

Questions

About you

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/Peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g., clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g., whether it is the view of particular officeholders or has been approved by the membership as a whole).

The NZPC: Te Waka Kaimahi Kairau O Aotearoa/Aotearoa New Zealand Sex Workers Collective (NZPC) was founded in 1987 and has been funded by the Ministry of Health since 1988. NZPC campaigned for the Prostitution

Reform Bill after it was introduced in 2000 until it was successfully passed in 2003, becoming law on 27 June 2003. We are a peer-based organisation for sex workers for sex workers and provide information and support to sex workers on their rights, health, and well-being. NZPC also undertakes, and takes part in, research affecting the sex industry in New Zealand. It is through these lived experiences that NZPC has come to the conclusions it has in respect of this proposed Bill.

3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

The organisation is NZPC: Te Waka Kaimahi Kairau O Aotearoa/Aotearoa New Zealand Sex Workers Collective

The organization is commonly referred to as NZPC.

We, those named below, sign this on behalf of the organisation:

Dame Catherine Healy DNZM, National Co-ordinator NZPC: Te Waka Kaimahi Kairau O Aotearoa/Aotearoa New Zealand Sex Workers Collective, <http://www.nzpc.org.nz>;

and

Dr Calum Bennachie PhD, Research and Community Liaison, NZPC: Te Waka Kaimahi Kairau O Aotearoa/Aotearoa New Zealand Sex Workers Collective, <http://www.nzpc.org.nz>.

This submission has been prepared by both of us and represents the opinions and views of the organisation as a whole.

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Data protection declaration

I confirm that I have read and understood the [Privacy Notice](#) to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

Please **ONLY** place an x in the brackets if you are **UNDER 12** years of age.

YOUR VIEWS ON THE PROPOSAL

1. What is your view of introducing a new criminal offence of paying for sexual services? (This is the only mandatory question)

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Don't want to express a view

Please explain the reasons for your response.

No response

2. What is your view of repealing section 46 of the Civic Government (Scotland) Act 1982: the offence of soliciting for the purposes of prostitution in a public place?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

The repeal of laws that stigmatise and harm women is a good thing. It is the experience of NZPC that laws against sex work are the main cause of violence against sex workers. Laws against sex work inhibit sex workers reporting violence against them, from seeking assistance, and from seeking medical care (Bennachie, Calum; Pickering, Annah; Lee, Jenny; Macioti, P. G.; Mai, Nicola; Fehrenbacher, Anne E.; Giametta, Calogero; Hoefinger, Heidi; and Musto, Jennifer (2021) Unfinished Decriminalization: The Impact of Section 19 of the Prostitution Reform Act 2003 on Migrant Sex Workers' Rights and Lives in Aotearoa New Zealand. *Social Sciences* 10: 179. Available from: <https://doi.org/10.3390/socsci10050179>). Furthermore, getting rid of laws that target sex workers as criminals enhances their health, safety, and well-being, and increases their sexual health (Abel, Gillian; Fitzgerald, Lisa; & Brunton, Cheryl, (2007). *The Impact of the Prostitution Reform Act on the Health and Safety*

Practices of Sex Workers. Christchurch (NZ): Christchurch School of Medicine. Available from:
<http://www.otago.ac.nz/christchurch/otago018607.pdf>;
Prostitution Law Review Committee, (2008). Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003. Wellington, (NZ): Ministry of Justice. Available from [https://www.nzpc.org.nz/pdfs/PLRC,-\(2008\),-Report.pdf](https://www.nzpc.org.nz/pdfs/PLRC,-(2008),-Report.pdf)).

3. What is your view of repealing previous convictions under section 46 of the Civic Government (Scotland) Act 1982: the offence of soliciting for the purposes of prostitution in a public place?

- Fully supportive
 Partially supportive
 Neutral (neither support nor oppose)
 Partially opposed
 Fully opposed
 Unsure

Please explain the reasons for your response.

The repeal of laws that stigmatise and harm women is a good thing. Other than the points made above, violence against sex workers decreased significantly following decriminalisation of sex work in Aotearoa New Zealand, with physical assaults reducing 27.6%, threats of physical violence reduced by 25.9%, and rape reduced by 21.6%. (Comparison between Plumridge, L., & Abel, G., (2001). A 'segmented' sex industry in New Zealand: sexual and personal safety of female sex workers, Australia and New Zealand Journal Public Health; 25: 78-83. Available from https://www.researchgate.net/publication/227846620_A_%27segmented%27_sex_industry_in_New_Zealand_Sexual_and_personal_safety_of_female_sex_workers and Abel, Gillian; Fitzgerald, Lisa; & Brunton, Cheryl, (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Christchurch (NZ): Christchurch School of Medicine. Available from:
<http://www.otago.ac.nz/christchurch/otago018607.pdf>; Prostitution Law Review Committee, (2008). Report of the Prostitution Law Review Committee on the operation of the Prostitution Reform Act 2003. Wellington, (NZ): Ministry of Justice. Available from [https://www.nzpc.org.nz/pdfs/PLRC,-\(2008\),-Report.pdf](https://www.nzpc.org.nz/pdfs/PLRC,-(2008),-Report.pdf)).

4. What is your view of giving people in prostitution the legal right to support?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

It is the experience of NZPC, and sex worker led organisations throughout the world, that providing sex workers the legal right to support by peer based, sex worker led organisations increases their safety, health, and well-being. (Abel, Gillian; Fitzgerald, Lisa; & Brunton, Cheryl, (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Christchurch (NZ): Christchurch School of Medicine. Available from: <http://www.otago.ac.nz/christchurch/otago018607.pdf>; Östergren, P. 2017. From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies. DemandAT Working Paper No. 10. <https://www.demandat.eu/publications/zero-tolerance-full-integration-rethinking-prostitution-policies>).

5. What is your view of including provisions for exiting services in the bill?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

When New Zealand decriminalised sex work in 2003, the Prostitution Reform Act 2003 included a section that ensured sex workers who wanted to leave sex work were not penalised for voluntarily leaving their job. This has been successful in assisting those who want to leave their job as a sex worker. It is important that sex workers are not penalised for leaving their job as a sex worker to ensure a smooth transition for them from sex work to benefit or other occupation.

6. How should the proposed offence be enforced. Are there any

particular techniques which you think should be used or obstacles which might need to be overcome?

There should be no penalties against anyone involved in consensual sex work unless other laws against violence, rape, or trafficking, (note - consensual sex work is in and of itself not rape or trafficking, and the conflation of sex work and rape or sex work and trafficking causes harm to sex workers). See Ellison, G., Ní Dhónaill, C., & Early, E., (2019). A Review of the Criminalisation of the Payment for Sexual Services in Northern Ireland. SSRN, available from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3456633; Krüsi, A., Kerr, T., Taylor, C., Rhodes, & Shannon, K., (2016). 'They won't change it back in their heads that we're trash': the intersection of sex work-related stigma and evolving policing strategies, *Sociology of Health & Illness*, 38(7): 1137-50, available from <https://pubmed.ncbi.nlm.nih.gov/27113456/>; Levy, J., (2014). *Criminalising the Purchase of Sex: Lessons from Sweden*. Abingdon (UK): Routledge, available from https://www.routledge.com/Criminalising-the-Purchase-of-Sex-Lessons-from-Sweden/Levy/p/book/9781138659803?srsltid=AfmBOopl_G-VOXrT6kMSFBSrfO39IsatFs2azMzyXRAXowRbhO7Eh9jp

7. Do you believe that there are any new policing powers that would be necessary or beneficial for enforcing this offence?

The only other law that should be put in place is a law targeting those who discriminate against sex workers or former sex workers to ensure that sex workers are not left homeless, and can leave sex work and start another job without stigma or discrimination. No other law or police powers are required. (Applegarth, P., White, P., Rafter, A., Hinson, M., Endicott, C., Kingham, F., & Taylor, A., (2022). Discrimination against sex workers, in Applegarth, P., et al, (Eds). *A framework for a decriminalised sex work industry in Queensland*. Brisbane (QLD): Government of Queensland, available from [https://www.qlrc.qld.gov.au/_data/assets/pdf_file/0007/715066/qlrc-wp-80-chapter-16.pdf](https://www qlrc.qld.gov.au/_data/assets/pdf_file/0007/715066/qlrc-wp-80-chapter-16.pdf); Levy, J., (2014). *Criminalising the Purchase of Sex: Lessons from Sweden*. Abingdon (UK): Routledge, available from https://www.routledge.com/Criminalising-the-Purchase-of-Sex-Lessons-from-Sweden/Levy/p/book/9781138659803?srsltid=AfmBOopl_G-VOXrT6kMSFBSrfO39IsatFs2azMzyXRAXowRbhO7Eh9jp

8. Please indicate which of the following forms of support and/or services you think should be provided for people in prostitution and

exiting prostitution (place an x into the brackets of as many options as you agree with):

- Exiting support workers
- Drop in services
- Outreach visits to brothels, saunas and other similar premises
- Specialist medical consultations
- Access to drug and alcohol services
- Access to counselling and psychological treatment services
- Specialist housing schemes for women in crisis
- Support to access education, training or work
- Financial advice, debt support etc
- Other (please give details)

Please explain the reasons for your response and provide examples of best practice.

9. Please indicate which of the following ways of raising awareness of the new offence you believe to be most effective (choose as many as you agree with):

- Internet and social media advertising
- TV advertising
- Print media advertising
- Billboards in public places and transport
- Leaflets to households
- Materials to support and exiting services for people involved in prostitution
- Materials targeted at areas where prostitution is known to occur
- Materials to health and mental health services
- Materials to further education sector
- Inclusion in secondary education (Relationship, Sexual Health, Parenting classes)
- Other (please give details)

Please explain the reasons for your response.

The laws against sex workers - soliciting, brothel keeping, etc. - should be repealed, and only a law preventing discrimination against sex workers and former sex workers should be put in its place. The standard laws on employment, contract law, criminal law, etc., should be available to sex workers in an integrative system to allow them to integrate into society. Issues of consent to ensure people understand what consent is, and what it is not,

should be begun in secondary education (Ellison, G., Ní Dhónaill, C., & Early, E., (2019). A Review of the Criminalisation of the Payment for Sexual Services in Northern Ireland. SSRN, available from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3456633;

Krüsi, A., Kerr, T., Taylor, C., Rhodes, & Shannon, K., (2016). 'They won't change it back in their heads that we're trash': the intersection of sex work-related stigma and evolving policing strategies, *Sociology of Health & Illness*, 38(7): 1137-50, available from <https://pubmed.ncbi.nlm.nih.gov/27113456/>;

Levy, J., (2014). *Criminalising the Purchase of Sex: Lessons from Sweden*. Abingdon (UK): Routledge, available from https://www.routledge.com/Criminalising-the-Purchase-of-Sex-Lessons-from-Sweden/Levy/p/book/9781138659803?srsId=AfmBOopl_G-VOXrT6kMSFBSrfO39lsatFs2azMzyXRAXowRbhO7Eh9jp;

Abel, Gillian; Fitzgerald, Lisa; & Brunton, Cheryl, (2007). *The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers*. Christchurch (NZ): Christchurch School of Medicine. Available from: <http://www.otago.ac.nz/christchurch/otago018607.pdf>;

Östergren, P. 2017. *From Zero-Tolerance to Full Integration: Rethinking Prostitution Policies*. DemandAT Working Paper No. 10. <https://www.demandat.eu/publications/zero-tolerance-full-integration-rethinking-prostitution-policies>).

10. Do you think legislation is required, or are there are other ways in which the Bill's aims could be achieved more effectively?

Please explain the reasons for your response.

The decriminalisation of sex work, and steps to reduce discrimination and therefore stigma against sex workers is required, placing sex workers front and centre, explicitly having a rights-based approach recognising the right of sex workers and third parties to be able to work and be recognised by law. However, adding a new offence is not required.

Resource implications

11. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

- a significant increase in costs
 some increase in costs

- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- do not wish to express a view

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

If the Bill as proposed is passed, there will be a significant increase in policing costs, as well as an increase in costs for sex worker led peer-based NGOs supporting sex workers.

Equalities

12: Any new law can have an impact on different individuals and groups in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law?

Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.

If the law as proposed is passed, then, similar to the Swedish law, there would be an increase in stigma against sex workers. While the Swedish Government believed this increase in stigma was a "good thing" (SOU 2010:49a, Förbud mot köp av sexuell tjänst. En utvärdering 1999-2008, available from <https://www.regeringen.se/contentassets/2ff955c847ed4278918f111ccca880dd/forbud-mot-kop-av-sexuell-tjanst-en-utvardering-1999-2008-sou-201049/>), most bodies would agree that increasing stigma against any sector of society is not a good thing. (Ellison, G., Ní Dhónaill, C., & Early, E., (2019). A Review of the Criminalisation of the Payment for Sexual Services in Northern Ireland. SSRN, available from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3456633; Krüsi, A., Kerr, T., Taylor, C., Rhodes, & Shannon, K., (2016). 'They won't change it back in their heads that we're trash': the intersection of sex work-related stigma and evolving policing strategies, *Sociology of Health & Illness*, 38(7): 1137-50, available from <https://pubmed.ncbi.nlm.nih.gov/27113456/>; Levy, J., (2014). *Criminalising the Purchase of Sex: Lessons from Sweden*. Abingdon (UK): Routledge, available from

Gillian; Fitzgerald, Lisa; & Brunton, Cheryl, (2007). The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers. Christchurch (NZ): Christchurch School of Medicine. Available from: <http://www.otago.ac.nz/christchurch/otago018607.pdf>; Östergren, P. 2017. From Zero-Tolerance to Full Integration: Rethinking Prostitution

Policies. DemandAT Working Paper No. 10. <https://www.demandat.eu/publications/zero-tolerance-full-integration-rethinking-prostitution-policies>). It would therefore be best to ensure sex work is decriminalised and a law put in place that prohibits discrimination against sex workers or former sex workers (Applegarth, P., White, P., Rafter, A., Hinson, M., Endicott, C., Kingham, F., & Taylor, A., (2022). Discrimination against sex workers, in Applegarth., P., et al, (Eds). A framework for a decriminalised sex work industry in Queensland. Brisbane (QLD): Government of Queensland, available from https://www qlrc.qld.gov.au/_data/assets/pdf_file/0007/715066/qlrc-wp-80-chapter-16.pdf)

Sustainability

13. **Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?**

The proposed law as written would have a negative impact on all of these as it increases stigma, and therefore discrimination against sex workers, and it has been used to make sex workers homeless in Sweden and Norway. That is not acceptable. Furthermore "'Operation Homeless' ran for four years between 2007 and 2011 and initiated the systematic and rapid eviction of many sex workers from their places of work and/or homes. Whilst 'Operation Homeless' was wound down in 2011, Amnesty International interviewed women, like Mercy, who had experienced eviction more recently". Using End Demand laws to make sex workers homeless is not acceptable. Even using the law as a threat in any form to make people homeless is not acceptable (Amnesty International, (2016). The Human Cost of 'Crushing' the Market: Criminalization of sex work in Norway - Executive Summary. London (UK): Amnesty International, available from <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR3641302016ENGLISH.pdf>)