionally, currently Section 98D does not explicitly include the differentiation between trafficking of a person under 18 years of age and a person 18 years of age and over. Participants identified the lack of research and evidence supporting effective implementation of Section 98D and successful prosecution of trafficking related offences under this legislative framework. While varying additional frameworks are utilised in cases involving such things as dealing in a person under 18 years of age for sexual exploitation, sexual coercion, or abduction for sex, the elements of trafficking are not explicitly identified in cases charged under these frameworks; therefore, conflating situations of domestic sex trafficking with sexual assault,

kidnapping or abduction, child abuse, family or intimate partner violence, and sexual exploitation, excluding the elements of trafficking. This ultimately facilitates the false perception that human trafficking in the context of commercial sex, specifically on the domestic level, is not occurring within the New Zealand context.

Effective identification and response, as is discussed in the previous section, begins by enhancing collaborative, cross-organisation, specialised training targeted at all levels of law enforcement and the criminal justice system. However, enhanced training is only one component of complex protocols and procedures that are required in the effective response to human trafficking. While there have been considerable efforts made to respond to the issues of trafficking through the development of New Zealand's people trafficking Inter-Agency Working Group and New Zealand's Plan of Action against Forced Labour, People Trafficking and Slavery 2020-2025, minimal efforts have been made to address trafficking in commercial sex on the domestic level, in what may be perceived as abuse among families, within intimate partner relationships, within gang involvement, or in situations where sex for survival includes coercive and exploitative components. Misidentification of trafficking victim-survivors risks re-traumatisation of the victim-survivor, ineffective supports in relation to the level and complexity of trauma experienced by victim-survivors, and the perception that trafficking is absent in the New Zealand context, limiting acknowledgement of the propensity of trafficking in New Zealand, and subsequently limiting the development of trafficking related services and supports. Therefore, in addition to advanced and specialised training, collaborative efforts across all sectors are crucial to continue to enhance knowledge of the dynamics of human trafficking in New Zealand. Specifically, this would support an increased focus on the domestic level components of trafficking, the development of a national referral pathway and systems of referral for victim-survivors, advancing trafficking specific supports and services (following specialised training for law enforcement and service providers), and increasing coordination and collaboration across all sectors, which are crucial to the continued advancement in response to human trafficking issues.

6.5. Limitations and Recommendations for Future Research

This study was limited by the small sample size included in the research and the availability of resources in the recruitment of research participants. While the sample was inclusive of New Zealand Police personnel with relevant experience in various units, including adult sexual assault, child protection, and organised crime, and incorporating personnel from various locations nationally, the resources to expand recruitment and the facilitation of a larger sample size would be beneficial. Given this research was

the first in New Zealand to focus on the experiences of law enforcement with domestic sex trafficking, future research in this area including a more expansive participant sample would be beneficial to gain more extensive knowledge of these topics. Additionally, research focusing on the effectiveness of human trafficking law enforcement training following implementation of training courses and programmes is crucial to evaluate the impact of training on identification, intervention, and response strategies. Furthermore, following the release of New Zealand's Plan of Action against Forced Labour, People Trafficking and Slavery 2020-2025 and the recent downgrading of New Zealand's response to human trafficking as presented by the 2021 TIP Report, ongoing research into the developments and progression of law enforcement response to trafficking over time would be beneficial. Finally, follow-up comparative analysis and data incorporating the results of this research and future law enforcement experience and response following increased emphasis on human trafficking in the New Zealand context would be useful to continue to explore trafficking on both the international and domestic levels.

6.6. Conclusions

The research data and findings regarding the experiences of New Zealand Police with domestic sex trafficking illustrate a varied knowledge base around what is involved in the dynamics of trafficking in commercial sex, including conflated perceptions of human trafficking, and more specifically domestic sex trafficking, with voluntary involvement in commercial sex and sex for survival, the assumed requirement of transnational movement across borders, and differing assumptions around what sex trafficking looks like in the context of family and intimate partner violence, as co-occurring with other forms of sexual violence or sexual harm, and gang involvement. While it is crucial in the development of anti-trafficking strategies in New Zealand to be culturally specific to the New Zealand context, considerable benefit can be derived from the support and input of international law enforcement and criminal justice organisations and agencies where programmes and units have been implemented. The key informant information provided in support of this research outlines the similarities in experiences as identified in the New Zealand context, where gaps in knowledge and acknowledgement of the prevalence of human trafficking, limited resources, the lack of extensive human trafficking training at all levels of law enforcement and the criminal justice system, and limited collaboration and cooperation across sectors were identified as facilitating the development of specialised human trafficking programmes and units. To enhance knowledge and skill in the identification, intervention, and response to situations of human trafficking, collaborative efforts are crucial to increase awareness of trafficking in New Zealand, and more specifically on the domestic level,

where trafficking in industries such as commercial sex are frequently conflated with other crime types, or with voluntary involvement in commercial sex. It is this collaborative awareness-raising that will ultimately facilitate developments in training, protocol and procedure, and service provision, further facilitating advancements in identification and effective intervention, response, and supports for victim-survivors of human trafficking.

APPENDIX A

**EDUCATION AND
SOCIAL WORK****Counselling Human Services and Social Work****Epsom Campus**Gate 3, 74 Epsom Ave
Auckland, New Zealand**T** +64 9 623 8899**W** www.education.auckland.ac.nz**The University of Auckland**Private Bag 92601
Symonds Street
Auckland 1135
New Zealand

Dear New Zealand Police,

My name is Kristen Haines and I am a student researcher at the University of Auckland, Faculty of Education and Social Work. I am currently in the process of designing my research project for completion of a Master of Social Work, focussing on the experiences and identification processes of New Zealand law enforcement with victims and survivors of domestic sex trafficking in the New Zealand context.

Originally from Canada, I have extensive frontline social work experience providing emergency and transitional supports to victims and survivors of high risk crimes including intimate partner violence, family violence, child abuse, sexual assault, serious assault, and family members of homicide victims, with a specific focus on those affected by domestic sex trafficking in Ontario, Canada.

Currently, I am the Engagement Facilitator with ECPAT Child ALERT (ECPAT NZ) collaborating and providing awareness-raising efforts, training, and safety initiatives focussing on the commercial sexual exploitation of children to frontline professionals, youth advocates, and the general public.

This research project aims to explore the experiences and identification strategies of New Zealand law enforcement with victims and survivors of domestic sex trafficking in the New Zealand context. More specifically, this research strives to examine the procedures that inform the identification processes with victims and survivors of domestic sex trafficking and the prevalence and response to such cases within New Zealand Police. For the purpose of this research project, participants will be current New Zealand law enforcement frontline personnel with at least one year

experience and former New Zealand law enforcement personnel within five years, with experience with child abuse, family violence, intimate partner violence, and/or sex work.

I would like to invite you to assist in the recruitment of participants to be a part of this project which requires participation in a 60 minute interview. Attached you will find the Participant Information Sheet and Consent Form for this project.

Please contact the research team below to assist with this request or provide potential research participants with information provided.

I appreciate your consideration.

Sincerely,

Kristen Haines

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years.
Reference number 024772.

APPENDIX B

EDUCATION AND
SOCIAL WORK

Counselling Human Services and Social Work

Epsom CampusGate 3, 74 Epsom Ave
Auckland, New Zealand**T** +64 9 623 8899**W** www.education.auckland.ac.nz**The University of Auckland**Private Bag 92601
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Dear Potential Research Participant,

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I would like to invite you to be a part of this project which requires participation in a 60 minute interview. Attached you will find the Participant Information Sheet and Consent Form for this project.

If you would like to participate in this project or have queries please contact:

I appreciate your consideration.

Sincerely,

Kristen Haines

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years.

Reference number 024772.

APPENDIX C**EDUCATION AND
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Auckland, New Zealand**T** +64 9 623 8899**W** www.education.auckland.ac.nz**The University of Auckland**Private Bag 92601
Symonds Street
Auckland 1135
New Zealand**PARTICIPANT INFORMATION SHEET**

(New Zealand Police - Organisation)

Project title: Domestic Sex Trafficking in Aotearoa New Zealand: Law Enforcement Experiences and Identification

Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

PROJECT DESCRIPTION

Sex trafficking is frequently perceived to include the movement of victims across international borders for the purpose of exploitation. However, this definition does not incorporate the trafficking of victims within national borders, which represents an overwhelming majority of trafficking cases within most countries. This definitional restriction frequently leads to the conflation of sex trafficking on a domestic level with such things as voluntary sex work, child abuse, and intimate partner violence, lowering documented numbers of domestic sex trafficking, and further limiting the development and provision of extensive emergency and transitional supports for victims and survivors.

There exists a common assumption in the New Zealand context that domestic sex trafficking does not occur within New Zealand borders. This project aims to explore the experiences of New Zealand Police with victims and survivors of domestic sex trafficking in the New Zealand context and the processes utilised to identify those affected.

We would like to invite you to participate in this research project and to assist in the exploration of the experiences and identification processes of New Zealand law enforcement with victims and survivors of domestic sex trafficking. Participants will be selected based on position and frontline involvement with child abuse, family

violence, intimate partner violence, and sex work. Participation is voluntary and participants have the option to withdraw themselves and their data from the research project at any time during the data collection and transcription process without giving reason. The participant will have up to two weeks following receipt of their transcript to edit data or withdraw.

PROJECT PROCEDURES

This research project and the data collected by the Student Researcher will be utilised for a Master of Social Work qualification, potential academic journal submissions, conferences, presentations, and law enforcement training. For the purpose of this research project, participants will be interviewed by the student researcher through one-on-one interviews conducted either face-to-face or through an online platform such as Zoom or Skype. For interviews conducted face-to-face, location will be determined between the participant and the student researcher and will provide a convenient public location that maintains the privacy of the participant. Interviews will require approximately 60 minutes of interviewing time depending on the progression of the interview and will be audio-recorded. The audio-recording will be further transcribed following the interview process. Participants will have the option to obtain and review the audio-recording and obtain, review, and edit the completed transcript prior to inclusion in the research project. Audio-recording and transcript copies will be provided via email or post. Given the sensitive nature of the topics discussed for the purpose of data collection, there is a risk of the discovery of incidental findings and psychological and/or social discomfort. The interview process may result in findings that illustrate past interactions or interventions with victims/survivors of sexual exploitation. These findings could potentially be distressing if the participant perceives that the intervention and support provided did not address the needs of the victim/survivor and; therefore, did not provide the supports necessary.

If at any time during the interview the participant begins to feel distressed, the participant can choose to alter the focus of the discussion or take breaks if needed. The participant may further choose to withdraw consent if such discomfort occurs during or following the interview, up to two weeks following receipt of the completed interview process. Participants are encouraged to access support following the interview process if the discussion is triggering or facilitates discomfort in any way. A list of support services, including Employment Assistance Program information, will be provided if psychological/social discomfort results from the interview process. Participation in this research project and the information provided by participants will in no way affect employment or employment relationships with New Zealand Police. Participation is not recommended if the participant does not wish to be notified of incidental findings.

DATA STORAGE, RETENTION, AND DESTRUCTION

All project information will be de-identified and kept for research purposes on password-protected computers and a secure University of Auckland server. A record of the consent forms and audio files will be stored in a password protected University computer and will be destroyed after six years. Recordings will be deleted from the recorder

used during the interview. All recorded data will be kept separately from consent forms or additional documentation containing participant identifying information. Data will be stored for a period of six years.

RIGHT TO WITHDRAW FROM PARTICIPATION

Participants have the right to withdraw from participation at any time throughout the data collection and transcription process without giving reason; however, participation may not be withdrawn once data analysis has begun. This includes withdrawal of the participant and their data. The participant may request to view, edit, and/or withdraw their data following the interview. The participant will be given two weeks following receipt of the data to edit or withdraw. New Zealand Police cannot withdraw consent on behalf of an employee including the participant and data collected.

CONFIDENTIALITY

Throughout all stages of the research project, the participant's identity will remain confidential to the extent allowed by law. While participant identification will be known by the research team including the Principal Investigator/Supervisor and the Student Researcher, identification will not be disclosed in any way during discussion of research findings or through the dissemination of the research findings. Discussion and dissemination of research findings will not include participant names or New Zealand Police division, teams, or locations. Participants will be coded using numbers (e.g. Participant #1, Participant #2, etc.). However, New Zealand Police as an organisation will be named in the final publication/report, as will frontline experience of the participant population as a whole including child abuse, family violence, intimate partner violence, and or sex work.

RESEARCH TEAM CONTACT DETAILS

If you have any questions or concerns regarding the focus of the research project, the research project design including data collection, analysis, and dissemination, confidentiality, anonymity, the right to withdraw, or any additional topics, I encourage you to contact either the Student Researcher or Principal Investigator/Supervisor.

UAHPEC CHAIR CONTACT DETAILS

For any queries regarding ethical concerns you may contact the Chair, The University of Auckland Human Participants Ethics Committee, Office of Research Strategy and Integrity, The University of Auckland, Private Bag 92019, Auckland 1142. Telephone 09 373-7599 ext. 83711. Email: humanethics@auckland.ac.nz

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years. Reference number 024772.

APPENDIX D**EDUCATION AND
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Symonds Street
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(New Zealand Police - Frontline Personnel)

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Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

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There exists a common assumption in the New Zealand context that domestic sex trafficking does not occur within New Zealand borders. This project aims to explore the experiences of New Zealand Police with victims and survivors of domestic sex trafficking in the New Zealand context and the processes utilised to identify those affected.

We would like to invite you to participate in this research project and to assist in the exploration of the experiences and identification processes of New Zealand law enforcement with victims and survivors of domestic sex

trafficking. Participants will be selected based on position and frontline involvement with child abuse, family violence, intimate partner violence, and/or sex work. Participation is voluntary and participants have the option to withdraw themselves and their data from the research project at any time during the data collection and transcription process without giving reason. The participant will have up to two weeks following receipt of their transcript to edit data or withdraw.

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APPENDIX E

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SOCIAL WORK

Counselling Human Services and Social Work

Epsom CampusGate 3, 74 Epsom Ave
Auckland, New Zealand

T +64 9 623 8899

W www.education.auckland.ac.nz**The University of Auckland**Private Bag 92601
Symonds Street
Auckland 1135
New Zealand

PARTICIPANT INFORMATION SHEET

(Key Informants)

Project title: Domestic Sex Trafficking in Aotearoa New Zealand: Law Enforcement Experiences and Identification

Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

PROJECT DESCRIPTION

Sex trafficking is frequently perceived to include the movement of victims across international borders for the purpose of exploitation. However, this definition does not incorporate the trafficking of victims within national borders, which represents an overwhelming majority of trafficking cases within most countries. This definitional restriction frequently leads to the conflation of sex trafficking on a domestic level with such things as voluntary sex work, child abuse, and intimate partner violence, lowering documented numbers of domestic sex trafficking, and further limiting the development and provision of extensive emergency and transitional supports for victims and survivors.

There exists a common assumption in the New Zealand context that domestic sex trafficking does not occur within New Zealand borders. This project aims to explore the experiences of New Zealand Police with victims and survivors of domestic sex trafficking in the New Zealand context and the processes utilised to identify those affected.

We would like to invite you to participate in this research project and to assist in the exploration of domestic sex trafficking in the New Zealand context. Participation is voluntary and participants/key informants have the option to withdraw themselves and their data from the research project at any time during the data collection and transcription

process without giving reason. The participant/key informant will have up to two weeks following receipt of their transcript to edit data or withdraw.

PROJECT PROCEDURES

This research project and the data collected by the Student Researcher will be utilised for a Master of Social Work qualification, potential academic journal submissions, conferences, presentations, and law enforcement training.

For the purpose of this research project, participants/key informants will be interviewed by the student researcher through one-on-one interviews conducted either face-to-face or through an online platform such as Zoom or Skype. For interviews conducted face-to-face, location will be determined between the participant/key informant and the student researcher and will provide a convenient public location that maintains the privacy of the participant/key informant. Interviews will require approximately 60 minutes of interviewing time depending on the progression of the interview and will be audio-recorded. The audio-recording will be further transcribed following the interview process. Participants/key informants will have the option to obtain and review the audio-recording and obtain, review, and edit the completed transcript prior to inclusion in the research project. Audio-recording and transcript copies will be provided via email or post.

DATA STORAGE, RETENTION, AND DESTRUCTION

All project information will be de-identified and kept for research purposes on password-protected computers and a secure University of Auckland server. A record of the consent forms and audio files will be stored in a password protected University computer and will be destroyed after six years. Recordings will be deleted from the recorder used during the interview. All recorded data will be kept separately from consent forms or additional documentation containing participant identifying information. Data will be stored for a period of six years.

RIGHT TO WITHDRAW FROM PARTICIPATION

Participants/key informants have the right to withdraw from participation at any time throughout the data collection and transcription process without giving reason; however, participation may not be withdrawn once data analysis has begun. This includes withdrawal of the participant/key informant and their data. The participant/key informant may request to view, edit, and/or withdraw their data following the interview. The participant/key informant will be given two weeks following receipt of the data to edit or withdraw.

CONFIDENTIALITY

Throughout all stages of the research project, the participant's identity will remain confidential to the extent allowed by law. While participant identification will be known by the research team including the Principal Investigator/Supervisor and the Student Researcher, identification will not be disclosed in any way during discussion

of research findings or through the dissemination of the research findings. Discussion and dissemination of research findings will not include participant/key informant names, any potentially identifying information (including title, role, or organisation), and will focus on the content of the discussion as opposed to the dialogue with participants/key informants. Participants/key informants will be coded using numbers (ie. Key Informant #1, Key Informant #2, etc.).

RESEARCH TEAM CONTACT DETAILS

If you have any questions or concerns regarding the focus of the research project, the research project design including data collection, analysis, and dissemination, confidentiality, anonymity, the right to withdraw, or any additional topics, I encourage you to contact either the Student Researcher or Principal Investigator/Supervisor.

UAHPEC CHAIR CONTACT DETAILS

For any queries regarding ethical concerns you may contact the Chair, The University of Auckland Human Participants Ethics Committee, Office of Research Strategy and Integrity, The University of Auckland, Private Bag 92019, Auckland 1142. Telephone 09 373-7599 ext. 83711. Email: humanethics@auckland.ac.nz

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years. Reference number 024772.

APPENDIX F

EDUCATION AND
SOCIAL WORK

Counselling Human Services and Social Work

Epsom CampusGate 3, 74 Epsom Ave
Auckland, New Zealand**T** +64 9 623 8899**W** www.education.auckland.ac.nz**The University of Auckland**Private Bag 92601
Symonds Street
Auckland 1135
New Zealand

CONSENT FORM

Informed consent for New Zealand Police (Organisation)

THIS FORM WILL BE HELD FOR A PERIOD OF 6 YEARS

Project title: Domestic Sex Trafficking in Aotearoa New Zealand: Law Enforcement Experiences and Identification

Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

I have read the Participant Information Sheet, have understood the nature of the research and why New Zealand Police has been selected. I have had the opportunity to ask questions and have had them answered to my satisfaction.

- Consent is provided to the recruitment of New Zealand Police frontline personnel for the purpose of this research.
- It is understood that the participants are free to withdraw their participation at any time, and to withdraw any data traceable to them. Following receipt of the interview transcript, the participant will have two weeks to review and edit/withdraw.
- It is understood that topics discussed for the purpose of this research project may be triggering and have the potential to cause psychological and/or social discomfort to the participant.
- It is understood that a list of support services will be provided if psychological/social discomfort results from the interview process.
- It is understood that New Zealand Police cannot provide participation consent for an employee.
- It is understood that New Zealand Police cannot withdraw consent on behalf of an employee (participant and their data).
- It is understood that New Zealand Police cannot request any data that may breach confidentiality of the participant.

- It is understood that participation or non-participation will not affect employment or any supports provided to the participant through New Zealand Police.
- It is understood that any incidental findings discovered through participation will not affect employment or any supports provided to the participant through New Zealand Police.
- The summary of findings is requested.

If yes, please provide return email and/or postal address.

Email:

Postal Address:

Name:

Signature:

Date:

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years.
Reference number 024772.

APPENDIX G



**EDUCATION AND
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The University of Auckland

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Symonds Street
Auckland 1135
New Zealand

CONSENT FORM

Informed consent for New Zealand Police (Frontline Personnel)

THIS FORM WILL BE HELD FOR A PERIOD OF 6 YEARS

Project title: Domestic Sex Trafficking in Aotearoa New Zealand: Law Enforcement Experiences and Identification

Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

I have read the Participant Information Sheet, have understood the nature of the research and why I have been selected. I have had the opportunity to ask questions and have had them answered to my satisfaction.

- I agree to take part in the research.
- I understand that I am free to withdraw my participation at any time, and to withdraw any data traceable to me. Following receipt of my interview transcript, I will have two weeks to review and edit/withdraw.
- I understand that the topics discussed for the purpose of this research project may be triggering and have the potential to cause psychological and/or social discomfort.
- I understand that the interview process may result in incidental findings that may be distressing.
- I understand that a list of support services will be provided if psychological/social discomfort results from the interview process.
- I agree/do not agree to be audio recorded.
- I wish/do not wish to have a copy of my recordings returned to me.
If yes, please provide return email and/or postal address.

Email:

Postal Address:

- I wish/do not wish to receive a copy of the transcript of my interview before editing.
If yes, please provide return email and/or postal address.

Email:

Postal Address:

- I wish/do not wish to receive the summary of findings.
If yes, please provide return email and/or postal address.

Email:

Postal Address:

Name:

Signature:

Date:

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years.

Reference number 024772.

APPENDIX H



**EDUCATION AND
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Auckland 1135
New Zealand

CONSENT FORM

Informed consent for Key Informants

THIS FORM WILL BE HELD FOR A PERIOD OF 6 YEARS

Project title: Domestic Sex Trafficking in Aotearoa New Zealand: Law Enforcement Experiences and Identification

Principal Investigator/Supervisor: Irene de Haan

Student Researcher: Kristen Haines

I have read the Participant Information Sheet, have understood the nature of the research and why I have been selected. I have had the opportunity to ask questions and have had them answered to my satisfaction.

- I agree to take part in the research.
- I understand that I am free to withdraw my participation at any time, and to withdraw any data traceable to me. Following receipt of my interview transcript, I will have two weeks to review and edit/withdraw.
- I agree/do not agree to be audio recorded.
- I wish/do not wish to have a copy of my recordings returned to me.
If yes, please provide return email and/or postal address.
Email:
Postal Address:
- I wish/do not wish to receive a copy of the transcript of my interview before editing.
If yes, please provide return email and/or postal address.
Email:
Postal Address:
- I wish/do not wish to receive the summary of findings.
If yes, please provide return email and/or postal address.

Email:

Postal Address:

Name:

Signature:

Date:

Approved by the University of Auckland Human Participants Ethics Committee on June 30, 2020 for three years.
Reference number 024772.

APPENDIX I

People trafficking and migrant smuggling

Migrant smuggling

The smuggling of migrants involves a person being brought illegally into New Zealand for financial or other gain. The smuggled person is not subjected to coercion or deception and freely consents to being brought into this country. The migrants' entry into New Zealand is contrary to immigration laws; therefore, the unlawful migrant is considered a willing party to the offence of migrant smuggling and is liable under section 98C of the Crimes Act 1961. The victim of the offence is the state.

People trafficking

'People trafficking' is a serious trans-national crime that abuses the human rights of its victims. It involves a person being brought into New Zealand by means of coercion and/or deception, for gain. People are often trafficked for exploitation in the destination country, such as forced labour, the removal of organs or (most commonly detected) sexual exploitation. The victim of the offence is the person who has been trafficked. Section 98D of the Crimes Act 1961 refers.

Transitional Crimes

The status of some who commence their journey to New Zealand as willing smuggled migrants, may change to that of victims of people trafficking, where the actions of those responsible for facilitating travel or providing transportation take on the characteristics of people trafficking, before the migrant enters New Zealand.

Traffickers may deceive victims into travelling, for example by lying to the victim about the true purpose of their travel. Such victims may appear to be willing unlawful migrants free from any coercion and ostensibly acting of their own accord, until they learn the traffickers' true exploitative purpose for their journey.

To be a victim of people trafficking, their entry into New Zealand must have been arranged by either coercion or deception. Accordingly, people trafficking offences can only occur as a cross-border/trans-

national offence, i.e. it cannot be committed against an unlawful migrant after they have entered New Zealand. Any coercion or deception used towards a migrant who has already entered New Zealand will not amount to people trafficking, but may be evidence of offences covered by other domestic legislative tools such as abduction or kidnap.

International issues

People trafficking offences involve international dimensions and may involve enquiries overseas. All requests to obtain information from overseas for a criminal investigation and the provision of investigative assistance between the New Zealand Police and other overseas law enforcement agencies must be sent to Interpol Wellington. Interpol provide 24 hour advice and assistance via PNHQ on telephone numbers listed on the Interpol intranet site.

Multi-agency approach

Victims of people trafficking have immediate and varied needs for safety and support, which need to be addressed almost simultaneously. A multi agency and whole-of-Government approach to the investigation and management of people trafficking cases is essential to enhance the protection of victims, accountability of offenders, and serve as a deterrent to future traffickers. This approach should include other relevant Government agencies, appropriate Non Government Organisations (NGOs), community partners and overseas agencies. They should be involved at the earliest stage possible.

Offence of dealing in children under 18 years

Section 98AA of the Crimes Act 1961 relates to dealing in people aged under 18 for prohibited purposes including sexual exploitation, removal of body parts and forced labour. Although primarily designed to address offences committed within New Zealand, one prohibited act (under section 98AA(1)(e)) is importing persons under 18 for one of the specified exploitative purposes (sexual exploitation, removal of body parts or forced labour).

When dealing with importing of victims aged less than 18 years for exploitation, offences under section 98AA are complete without any requirement to prove any coercion; deception; fraud or abduction etc, unlike offences of people trafficking offences under section 98D.

Adult victims who have been exploited for sexual servitude should be dealt with in accordance with the established principles of 'Adult sexual assault investigation (ASAI) policy and procedures'.

Child victims who have been exploited must be treated in accordance with the principles of the Child protection investigation policy and procedures' Police Manual chapter.

Where a child is identified as a victim of people trafficking, immediate and close liaison with Child, Youth & Family (CYF) will be required.

APPENDIX J

Child protection - Investigating online offences against children

Responsibility for investigation of objectionable publication offences

The Department of Internal Affairs' (DIA) Digital Child Exploitation Team has primary responsibility for offences under the Films, Videos, and Publications Classification Act 1993. However, Police also have a responsibility for enforcing the legislation as constables are also Inspectors of Publications under section 2 of the Act and have the same powers as DIA staff.

Most common offences brought to the attention of Police relate to allegations of possessing and trading objectionable publications.

Before commencing any investigation, contact the OCEANZ (Online Child Exploitation Across NZ) unit at PNHQ. They will liaise with the Digital Child Exploitation Team of the Department of Internal Affairs or Customs to ensure investigations are coordinated and that there is no duplication of effort.

Overseas referrals of cases

There are a significant number of overseas referrals to New Zealand law enforcement agencies of large investigations involving multiple New Zealand-based offenders. These investigations are investigated within a taskforce approach involving Police (through its OCEANZ unit), New Zealand Customs and DIA. The role of lead agency in these large investigations is shared between the three agencies depending on the nature of the enquiry and its location of origin.

The Police OCEANZ unit should take responsibility for the coordination of the investigation of overseas referred suspects who:

- have previous convictions for offending against children
- have previous sexual related convictions by reason of occupation or circumstances,
- have contact with children.

All overseas referred online child exploitation files are forwarded from OCEANZ through District Crime

Managers who then make a determination on subsequent file allocation.

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