



SEXHUM

# *New Zealand: results*

Kingston  
University  
London



European Research Council  
Established by the European Commission

Dr Calum Bennachie<sup>1</sup>, Professor Nicola Mai<sup>1</sup>, Annah  
Pickering<sup>2</sup>, Jennie Lee<sup>2</sup>

1 Kingston University, London

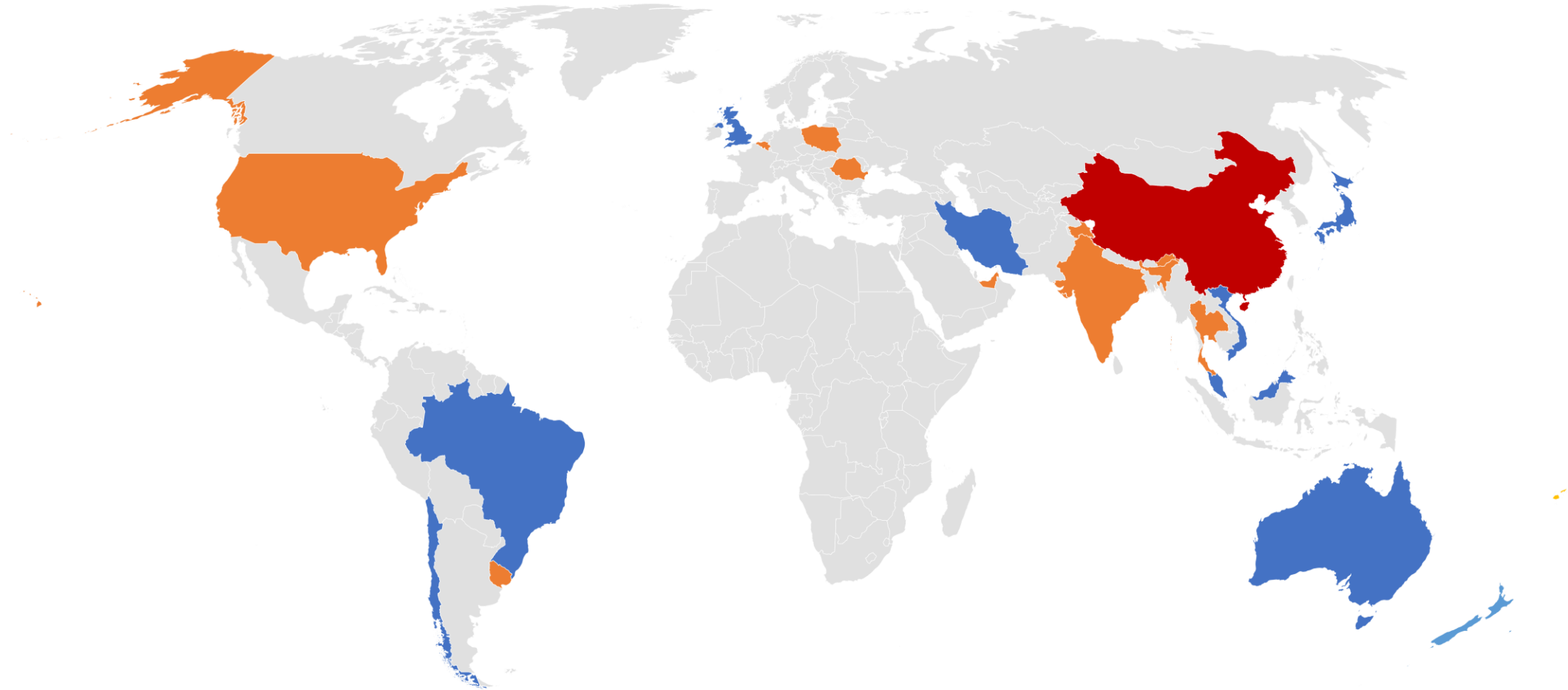
2 NZPC – Aotearoa New Zealand Sex Workers' Collective

- Prostitution Reform Act passed in 2003:
  - Decriminalised sex work for citizens and permanent residents to create a framework that—
    - (a) safeguards the human rights of sex workers and protects them from exploitation:
    - (b) promotes the welfare and occupational health and safety of sex workers:
    - (c) is conducive to public health:
    - (d) prohibits the use in prostitution of persons under 18 years of age:
    - (e) implements certain other related reforms.
- However, during the final stages, s19 was added:
  - Any person entering NZ with the intention of working as a sex worker may be denied entry and any person on a temporary visa who starts sex work in NZ may be deported.
  - Any person on a temporary visa or with PR may not operate a brothel.

- 50 migrant sex workers interviewed
  - Interview was about 60 min to 90 minutes long
  - Interviewees provided with incentive of NZ\$50 for their time
  - Interviewees obtained through contacts with NZPC, word of mouth, contacts through brothels, online advertising
  - Responses typed and checked with respondent, not recorded
- 15 key informants interviewed
  - NZPC staff, MBIE staff, journalists, moteliers, faith based organisations
  - Interviewees obtained by contacting the organisations
  - Responses recorded
- Responses coded

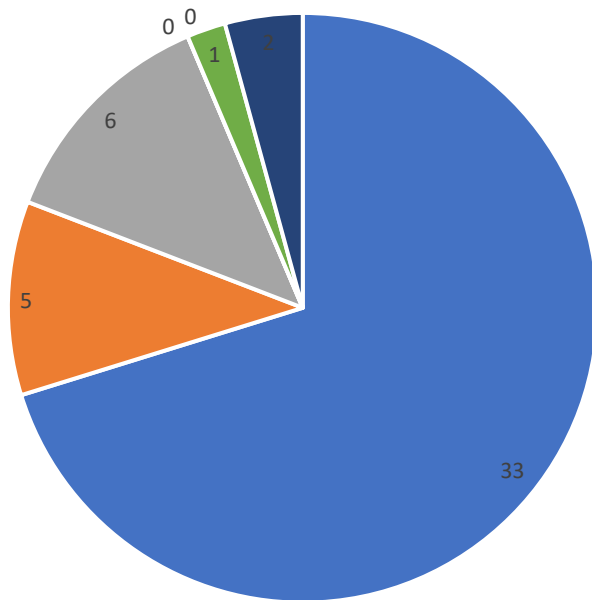
# Demographics

## Country of Origin



- 2
- 1
- 14
- 5
- 3

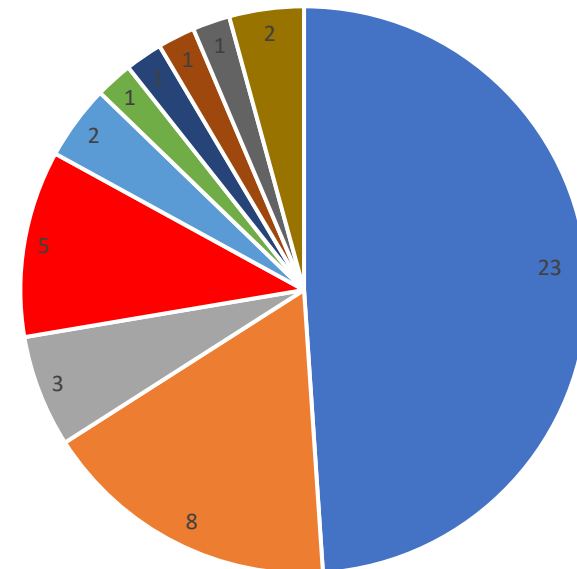
## Gender of Interviewees



■ Female ■ Transfemale ■ Male ■ Transmale ■ GDF ■ GDM ■ Non-Binary

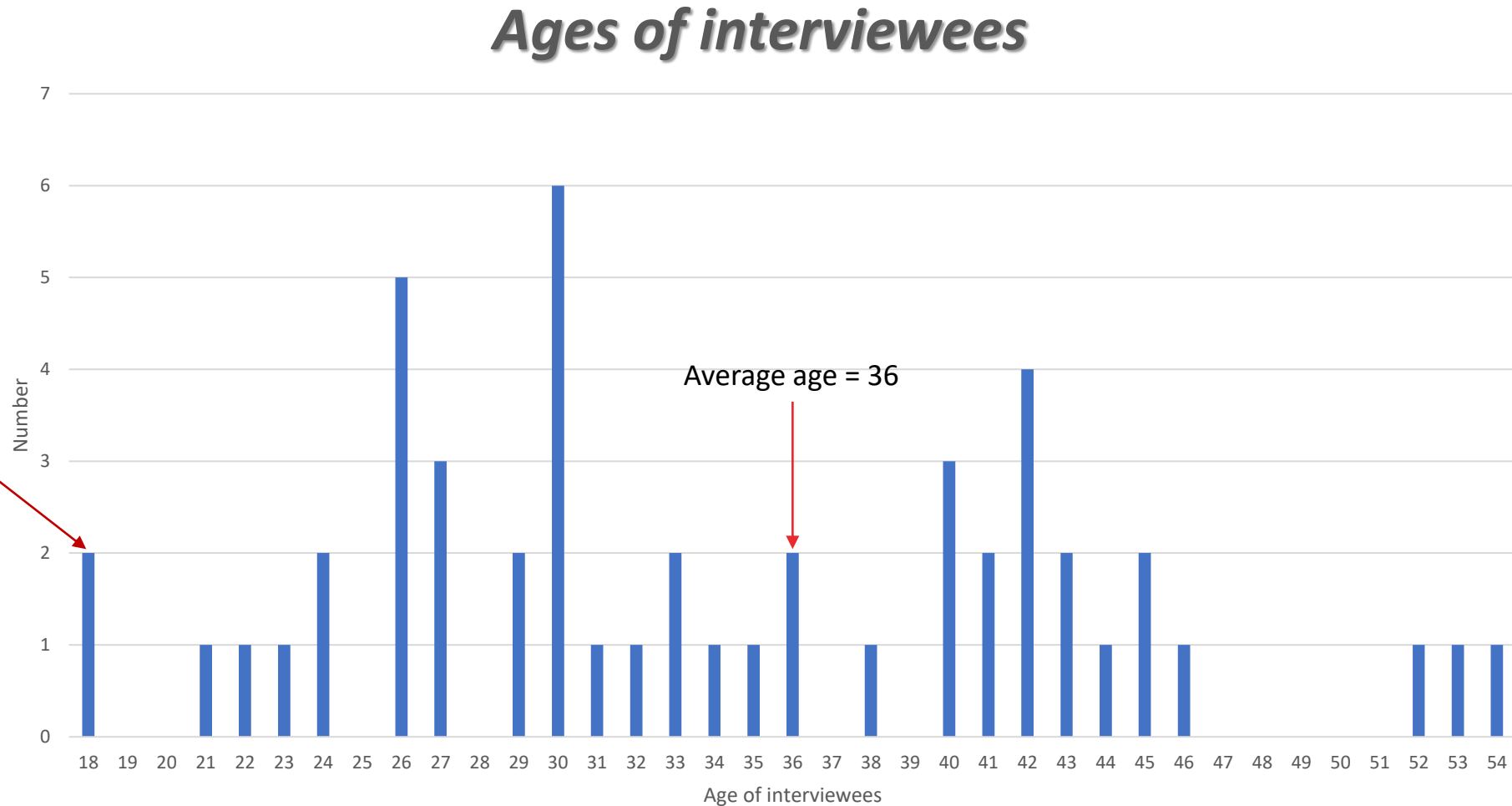
## Place of Interview

Auckland: 35 Wellington: 14  
Christchurch: 1

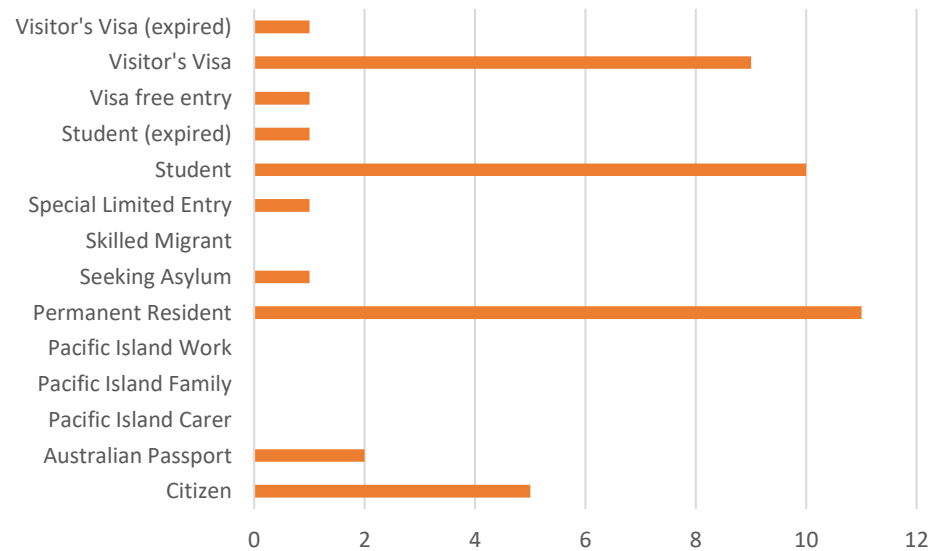


■ NZPC ■ Brothel ■ Café ■ Home ■ SOOB  
■ Beach ■ In Car ■ Outside bar ■ McD's ■ Technology

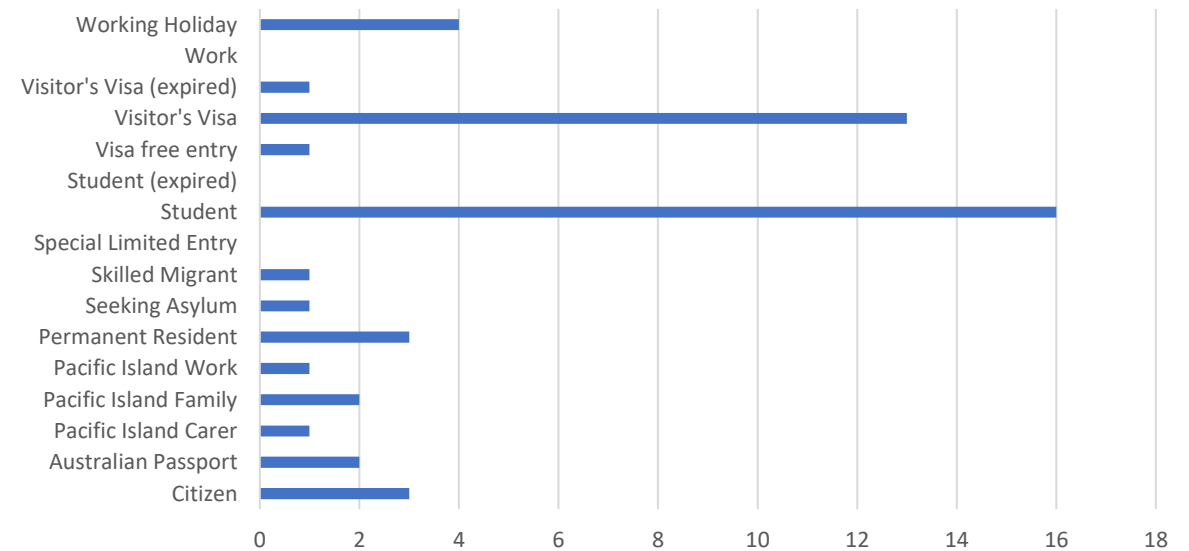
2 young people who had been sex working under 18 were interviewed to obtain responses from people who are legally classed as “victims of trafficking”.



## Visa at time of Interview



## Visa at time of starting sex work



# *Primary findings*

- Issues affecting health
  - Migrant sex workers afraid to contact doctors or attend clinics/hospitals, even for urgent life threatening situations not related to sex work
- Issues affecting safety
  - Migrant sex workers will not approach police even though the matter is not related to their sex work.
- None reported trafficking within sex work but some had heard of it happening overseas.
  - But those served DLNs felt a degree of trafficking like conditions.
- All those employed in hospitality felt they had been exploited.
- Issues of bodily sovereignty during questioning by authorities.



# Primary findings - Health

- “I went to the nurse at NZPC first, but she told me not an STI, but concerned about how hot I was, so I went to ... Emergency Clinic (After Hours Clinic) for prescription, but also *\*they\** were really concerned about my temperature, and sent me to the hospital for ED (Emergency Department), they wanted me to stay for the morning, but I was worried about cost, and so I left after they said my temperature had started to come down. Also when there, I had the information sheet about this interview in my bag from NZPC, so I took it out and <demonstrated ripping it up> and threw it in the bin. I didn’t want them to find out I was doing this job as I might get into trouble with Immigration”.
- Lia, NZSW016, 33yo cis-female, South American

# Primary findings - Health

- I will be going back to China soon as my parents will meet me, so I won't need to do any medical stuff here. I will do it all back in China
  - Anna, NZSW021, 21yo cis-female, East Asian
- I am worried about seeing doctors – worried about being found out. I have only been to NZPC and Wellington Sexual Health for check-ups. I have tourist insurance, travel insurance, so I can go to other clinics, but I would never reveal **any** sex industry involvement in case I was deported. I don't think I would go to the police either, if someone was violent against me while I was at work, or committed some other crime against me while I was at work, in case the police reported it to immigration and I was deported. So yes, these two things, they maybe have some impact on my health.
  - Sasha, NZSW018, 32yo cis-female, East European

# *Primary findings - Policing*

- No, I'm thankful I haven't had any experience with the police. I would not want them knowing what I do. I would not want them to be able to let Immigration know what I do. I want to finish my three months and be able to come back if I want.
  - Yumi, NZSW019, 27yo cis-female, South East Asian
- I do not think I would contact the police though if something went wrong, even if it wasn't at work, because I do not want them knowing what I do as I think they may tell Immigration, and I do not want them to know as I may get deported.
  - Sunny, NZSW022, 30yo cis-female, East Asian

# *Primary findings - Policing*

- “The first time something bad happened here, I was in Hamilton, and this guy said he had the images from my web advert, and that I was working illegally from a hotel in Hamilton. Apparently, they have a bylaw there that says you can’t work in hotels or motels, but most private people do if they are touring. At the time I had a face pic on my advert, so that came off pretty quickly. He said he had friends working in Immigration and would tell them what I did and give them my images, and advert, if I didn’t do what he told me. I was too shocked, freaked right out, at the time to think properly, so I just did it, and afterwards I was too scared to go to the police to report it, just in case I did get deported or even charged under that bylaw”.
- Molly, NZSW032, 22yo cis-female, UK

# Primary findings - trafficking

- Do you feel that you have been trafficked? Why?
- “No. I did my research, I spoke with people before starting, I wasn’t forced, except for the fact I needed money, but we all need money so we could all say we are forced to work, but I wasn’t forced to do **this** job. I wasn’t coerced, I wasn’t forced. I wasn’t detained or sent somewhere by anyone, I wasn’t misled or told lies about what this job is about. I chose this job, nobody made me do this.”
  - Sasha, NZSW018, 32yo cis-female, East European

# Primary findings - exploitation

- “It happens a lot in hospo – not paying people properly, shifts 10 or 12 hours long, or more, yet not paying properly, only paying for 8 hours, not the hours worked. Often people don’t know what the rules are and what the laws are around work. So they are underpaying, and often the students or young person **won’t** complain because they don’t know about the rules. Call backs, with only 4 hours in between. Employers asking if someone came do a shift, then when asked what time they would finish, the worker is told “I guess you don’t need the money then”, with the employer expecting you to be available at all times, **all** the time”.
- Sasha, NZSW018, 32yo cis-female, East European

# *Migrant sex workers and COVID-19*

- “I felt discriminated by my landlord when I told him what the situation was going to be in COVID-19. I was pretty open to him, I told him I was self-employed, he might have guessed I was a sex worker – I said that my finances were going to be troubled and I asked him if he could give me a discount, postpone payments, a mixture of options, ... he just said he didn’t want to negotiate with me [and] I should have considered crises like this before I enter any kind of illegal work”.
- “The fact that sex working is illegal for me makes some people judge my choices and they decide not to help me because I am illegal in the first place. I think it does affect people’s choices to help me or not, clients or landlord, the clients told me they would not help me because I don’t pay taxes, ... They do stigmatise people and I am stigmatised by the law in a way that I had never been before.
- “I felt I had an obligation to support society but there was no return and no obligation from the government to help me help them”.
  - Tjago, NZSWC001, 34yo NB male, South American

# *Migrant sex workers and COVID-19*

- Compared to other jobs, [migrant] sex workers can't get wage subsidies, it is unfair, totally unfair, why only [migrant] sex workers can't get it, it is because they had to provide to show the details of their job, if they can show they can get subsidies. And migrants also work as sex workers and I wish the situation was improved. If they are NZ citizen they support, but not if migrant. This is unfair.
  - Daizy, NZSWC002, 33yo cis-female, East Asian



# *Migrant sex workers and COVID-19*

- “I worked in hospitality and obviously it was the most affected industry, especially when the border closed. I can’t go back home because borders were closed. I was full time worker, so the government gave the business 80% to be given to their workers, so I was given that from home, I got that until end of June. The 100% of wages is already not enough to live on! New Zealand is so expensive! Imagine with 80%! I went to the brothel one night [after lockdown was completed] and in one night I got my one-month salary. I had used tinder and bumble, so what is the difference?”
  - Victoria, NZSWC006, 43yo cis-female, South European

# Primary findings - Discussion

- Repeal of s19?
  - May cause further issues because:
    - People on Visitor's Visas would still be working in breach of their visa
    - Students and some other temporary visa holders currently not able to do contract work.
      - Remove the ban on contract employment.
      - Remove the requirement to tie work visas to a particular employer.
      - Provide the ability to have a work visa for sex work that people can apply for if they start work as a sex worker (Visa should **not** be specific to sex work and not name it).
      - Encourage Visitor Visa holders who are found to be working as sex workers to apply for a work visa.
  - Repeal, plus these other changes, would fit with recommendations from the CEDAW Committee and reduce the vulnerability of migrant sex workers.
- Immigration control should be separated from the enforcement of the PRA to address the needs of migrant workers.

- Interdepartmental committee consisting of representatives from MBIE (Immigration and WorkSafe), Ministry of Women’s Affairs, Police, and the Ministry of Health to work with community partners such as NZPC, Shakti, Anglican Church, etc., to examine the issue to ensure the rights of migrant sex workers are protected and upheld.
- Uphold the recommendations from the CEDAW Committee (CEDAW/C/NZL/CO/8 recommending amending “section 19 of the Prostitution Reform Act 2003, with a view to reducing its negative impact on migrant women” and “adopt measures aimed at preventing discrimination against women in prostitution in the State party, with a view to preventing and addressing the factors and structures that render migrant women vulnerable to trafficking”.

- Examine the need to have only one employer for a work visa, and the ban on contract work for those on Student Visas, etc.
- Examine the contracting nature of sex work and the impediment it makes from Immigrants working as sex workers.
- Those facing deportation for breach of their temporary visa should not have sex work recorded on the Deportation Liability Notice or other paperwork related to their deportation in order to reduce tensions related to being outed as a sex worker and the related stigma that attracts.
- Examine ability to allow sex workers to apply for a work visa, and to encourage those on visitor's visas who are found to be working as a sex worker to apply for a work visa rather than an immediate Deportation Liability Notice.