

## New Zealand: The Ideal Legal Framework for Decriminalized Sex Work

New Zealand decriminalized prostitution in 2003, and is the world's best example of how society and government can humanely accept and manage sex work. Five years after implementing the Prostitution Reform Act 2003 (PRA), a 2008 government report concluded that, despite some community concerns, "the PRA has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under the PRA than they were previously."<sup>1</sup>

The Prostitution Reform Act:

- Decriminalizes voluntary adult prostitution.
- Distinguishes voluntary from involuntary prostitution – coercing a person to provide sexual services remains a crime.
- Prohibits the purchase of sexual services from persons under 18 years of age.
- Recognizes sex work as legitimate work, affording sex workers with the same labor protections as other workers. For example, in the wake of COVID-19, sex workers received unemployment benefits.
- Establishes civil law recognizing contracts between sex workers and their clients.
- Allows sex workers to refuse to provide services at their discretion.
- Establishes regulations and restrictions on advertising.
- Prohibits brothels or other employers from promoting sex work as a means of getting off of government benefits.
- Obligates employers and sex workers to practice and promote safer sex.
- Allows local governments to establish bylaws regarding zoning and advertising, but does not permit them to prohibit sex work.<sup>2</sup>

Significantly, and contrary to some fears and speculation, the 2008 government study found:

- No increase in the prevalence of prostitution since 2003, neither in the number of those providing commercial sex nor in those purchasing it.
- Fewer reports of street-based sex workers, as many had moved indoors.
- Increased reporting to the police of violence against sex workers.
- Improved relations between police and sex workers. For example, sex workers can call the police if a client refuses to pay.
- No evidence of increased human trafficking.<sup>3</sup>

Additionally, the Criminal Records (Clean Slate) Act 2004 allows sex workers to have past convictions removed from their records.

New Zealand is the only nation where sex workers are afforded human rights. Since the passing of the Prostitution Reform Act, relationships with police changed for the better. Rather than being targeted and prosecuted, sex workers are now protected by law enforcement. Violent clients can be reported to the police, and violence has been reduced.<sup>4</sup>

<sup>1</sup>Ministry of Justice, "Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003," New Zealand Government, May 2008, 168, <http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>.

<sup>2</sup>Prostitution Reform Act 2003, <http://www.legislation.govt.nz/act/public/2003/0028/latest/whole.html>.

<sup>3</sup>Ministry of Justice, "Report."

<sup>4</sup>"The New Zealand Model," New Zealand Prostitutes' Collective, accessed April 20, 2020, <https://www.nzpc.org.nz/The-New-Zealand-Model>.