



MIGRANT SEX WORKERS IN NEW ZEALAND

Report for MBIE

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Executive summary

This study set out to explore the lived experiences of migrant sex workers in New Zealand. A qualitative approach was taken which included in-depth interviews with 11 migrant sex workers and nine key stakeholders. A thematic analysis revealed a number of vulnerabilities which intersect to make migrant sex workers more or less open to exploitation:

Personal agency:

Many participants chose to work in New Zealand as a sex worker to fund their travel or study. They were not in desperate circumstances and chose sex work instead of working for minimum wage or below minimum wage in other service industries. They understood the law and were not concerned regarding their safety in working as a sex worker but were stressed at the possibility of being deported.

Marginalising identities:

Migrant sex workers who can speak English and who are white-European are able to blend in with non-migrant sex workers and are less vulnerable than those who cannot speak English and are obviously from another ethnic group.

Working environment:

Most of the participants in this study worked in protective environments. Those that worked in mainstream brothels were happy with the brothel operators and felt no pressure from clients because management intervened if they had problems. Others who worked privately were potentially more vulnerable to blackmail from clients as often their faces were visible and their nationality was included in online adverts. This also held more potential for coming to the notice of authorities.

People who work in vulnerable environments were non-European and did not speak English. They were subject to exploitative practices by disreputable brothel operators, which ranged from withholding money and passports to sexual assault.

Engagement with authorities and support agencies:

Migrant workers feared deportation and therefore indicated that they would never report issues to the police. Migrant workers who worked in protective environments did access New Zealand Prostitutes Collective for information and safe sex supplies and did attend the sexual health clinic. Those who were most vulnerable did not have access to these services.

Personal life:

Like non-migrant workers, migrant workers feel stigmatised and therefore hide their occupation from friends and family. They were vulnerable to blackmail from clients, boyfriends and others who threatened them with exposure to either family or the Immigration authorities.

The law:

None of the participants saw themselves as trafficked. They all felt Section 19 of the Prostitution Reform Act creates the potential for exploitation.

Section 19 was a late addition to the Prostitution reform Act before it was enacted, largely because of a fear of trafficking. Trafficking has unfortunately been conflated with migration. The conclusion of this report argues for a distinction to be made between forced and voluntary migration. There has been no evidence of forced migration in New Zealand. All migrant workers, including those who are most exploited, freely choose to come and sex work in New Zealand. The repeal of Section 19 of the

Prostitution Reform Act would provide more protection for migrant sex workers and enable authorities to clean up the underground, exploitative practices that are currently occurring for non-English, non-European migrants.

1 Introduction

In 2003 the Prostitution Reform Act (PRA) was passed which decriminalised sex work in New Zealand. A Review Panel was appointed by the Ministry of Justice to review the Act. They released their report in 2008 which highlighted the positive gains made in the health and safety of sex workers (Prostitution Law Review Committee, 2008). The Review Panel, however, provided only very brief comment on Section 19 of the PRA. This section deals with the application of the Immigration Act 1987. It stipulates that no permit can be granted to a non-resident who provides, or intends to provide, commercial sexual services, or who intends to operate or invest in a commercial sexual business. If the holder of a temporary or limited permit under the Immigration Act does not comply in this regard, the permit may be revoked.

Section 19 is controversial. On the one hand there are arguments that New Zealand needs to ensure that this country is not seen as a destination for trafficking. However, there are strong arguments that the section increases the vulnerability of migrant sex workers. There is the potential that migrant sex workers are easy targets for exploitation as they are unlikely to complain to police for fear of deportation (Armstrong, 2018).

Roguski (2013) recently carried out a study on the occupational safety and health of migrant sex workers in New Zealand. The study employed a mixed methods approach to explore the New Zealand sex work context in which migrants are working, and identify the specific needs of migrant sex workers (with specific attention to occupational health and safety, sexual and reproductive needs and any other needs that may contribute to the general health of migrant sex workers), and the degree to which human trafficking exists within the New Zealand context. A final objective was to identify barriers and facilitators to migrant sex workers' receipt of appropriate services and/or required assistance.

The study drew on three research streams. Firstly, from the perspective of key informants, concern was raised that New Zealand is not meeting its obligations to migrant sex workers under a number of United Nations conventions. Further, Section 19 of the PRA was discussed as creating migrants as an underclass; vulnerable to exploitation. The study's second research stream focused on a review of sexual and reproductive health records. This research developed in response to a primary message underpinning anti-trafficking discourse; that sex workers are vulnerable, exploited and have no agency in their work. The logical outcome of this is that migrant workers will have a higher incidence of sexually transmitted infections as they would be forced to forego safer sex practices, either because of a client's or their manager's demands. However, Roguski's analysis of sexual and reproductive health records challenged the anti-trafficking premise as the review found no indication that migrant sex workers are at any greater risk of infection than non-migrants. Further, low levels of infection, and commentary obtained from participating health professionals, provided a strong indication of adherence to safer sex practices while working. However, Roguski identified a concern over a small proportion of migrant sex workers who did not use condoms with their intimate partners. It was at the level of intimate partners that migrant workers appeared to be at greatest risk of infection/transmission.

The third stream involved surveying 124 migrant sex workers. The survey findings strongly indicated that respondents entered New Zealand of their own volition and were generally happy in their work and workplaces. The survey, however, raised a number of concerns. Rather than trafficking, these concerns indicate poor workplace/managerial practice. For instance, there were indications that some managers were not allowing workers to refuse clients. Also, the imposition of fines, a poor practice and contrary to the Prostitution Reform Act 2003, can have a detrimental effect on the

individual's wellbeing. Finally, requiring attention were reports, by a minority of participants, of not having easy access to their passports.

In this study we build on the findings from Roguski's study by exploring in-depth the experiences of migrant sex workers working in the sex industry in New Zealand. This study has been carried out in the context of a number of current debates around migrant sex work, including the:

- release of the Global Alliance Against Trafficking in Women report which "documents, through research in seven countries (including New Zealand), the negative impact that the anti-trafficking framework has had on the lives of sex workers and on the working conditions in the industry" (GAATW, 2018);
- media coverage of a New Zealand sex worker who claimed that migrant sex workers were taking their jobs (Tan, 2018). Several New Zealand sex workers have since come out and said that they do not support this stance but it has brought the issue of migrant sex work to the fore and it has been widely debated in the media.

2 Methodology

This study employed an in-depth qualitative methodology to explore the lived experiences of migrants who are not legally allowed to work in Aotearoa / New Zealand. Participants were recruited with the help of existing brothel and New Zealand Prostitutes Collective (NZPC) networks. Interviews comprised a total of 11 migrant sex workers and nine stakeholders with close associations with the sex industry. We made several attempts to reach a variety of migrant sex workers. However, the ones that we did manage to recruit, within the short research timeframe, were generally those who could be seen as the least vulnerable. Those who are most vulnerable are firmly underground, and even when we were able to make contact, they were reluctant to participate in the study. In part, reticence was attributed to recent media attention arising from allegations put forward by a New Zealand sex worker that large numbers of migrant sex workers are having a deleterious effect on non-migrant workers' financial wellbeing. On the other hand, this group is understandably suspicious and scared. It would require a significantly longer period of recruiting to capture this groups' experiences. We were, however, able to document some of their experiences through the stakeholder interviews.

Table 1: Characteristics of Migrant Sex Worker Participants

Characteristic	n=
Visa status	
Student	4
Travel	2
Work	2
Permanent residence	3
Country of origin	
China	3
Britain	2
USA	1
India	1
Germany	1
Singapore	1
Brazil	1
Vietnam	1
Work venue	
Brothel	6
Private	4
House	1

Table 2: Characteristics of Stakeholder Participants

Characteristic	n=
Brothel operator	3
Sexual health clinical specialist	2
NZPC representatives	4

In-depth interviews enabled an exploration of the meanings and interpretations participants gave to their experiences and provided a broad contextual understanding of the various issues. These were carried out with all sex worker participants and most stakeholder participants. A focus group was also carried out with three NZPC outreach workers who work closely with the migrant sex worker community. One of these outreach workers speaks Mandarin and works specifically with Asian sex workers. An interpreter was used in both the focus group and one of the sex worker interviews.

Interviews occurred in a variety of places including NZPC offices, brothels and at a private residence. All sex worker participants received \$40 in recognition of their input into the study.

A semi-structured interview guide was developed which included questions on:

- whether they had worked before coming to New Zealand?
- what motivated them to come to New Zealand and what they knew about the law here?
- what their experiences of working had been?
- what the challenges were for them in sex working in New Zealand?
- what their intentions were for the future?
- how they looked after their health?
- what trafficking meant to them?

Questions were phrased in an open-ended, non-directive manner with probes used to encourage elaboration (Hansen, 2006). Interviews were recorded and transcribed to word accuracy and then analysed using an inductive thematic approach. Thematic analysis is a method used extensively in qualitative research to identify, analyse and report patterns in data. Meaning is sought in the accounts and/or actions of participants, taking into account how the broader social and political context impinge on these meanings (Braun & Clarke, 2006). The process for undertaking a thematic analysis includes:

- immersion in the data – reading and re-reading transcripts;
- coding of data;
- sorting codes into overarching themes and sub-themes; and,
- analysing each theme in detail and writing up in an analytic narrative with extracts from the talk of the participants provided to give sufficient evidence for the theme.

3 Findings

The key themes identified in the analysis were: personal agency; marginalising identities; working environment; engagement with authorities and support agencies; personal life; other sex workers; and the law. These themes intersect in various ways making migrant sex workers more or less vulnerable to exploitation. They are, however, presented discretely in the following sections.

3.1 Personal agency

Personal agency was most commonly communicated as a primary protective factor by those who stressed enjoying their work in the sex industry. While personal agency manifested differently between migrant sex workers, a similar theme of having a sense of control threaded throughout their narratives.

First, personal agency was reflected in participants' various motivations for engaging in sex work in New Zealand and all participants demonstrated having chosen to engage in the industry. The least common motivation was deciding to travel to New Zealand to earn higher incomes than what they could achieve in their home countries. For instance, one participant from China had come to New Zealand to secure sufficient funds to help her ailing parent back home. A second motivation was engaging in sex work as a means of funding their New Zealand travels and / or their tertiary level studies. Next, some participants described being motivated to work in the industry as it afforded an opportunity to earn an adequate income while gaining sexual gratification. Finally, and most commonly, some participants had chosen sex work because it gave them an opportunity to earn a higher income than that which could be earned in roles permitted by work and student visas. In this sense, motivations underpinning decisions to engage in the industry and personal agency were interrelated as participants found it demeaning to be restricted to minimum or under the minimum wage when they had the ability to earn enough money to live in what was believed to be a very expensive country.

The only reason I really like turned to work here because like for my student loan back home, I couldn't afford to like pay my rent and like have the life I kind of wanted to have. And so, work was the only way, and then like obviously you can get cash-in-hand jobs at like restaurants and cafes and stuff, but the amount, they usually like pay you under minimum wage because they feel like you're, they're doing you a favour. (SW10)

In addition, a heightened level of agency and a sense of personal control were communicated by those who treated sex work as a secondary occupation; a means of earning additional income to supplement their full-time roles. While no migrant workers stated that they had been in a position of financial desperation, it was notable that workers who were able to opt-into sex work, choosing their hours of work, communicated a heightened sense of empowerment. This sense of power was described as combatting stressors associated with working illegally and the stigma that is associated with sex work in general.

Cause I have a full-time job, so I don't need the money, and sometimes I go back to the industry. I like, I've stopped this in January, but I went back to (the brothel) like twice. Why? Well I was single, I don't have friends, so I just needed the companionship from people, so just have to see someone to talk about, to talk with and have like, you know, the human, warm, like being next to someone, you're not going to feel lonely. (SW8)

'Cause like I do have another job, so at the end of the day it's not like a stressful thing for me. Just honestly, it's kind of just fun, like just kind of cool. Like when I travel, so like we'll go like working ... But like for me it's like, "Okay, well that's kind of slow, and I'm just going to go work

for \$10 anyway”, so it’s not really... Whereas for some girls I think if it’s like their only job, you know what I mean and they sit round all day with nothing there and start going crazy, you know. But it’s like, I don’t know, it’s like I’m a pretty positive person (SW3)

For some workers, researching the legalities and protections associated with sex work occurred before they entered the industry. This resulted in not only having a thorough understanding of the risks and possible consequences associated with working in the industry but enabled workers to develop a series of protections.

I always thought about it and to be honest, I did some research back in my country about prostitution in New Zealand... I find out by myself that I’m not allowed to work. It’s only residents and citizens in New Zealand. And that’s made me, my history, the lying history for the clients way stronger, so I stand up, instead telling them, “You know, I’m just travelling.” It’s really dangerous to tell this to the clients. (SW8)

Notably, high levels of personal agency did not mean that workers did not have a fear of deportation. In this sense, personal agency and associated protections provided a sense of power but did not remove a heightened sense of stress.

Experience of being a migrant sex worker is like you always have the fear inside you that someone might get to know and someone might inform against you. You always have, have that thing, like you know, you have cameras around and, you know, it records and tomorrow the Immigration guy can come up and they can just, you know, see that this is the girl working here and she’s not, you know, a resident or something, and you’re scared about that. Like so anything can happen. Yes, so yeah so that’s the only thing, like it should be allowed. ... So living in a fear, like I got used to it. Later on, like, you know, you have to have a fear. If you don’t have a fear, you might end up exposing yourself to people. That’s why I decided to have two different lives. (SW4)

It’s always a thought that you’re going to get found out. I just don’t really know how, like how it happens... I do worry. Like I sometimes I come to work and I’m like, “Oh this is the day where someone’s going to come in and hand me a deportation notice,” and stuff. (SW10)

There’s just always a bit of a fear what happens if someone finds out. Like I might get deported or whatever. It doesn’t really change anything about how I’m living at the moment, just because (...) yeah, it is a weird life, but it’s because I’m a sex worker, not because it’s illegal. But it would definitely make me feel better if it was legal. (SW5)

3.2 Marginalising identities

Participants agreed that the least vulnerable migrant sex workers are those who are fluent in English, well-educated and appearing as white-European. They suggested that non-English speaking migrants have limited choices of where they might find work, as a lack of fluency risks attracting the attention of the authorities. As a result, the marginalised migrant workers risk being employed in brothels with less scrupulous operators and engaging with clients who believe they have “the upper hand”.

Most times they [women of colour and limited or no English] do what the client wants because they have no choice. Because they think the client knows that they’ve got the upper hand and they can do whatever they want to do, including saying to them, “Oh you didn’t do it very good so this time I’m not going to pay you.” That has happened as well. (SW7)

The European workers (...) are normally in brothels, just regular brothels that, you know, that are well-known brothels, I don't know. I think the Asian workers, lots of them are in private places, so they're more, I don't know, underground. (Sexual Health Nurse)

Participating brothel operators maintained that the migrant workers that worked in their premises spoke good English, were well-educated and did not “stand out”.

The highest privileged level in the industry are those who speak perfect English, they're usually very well educated and they're usually cis white females, so, you know, they're kind of a bit privileged to start with. (Brothel Operator 1).

These brothel operators were wary of taking on anybody who would “stand out” as they did not want to attract the attention of authorities and emphasized that the migrant sex workers they contract do not reflect the dominant and popularised image of a ‘trafficked’ sex worker.

So, the typical picture of a migrant sex worker to most people, I believe, are Asian, Eastern European or South American But the reality is that most people these days travel. You get people travelling all around the world. So, in New Zealand, what I see is women who are either living in New Zealand and working on a work visa and want to make some extra money becoming a sex worker, or they're here travelling and they're in (a city) for maybe 6 weeks or 3 months or whatever and instead of doing a job cleaning or hospitality, they want to be a sex worker. They haven't come to New Zealand to be a sex worker. (Brothel Operator 1)

The majority of migrant sex workers that we see come through are backpackers. They're people who are travelling through, on their travels, they have work permits. They're English, they're American, they're Canadian, they're some sort of South Americans. They all have work permits, but they can't work in our industry. So, they come into New Zealand specifically to work and travel. Okay, and by working it funds their travelling expenses. That is actually the majority of the people who work in our industry, not the so-called Asian sex workers. (Brothel Operator 2)

While all migrant sex worker participants related possessing varying levels of personal agency, their different experiences were dependent on their working environments.

3.3 Working environments

3.3.1 Protective working environments

Mainstream Brothels: Most participants in this study who were either travelling or studying in New Zealand worked in mainstream brothels to cover their expenses while they were in the country. Mainstream brothels operate similarly to other organised businesses and are more or less integrated within the mainstream economy (Bretns & Sanders, 2010). In New Zealand, mainstream brothels have an association with NZPC and are mostly mindful of adhering to the requirements of the Prostitution Reform Act.

The majority of participants, both migrant workers and those stakeholders working closely with the sex industry, stressed that most mainstream operators in New Zealand do not engage in exploitative practices, irrespective of whether the sex workers are migrant or non-migrant. All the brothel-based sex worker participants in this study enjoyed working in the brothels and were positive about the management of the establishments within which they worked.

I was very lucky with the club I work for ... it's very female-friendly, it's run by females. There's no like, they don't really like take any nonsense from people, and it's just kind of like a nice environment to work in....The owner is a male, but I hardly see him and he's always very, when we do, he's always very polite, very nice ... I mean I find it very, very easy to work. Like it's, for

me it suits me perfectly - just pick your shifts, pick what times you want to work, say how many. Like I actually give myself a maximum of like 4 clients per shift, and as soon as, I'll be like get paid and then go. (SW10)

She was a nice manager. I got a nice one. I liked her and that was good because she's a friend, she's going to be on my side ... 'cause the owner of the club, she knows. I always told her that I was going through the visa process and under some stress with Immigration (SW8)

The place where I work, (the brothel operators) are awesome. (SW3)

She (the brothel operator) understands how our situation is. If I'm telling her that, you know, I don't want to work cause I'm tired, she's okay with that. (SW4)

I feel very safe and good, like especially in this place where I'm working at and the people that I work with. Like clients, everything is going fine. Like I've never had any problems ... (the brothel operator) takes really good care of us. (SW5)

They had very few bad experiences. Client-centred problems were generally described as mirroring those experienced by non-migrant workers. These problems were regarded as occupational hazards and involved rude and / or drunk clients, clients trying to manipulate the sex worker to engage in unsafe sexual practices and clients becoming aggressive. When this happened, they felt no pressure in refusing to carry through with a service because they knew that they had the support of management.

I've had like one or two times that clients were rude or I didn't like really because they were drunk. But most of my experience was really nice, and I did like it, and you get to know people. (SW8)

There's always some people that, especially when you're new to a club, they will take advantage and they'll think that they can try things on and stuff like that. But I'd say on the whole like it's been a pretty good experience. (SW10)

Like most of the clients, she (the brothel operator) already knows. If she doesn't, she talks to them on the phone before and sees if they sound weird or drunk or whatever, then she doesn't even let them in. If there's anything going wrong with a client, then we basically were told to just leave the room and she'll take care of it. Like we're not supposed to do anything we don't want to and (...) that's why, yeah, it's just a good environment. All the other girls are great. Like (..) yeah, just never had any problems. (SW5)

In the main, migrant participants described their interactions with clients as positive. All migrant participants viewed New Zealand as an extremely safe country to work. Safety was generally attributed to operators and the clientele who were commonly described as "gentlemen".

The reasons why I went into here was because there was a safe place, 'cause I knew it wasn't illegal and I had support if I needed it. (SW7)

Their accents frequently gave clients a signal that they may be from another country. Sometimes clients would ask them where they came from and participants related that they were very careful about giving away too much about their personal lives. They maintained control over the situation by telling them that they had lived in New Zealand for a number of years, with the implication that they were now New Zealand residents.

A lot of the time they (clients) say like, "Oh are you living here? What are you doing? What's your visa like?" I don't really like talk to them about it. I'll just say I've been here a while. (SW10)

And then I said, "Oh no, I have another job, and this is my part-time job and I've been in New Zealand for years, 10 years." So that made me a little bit secure, but never 100%. I was afraid, I was scared that when I get a client that is from Immigration and he can also, he could also take me and deport me. And I was like always afraid, every single booking I'm afraid of saying too much, and always taking care not saying too much and create, so said I've been in New Zealand for 100 years, like a lot, so that no one suspects. And must be a very consistent story they're going to believe. (SW8)

Private: Some of the participants we interviewed worked privately and were potentially more vulnerable than those working in mainstream brothels as they did not have the close proximity of other workers or the protection that could be provided by management. The private workers in this study advertised on online platforms and/or in the newspaper for clients. They then met clients either in their own homes, motels or a rented apartment. Two of the private workers also rented rooms to other private sex workers. None of these participants identified as being particularly vulnerable but some concerns could (and were) raised regarding advertising on online platforms. The participants maintained that the hosts of the main platform on which they advertised required them to include their nationality in their adverts. Whilst this does not provide any indication of their visa status, it does provide a signal to anyone targeting migrant sex workers for their own gain. It could also expose them as being a possible illegal migrant worker to Immigration authorities. One participant acknowledged that Immigration could trawl through the adverts and potentially investigate them, but thought that this would be unlikely given the number of other adverts from foreign women.

But there's a lot of other, like I, I mean like there's lots of other advertisements from all different countries, so I guess ... I just don't think that Immigration would check everyone, and that's what I think. (SW1)

Of more concern was that by advertising their nationality and also having their face clearly visible, which many migrant sex workers do, they would be a target for exploitation and coercion.

When you open a profile, you've got the nationality or ethnicity of a girl, so that's all there, yeah. That's all there, so that's why, I suppose, he can tell that, yeah, it's easy to identify. And I don't know, maybe it would help if there was no, if ethnicity isn't listed or not stated, cause I think it would protect the girls in some form of way, you know, without directly knowing that. "Oh, I am white or black or I am," so I think they shouldn't label that and allow the name and all the necessary information that you do need to know... It should be at the girls' discretion. It should not really automatically be put out there for everybody to see. Some girls do put their photos, because I think when I did have the threats of me, they said to me they were going to put my photos on ... Facebook and on International websites and they were going to expose me. And they do have exposures of my face. (SW7)

The majority of migrant participants who worked privately stated that they feared a client might threaten them with deportation. Some participants experienced clients demanding sexual activities, including unsafe sexual practice and unwanted sexual activities (such as anal sex) under the threat of contacting Immigration or the worker's family. Non-payment was also described as having occurred; clients failing to pay for the encounter because they believed the migrant worker would not seek assistance from the authorities, as help seeking would risk deportation. On these occasions, participants likened non-payment to rape. Other types of coercive control involved clients verbally abusing and threatening migrant workers because they believed that a formal complaint would not be made. Extreme examples included rape and physical assault; undertaken without fear of repercussions.

“Oh she’s got an accent” or “She’s dark-skinned. Obviously not European. There’s no way she’s Kiwi,” and so you find some clients that will basically demand certain services, especially unprotected sex or natural oral, which I don’t really do... that’s grounds for them to basically push you into doing something that you don’t want to, because they think that if they threaten you with say, “I’m going to call Immigration,” then they believe that you will relent, basically, and give them whatever that they do want ... A client lied to me that he put the payment in my account, but I didn’t know that he was basically preying on girls that were foreigners and trying to freak them off. So, he says, “I’m going to pay, do a bank transfer,” and it’s not actually about this, it’s just simulating that on his phone. And so, he does act like he’s, he’ll ask you for your bank account number and he’ll put that and you’re just basically saying everything, and it’s fake. So, you don’t, you know, and he’s doing that because he thinks that he can get away with it because I don’t have a voice in New Zealand because I don’t have the right to work. So, “I can go and take this to the authorities,” because first off they’ll catch me for being illegal here before they can move onto the case that he’s actually prepared me of ...cause he did that to another English girlfriend of mine and she threatened him and he said to her, “You’re English, you don’t have the right to do that in New Zealand.” (SW7)

Some migrant sex workers travel the country working from motels. We had email correspondence with a motel owner who had discovered a sex worker, who could not speak English, who had been raped in one of the rooms. We also spoke to a migrant sex worker, who worked privately, who knew the victim and had spoken to her directly after the rape. She had acted as an interpreter between her and the motel owner. This migrant worker had opened the door to her motel room. A man pushed his way in and grabbed her by the throat, pushed her onto the bed and raped her. He had evidently seen other sex workers in that room as, before he left (without paying), he stated that she was better than the last lady he saw in the room. In the morning the motel cleaner found the girl crying, told the motel manager, who then called the police as well as NZPC. The police and NZPC came to the motel but the worker was scared of Immigration and being deported so said that nothing had happened and denied being a “working girl”.

She opened the door, so the guy’s 6 foot tall, slim. Yeah, he’s a Kiwi, yeah, hold her throat. .. and held the chin, you know, pushing her chin, and pushing her on the bed to take her pant off. Yeah, and no use condom, yeah, straight away. ..He raped her, yeah. So, so the guy is still talking and say she’s very sexy lady. He’ll come back later on, yeah. He say she better than before the lady stayed there....Yeah, so we guess she not first time to do, you know, this is the problem, you know. Maybe some other lady stayed in this room before (the migrant sex worker) coming. ...Yeah, so I say, “You go to see the police and talking. I hang up the phone now. So after, you call me.” Maybe 20, 30 minutes later or something and the police call me ... she say “And (the migrant sex worker) tell her she don’t have any problem last night.” Because she’s scared ... Yeah, not have any problem. She not a working girl. (SW9)

Despite being more isolated and not having the support of management as they would have if in a mainstream brothel, private workers in this study did not see themselves as being overly vulnerable and their experiences of working as a sex worker in New Zealand were positive. However, as indicated in the previous quote, not all private workers have these experiences. Migrant sex workers who have little to no English are particularly vulnerable and are mostly hidden and isolated.

3.3.2 Vulnerable working environments

Although working in mainstream brothels or working privately are generally viewed as non-exploitative, those brothels that operate less visibly have highly variable business practices which range from low-level forms of exploitation, such as requiring long work shifts, to extremely high levels

of coercion, exploitation and sexual violence. Some of the key exploitative practices we heard about include:

- made to work long hours;
- having to pay fines and bonds;
- not allowing sex workers to access NZPC for advice or sexual health check-ups;
- having money withheld;
- not allowing workers to leave the premises;
- holding passports;
- being forced to offer unprotected sex; and,
- the brothel operator raping the women.

We interviewed an Asian sex worker who worked from a brothel run by an Asian operator in a house in the suburbs. She could be viewed as working under low levels of exploitation. She lived on the brothel premises and referred to the arrangement as a “home”. While there were a number of positives associated with this type of arrangement, she described feeling isolated, a feeling that was enhanced by having limited or no English. Through a translator she told us that she very seldom left the house:

He (brothel operator) say you working here, you stay here...Like a home....This is bedroom (room we were sitting in)... most time they stay inside. They do not really very social. (SW2)

She felt secure working in the New Zealand sex industry because she felt that it was a safe country. She saw mostly older clients and thought that they “treat(ed) her properly”. She indicated that the operator was good to her and the other migrant workers on the premises, but seemed uneasy about going into any depth about her experiences of working from the house.

The most vulnerable migrant sex workers were not accessible to us in person. We accessed their stories through stakeholder and other sex worker participants who had encountered exploited migrant sex workers. One of the participants worked from an apartment and rented out rooms to other private workers, some of whom she was concerned about. She said that some disreputable brothel operators take passports away from migrant workers and only give these back once the visa has expired:

When they come to me, the apartments, and I can always tell, cause I can look at how their hair is, their nails, they can't look me in the eye when they're having a conversation with me. ... I don't want to have someone committing suicide in the apartment because it does look like they would do that, because they feel helpless and hopeless. They can't go back. Sometimes they've overstayed, and because their passport has been taken away, and then it's handed over to them when they've overstayed for about 4 or 5 monthshappens quite a lot, so they (brothel operators) take away their passports and they've come for maybe say 3 months. (SW7)

This point was reiterated in a focus group interview with NZPC outreach workers. They spoke of two South American brothel operators who would not allow them to access their workers.

They call us for supplies ... we meet in a carpark. So, when we don't have access to their business - we're not meeting their workers themselves - the operators ... we go and deliver the condoms, but we're not allowed the access to the workers. (NZPC2)

Sex workers in these brothels are recruited from brothels in a South American country. The operators pay their airfare and visa expenses and they have to pay that back from their earnings once in New

Zealand. They spend three months in the brothel and return to their country of origin when their visa expires:

They don't have access to their passports. They're paid by the brothel place for them to come here and then they're stuck in the brothel. They work, they can't even go out ... Yeah, they don't go out anywhere unless it's with the, you know, they're watched 24/7. (NZPC1)

NZPC raised some concerns about a few disreputable operators in other brothels who engage in other exploitative practices. In some cases they have involved the police and in other cases not.

This year in particular we've had, you know, reports of sexual violence that we've reported and then some unreported. And then there's stuff around ... brothel operators, who withhold money, and I'm not talking little, of big amounts of money. It can go from hundreds to thousands of dollars. The biggest one that we've heard so far is about\$18,000 which almost reflects 3 months' worth of work. We wonder if she was paid anything. (NZPC1)

NZPC is able to engage with Chinese sex workers through an outreach worker who speaks Mandarin. She identifies and tries to gain access to Chinese operated brothels and also approaches sex workers directly on a Chinese social media site. These sex workers are not able to access NZPC in any other way as they are seldom able to leave the brothel on their own. Immigration brokers in New Zealand recruit sex workers in China through the social media site. If they wish to come to New Zealand to work they have to send their passports to the broker who organizes a visa using the brothel's address as a residence. Once the visa has been granted the passport is sent back. The sex worker pays for the visa, broker expenses and the airfare. When they arrive in New Zealand they are picked up from the airport by the brothel operator and taken to the brothel where they work and live. In some instances they have come to the notice of NZPC through the social media site when they talk of some of their experiences of working in the brothel. In some instances, NZPC has arranged for police to get migrant sex workers out of bad situations and in other cases, the women have been able to escape by themselves. They refuse, however, to press charges because of fear of deportation.

They do not really want to move forward and to report too much to the police because they came here wanting to make money. Then they can leave this country before their visa expired (NZPC3)

NZPC have also heard accounts from migrants who work for disreputable brothels who do not conform to the requirement of Section 9 of the Prostitution Reform Act; which places an obligation on operators, sex workers and clients to ensure protective sex is undertaken. Some operators are openly encouraging unsafe sex practices:

They said that their boss openly advertises sex without condoms, and I asked them what does that mean, and they were like, you know, do a blow-job without condom, or some workers might do full sex without a condom. They don't even know that part around Section 9 of the law ... But the boss encourages that because it's good for business and means we get more money. We get more money for him, we get more money for us." (NZPC1)

A sexual health nurse had heard similar accounts from migrant workers when she saw them in the clinic. She found it extremely difficult to communicate with the most vulnerable workers, however, as she had to talk to them using Google translate.

I do always ask if they're safe, "Have you found the work environment safe?" But it's really hard sometimes cause I'm using Google Translate..... I've had stories of some women, especially Asian sex workers, Chinese, in New Zealand coming in and working in parlours or in private homes and having their bosses take quite a lot of control over them, forcing them to have sex. (Nurse)

Similarly, the sexual health doctor spoke of the difficulties in communication with non-English speaking migrants and having to try and circumnavigate the worker's fear of disclosure:

I think sometimes when English is a second language there's some difficulties with some of the nuances of that. Um and you get people who, sometimes you feel that people are frightened about disclosing stuff as well. (Doctor)

There is uncertainty on the scale of disreputable and exploitative brothel operators in New Zealand. It seems unlikely that this is happening on a large scale and it is difficult to secure justice and close down exploitative operations without the testimony of the exploited workers. These vulnerable sex workers are, however, too scared of deportation to go through the process of talking to the police and providing evidential video interviews (EVI). For example, two Asian workers were rescued from a brothel where they had been repeatedly raped by the brothel operator. They agreed to talk to the police but then disappeared underground to carry on working:

They started to like not turn up at appointments, you know, and then they didn't go through with the EVI, and then it was really frustrating ... because we drove around (the city) looking for them in the brothels that they had given, the address of the brothel that they were staying at. Not only us, but also the detectives, or the police, who were really, really helpful. And it was frustrating. (NZPC1)

The sexual health nurse who we interviewed had seen other cases of abuse which also went unreported:

The lady that did come in and go into our sexual assault clinic, she said he used to go, the brothel owner used to kind of go and get really drunk and sexually assault actually quite a few of them on the same night and beat them. She had huge bruises on all of her buttocks from where he'd constantly hit her ... and you know, that had happened not once, but several times and to several of the women that are there. Yeah, and it's really hard, especially when you're trying to offer help, which you can't when they seem that they've got no choice, they just have to. (Sexual Health Nurse)

3.4 Engagement with authorities and support agencies

Immigration authorities were feared by all the migrant sex workers who took part in this study and migrant participants spoke of the stress of potentially being exposed as working illegally. This meant that in the event of being a victim of a criminal offence, they generally stated that they would not seek assistance from the police for fear that it would be reported to Immigration. This fear was reinforced by a belief that the reason for their deportation would be stated on their permanent migratory records and have negative impacts on their lives.

I would call the managers. I'm definitely not going to the police ever, never, sorry, never because I know if I open my mouth, bye-bye, never come back again. And I'll be marked from my homelife. (SW8)

I have this one friend, she lost more than \$2000 of money, and she couldn't report it because she's scared that the police might ask where did she get the money from. (SW1)

If the bad experience would be anything that doesn't have to do with this place, I would talk to people here. Like either the girls I work with or (the brothel operator). Um if it would be this place, I would probably still talk to one of the girls or just my friends ... there's just always a bit of a fear what happens if someone finds out. Like I might get deported or whatever. (SW5)

Some migrant participants stated that they had few if any forms of support and were therefore unsure of how they could access assistance. Of those who said that they would access support from their

networks, there was an acknowledgement that assistance could only provide a sense of immediate support and would not result in the criminal offence being addressed.

Fear of Immigration authorities also posed a dilemma for some participants regarding paying taxes on their earnings. Some believed that they had an ethical obligation to pay income tax but were not able to because of the illegalities associated with their work.

Also makes everything a bit complicated. Like I had a lot of thoughts, like should I pay taxes or not because if I do, are they going to find out? (SW5)

Immigration-related fears also created complications about depositing money they earned from sex work into their bank accounts:

I think it's scary because, you know, first of all you earn cash here and everything goes through, you know, everything goes through accounts. You have to pay the bills through the accounts, so you can't deposit the money into the accounts. Like it can be questionable in time, especially if Immigration are like, "Where are you getting that much money from?" Like every day I usually carry \$1000 home and I'm like, you know, it's not safe to carry cash around first of all, and I can't put it in the bank account again and again. ... if I deposit the money into my account and I go on paying the taxes, the Immigration will question me that, "You know, what kind of job are you doing because you're depositing so much of money into your account literally every day and you're paying the taxes also so much," but then still they will question me like, "Where, where are you getting it from?" because the only thing they can get into their mind is that I might be a sex worker and which is illegal. (SW4)

NZPC was described as providing a vital role in providing information, advocacy and support to migrant workers. Most migrant participants had heard about NZPC through their sex work networks and had initially engaged with NZPC for either free condoms or sexual health checks. Notably, however, a need for an increased awareness of NZPC amongst non-English speaking migrant workers was identified. This was especially identified in relation to some migrant workers who choose not to access NZPC because of a belief that NZPC is aligned with government agencies and therefore would have to inform the various authorities about the worker's migrant status.

I'm very much aware of NZPC, so any girls that comes in, I try and make sure that, because they're relating NZPC to the government, they're relating at NZPC to, if the government says X, so the NZPC basically follows. So, they don't understand that NZPC has a voice for them, and it's, yes, it works for the government, it's just funded by the government, but they are not the government and they don't necessarily, you know, follow that. So, they think that if they come in here and report a case like that, the NZPC is obviously going to take this to Immigration and will, they understand that, "Oh we've got an illegal girl and the girl's illegally working." (SW7)

There was also a deterrent to accessing the free sexual health clinic at NZPC. The Auckland District Health Board requires that the clinic collect personal details. Some women who did arrive to attend the clinic in Auckland, left before seeing the nurse because of this.

They're too scared to come, you know, to see the clinic. We've had lots, lots of women that come in and because you have to fill out our registration form, which requires you to give your details on your passport, I've seen people come, sit, have a look at the form, are told they need to give their correct information, and get up and leave. (Sexual Health Nurse)

Sexual health services in Wellington and Christchurch do not require personal details and so are more accessible to migrant workers as they appreciate the anonymity.

3.5 Personal life

Migrant and non-migrant sex workers shared similar experiences about the role of stigma associated with working in the sex industry. In this regard, sex work was discussed as a unique occupation as it is common for people, across diverse aspects of the community, to judge and alienate sex workers, often using sex workers' occupation as a means of dehumanising the individual. However, sex work-related stigma was amplified for migrant sex workers. While non-migrants have reported risking a loss of social status, community outrage and public vilification, migrant sex workers had the additional stress of worrying about potential deportation.

It's just that in general sex work still has a stigma which is already, you know, not a good feeling when it's your job. But if it's at least legal for you [non-migrants], it makes it better, but knowing that what you do is like seen as wrong by other people, but you also know it's illegal, like it just makes it, yeah, you're always a little bit worried what happens if you get caught. Like it's just, it does make it harder. (SW5)

A number of situations were identified where someone in a worker's personal life had used their knowledge of the individual's illegal status to threaten deportation. This arose as a form of reprisal and occurred from the likes of flat mates, sexual partners (both current and past) and, on one occasion, the wife of a client who was having an affair with a non-migrant worker.

He was, I dated him. I saw him two or four times in a month, over a month, 'cause I did at least a month, and I was really honest that time, I was a visitor, so I told him that I had a job and he twisted that. I told him, "I don't want to see you anymore." What he did, he told me he don't want to believe because I'm too stupid or was too, you know, said he's write a letter, he was going to ask Immigration to deport me because I was working illegal. (SW8)

My boyfriend, he got to know about it, and obviously my parents doesn't know either. So, I was working for eight months and then he got to know. And so I was like scared of him. He doesn't have proof. I should not be scared, but still you have that thing... so, I moved ... to leave him behind and just to have a change, and I have some friends here and he told them also... like every week he used to fight with me, and every time he used to threaten me with the same thing that 'I'll tell Immigration and then...' But... He called the Police twice. But he doesn't have proof, and Immigration needs the proof. At that time I was really scared because I started, I started my career and I wanted to live my life, you know, without someone coming in and trying to tell me that they would deport me. I could imagine everything ending up, and I was ending up back in (country of origin). he's trying to make me get back there just because, you know, I was a sex worker. So, I was scared, really scared sometimes. (SW4)

Migrant participants chose not to seek help from the police and described going to often extraordinary lengths to circumnavigate threats from those in their personal life. For some this meant moving to a new location in the same city, for others it meant an urgent move to another city. In all scenarios it is notable that the migrant had to surrender many of their belongings as well as their support networks.

3.7 The Law

The majority of sex workers interviewed stated that they had few if any sex work-related experiences with exploitation or coercive practices in Aotearoa / New Zealand. Rather, while they had had negative experiences in the industry, these experiences were regarded as similar to those of non-migrant workers and were likened to occupational hazards common across the sector. Further, sex worker and stakeholder participants unanimously described a state of disjuncture between popularized images of sex worker trafficking victims and the lived realities of migrants in the industry.

As the following brothel operator explains, there is insufficient client demand for the type of trafficking victim portrayed in the popular media to meet client demand.

Whenever you see a movie, Liam Neeson starred in three of them, where they traffic young girls and chain them to beds and feed them drugs. And you know, the reality is how many men are there in the world that are willing to pay money to see a woman who is obviously in such distress? There just wouldn't be enough work to keep that part of an industry going. I'm not saying it doesn't happen. You know, that would just be silly. But the amount of it that happens is so, so tiny, and the consensual sex work is what is just being dragged down with it. (Brothel Operator 1)

This brothel operator stressed that Section 19 of the Prostitution Reform Act creates the potential for exploitation and victimisation, and that an amendment to the legislation would provide a foundation of safe work environments.

[Section 19 of the PRA] puts them [migrant sex workers] in a situation where they could possibly be exploited either by clients or by places they work for because they're illegal. So, they can be coerced into doing maybe illegal sex acts, like not using condoms or perhaps providing anal when it's not something that they ever wanted to do, or you know, maybe having to give free time to a client or something. That's if they were unlucky enough to meet clients who knew that they were illegal and knew that they could use that as a bribery point, and I'm sure it does happen. If they were working for bad pimps then they're in a position also to be made to do things that they don't necessarily want to do, like see clients that they don't want to see again, or see more clients than they wanted to see, or perhaps provide silly, illegal unprotected services. All sorts of things. I mean it just puts them on the back foot. You know, if they want to be able to be sex workers, if they are illegal they can't find somewhere that's really, really good to work, and they would have less opportunity to work just anywhere because of their illegal status, and so it can, it just makes it dangerous and, or could make it dangerous. (Brothel Operator 1)

Participants unanimously agreed that the unique vulnerabilities experienced by migrant sex workers occurs because Section 19 of the Prostitution Reform Act fails to provide migrant sex workers with the same protections as non-migrants. While the Prostitution Reform Act has been found to benefit New Zealand sex workers by removing sex work as an underground activity, it has failed to offer the same protections and positive outcomes to migrants.

Participants offered a number of arguments for the amendment of Section 19. Firstly, participants were unaware of situations that reflected sex trafficking in New Zealand. Further, because there is no evidence of coercive force being used to bring and maintain sex workers in New Zealand, arguments to maintain Section 19 were regarded as an emotional and illogical position. Migrant sex workers felt as though their decisions to engage in sex work in New Zealand were nullified by popularised definitions of trafficking and strongly asserted that the current definitions fail to reflect their realities.

For me personally sex trafficking means either that the people are forced to do it, or they don't really want, like they're not forced, but they also don't really want to, but they go to that country specifically to do sex work because they feel like they have to. That would be my image of sex trafficking. And then, yeah, and then there's people like me who do it because I want to and no one forced me, no one, I don't know, I wasn't desperate for money and went to a dodgy person who found me work here that exploited me. It's, yeah, it's different, and I think people who aren't like victims of sex trafficking and who just want to do it here are already doing it even though it's illegal. We would also do it if it was legal, and if it was legal, there would be (...) yeah, there probably would still be sex trafficking. I just don't see any difference for that problem. (SW5)

Next, the importance of challenging popular understandings of trafficking was raised. In particular, the image of a trafficked worker, locked in a house and being poorly treated contradicts a successful sex work business model; effectively there would be insufficient clients that would pay for this type of service to meet demand.

The client very good, yeah. Probably can't do this happen. Yeah, you know, you like got a house, you lock the girl there, but where you going to find the customers? You need from the customers from outside, they come in to see the girl, they got money, but if the girl tell the guy the story, "Oh I'm here working, no money. People control me," the guy will help her, yeah. (SW9)

It's just silly, and it also, yeah, it, because it's the only job in New Zealand that you can't legally do on a work visa, it makes the entire sex industry seem immoral or abnormal or whatever, which is bad for not only the migrant workers, but is bad for every sex worker, because that's what we're trying to fight. We don't want it to seem immoral or abnormal because it's not. But poor little migrant workers (..) that's just, you know, the tip of the iceberg for them. ... sex work needs to be treated the same as any other job basically. So, if you get caught doing sex work and you're on a temporary or a visitor visa or a student visa or whatever it is where it's illegal to do any other work in New Zealand as well, then you should come under the same, you should fall under the same thing as you're illegally picking fruit or you're illegally cleaning someone's house or you're illegally working in a shop. And if you're on a work visa, you should be legally allowed to work in the sex industry, and the fear of being deported with 'sex worker' on your passport or on your Immigration records should be taken away, because that would take away so much of the power that people have to use over migrant workers.... This migrant worker issue is purely a human rights issue. (Brothel Operator 1)

Rather than engaging in a trafficking discourse participants stressed that the primary issue is to ensure that operators engage in appropriate employment practices and create environments that empower and protect sex workers' rights.

There should be, I think the law should be a little bit more humanitarian. Because... we're allowed to work, it says on my visa I'm allowed to work 20 hours or full-time, we're allowed to work. Okay, this is a job. It's legal in New Zealand, right. Yeah, so why that exception? And only residents and permanent residents? Okay, they live here, but okay, I'm on a temporary visa. I'm here, so I'm independent. I have my feet on this land as any other person who are here. So why is it different? Because they say it's because to prevent traffic, human trafficking. ... if someone is trafficking people, New Zealand is no as a country, developed country like this - Yeah, and to have like that much trafficking, people trafficked. You don't see that much in New Zealand. You don't see that. (SW8)

The unfairness of the situation and the framing of this as a human rights issue was reinforced by the sexual health doctor who saw many migrant women in her practice:

It just doesn't seem fair to have one group that hasn't got the same protection, and I and that hasn't got the, it's not the same. It's a human rights issue, isn't it? Just should be the same. (Doctor)

4 Discussion

This research explored migrant sex workers' experiences of working illegally in New Zealand's sex industry. It is noteworthy that an analysis of migrant sex workers' lived realities needs to be appreciated within an overarching framework of societal stigma. In this regard, migrant and non-

migrant sex workers similarly experience stigma associated with working in the sex industry, and this stigma was reported as potentially positioning sex workers, in general, as a socially marginalised population. What is unique about migrant sex workers, however, is how Section 19 of the Prostitution Reform Act amplifies migrant sex workers' marginalised status and potentially places migrants underground and at risk of a series of dangers. These dangers include the potential for coercive and exploitative control by operators, clients and those in the individual's personal life. At the least, coercive control risks financial exploitation. At the extreme, coercive control was reported to have occurred in the form of multiple sexual assaults from a brothel operator.

Section 19 of the Prostitution Reform Act reportedly dissuades migrant sex workers from help seeking; a fear of deportation acts to maintain the status quo as migrants are generally reluctant to report offences to the police. Rather, multiple reports were provided of workers choosing not to seek a criminal justice response and either left particular venues or chose to leave the country.

Participants unanimously furthered that Section 19 treats migrant sex workers unfairly. This was particularly discussed in relation to the Act's separation of migrant workers as a unique occupational group and in regards to the inequitable restrictions on those with work or study visas. Migrants viewed such restrictions as illogical as their work and student visas restricted them to minimum or under the minimum wage work.

Sanders et al. (2018) have argued that globalisation and the mainstreaming of sex work has seen many people traveling from all over the world to engage in sex work. Some migrants engage in sex work to fund their travel or study and are not in desperate situations. Other migration is as a result of poverty, which was the case for some of the sex work participants in this study. Stakeholders suggested that this was also the case for many of the most vulnerable sex workers, with many working to send money home to their families. Poverty is a driver for sex work and it is not particular to migrant sex workers. In New Zealand, most sex workers enter sex work for economic reasons (Abel, 2010), exacerbated by neoliberal policies which have seen cuts to welfare, a shortage of social housing, increased child poverty and homelessness (Abel, 2018). Sex workers in New Zealand often choose to sex work because it offers the possibility of more money than they could make in minimum wage jobs and more flexibility in terms of time to spend with children, and generally they enjoy their work (Abel, 2010). Similar claims were made by the sex worker participants in this study. What has been a detriment to all migrants, however, has been the conflation of migration with trafficking (Weitzer, 2013). Section 19 was added to the Prostitution Reform Act because of a concern about human trafficking. A distinction needs to be made between voluntary migration and forced migration. There appears to be no known incidences of forced migration in New Zealand. All the migrant sex workers who we spoke to, and all the very vulnerable sex workers that stakeholders had encountered, had voluntarily moved to New Zealand to sex work.

5 Conclusion

When New Zealand decriminalised sex work it in effect made sex work a recognised occupation and its workers, as such, on a par with other occupational groups. Yet, while visitors may come into New Zealand with a work visa and work in any other occupation, they are not allowed to work as a sex worker. Those who do choose to work are created as a marginalised group because of their immigration status (Anderson 2006); unequal to other sex workers in New Zealand and unable to access justice. They are exploited but this exploitation does not equate with trafficking.

Recommendations:

Consideration should be given to repealing Section 19 of the Prostitution Reform Act as it creates conditions in which exploitation can flourish. Exploitation could be addressed if migrant sex workers were more able to report disreputable brothel operators and others to authorities without the fear of deportation. Sex work is decriminalised in only New Zealand and New South Wales (NSW). Migrants on a work visa are able to legally work as sex workers in NSW. A report to the Ministry of Health in NSW indicated that there was no evidence of trafficking in that State (Donovan et al., 2012). It is unlikely that the situation would be any different in New Zealand if a similar situation was adopted here.

More research needs to be carried out in New Zealand to understand the scale of the underground migrant situation. As this sector of the sex industry is hidden it will require a number of methods to arrive at a robust estimate. A longer period of immersion in this area would also provide the ability for access to underground workers to gain a deeper understanding of their experiences.

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