WHAT REALLY HAPPENED IN NEW ZEALAND

When Prostitution Was Decriminalised?

FEBRUARY 2024

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Introduction

Not long ago, legalised prostitution as implemented in Germany and the Netherlands was widely considered the ideal solution to prostitution. Proponents of this approach claimed that it respects the right to bodily autonomy, provides safety to women, and could benefit the economy. However, as the association between legalisation and expansion of the sex trade, violence, and human trafficking has become undeniable (Cho, Seo-Young and Dreher, Axel and Neumayer, Eric, 2013; European Parliament Committee on Women's Rights and Gender, 2005), sex trade activists have taken another approach. They no longer talk about the failures of legalised and regulated prostitution in Europe and have pivoted to talking about allegations of "stigma" and "harm" in Nordic Model counties, and extolling the "benefits" of full decriminalisation in New Zealand.

In New Zealand, we are promised, there has been an increase in *health and safety*, no expansion of the sex trade, no human trafficking – *not one case* – in the 20 years since full decriminalisation was implemented. How can it be that countries with legalised, taxed and regulated prostitution would be associated with such documented violence and abuse but New Zealand, which is fully decriminalised and operates with almost no oversight, is hailed as a haven of peace and equality?

The New Zealand government established the Prostitution Law Review Committee (PLRC) to review the Prostitution Reform Act of 2003 (PRA). Introduced in June 2003, the PRA fully decriminalised prostitution selling, purchasing, pimping (profiting from other's prostitution and often controlling or arranging clients for them), brothel-keeping, etc.

The PLRC consisted of 11 individuals, including multiple former brothel-keepers, members of the New Zealand Prostitutes' Collective (NZPC), a former police officer, and a PhD student (PLRC, 2008, pp 175).

The PLRC has published several reports on the efficacy of the PRA, which have become **the** authoritative sources on the effects of full decriminalisation. The PLRC claimed the goal of the PRA to be: "*...human rights, welfare, occupational health and safety of sex workers, and the prohibition of the use of young persons in prostitution...*" (PLRC, 2005, pp. 3)

The PLRC published two reports itself and three additional reports were provided by others:

- *Prostitution Law Review Committee (2005), 'The nature and extent of the sex industry in New Zealand: an estimation', Wellington, Ministry of Justice.* The PLRC gives their

estimation of a baseline number of people in prostitution before the introduction of the law and claims that the PRA was a success.

- *Prostitution Law Review Committee, 'Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003' (2008).* The PLRC reviews the information from the commissioned reports and reiterates that the PRA was a success.
- *Mayhew, P., Mossman, E., (2007) 'Key Informant Interviews: Review of the Prostitution Reform Act 2003'. Wellington, Ministry of Justice (CJRC).* Interviews with "informants" (brothel-keepers and NGOs) about the *success* of decriminalisation.
- *Abel, G., Brunton, C., and Fitzgerald, L., (2007),' The Impact of The Prostitution Reform Act on The Health and Safety Practices of Sex Workers: Report to the Prostitution Law Review Committee'. Christchurch, Christchurch School of Medicine (CSOM).* A report on the health and safety of people in prostitution. The main data derived from this is a survey of 772 "sex workers" supplemented by interviews and two estimations of numbers of people in the sex industry.
- *Jordan, J. (2005). 'The sex industry in New Zealand: A literature review'. Wellington: Ministry of Justice.* A literature review on the sex industry in New Zealand.

Summary

This paper assesses these reports and refutes their claims about the outcome of full decriminalisation in New Zealand, including **claims** that:

- The sex industry has not expanded.
- Health and safety have improved.
- Decriminalisation aids the prosecution and conviction of crimes against women in prostitution.
- The legislation has not harmed vulnerable children who are victims of sexual exploitation.
- There is no human trafficking in the industry.

This paper shows that not one of these claims stands up to scrutiny.

Expansion of the Sex Trade

Estimates

Estimates of the number of people in prostitution in New Zealand prior to decriminalisation were provided in 2001 (New Zealand Police, 2001). Further estimates were made after decriminalisation in 2003 (PLRC, 2005), 2006 and 2007 (both in PLRC, 2008), although the 2003 *post*-decriminalisation estimate has been cited consistently as the baseline estimate (PLRC, 2008, pp. 30) – and it has even been implied to have been taken prior to the legislation:

> *"The Committee's first report estimated the number of people involved in the sex industry* ***before*** *the PRA (PLRC, 2005). Information for the estimate was gathered via a survey of Police officers with knowledge about the sex industry in each of the 12 Police Districts. Police drew on information from the registers of sex workers compiled under the Massage Parlour Act 1978, and from contacts with newspapers and advertisers. The survey was undertaken between October 2003 and February 2004, but informants were asked to provide a picture of the sex industry as close to June 2003 as possible." (PLRC, 2008, pp. 30) [Emphasis added]*

In 2001, prior to the legislation, the New Zealand Police conducted an unbiased census identifying 4,272 people in prostitution. By 2003, 5-7 months *after* the legislation, this number surged to 5,932, marking a 38.9% increase[1]. Despite the 2001 census being established as the baseline for future comparisons (PLRC, 2005, pp. 17, 59), it was ignored in subsequent reports on the effects of decriminalisation.

By 2008, census data collection transitioned from official channels in the NZ police to a research group at Christchurch School of Medicine (CSOM) (Abel, G. et al. 2007), who appeared to outsource this task to the NZPC (PLRC, 2008, pp. 33). This significantly narrowed the scope of the census. The resulting reduced coverage was associated with a sharp drop in the reported numbers of people in prostitution (2,396 in 2006 and 2,332 in 2007), because both earlier censuses had encompassed all major metropolitan areas as well as many rural and suburban areas, some of which were now excluded.[2] **This**

[1] The 2003 census lacked clarity on which areas were covered. The researchers note an "area" and "sub area" did not complete the 2003 survey but we are not told which ones (PLRC, pp. 21).

[2] The 2006 and 2007 censuses did not include: Dunedin, Hamilton, Henderson, Invercargill, Masterton, New Plymouth, Otahuhu, Palmerston North, Queenstown, Rotorua, Takapuna, Tauranga, Timaru, Wanganui, and Whangarei, which were all included in the 2001 NZ Police census.

marked the beginning of claims that there was no increase in prostitution after full decriminalisation.

Reports rationalised this purported decline by claiming the use of "more robust" methods (PLRC, 2008, pp. 13 & 40; NZ Parliamentary Library 2012, pp.6). However, they provided no concrete evidence to explain why omitting major regions that were previously included and relying on a private group that initially lobbied for full decriminalisation rather than official police estimates would be more robust.

This methodological inconsistency raises questions: Why is it deemed inappropriate when assessing the impact of specific legislation to compare *pre*-legislation data to *post*-legislation data – **which would show a 38.9% increase in people in prostitution in the first year *post*-legislation**? And why is it deemed "more robust" to instead compare two *post*-legislation data sets, one of which has severely limited coverage?

In 2003, NZ Police estimated there were 189 commercial sex establishments licenced under the Massage Parlour Act in the entire country (PLRC, 2005). Yet, in the first full year after post-legislation (2004), 326 brothel licences were granted with only 12 denials. Between 2004-2012, nearly 914 licences were issued with a staggering 98% approval rate (NZ Parliamentary Library, 2012).

If we conservatively assume that each of these 326 new brothels employed an average of 14 individuals (the average number of women working in massage parlours pre-PRA – given that there were 2,629 massage parlour workers and 189 massage parlours), that equates to 4,564 people in prostitution in licensed brothels alone in the first year – a figure far surpassing the estimated totals for all prostitution from the 2006 and 2007 reports.

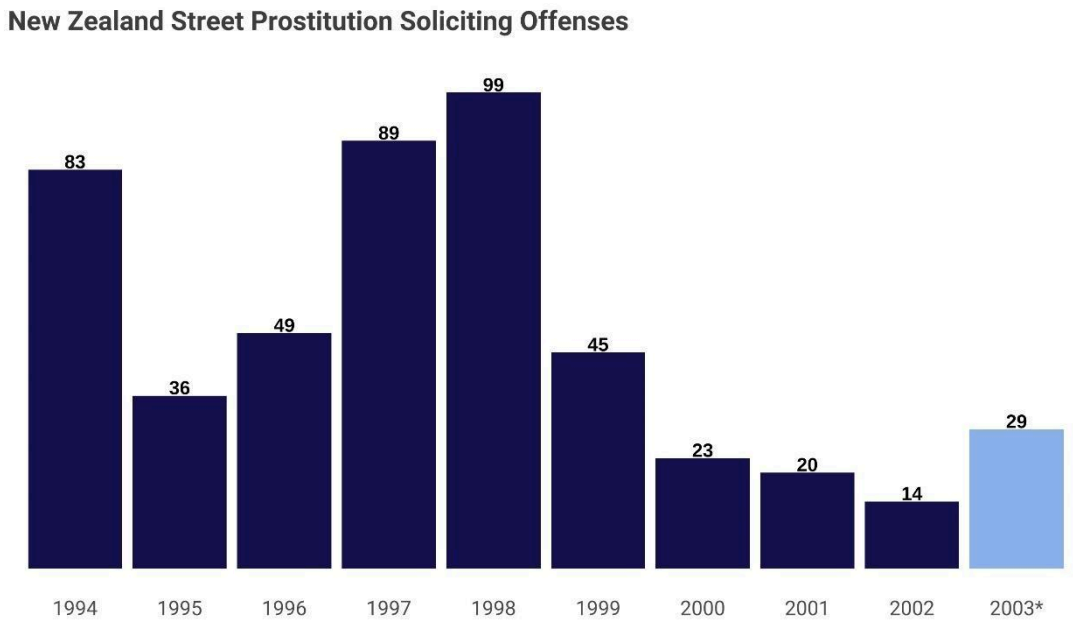
Additionally, the number of unlicensed brothels is unknown. This is important given the extreme laxity in licence checks reported by the brothel operators interviewed in 2007 (Mayhew, P., Mossman, E., 2007), and claims that the unregulated sector was expanding rapidly (PLRC, 2004, pp. 24). Brothels employing fewer than five individuals are considered small owner-operated brothels (SOOBs) and do not require licences. This is significant, as interviews indicated concern among licensed brothel operators about competition from SOOBs.

A planned 2018 re-evaluation of the industry never occurred. A 2020 Official Information Act (OIA) request revealed that the Ministry of Justice has no intention of reevaluating the PRA (Johnson, H., Pitt, T., 2020, pp. 51). This means they will not need to comment on the NZPC's newest claim of serving over 7,416 "sex workers" in the first half of 2019 alone (Johnson, H., Pitt, T., 2020), far greater than their previous estimate of 2,332.

Street Prostitution

Up until about six months before the PRA came into force in June 2003, street prostitution offences had been consistently decreasing for five years. However, in the six months preceding the PRA, street soliciting offences increased dramatically, with twice as many offences in that six-month period as in the entire previous year (data from NZstats[3], originally from NZ Police). This suggests that the increase was related to the anticipation of the PRA.

Figure 1.



Data source: NZStats, "*Annual Recorded Offences for the latest Calendar Years* (ANZSOC)"

Manukau City Council claimed that street prostitution quadrupled in Manukau City after decriminalisation in June 2003 (Report of Manukau City Council on Street Prostitution, 2005). The PLRC (2008) seems to attempt to debunk this claim of an increase in **Manukau City**, by stating:

[3] An official open data website in New Zealand which hosts data from various government organizations.

> *"An increase of 400% would mean there would now be 1,440 sex workers on* ***Auckland's*** *streets. The Committee considers that the research undertaken by CSOM conclusively refutes an increase of this magnitude, with the number of* ***Auckland*** *street-based workers at 230." (PLRC, 2008, pp. 40)*

However, they appear to have confused Manukau City with the total street prostitution population in Auckland (PLRC, 2008, pp. 40). Manukau is a suburb of South Auckland, centred on the Manukau City Centre business district.

The 2003 census was conducted by surveying police districts – the police district Manukau-Counties, serves Manukau City, with Auckland District serving the city of Auckland (PLRC, pp. 28). Seven months after decriminalisation, it was estimated that there were 150 people in street prostitution in all of Counties-Manukau (PLRC, 2005, pp. 28). The subsequent censuses were performed by the NZPC, and do not provide a count explicitly for Manukau City.

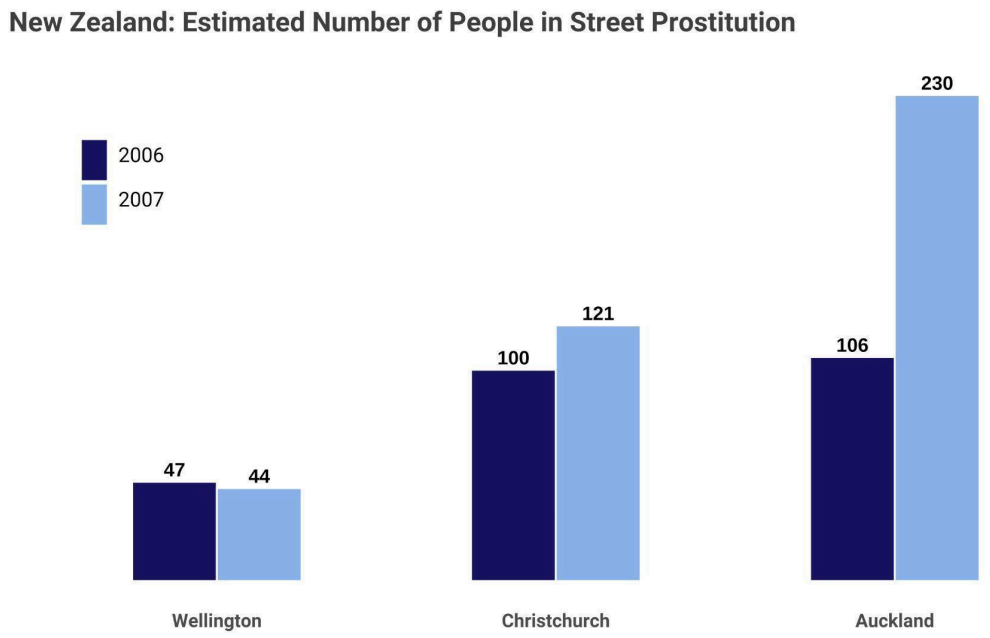
> *"In the meantime, it is faced with the reality that, at least as far as street prostitution is concerned in Manukau City, the Prostitution Reform Act 2003 is not working, and urgent action is required." (Report of Manukau City Council on Street Prostitution, 2005)*

Manukau City Council saw the issue as so urgent that they attempted to establish a bylaw to prevent street prostitution, which failed, as it was deemed to be an attempt to re-criminalise prostitution (PLRC, 2008, pp. 126). It was documented, however, that Auckland outreach workers had seen a large increase in street workers from 2006 to 2007 (PLRC, 2008, pp. 34). While the PLRC claims they are "confident" that decriminalisation is not "*a major causal factor in the increase in street-based workers in Auckland in* 2007," (PLRC, 2008, pp. 41) they provide no evidence to support this.

The 2007 assessment of the PRA (Abel, G. et al., 2007) claimed no increase in street prostitution numbers since a 1999 study in Christchurch. While they compare 106 people in street prostitution in 1999 to 100 in 2006 both in a prominent table and in their written conclusions, they overlooked their own 2007 estimate of 121 people in street prostitution in Christchurch (Abel, G. et al., 2007, pp. 38). The clear omission of the dramatic increase in street prostitution in Christchurch raises concerns about the research process.

The following chart shows the estimates of people in street prostitution in 2006 and 2007 (Abel, G. et al., 2007, pp. 38).

Figure 2.



Data source. Abel, G. et al., 2007, pp. 38.

Advertisement Audit

The NZPC, a group of self-identified "sex workers" that was instrumental in the implementation of the PRA (Raymond, Janice G., 2018) and which consistently lobbies against further regulations, undertook an evaluation of advertisements for commercial sex.

The data they reported demonstrated that advertisement counts surged from 612 in 2003 to 912 in 2007 (a 49.01% *increase*) (PLRC, 2008, pp. 38).

Notably, the significant spikes in advertisements were *corrected down* in the 2008 report to show a 4.2% *decrease* from 612 to 586 – instead of the 49.1% increase the data actually showed. The rationale for this, included claims they did not personally know the women being advertised to be in the sex trade (PLRC, 2008, pp. 36), their contact numbers were inactive (potentially a year after they were originally identified), or their rates were deemed too expensive for men to realistically buy them (PLRC, 2008, pp, 38).

Such exclusions distorted the observed increase in advertisements post-legislation, and reinforce unsubstantiated claims of stagnation in the sex industry. For instance, Auckland saw a 13% rise in ads for commercial sex a year after the law (461 to 531), which the PLRC did not dispute[4]. However, the PLRC argued that the majority of these ads were from Asian newspapers and a new website and if they discounted these, it would result in a mere 4% increase (PLRC, 2005, pp. 47).

Such a perspective not only marginalises the impact of the sex trade on people of colour but also overlooks the industry's evident growth, as supported by the emergence of new websites.

This association between prostitution policy and advertisements is not unique to New Zealand. Rhode Island moved from accidental indoor decriminalisation in 2003 to recriminalisation in 2009. A dramatic increase in commercial sex advertisements was seen immediately after decriminalisation and a dramatic decrease was observed immediately after recriminalisation (Cunningham and Shah, 2014) – leaving no question it was causal. It is completely unreasonable to think this would not be the likely outcome.

The PLRC concluded that an increase in advertisements would not necessarily be indicative of an increase in people in prostitution: "*However, as the research demonstrates, the numbers of people advertising commercial sexual services in Wellington and Auckland have remained stable or declined since the PRA.*" (PLRC, 2008, pp. 38)

Table 1. Total commercial sexual service advertisements

Region	2003	2003 as reported by PLRC	2004	2004 as reported by PLRC	2006	2006 as reported by PLRC	2007	2007 as reported by PLRC
Auckland	469	461	531	-	539	442	735	473
Wellington	151	151	151	-	140	140	187	113
Total	620	612	682	-	679	582	922	586

Note: 2004 estimates are only reported in PLRC (2005) pp. 47, 48. Original 2003 and 2004 estimates from PLRC (2005) pp. 47, 48. Only the totals provided for 2004. For 2006 and 2007, PLRC, 2008, pp. 37, 38. For a breakdown of the adverts in Auckland and Wellington, see Tables 2 and 3 in Appendix B.

This is not the first time that estimates appear to have been *corrected down* when expansion of the sex trade was documented (Abel, G. et al., 2007, pp. 31). The estimate for private workers in 2003 was 132 for Canterbury in total (including Christchurch). In

[4] The 2008 assessment of the PRA omits these 2004 advertisement estimates

2006 (Abel, G. et al., 2007), the estimate was 196 for Christchurch alone (a 48% increase) but the research team changed it to 90. The team excluded data based on criteria like unanswered phone calls or duplicate numbers (Abel, G. et al., pp. 34, 2007), which could easily skew the results. What if someone was sick that day? What if there was one man pimping multiple women and he used the same phone number? Such exclusions cast further doubt on the reliability of their figures.

The reaction of proponents of full decriminalisation to such data belies their claim that they believe prostitution to be a job like any other. Why rail against clear indicators that full decriminalisation is associated with an expansion of the sex trade if prostitution is a job like any other? Isn't it good for "normal" parts of the economy that disproportionately employ women and vulnerable people to expand?

The NZPC

The NZPC has had deep involvement with research methods in studies claiming success of decriminalisation (Abel, G. et al., 2007, pp. 6; pp. 27), including estimates of the number of people in prostitution, which have been inconsistent. During the assessment of the success of the full decriminalisation, they estimated only 2,396 in 2006 and 2,332 in 2007.

Table 2: NZPC estimates of the numbers in prostitution

Measurement Period	Estimate	Pre/Post	Citation
Feb – March 2006	2,396	Post-legislation	PLRC, 2008, pp. 33
June – Oct 2007	2,332	Post-legislation	PLRC, 2008, pp. 34

Table 3: New Zealand Police estimates of the numbers in prostitution

Measurement Period	Estimate	Pre/Post	Citation
~2001	4,272	Pre-legislation	PLRC, 2008, pp. 26
Oct 2003 – Feb 2004	5,932*	Post-legislation	PLRC, 2008, pp. 12

*Note: * The PLRC has cited this figure repeatedly as the baseline estimate of the number of people in prostitution despite being taken after the legislation.*

After The Ministry of Justice confirmed it would no longer be reviewing the PRA, the NZPC estimated that they engaged with 7,416 people in prostitution in the first half of

2019 (Johnson, H., Pitt, T., 2020, pp. 4) alone, leading Johnson and Pitt to suggest a total of at least 9,000:

> *"Making adjustments based on the NZPC engagement figures and the estimates of women exiting (85% within an average of 4 years), this would mean that 1,575 move out of the industry in a year, whereby if the figures remain stable then the same amount also enter the industry during this time. As such, over the course of a year, 9,000 will have been involved in prostitution. This is an underestimation because it does not include the black market, online, illegal, and other workers not in contact with the NZPC." (Johnson, H., Pitt, T., 2020, pp. 20)*

Since decriminalisation, the NZPC has received over 1 million New Zealand dollars annually in government funding, with little oversight (Johnson, H., Pitt, T., 2020). A 2019 OIA revealed that, "*The total cost of reports commissioned was $777,006. This included $665,606 for the research interviews etc. for CSOM 2007 which was undertaken by the NZPC*" (Johnson, H., Pitt, T., 2020, pp. 50). The interviews included 58 "sex workers", six medical officers, two sexual health promoters, and one nurse (Abel, G. et al., 2007, pp. 9)

In the 2001 Christchurch study by Plumridge, L., & Abel, G. (estimates taken in 1999), which was used as a Christchurch baseline comparison both for population estimates and survey responses, the authors note that they did not collect important information from people in prostitution at the request of the NZPC: "*On NZPC advice no in-depth questions were asked about type of drugs used.*" (Plumridge, L., & Abel, G., 2001, pp. 80)

It appears that asking such questions was deemed unnecessary as NZPC interviewers could tell which drugs women were on simply by being "*confident from* [interviewee] *reactions*" (Plumridge, L., & Abel, G. 2001, pp. 80). Such methods are concerning and reasonably lead one to wonder what other data has not been collected or has even withheld at the behest of the NZPC.

Crime

Child Sexual Exploitation

A main goal of decriminalisation was to prevent children from being sexually exploited in the sex trade (Abel, G., et al., 2007, pp. 147). It's not clear how this was expected to

work as sexual exploitation of children through prostitution was already criminalised under Section 164A of the Crimes Act[5]. In the push to normalise prostitution, sex appeared to be reframed as a basic right all men are entitled to, where the privacy of men is valued above all. This is reported as preventing investigations into child abuse.

> *"We've heard Police are concerned about prosecuting clients – for fear they might be jumped on for breaking privacy issues of the men. They are concerned about violating their 'human rights'. But what about the young people? (NGO)" (Mayhew, P., Mossman, E., 2007, pp. 12)*

Under the PRA, brothel owners can't retain employee age identification, and the police can't compel age verification from suspected victims of underage sexual exploitation in prostitution, (PLRC, 2008, pp. 112) – whom the PLRC refers to as "*sex workers under the age of 18*" (PLRC, 2008, pp. 31). This obstructs investigation into cases of child sexual exploitation, and has been noted by the New Zealand Police (PLRC, 2008, pp. 110, 111). The PLRC opposes amending these sections of the law:

> *"The Committee does not support recriminalising under age people involved in prostitution, or extending Police powers to demand age identification of young people suspected of being in prostitution" (PLRC, 2008, pp. 110, 111)*

The NZPC discourages arresting abusers of child victims of commercial sexual exploitation – men who they refer to as "*clients*," (Mayhew, P., Mossman, E., 2007, pp. 64). They bizarrely suggest it would not deter abuse:

> *"Arrests by Police won't solve the problem; they'll just move somewhere less visible. We'd rather see resources put in support services for the young people. Seeing that their needs are met is better than focusing on stopping demand.* ***We wouldn't like to see them arresting the clients.*** *An education programme might be more effective. Some clients don't really realise they're breaking the law if she is over 16. A few arrests won't stop the other sorts of clients that know they're breaking the law. (NZPC)" (Mayhew, P., Mossman, E., 2007, pp. 64) [Emphasis added]*

The NZ Police could not provide an estimate of the number of children who are victims of sexual exploitation in prostitution to compare to the baseline estimate, noting that, "***as a result of the legislative changes, Police... has less contact with the sex industry and there is no systemic intelligence gathering and collation***" (PLRC, 2008, 101). Therefore, the PLRC relied on a quote from an informant claiming they *perceived* no rise in child sexual exploitation through prostitution (PLCR, 2008, pp. 101) to support the idea that it has not increased.

[5] This was repealed and replaced with Section 22 of the PRA

Other informants from the same interviews indicate prevalent child sexual exploitation and demand for it "...*Many clients actively cruise for young girls*. (NGO)" (Mayhew, P., Mossman, E., 2007).

The PLRC downplays reports of child sexual exploitation, attributing them to media exaggerations (PLRC 2008, pp. 102, 164), a claim that has been repeated in other reports (NZ Parliamentary Library, 2012). The US State Department disagreed, with New Zealand subsequently being named a "*source country for underage girls subjected to internal sex trafficking*" (NZ Parliamentary Library, 2012).

The media recently reported on the arrest of five men (reportedly aged 50-60) (Piper, D., 2020) in New Zealand for crimes against children under the PRA and one with sexual connection[6]. While the news refers to this as "child trafficking" (and it almost certainly meets the international definition of sex trafficking), it is important to note that Section 20-22 crimes under the PRA (*Contract for sex with <18*, *Assist <18 to provide sexual services*, and *Receiving earnings from <18*) are not legally considered human trafficking offences, but "*regulated public ordinance offences*" [7] along with liquor and tobacco violations. This is concerning as it allows sex trade lobbyists to continue to claim there was not one conviction for human trafficking in New Zealand.

While Australian and New Zealand Standard Offence Classification (ANZSOC) considers "prostitution" that results from *deceit* a sex crime, the only similar offense under the Prostitution Reform Act (2003), "*Induce/compel to provide sexual services*," does not involve deceit, rather "... *are any explicit or implied* ***threat***..." (Parliamentary Counsel Office, 2023), and therefore not a sex crime. This conclusion is supported by the fact that the official open data website of New Zealand clearly lists all PRA offenses, including child sexual exploitation crimes and "Induce/compel to provide sexual services" under "regulated public order offenses." (NZstats, 2023)[8]

Charging men with regulated public ordinance offences rather than serious sex crimes can potentially allow men to avoid other serious criminal sanctions, for example, evading "strikes" under the three strikes law[9].

Failing to define offences under the PRA as serious sex crimes further obstructs information gathering on the law. While very detailed up to date information on sex crimes is available on the Ministry of Justice website, detailed data on what are considered minor crimes such as regulated public ordinance offences (PRA) are only available until 2014 (these can be found on NZstats). As reported by the NZ police, there

[6] It appears that as of the time of the article's publication, they had been given home detention and were free on bail.

[7] Parliamentary Counsel Office. (2021); trafficking crimes under the Crimes Act;. Australian Bureau of Statistics (2011a); Australian Bureau of Statistics (2011b)

[8] Dataset "Annual Apprehensions for the latest Calendar Years (ANZSOC)," Nzstats.

[9] https://www.legislation.govt.nz/act/public/2022/0040/latest/whole.html Mandatory minimum sentencing for three convictions of serious crimes, which was repealed this year.

is no longer systemic intelligence gathering on child sexual exploitation through prostitution due to the PRA (PLRC, 2008, 101).

Despite the PRA's stated goal of increasing child protection, treating prostitution as a job like any other has fostered tolerance of child sexual exploitation through prostitution:

> *"In New Zealand the legal age of consent for sexual activity is 16 years. Given that the age of consent is 16, under-age sex is technically able to be viewed as statutory rape. Child prostitution has been viewed somewhat differently because of the exchange of money or goods involved." (Jordan, J., 2005, pp. 70)*

This is reflected in the sentencing of PRA offences. From 2003-2011, only 42.8% of the 133 Section 20-22 prosecutions under the PRA resulted in a conviction (NZ Parliamentary Library, 2012, pp. 8) compared to the national serious crime conviction rate of 61%[10] (Ministry of Justice, 2023). From 2003-2008, only 11.7% of convictions for "Contract for sex with <18" (two offences) under the PRA have resulted in imprisonment compared to 97% of convictions for "unlawful sexual connection with minor" under the Crimes Act (PLRC, 2008, pp. 106, 108; Ministry of justice data, 2022[11]).

Most people convicted of Section 20-22 offences under the PRA since its inception have faced only community service (see Table 4). Out of all Section 20-22 offences from 2003-2008, only 3 resulted in jail time (PLRC, pp. 108, 2008)[12], the harshest sentence being two years, despite the PRA's maximum allowance of seven years. Of the 2,090 convictions of "unlawful sexual connection with minor" in New Zealand under the Crimes Act (1961) from 2013-2022, none have ever resulted in community service (Ministry of Justice, 2022b)[13].

Updated data from 2003-2014 shows almost 19% of all police apprehensions for *Contract for sex with* <18 resulted in only a warning[14].

How can courts possibly perceive these crimes with the same gravity as those legally classified as sex crimes when official government reviews of the PRA refer to victims as "*sex workers under the age of* 18" (PLRC, 2008, pp. 31) and refer to the men abusing them as "*clients of a person under the age of* 18?" (PCLR, 2008, pp. 110).

The NZPC, which has been deemed the ultimate authority on prostitution, directly states they do not want the abusers arrested (Mayhew, P., Mossman, E., 2007, pp. 64) –

[10] Ministry of Justice, "All charges and convicted charges" table
[11] "All charges and convictions" table
https://www.justice.govt.nz/justice-sector-policy/research-data/justice-statistics/data-tables/#offence
[12] While 11 sentences from 2003 to 2008 were deemed "custodial", only three were noted to lead to imprisonment. This term remains ambiguously defined but might include non-prison sentences like house arrests.
[13] Ministry of Justice (Sexual Crimes data table (sheet "9.a"), 2022
[14] "Annual Apprehensions for the latest Calendar Years (ANZSOC)," NZstats.

let alone imprisoned. The message is clear: this is not abuse, it's just a misunderstanding about occupational regulations.

This child abuse disproportionately affects children of colour. In the 2007 survey of people in prostitution (Abel, G., et al., 2007), 29.1% of Māori, 31.7% of Pacific islander vs. 11.7% of NZ European survey participants reportedly entered "sex work" before the age of 18 (Abel, G., et al., pp. 67, 2007) – meaning that they were victims of child sexual exploitation.

From public crime data (NZstats[15]), out of people under the age of 17 who were arrested for soliciting offences prior to the PRA, Māori people account for 59.1% of offences despite Māori people accounting for only 16% of the population.

The following table documents serious offences (Section 20-22 crimes and *Induce/Compel to provide sexual services*) under the PRA and the associated sentences from 2003-2008. For example, of identified "Receiving earnings from <18" offences from 2003-2008, a staggering 82.4% were not convicted and 11.8% of offences eventually resulted in only community service.

Table 4: Sentences of serious offences under PRA (and % of total offences) 2003-2008

Offence	Total Processed Offences	Not convicted	Custodial	Community Service	Supervision	Monetary	Conviction and Discharge
Assist <18 to provide sexual services	26	12 (46.2%)	4 (15.4%)	10 (38.5%)	0 (0%)	1 (3.8%)	0 (0%)
Receiving earnings from <18	17	14 (82.4%)	1 (5.9%)	2 (11.8%)	0 (0%)	0 (0%)	1 (5.9%)
Contract for sex with <18	32	15 (46.9%)	6 (18.8%)	8 (25%)	2 (6.25%)	1 (3.1%)	0 (0%)
Induce/compel to provide sexual services	5	5 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

Data sources: PLRC, 2008 pp. 106 and pp. 108. May add to more than 100%, as more than one sentence can be imposed; Induce/compel to provide sexual services data from 2003-2014. PRA = Prostitution Reform Act

Human Trafficking

The crime "Trafficking in persons" in New Zealand is defined under the Crimes act of 1961:

[15] "Annual Apprehensions for the latest Calendar Years (ANZSOC)," NZstats.

> "...the entry of a person into, or the exit of a person out of, New Zealand or any other State—
>
> (i) for the purpose of exploiting or facilitating the exploitation of the person; or
>
> (ii) knowing that the entry or exit of the person involves 1 or more acts of coercion against the person, 1 or more acts of deception of the person, or both... For the purposes of this section, exploit, in relation to a person, means to cause, or to have caused, that person, by an act of deception or coercion, to be involved in—
>
> (a) prostitution or other sexual services:
>
> (b) slavery, practices similar to slavery, servitude, forced labour, or other forced services:
>
> (c) the removal of organs...." (Crimes Act, 1961)[16]

This means that the legal definition of human trafficking in New Zealand relates only to cross-border trafficking and not trafficking within the borders as required by international law. The PLRC and NZ Police clearly describe human trafficking taking place within the New Zealand sex industry. For example:

> *"Three respondents [from the police survey] mentioned a system of fines and bonds. Workers in parlours were fined for turning up late or not doing what a client wanted them to do... This included sex workers being forced to work in order to fuel their drug habit or that of their boyfriends. In some cases it was reported that workers were given free drugs to get them 'hooked' and were then forced to work to supply their habit... Three respondents mentioned exploitation of immigrant sex workers. This could take several forms. One mentioned that passports were sometimes withheld from foreign workers. Another indicated that students were brought here on the pretence of learning English and were then* ***forced to work as sex workers****."* (PLRC, 2005, *pp. 38) [Emphasis added]*

These same tactics were mentioned in the abusive brothel "managerial" conduct in informant interviews in 2007. The stipulation of "*deception or coercion*" to be considered victims of human trafficking is reported to prevent many from being classified as victims of human trafficking. The US Trafficking in Persons report (TIP) advises removing this requirement (United States Department of State, 2022).

New Zealand is currently listed as a Tier 2 country in the US TIP report.

[16] https://legislation.govt.nz/act/public/1961/0043/167.0/whole.html#DLM329272

> *"The Government of New Zealand does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so… The government did not initiate any prosecutions, convict any traffickers, or identify any victims. Officials did not have written procedures for victim identification… **Despite evidence that traffickers have forced adults, particularly female victims of family violence, into commercial sex in New Zealand**…" (United States Department of State, 2022) [Emphasis added]*

The US State Department describes clearly the connections between the PRA and human trafficking:

> "***NZP had legal limitations on its ability to proactively screen for sex trafficking victims**, including among New Zealand citizens, **within the legal commercial sex industry,** which was primarily regulated by the Ministry of Health (MOH). For example, **due to regulations prohibiting police from inspecting legal brothels without a complaint, police relied on MOH officials and an organization that works closely with individuals in commercial sex** [likely, NZPC] **to report potential criminal violations**; however, the government did not report providing training to the organization's or MOH's staff on definitions or indicators of sex trafficking or procedures for the referral of trafficking victims to services." (United States Department of State, 2022) [Emphasis added]*

The US State Department views the fact that there has not been even one prosecution or conviction for sex trafficking as a cause for concern, and indicative of a failure to identify victims – proactive investigations being limited by the PRA. To those responsible for monitoring the success of the PRA, this is merely further evidence of its success:

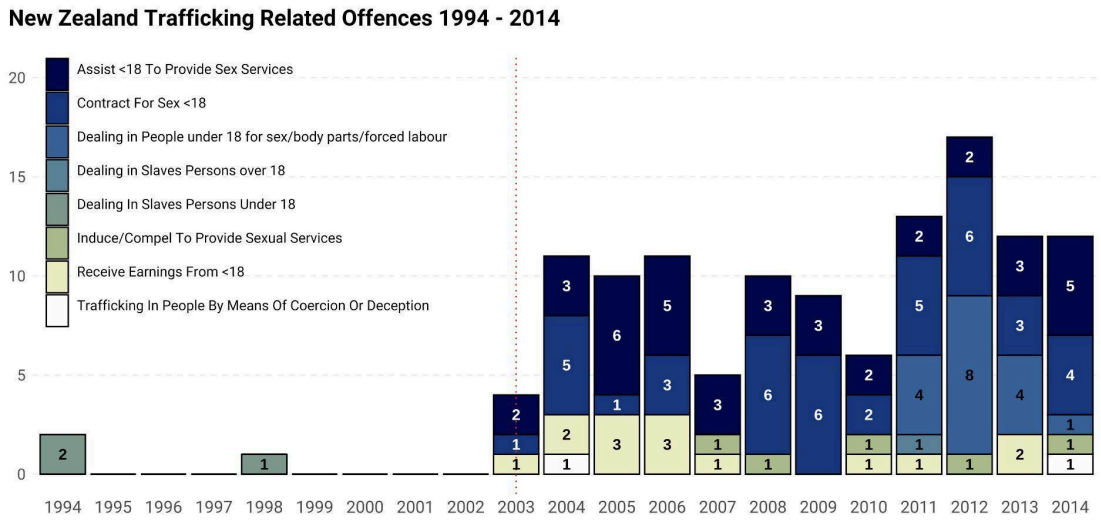
> *"The Committee considers that in the case of New Zealand, there is no link between the sex industry and human trafficking… no situations involving trafficking in the sex industry have been identified (Department of Labour, 2007). In addition, there have been no prosecutions for trafficking under section 98D of the Crimes Act 1961…" (PLRC, 2008, pp. 167)*

Human trafficking in America includes external and internal trafficking and abuse of children. These crimes appear to be somewhat addressed in several other criminal offences in New Zealand under the Crimes Act and the PRA: *Dealing in Slaves Persons over 18*; *Dealing in People under 18 for sex/body parts/forced labour*; *Dealing in Slaves Persons Under 18*; *Induce/Compel to Provide Sexual Services*; *Assist <18 To Provide Sex Services*; *Receive Earnings From <18*; and *Contract For Sex <18*. While it is true that there

have been no prosecutions of human trafficking under section 98D of the Crimes Act as of 2008 (although there have been subsequently – potentially related to labour trafficking), there were numerous other cases of human trafficking related offences after the implementation of the PRA (an offence being an identified case which may or may not be later prosecuted in court).

There have been five offences of *Induce / compel to provide sexual services* from 2003 to 2014, a crime specifically under the PRA. None of these cases have been prosecuted or convicted. The official PLRC assessments did not mention these cases or a reason why none of them were prosecuted in their almost 200-page report, nor did a 2012 research report undertaken by the NZ Parliamentary Library.

Figure 3.



Note: Data source: https://nzdotstat.stats.govt.nz/wbos/Index.aspx# "Annual Recorded Offences for the latest Calendar Years (ANZSOC)". The PRA began in 2003. NZ stats only has this data series up until 2014. Prior to the PRA, a charge called "Being a client in act of prostitution by person under 18 years of age" existed. There was no disaggregated data online for the number of these offences, although the PLRC (2008) claims there were four convictions in total prior to 2003. This data is originally sourced from the NZ police. The data from PLRC (2008) was obtained directly from the Ministry of Justice and is more detailed.

Impact on Health and Safety

Representativeness of the survey

Conclusions in the 2008 PLRC report were supported in part by a survey and interviews on the health and safety of "sex workers" (Abel, G., et al., 2007). Regrettably, their

research methodology raises concerns about the representativeness of the sample. When performing a sample selection, the goal is to accurately represent the population you wish to make inferences on. In order to find participants for such a survey, a researcher would want to sample from the population *randomly* – as this allows for generalisation of results to the broader population. The fact that multiple of their "sex worker" interview participants who are supposedly representative of the sex industry claim to have advanced academic degrees or to be working towards them – one a PhD student (Abel, G., et al., 2007, pp. 89), another a clinical social worker (Abel, G., et al., 2007, pp. 101) – leads me to wonder how random the sample selection was.

But on closer inspection of the text, we see that the sampling was not random at all:

> *"[R]andom sampling was not done as it was considered that this would elicit a level of distrust amongst those selected to participate…" (Abel, G., Brunton, C., and Fitzgerald, L., 2007, pp. 7)*

Why would using standard survey methods elicit distrust? It appears that the participants were identified by the NZPC (Abel, G., et al., 2007, pp. 45).

The New Zealand sex trade, like many other countries with legalised prostitution, relies disproportionately on migrants and people of colour to fill the demand for prostitution. Many brothels (particularly ones in which Asian women were engaging in prostitution) reportedly denied researchers access to distribute their survey (Abel, G., et al., 2007, pp. 55). Moreover, language barriers meant many Asian people and migrants couldn't complete the survey (evidently no translations were provided) and were excluded from the interviews if they could not speak English without the aid of a translator (Abel, G., et al., 2007, pp. 45). This likely resulted in underestimating the negative experiences, as those in potentially more abusive situations and non-English speakers were by definition excluded.

Survey weighting is a technique used to adjust survey results so they more accurately reflect the entire population being studied. It's often used when certain groups are over- or under-represented in the sample compared to the actual population by making the responses of underrepresented groups "count more" and the responses of over-represented groups "count less." The researchers used a weighting method for their survey that might unintentionally minimise the experiences of migrants and people of colour. Instead of adjusting their data to reflect the actual population, they weighted it based on their desired sample distribution (design weights) in terms of city / sex trade sector / and gender.

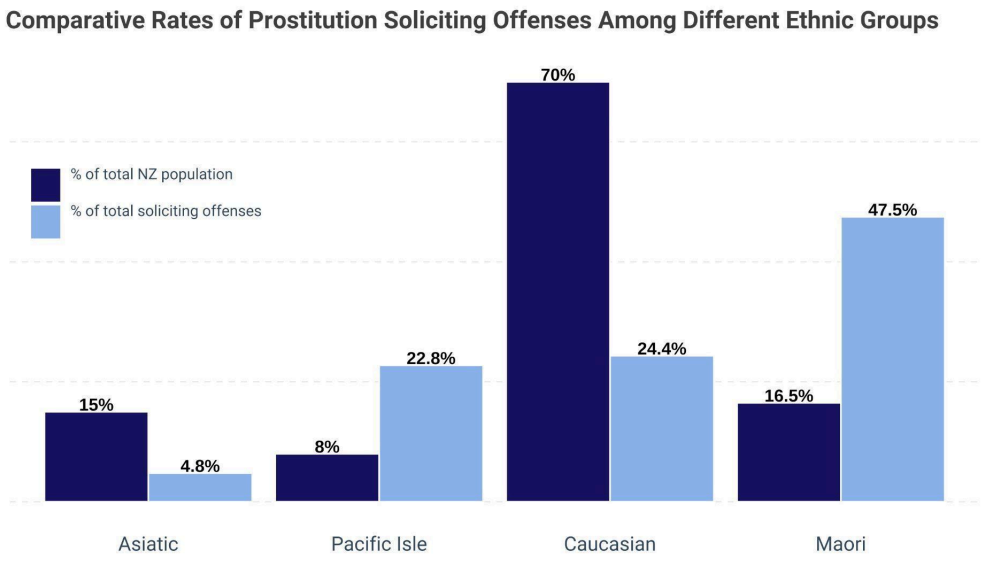
For context, public crime data before the PRA indicates that in Auckland, 77.5% of those arrested for soliciting were people of colour, compared to 71.4% in Wellington and only

28% in Canterbury, including Christchurch City (NZstats[17], NZ Police). Despite this, the team aimed to cover only 25% (Abel, G., et al., 2007, pp. 46) of Auckland's indoor sex industry and 40% of Wellington's indoor sex industry, citing budget reasons, but 100% of the population of Christchurch and Napier. This approach favoured regions with higher Caucasian populations (like Christchurch and Napier) over those with larger migrant and people of colour populations (Auckland and Wellington).

Ultimately, in the weighted sample (which unweighted included 772 people), roughly half of them were NZ Europeans. The group, "Other," (unweighted included only 76 people) included Asian, German, Russian, Australian, South African, South American, etc. (Abel, G., et al., 2007, pp. 67), even though NZ Police estimated that up to 60% of people in prostitution in areas like Auckland were migrants – predominantly of Asian descent. (PLRC, 2005, pp. 36, 41).

The following chart shows the rates of prostitution soliciting offences by ethnic group prior to the PRA alongside the proportion of each ethnic group in the overall population. This indicates that Māori and Pacific islander women were significantly overrepresented in the population involved in prostitution.

Figure 4.



Data source: "Annual Apprehensions for the latest Calendar Years (ANZSOC)," NZstats; (pre-PRA offences)

The survey asked participants their reasons for entering prostitution. For participants who entered prostitution in 2004 or later (after full decriminalisation), **41% endorsed entering prostitution because *it was not against the law*** (Abel, G., et al., 2007, pp. 84). The authors come to a baffling conclusion based on this: "*The decriminalisation of the*

[17] Annual Apprehensions for the latest Calendar Years (ANZSOC)," NZstats

sex industry did not play a great role in reports of entering the sex industry" (Abel, G., et al., 2007, pp. 109). Rather than citing this drastic finding in the conclusions, the PLRC aggregate the responses of participants who had worked pre-and post-legislation in their 2008 final assessment, and concluded:

> "***A quarter of respondents*** *[pre- and post-legislation combined] to the CSOM quantitative survey said that one of the reasons for entering the sex industry was that it was no longer illegal. However, few sex workers who took part in the qualitative interviews cited decriminalisation was the reason or a major reason for entering the industry... Given the relatively static numbers of sex workers pre- and post-PRA, the Committee considers decriminalisation has not become a significant factor in people's decision to enter the sex industry."* (PLRC, 2008, pp. 39) *[Emphasis added]*

Safety

Despite the highly unrepresentative sample, the data still supports evidence of dramatic abuse in the industry. In the prior 12 months alone, almost 10% of the respondents were physically assaulted by clients, almost 16% were threatened with physical violence, 3% were raped and 18% had a workplace injury due to violence by a client:

> *"Most of the injuries were sustained through violent altercations with clients, or clients who had been too rough, causing vaginal or anal trauma...* ***very few reported that they would approach Occupational Safety and Health Services for help*** *[7.6%]"* (Abel, G., et al., 2007, pp. 161, 162) *[Emphasis added]*

The 2007 informant interviews confirmed these findings of continued violence:

> "***The majority felt that the PRA was able to do little about the violence that occurred in the sex industry****...The PRA seems to have had a limited effect in preventing violence...Those [brothel keepers] who had unfair management practices*[18] *continued with them..."* (Mayhew, P., Mossman, E., 2007, pp 10, 11) *[Emphasis added].*

However, the realisation that decriminalisation did not decrease violence as promised was not seen as evidence that it had failed in its goal of workplace safety. Rather the rampant violence was explained as the result of *stigma* – something we were also promised would disappear with decriminalisation.

[18] Management practices such as, "*purposely tried to isolate workers...*" (this is supported by brothel owners refusing access to researchers to administer a survey on their experiences in prostitution), and getting women addicted to drugs, which they later need to support through prostitution (Mayhew, P., Mossman, E., 2007), etc.

> *"The CSOM report concludes that stigmatisation plays a key role in the non-reporting of incidents. The Committee has commented elsewhere that* ***stigmatisation is still attached to the sex industry,*** *and it will take time before it dissipates" (PLRC, 2008, pp. 58) [Emphasis added]*

This continued violence is not surprising. Police are not allowed to enter brothel premises without warrants and do not have authority to compel age verification of those selling sex, which means that they have difficulty documenting or preventing violence and abuse unless a victim comes forward to file a police report. The authors warn us of the dangers of criminalising men purchasing sex, arguing that people selling sex do not report violence at high rates in criminalised countries. While they acknowledge that underreporting exists in post-decriminalised New Zealand (Abel, G., et al, 2007, pp. 167), they argue that there will "likely" be an increase in reporting when sex worker "confidence" grows (Abel, G., 2007, pp. 173) a connection that seems completely illogical.

Interviewees claimed that since the PRA, people selling sex knew their rights, but that few were capable of asserting them (Mayhew, P., Mossman, E., 2007, pp 12). From survey data, only 7.6% would ever consider approaching OSH (Occupational Safety and Health) for help when these rights are denied (Abel, G., et al., 2007, pp. 62).

While readers are left curious as to why someone might not report such extensive abuse to the police, the authors present a quote from *one* of their *non-randomly selected interviewees* stating that it was indeed *stigma* that is deterring them from reporting (Abel, G., 2007, pp. 120).

The survey, which was provided in the appendix, shows that this question was asked not just of this one interviewee, but to all survey respondents who endorsed experiencing violence – with options for the question **53c: "*If you didn't report it* [the crime] *to the police, what was the main reason for not doing so*** (Abel, G., 2007, pp. 204) [Emphasis added], including "***Fear of repercussions***" and "***Manager advised not to***." We are not provided with the data for this question and in the absence of the actual survey responses, readers are left to base their conclusions on a single interviewee's statement.

It's not clear why the results of this question were not released. Surely such results would confirm the power of full decriminalisation and would silence critics that believe brothel management would ever discourage their employees from reporting crimes? However, back in the real world, a recent lecture by an actual person with experience in the NZ sex trade – survivor Chelsea Geddes – claims that even when a friend had overdosed on GHB inside a brothel, the manager would not allow them to call an ambulance for help, fearing the police would be sent.[19]

[19] https://nordicmodelnow.org/2022/10/25/the-reality-of-new-zealands-decriminalised-sex-trade/

Health

Despite the mandate for medical inspectors to conduct health inspections of brothels, OIA request data shows that until 2015, only 11 health inspections took place in New Zealand's brothels (Johnson, H., Pitt, T., 2020, pp. 5), and by 2018, no funding was allocated for these evaluations (Johnson, H., Pitt, T., 2020, pp. 5). Even more perplexing, public health inspectors were advised against proactively inspecting brothels.

> *"We were told by the Ministry [of Health] not to be proactive… We did actually discuss the issue of doing something more active. But in the end um with the um HPOs [Health Protection Officers] involved we decided that none of it was feasible really." (PLRC, 2008, pp. 53)*

The PRA's inherent contradictions clearly hamper its ability to foster a healthy and safe "work" environment. It requires people selling sex as well as clients to adhere to safer sex practices (condom use). Both clients and women in prostitution are liable for fines up to $2,000 for non-compliance (PLCR, 2008, pp. 23). By January 2008, only one individual faced conviction for such a violation – despite claims men "always or almost always" asked for unprotected sex (Abel, G., et al., 2007, pp. 128).

This regulation clearly deters self-reporting: admitting to unsafe practices can result in large fines and therefore a lack of adhering to these safety standards after the PRA will almost never be documented. Compounding this, the law doesn't require brothels to provide their addresses during the licence application process and the PRA bars courts from disclosing information about successful brothel permits (PLRC, 2008, pp. 54), leaving medical inspectors in the dark about which locations to inspect, even had they been provided funds to do so.

The PLRC ultimately reported there was no upsurge in safety measures after decriminalisation: "*...key informants were* ***not aware of any substantial change in the use of safer sex practices by sex workers as a result of the PRA****...*" (PLRC, 2008, pp. 50). [Emphasis added]

The Committee deemed the law to be successful for the health of people in prostitution nonetheless. They attribute this to perceived increases in "confidence" and "validation" from the survey, claiming them as direct outcomes of the legislation (PLRC, 2008, pp. 50).

The survey (appendix of Abel, G., et al., 2007), clearly documents that other health data was collected that was not published, including: indicators of depression (Abel, G., et al., 2007, pp. 190), whether men were checked for STDs as workplace safety demands, (Abel,

G., et al., 2007, pp. 198), frequency of using drugs at work (Abel, G., et al., 2007, pp. 192), chronic medical problems among women in prostitution.

They also ask "*what services do most of your clients request which you are willing to provide*", options include anal sex, "golden showers", "fisting," and "parties / orgies / group sex" (Abel, G., et al., 2007, pp. 198). How do "golden showers" and "fisting" adhere to the New Zealand OSH occupational safety standards, I wonder? How would the results of the survey that have been withheld from us change the discourse on prostitution legislation globally?

Refusing clients

The PRA enshrines the right of people involved in prostitution to turn down both individual clients and specific sexual "services". However, the reports make it clear that this does not always work in practice:

> *"[T]here are still some sex workers that are being required to provide commercial sexual services against their will on occasion. This is clearly in breach of the PRA and their human rights."* (PLRC, 2008, pp. 47)
>
> *"Sex workers have the right at any time to refuse to provide commercial sexual services. Some brothel operators appeared to respect this only up to a certain point. Most accepted that a worker could refuse to take a client, but others prefaced this with 'but they have to have a good reason'. There were also reports of sex workers not being able to refuse even when there was a very good reason."* (Mayhew, P., Mossman, E., 2007, pp 12)
>
> *"There were reports relayed of sex workers wanting to go home early after a long stint and/or because they felt unwell, but who were told they had to finish their shift. There was also an example of a brothel where a sign had been put up saying sex workers could not refuse to do outcalls – though workers were reluctant due to a recent bad outcall incident a few weeks earlier."* (Mayhew, P., Mossman, E., 2007, pp 46)

One brothel operator said: **"How can they refuse? The girls are paid to do it**" (Mayhew, P., Mossman, E., 2007, pp. 46).

The 2007 survey found that in the previous 12 months, 35.3% of the respondents had accepted a client they didn't want to and that 10.5% had refused a client and had then been penalised.

> *"One 18 year old worker had just finished a job. A big Samoan guy was waiting who she had not even had a chance to check out. He was really rough with her, held her down by her throat. She went out to complain to the manager who told her to 'go back in'." (Mayhew, P., Mossman, E., 2007, pp. 46)*

Hypocrisy

The overt hypocrisy of academics, health organisations, and the media, exposes the total ideological capture of these institutions. They claim frantically that their advocacy for full decriminalisation is about the health and safety of people in prostitution but their standards for what constitutes "health and safety" are constantly changing.

When two women in prostitution were murdered by "*clients*" (PLRC 2008, pp. 123) in New Zealand a year and a half after full decriminalisation, media reports didn't mention the legislation at all (Stuff NZ, 2014). More recent announcements of murders of women in prostitution in New Zealand were quick to remind us that the murders of so many women in prostitution are explicitly *not* the fault of full decriminalisation.

> *"'The focus needs to go on the fact we have extremely violent people ... what needs to happen is a reduction in that violence.'... Healy[20] said despite Christchurch's violent history, the Prostitution Reform Act 2003, which decriminalised sex work, was working." (Stuff NZ, 2020)*

When one woman in prostitution was murdered *during a robbery* almost two and a half years after the implementation of the Nordic Model in France (a country with 13 *times the population as New Zealand*), The New York Times ran a full-length article titled: *A Prostitute Was Killed in France. Is a New Law Partly to Blame?* They implied that prostitution had been driven into the shadows – even quoting that the government was complicit in murder by implementing the Nordic Model.

> *"For many prostitutes in France, the death of Ms. Campos is proof of the growing dangers they face since Parliament passed a law in April 2016 penalizing those who pay for sex rather than those who provide it." (New York Times, Sept. 29, 2018)*

In New Zealand, *not* documenting victims of trafficking is incorrectly seen as evidence that no victims of trafficking exist. In Nordic Model countries, if no increase in documented human trafficking is seen, it is a sign the model is ineffective.

The PLRC claims the PRA was passed with the express goal of reducing violence and increasing crime reporting. When they find continued systemic violence with little

[20] Co-director of the NZPC and member of the PLRC

reporting – the law is widely hailed as a *success* citing that perhaps one day reporting *could* increase! When there were claims of an increase in reporting of incidents after the implementation of the Nordic Model in Ireland, this was not seen as evidence that it had succeeded where New Zealand failed, but rather that criminalising the purchase of sex made the sex trade more violent.

Proponents of full decriminalisation claim the Nordic Model could theoretically cause women to be evicted if more than one woman is engaging in prostitution in their home, yet when a woman is evicted from her home in New Zealand for engaging in prostitution in her home (NZ Herald, 2023), these same advocates for sex workers rights are silent. Opponents of the Nordic Model claim that it forces the sex trade underground. The entire sex trade in New Zealand operates without oversight but is lauded for its secrecy because this secrecy protects the "workers" and "clients" from *stigma*.

Full decriminalisation advocates claim prostitution is a normal job and that decriminalisation provides necessary OSH (Occupational Safety and Health) protections – but normal occupational surveys don't ask female employees how often men pay to urinate on them at work and normal OSH regulations would protect employees from such abuse.

Conclusion

It is highly unlikely that the vast majority of people who fervently advocate for full decriminalisation of prostitution have read the over 500 pages of text within the PLRC reports that are used as primary evidence of the success of full decriminalisation.

People who see themselves as new wave feminists fighting for "sex workers rights!" likely see endorsements from such prestigious organizations as Amnesty International, ACLU, and The Lancet, citing New Zealand and its perfect prostitution policy and trust that such highly respected organizations would have critically evaluated such reports before endorsing a policy that could potentially affect millions of women and children.

Throughout these reports, pages upon pages document the expansion of the sex trade, abuse and violence, yet the final verdict among all of the reports, suggests that the law had no negative effects at all. Such discrepancies raise concerns about the research process and the potential implications for future policy decisions.

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Appendix B: Tables

Appendix Table 1: "Sex worker" census estimates

Timeframe	Estimate	Source	Provided by
~2001 (pre-legislation)	4,272	New Zealand Police, 2001, PLRC, 2005	NZ Police
Oct 2003 - Feb 2004	5,932*	PLRC, 2005	NZ Police
Feb-March 2006	2,396	PLRC, 2008, pp. 33	NZPC
June - Oct 2007	2,332	PLRC, 2008, pp. 34	NZPC
~2019	9,000	NZPC Report Jan-Jun 2019, p17., from Johnson, H., Pitt, T., 2020	NZPC

*Note. NZPC; New Zealand Prostitutes Collective; PRA passed in June 2003. *This is cited as a baseline despite being taken **after** decriminalisation.*

Census estimates have been taken on several different occasions. Estimates have been taken either by officials in the New Zealand Police (2001 and 2003-2004) or by NZPC (NZPC; 2006, 2007, 2019), a private group of self-identified "sex workers" that lobbied for full decriminalisation prior to the PRA.

Appendix Table 2: Auckland commercial sexual service advertisements

Location	2003	2003 as reported by PLRC	2004	2004 as reported by PLRC	2006	2006 as reported by PLRC	2007	2007 as reported by PLRC
Private	346	346	-	-	447	389	627	422
Parlour	50	48	-	-	59	32	79	42
Agency	73	67	-	-	30	18	26	9
Other	0	0	-	-	3	3	3	3
Total	469	461	531	-	539	442	735	473

Note: 2004 estimates are only reported in PLRC (2005) pp. 47, 48. Original 2003 and 2004 estimates from PLRC (2005) pp. 47, 48. Only the totals provided for 2004. For 2006 and 2007, PLRC, 2008, pp. 37, 38.

Appendix Table 3: Wellington commercial sexual service advertisements

Location	2003	2003 as reported by PLRC	2004	2004 as reported by PLRC	2006	2006 as reported by PLRC	2007	2007 as reported by PLRC
Private	112	112	-	-	120	120	158	102
Parlour	18	18	-	-	15	15	14	8
Agency	18	18	-	-	5	5	15	3
Other	3	3	-	-	-	-	-	-
Total	151	151	151	-	140	140	187	113

Note: 2004 estimates are only reported in PLRC (2005) pp. 47, 48. Original 2003 and 2004 estimates from PLRC (2005) pp. 47, 48. Only the totals provided for 2004. For 2006 and 2007, PLRC, 2008, pp. 37, 38.

Appendix Table 4: NZ soliciting prostitution offences of <17 (pre-PRA, 1994 - 2003)

% of total soliciting offences			% of total New Zealand population		
Pacific Isle	**Māori**	**NZ Caucasian**	**Pacific Isle**	**Māori**	**NZ Caucasian**
18.2	59.1	22.7	8	16.5	70

Note. Of those arrested who are under the age of 17. Data source. NZstats, "Annual Apprehensions for the latest Calendar Years (ANZSOC)" (original source: NZ Police) NZ = New Zealand total

People of colour are vastly overrepresented in children exploited in prostitution. Of those children arrested for "prostitution soliciting" prior to the PRA, almost 60% were Māori.

There have been numerous cases of human trafficking related offences documented in New Zealand. New Zealand defines human trafficking as cross-borders only, in direct contravention to international law. Prostitution Reform Act (2003) offences are not considered sex crimes[21]. Therefore more detailed and up-to-date data regarding PRA violations are not readily available on the Ministry of Justice website among their detailed sex crime dataset (NZ Ministry of Justice, 2022b).

[21] Australian Bureau of Statistics (2011a): https://www.abs.gov.au/statistics/classifications/australian-and-new-zealand-standard-offence-classification-anzsoc/2011/13/132
https://www.abs.gov.au/statistics/classifications/australian-and-new-zealand-standard-offence-classification-anzsoc/2011/03

Appendix Table 5: Human trafficking related offences (1994 - 2014)

Offence	Relevant criminal legislation	Recorded offences	Recorded apprehensions	Cases moved to prosecution	Caution
Dealing in Slaves Persons over 18	Crimes Act 1961 Sec 98	1	0	0	0
Dealing in People under 18 for sex/body parts/forced labour	Crimes Act 1961 Sec 98AA	17	16	16	0
Dealing In Slaves Persons Under 18	Crimes Act 1961 Sec 98	3	2	2	0
Induce/Compel to Provide Sexual Services	PRA 2003 Sec 16	5	0	0	0
Assist <18 To Provide Sex Services	PRA 2003 Sec 20	39	25	23	2
Receive Earnings From <18	PRA 2003 Sec 21	14	13	13	0
Contract For Sex <18	PRA 2003 Sec 22	42	37	29	7

Note: Prosecution is not the same as conviction. Prosecution is the act of pursuing a case against a defendant. Convictions are those cases found guilty. Data source: for column "Recorded" from NZstats, "Annual Recorded Offences for the latest Calendar Years (ANZSOC)"; Data for other column from NZstats, "Annual Apprehensions for the latest Calendar Years (ANZSOC)" (original source: NZ Police): Dealing in slaves can include labour exploitation.

The total number of prosecutions and cautions does not equal the number of offences in the New Zealand Police data. Numerous things can prevent offences from moving to prosecution, for example, lack of evidence or victims dropping a complaint out of fear. It was reported that when victims of abuse in prostitution initiate reports to police, they rarely follow through with them. The PLRC claims this is not due to fear of retaliation, but stigma (PLRC, 2008, pp. 58).

This data originates from the New Zealand Police (and is hosted on NZstats). The Section 20-22 data from NZ Police is not as detailed as the data directly from the Ministry of Justice, and documented significantly fewer cases of child exploitation than the Ministry of Justice did by 2008 (PLRC, 2008) and 2012 (NZ Parliamentary Library, 2012). The New Zealand Police data from NZstats documents 95 offenses of Section 20-22 crimes from 2003-2014 while the Ministry of Justice reports 133 "under-age

prostitution" charges under the PRA from 2004-2011 (NZ Parliamentary Library, 2012, pp. 7) with only 57 convictions. It is not clear why there is this discrepancy.

It was necessary to obtain this publicly available police data as both PLRC (2008) and the NZ Parliamentary Library (2012) failed to report information on the other serious crime under the PRA, "Induce / Compel to Provide Sexual Services," (which had five offences) or related human trafficking crimes, such as "Dealing in People under 18 for sex/body parts/forced labour". Although the NZ Police data is not as detailed for Section 20-22 crimes, it does show many documented human trafficking offences exist in New Zealand and that few cases under the Prostitution Reform Act (2003) are being prosecuted.

ABOUT NORDIC MODEL NOW!

Nordic Model Now! (NMN) is a secular feminist grassroots group campaigning for the abolition of prostitution and related practices, and for the Nordic Model approach to prostitution. NMN is run entirely by unpaid volunteers and receives no corporate or public funding and relies entirely on donations from supporters.

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