

Proposal to decriminalise sex trafficking must be challenged

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The New Zealand Prostitutes' Collective (NZPC) has [begun seeking](#) to have [Section 19](#) removed from the Prostitution Reform Act (PRA). Section 19 relates the PRA to the Immigration Act, and essentially prohibits anyone who is not a New Zealand citizen from pimping or entering prostitution. It is the section of the PRA that criminalises the most profitable form of pimping: sex trafficking. Currently, journalists like Lincoln Tan at the *New Zealand Herald* report on sex trafficking on the basis of breaches of this law. Needless to say: removing the law would remove the imperative to investigate any breach. NZPC is arguing that somehow, this would be in trafficked women's interests.

It has been published [in Scoop before](#) that Section 19 has been breached ever since the PRA was passed in 2003. The Trafficking in Persons Report has named New Zealand a source and destination country for sex trafficking consistently, and these reports, alongside work by Tan and Christina Stringer show that women are being trafficked to New Zealand from China, Hong Kong, Japan, Malaysia, Thailand, Taiwan, Korea, Latin America and Eastern Europe. Trafficking here is reported to involve bribery; coercion, including into unprotected sex acts (for which women are liable, under the PRA); threats of deportation, debt bondage, passport

confiscation, overcrowding, and 16-hour shifts. Even in the context of #metoo and #metoonz, there is no public outrage.

Certainly, we need laws that better protect women: there is no question about that. A few things need to be understood though, in order to weigh up whether the removal of Section 19 would be an improvement to the current situation.

The first thing we need to understand, is what the current law has to do with sex trafficking, what constitutes sex trafficking and what motivates it. Sex trafficking is often understood to be different from prostitution because it involves international border crossings – but this begs the question of why border crossing should necessarily imply exploitation. After all, ex-NZPC spokesperson Anna Reed has called sex trafficking a “[working holiday](#)”. So, perhaps trafficking is distinct because it involves force: *kidnapping* across borders. Well yes, it often does involve kidnapping – but this understanding is overly simplistic. It ignores the tactics pimps use (like “boyfriending”) to lure women in dire circumstances into what first looks like an “opportunity” and only later turns out to be a trap.

The best way to understand trafficking, then, is simply to understand that it is nothing more than prostitution at its most lucrative for pimps. We know that in any capitalist industry, profiteers are motivated to reduce costs by exploiting vulnerable people, particularly migrants and refugees, through overwork, underpay and minimal investment in working conditions. In prostitution, the profit maximisation imperative means pimps are motivated to use trafficking routes to seek out women in vulnerable positions, remove them from their support networks and from where they can speak the local

language, and to transport these women to wherever the laws are well suited to pimping. Debt bondage, passport confiscation and threats of deportation can then be used to keep women trapped. Pimps can also cater to punters' racialised sexist demands for “exotic” women through trafficking routes.

Another thing to understand – something also previously [explained in Scoop](#) – is that NZPC is the New Zealand branch of the Network of Sex Work Projects (NSWP). The NSWP is an international lobby that promotes legislation favoured by those who profit from prostitution. So NZPC operates from the foregone conclusion that prostitution should be a legitimate industry, and this involves plenty of doublethink. It means, for instance, being government funded for the purposes of “harm reduction” while at the same time denying the degree and extent of harm actually taking place in New Zealand's sex trade. In the case of sex trafficking, NZPC has long been involved in the [Orwellian project](#) of whitewashing sex trafficking into “migrant sex work” (or “working holidays” to use Reed's phrase), something that can be “empowering” for women. At the same time, they deny that sex trafficking ever happens in New Zealand (as they did in the most recent issue of the [Women's Studies Journal](#)) and are currently leveraging the urgency of trafficking (“illegal migrant prostitutes are [too 'terrified' to report](#) exploitation”) to promote the rapid removal of Section 19.

Sex trafficking happens in New Zealand because prostitution is legal here. Prostitution is no longer even understood as a form of exploitation – instead, it is understood as “sex work”, a legitimate occupation like any other. So, what is there to investigate? Sexual harrassment? How does

one go about investigating and reporting sexual harrassment in a trade that thrives on men paying for sexual access to women by the hour – hour upon hour upon hour? Prostitution involves the very expectation, glamorisation and legitimisation of sexual harrassment and abuse. The removal of legislation to deter trafficking, and the concept of “migrant sex work”, simply absorbs trafficking into an already whitewashed concept of so-called “sex work”.

What NZPC is right about is that when it comes to trafficking, we need laws that protect women, and we do not have them. Removing Section 19 altogether though, will simply invisibilise trafficking and make it harder for reporters to investigate since there will be no legal breach to report. To improve our legislation in the interests of trafficked women, we need to understand that trafficking is simply prostitution at its most lucrative, and we need to understand that NZPC is a sex trade lobby with vested interests in changing our legislation to reduce breaches of law in the interests of *pimps* and not in the interests of *women*.

If NZPC acted in the interests of women, their calls to change Section 19 would not involve them denying the occurrence of trafficking, *and* relabelling it “migrant sex work” *whilst* simultaneously drawing attention to the fear and terror in which trafficked women exist in order to blackmail critics out of questioning NZPC's proposed solutions. If NZPC acted in the interests of women, their current proposals would not involve any kind of silencing, but would have been preceded by a build up of reports on trafficking that they had uncovered, intiated, investigated and challenged publicly – and their proposals would be clearly supported and

spearheaded by the voices of trafficked women to which NZPC was providing a platform.

We need a critical discussion on prostitution, and certainly one that prioritises its worst manifestations. NZPC's proposal to remove Section 19 though, is shrouded in secrecy and doublespeak – and the importance of fighting this proposal cannot be emphasised. If New Zealand allows for the invisibilising of the exploitation that is sex trafficking, any trafficked women's testimony will tell you what kind of downward spiral we have embarked on.

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