

Kia ora tatou

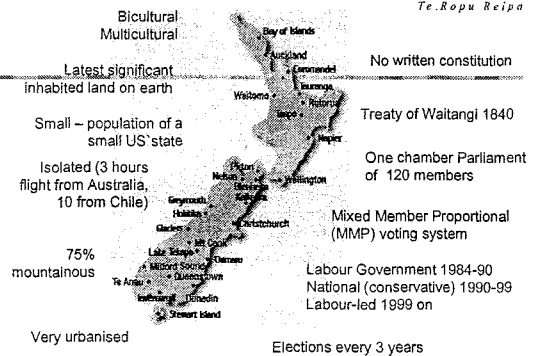
THE PROSTITUTION REFORM ACT 2003 (New Zealand)

- the story; the lessons from a politicians and sex workers collective perspective

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- Aotearoa/New Zealand
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- Story of our new Prostitution Reform Act 2003
- What is in it (and where the gaps are)
- Profile and view of the New Zealand Prostitutes Collective
- 10 points of light for your campaign
- 10 key, classic lobbying good practice messages



A1

History of social policy innovation

Has retained welfare state

Weak (but strengthening) local government

Feminised political system (top 5 in hierarchy are women)

Strong human rights focus

Conservative/cautious political culture

A2

OLD SEX INDUSTRY LAW

- Prostitution itself not illegal
- Soliciting, procuring, "living off the earnings" and running a brothel all illegal
- Similar to laws found in former British colonies
- Massage parlours recognised in law and licensed
- Enforcement minor, except soliciting, especially in Auckland

B1

OLD SEX INDUSTRY ENVIRONMENT

- 8,000 workers (4 million population)
- 65% work in massage parlours
- 25% work in escort agencies
- 10% work on the street
- New Zealand Prostitutes Collective (NZPC) advocacy (limited services) role
- NZPC receives Government funding (Health-sexual health) of approx \$US750 000 per annum

B2

THE STORY OF THE ACT

- 1980's AIDS/HIV epidemic; Labour Government vigorous response, based on Ottawa Charter
- 1986 Homosexual Law Reform
- 1988 funding to NZPC
- 1989 decriminalisation of needle exchanges
- 1990 National Government; continued (maverick) interest in law reform

C1

THE STORY OF THE ACT

- 1993 Human Rights Act (including sexual orientation, presence of organisms in the body)
- 1995-7 Australian state (New South Wales, Victoria) prostitution law reform
- 1992-6 developing NZPC-coordinated community campaign – audience building, environment forming
- 1997-9 bill drafted (by volunteers); two MPs (one National, one Labour)

C2

THE STORY OF THE ACT

- 1998-9 Bill presented to party political caucuses in Parliament
- 1999 Labour Government elected
- 2000 Bill placed in Members Ballot and drawn out (next day)
- 2000 First Reading passed 87:21; sent to Justice and Electoral Select Committee
- 2001-2 300+ submissions; public hearings and consideration
- Jul 2002 General Election – more moral right MPs
- Sep 2002 Select Committee reported

C3

THE STORY OF THE ACT

- Feb to May 2003 Second Reading 66:52, Committee Stage (various amendments)
- Most MPs received 500+ emails and letters
- 25 June 2003 Third (final) Reading 60:59 (1 abstention)
- 28 June 2003 most of Act came into force
- 28 December 2003 remainder of Act came into force

C4

The Act is based on a decriminalisation concept (rather than legalisation or partial/total prohibition)

D1

OBJECTIVE

- To decriminalise prostitution; and
- To create a framework that:
 - Safeguards the human rights of sex workers and protects them from exploitation;
 - Promotes the welfare and occupational health and safety of sex workers; and
 - Is conducive to public health

D2

DECRIMINALISATION

- = harm minimisation
- = specific, enforceable, harm-focussed prostitution-related laws
plus
exposure to general law

D3

WHAT IS IN THE ACT?

Harm

- Threat of sexually transmitted infections
- Poor occupational health and safety standards

Response

- S 8 and 9 - safer sex obligations
- S 10 – Health and Safety in Employment Act applies

D4

WHAT IS IN THE ACT?

Harm

- Offensive media advertising
- Offensive public signage

Response

- S 11 – partial media advertising ban
- S 12 and 13 – by-law making power for local councils

D5

WHAT IS IN THE ACT?

Harm

- Brothel location unsuitable/offensive

Response

- S 14 – by-law making power for local councils
- S 15 – additional resource management powers

D6

WHAT IS IN THE ACT?

Harm

- Being forced into sex work
- Prostitution-related immigration abuses

Response

- S 18 – state welfare benefit unaffected by refusal to work as sex worker
- S 19 – amendments to Immigration Act *plus* existing anti-trafficking provisions

D7

WHAT IS IN THE ACT?

Harm

- Involvement of under-18 year old sex workers
- Involvement of unsuitable operators

Response

- S 20 to 24 – tougher penalties against clients and operators
- S 34 to 41 – operator certification

D8

WHAT IS IN THE ACT?

Harm

- Coercion (inducing, compelling) into prostitution
- Client violence

Response

- S 16 – clarified law, stronger penalties
- S 17 – empowers sex worker to withdraw from contract

D9

WHAT IS IN THE ACT?

Harm

- Harassment or offensive behaviour on the pavement by sex workers

Response

- Existing Summary Offences Act provisions

D10

REVIEW PROCESS

- Reports in July 2008, research period started June 2006.
- Money provided and attracted for research
- Initial snapshot of the industry
- Committee comprises nominees by Government covering:
Justice, women, youth, health, police, operators of sex business, local government, sex workers.

D11

KEY IMPLEMENTATION AGENCIES

- Department of Labour
- local bodies
- New Zealand Police
- New Zealand Prostitutes Collective
- Occupational Safety and Health
- public health
- sex industry operators
- voluntary sector (entry avoidance and exit encouragement services)

D12

ISSUES ARISING

- Weaknesses
 - certification of operators;
 - safer sex obligations on sex worker;
 - powers given to local bodies
- Impact on street workers
 - world-leading approach
- Review process offers opportunity for further improvements
- Need for human rights protections (on basis of irrelevant current/past employment)

D13

THE NEW ZEALAND PROSTITUTES COLLECTIVE

E1

A Brief Introduction to NZ Prostitutes Collective:

- The New Zealand Prostitutes Collective was established in November 1987 by female, male and transgendered sex workers in response to the need to have a group to advocate for the rights of sex workers in New Zealand (7 provincial branches).
- NZPC complemented initiatives in other countries, in which similar sex worker organisations were established. NZPC agreed in 1988 to contract with the Minister of Health to provide health services to sex workers. NZPC remains self determining, and advocates for the rights of sex workers.

E2



We set up community bases in a low key way in the major cities.

Since inception, NZPC had problems with the laws against prostitution.

E3



Street workers, parlour workers and escorts were randomly, or deliberately, targeted by the police and arrested under the old laws.

E4



Organisers of NZPC who were sex workers were also arrested for soliciting.

Condoms, along with literature from NZPC, were seized as evidence by police in prostitution related charges.

E5

NZPC contacted a range of groups, including HIV/AIDS support agencies and major women's groups, to publicly support the decriminalisation of prostitution.

- NZ AIDS Foundation
- YWCA
- National Council of Women
- Church groups
- Youth groups
- Politicians
- Lots of media headlines.

This covered the period from 1987 to 2003- years and years and years and ...

E6

Just before the laws were changed, the Auckland police raided the streets and arrested several people. This was business as usual for the Police, and as usual the sex workers entered a "guilty" plea to get it over with, or because they had no money.

One of the workers who pleaded "not guilty" was due to appear in Court on 30 June 2003. She had no prior convictions.

The Bill was passed by one vote and came into effect on 28 June 2003. The charges against the worker were dropped, and she was free to leave without conviction. There is now no law against soliciting for sex, including on the streets.

E7



Sex workers integrate with other sectors of the community, who now feel more comfortable about providing safe havens.

E8



Since the law has changed, sex workers are more confident about their rights.

E9



...it's good out here all the Sisters have migrated, it's a good 'Sister Support'... The Police are fine, not like Central Cops, cause they know the girls out here, we mingle in with them more easily...it's just those hoofing bags they crack down on..."

E10



Annah and Lalla, (NZPC outreach workers), had just started handing out condoms, etc., to a group of workers when the Police stopped and started questioning the workers. They were concerned about their drug use and not their sex work. The Police confiscated their glue bags. Prior to the law reform, they would have been arrested for soliciting- off to court, fined, to street work to pay fines, ... on and on.

E11

Sex workers can no longer be arrested for brothel keeping, or soliciting or any other charge under the old laws.

Sex workers are now able to access legal institutions and instruments (small claims court, disputes resolution, etc., like other workers).

E12

The law explicitly states that sex workers can also refuse to "do" any client. They can no longer be forced to work when they don't want to for any reason.

(This is an ongoing argument with brothel managers). Their malpractices will change as the law is applied. Sex workers need support to challenge these practices.

Some moves from unions to engage sex workers. Unions need to adapt a flexible approach to requiring a named membership to protect "outing" sex workers.

Sex workers are, on the whole, pleased with the new law, although some parlour (brothel) owners aren't.

E13

10 POINTS OF LIGHT

- Key arguments
- Harm minimisation is the key driving logic for the campaign
- Avoid "middle-class" arguments for law reform – personal stories (particularly from current/former sex workers) and exiting encouragement are crucial
- A campaign partnership approach involving (at various levels) a whole range of agencies (NGO and "State") is needed. Also → NGO-MP partnership as things proceed

F1

10 POINTS OF LIGHT

- Prepare strong and researched arguments to counter the predictable attacks from the Christian (fundamentalist) lobby

F2

10 POINTS OF LIGHT

- Inevitability of demand (and some stories from clients) is a very helpful point to push

F3

10 POINTS OF LIGHT

- Politicians often resent "court-made law". Winning this campaign means capturing hearts and minds of politicians

10 POINTS OF LIGHT

- Beware of solutions which give too much power to local bodies which are innately more conservative than central governments

10 POINTS OF LIGHT

- Lobbying is largely marketing. The campaign needs quality written material, web based applications to aid email lobbying and great media relationships

10 POINTS OF LIGHT

- A friendly lawyer/legal team is vital

10 POINTS OF LIGHT

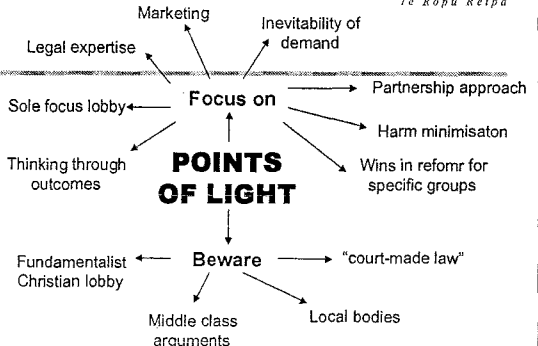
- The advantages of law reform for key potential opponents (eg Police, feminist groups, local body politicians, churches) need to be identified and promoted

10 POINTS OF LIGHT

- The key lobby body needs to have a unique focus on achieving law change, and not be diverted into ongoing service delivery

10 POINTS OF LIGHT

- Be aware of the outcome of a successful campaign for decriminalisation.
eg do you want formalised employment conditions? (Could alienate sex workers, attract NGO support)
eg impact on sex workers collective (high level consultation)



10 KEY LOBBY POINTS

- See lobbying as a core activity
- Need valid issue, credible organisation and good timing
- Know and believe in your cause and yourself
- Market well
- Understand your opponents

10 KEY LOBBY POINTS

- Appreciate your target/s
- Sustain your energy
- Make partnerships - strength in numbers
- Take nothing for granted
- Be a negotiator not a begger - approach the lobby experience as an equal