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Gatekeeping Decriminalization of Prostitution: The Ubiquitous Influence of the New Zealand Prostitutes' Collective

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Abstract

This article explores the activities of The New Zealand Prostitutes' Collective (NZPC) in promoting decriminalization of prostitution and its role in gatekeeping this legislation. The NZPC has loomed large in the government's evaluations of the decriminalization legislation known as the Prostitution Reform Act (PRA). It has collected information, partnered on the research team appointed by the Ministry of Justice to conduct the research, and ultimately secured seats as evaluators on the Prostitution Law Review Committee (PLRC) charged with assessing the research and making recommendations. Much of its outsized influence on the research and conclusions of this report is demonstrated in the report itself. Perusing the NZPC website offers a view into how entrenched prostitution has become simply another business in New Zealand. The NZPC has also employed tactics of bullying, smearing, and no platforming of feminist critics and survivors who disagree with the Collective's valorization of "sex work." These ploys have not stopped a burgeoning global movement of survivors of prostitution and their advocates from speaking out. In 2008, the Review Committee called for a full assessment of the PRA in 2018. It is important that the Committee consider a list of recommendations outlined in this article.

Keywords

prostitution, decriminalization, survivors of prostitution, New Zealand Prostitutes' Collective, sex industry, sex trade, Prostitution Law Committee Review, the business of prostitution, brothel owners, sex buyers, Prostitution Reform Act

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GATEKEEPING DECRIMINALIZATION OF PROSTITUTION: THE UBIQUITOUS INFLUENCE OF THE NEW ZEALAND PROSTITUTES' COLLECTIVE

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ABSTRACT

This article explores the activities of The New Zealand Prostitutes' Collective (NZPC) in promoting decriminalization of prostitution and its role in gatekeeping this legislation. The NZPC has loomed large in the government's evaluations of the decriminalization legislation known as the Prostitution Reform Act (PRA). It has collected information, partnered on the research team appointed by the Ministry of Justice to conduct the research, and ultimately secured seats as evaluators on the Prostitution Law Review Committee (PLRC) charged with assessing the research and making recommendations. Much of its outsized influence on the research and conclusions of this report is demonstrated in the report itself. Perusing the NZPC website offers a view into how entrenched prostitution has become simply another business in New Zealand. The NZPC has also employed tactics of bullying, smearing, and no platforming of feminist critics and survivors who disagree with the Collective's valorization of "sex work." These ploys have not stopped a burgeoning global movement of survivors of prostitution and their advocates from speaking out. In 2008, the Review Committee called for a full assessment of the PRA in 2018. It is important that the Committee consider a list of recommendations outlined in this article.

KEYWORDS

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This article explores the activities of the New Zealand Prostitutes' Collective (NZPC) in promoting decriminalization of prostitution in the country and its role in gatekeeping this legislation. The NZPC was not only influential in lobbying for the law that decriminalized the sex industry but also drafted the original bill, which was refined by the parliamentary counsel and became law in 2003.¹ In 2008, the NZPC exerted an outsized influence on the government's evaluation of this law entitled the Prostitution Reform Act 2003 (PRA). Recently, the Collective has employed tactics of bullying, smearing and no-platforming of feminist critics and prostitution survivors who disagree with the Collective's valorization of "sex work." However, these ploys have not stopped a burgeoning global movement of survivors and their advocates from speaking out.

The New Zealand Prostitutes' Collective was founded in 1987 to support the rights of "sex workers" and educate them about safe sex and how to reduce the risks of the "job." One of its major productions is *A Guide to Occupational Health and Safety in the New Zealand Sex Industry* — a typical "sex work" manual patterned on the Australian Scarlet Alliance guide — that in part reads, as one critic has put it, like "crisis management in hostage situations."²

Like many organizations that claim to represent "sex workers," the NZPC does not disclose its membership numbers. As Sabrinna Valisce, a former volunteer at the Collective stated, "There is no formal membership. The use of the term 'membership' is itself an obfuscation."³ The Collective supports a staff of 12 fulltime workers and a number of volunteers in eight branches of the country. It advertises itself as having "more than three decades of expertise in the sex industry." Major financial support has come from the New Zealand Ministry of Health, which became its primary funder in 1988 up to the present. Official reports reveal the Collective's funding as NZ\$1.1 million.⁴ Flush with government funding, the NZPC has held a lock on representing itself as the country's authoritative voice of women in prostitution.

The Business of Prostitution in New Zealand

Perusing the NZPC website offers a view into how prostitution has become simply another business in New Zealand. Its homepage features an array of information for "sex workers," "clients," and "brothel operators." Services and products concerning "work-related" issues come in the form of new worker packs, condoms, water-based lubricants, and other "safer sex" products.

The NZPC's publications dole out advice to prostituted women such as how to accommodate men's demand for anal penetration by learning to relax pain by allowing the "anus and rectal passage to expand and embrace the length of the girth of the penis or object" and become a "body memory" that will make the ordeal easier after "20 minutes."⁵ Also on offer are referral services to "sex worker-friendly" agencies and support with employment issues and disputes. The NZPC website could pass for a corporate online portal advertising its merchandise with a sleek business-oriented look.⁶

The site promotes the alleged sexual rights of disabled men. It links to the film trailer of "The Sessions," an award-winning film launched at the U.S. Sundance film festival in 2012, starring big-name American actors such as Helen Hunt. The film tells the story of journalist and poet Mark O'Brien, a man confined to an iron lung "who is determined — at age 38 — to lose his virginity." He seeks validation from his priest and gets permission from God, with the priest telling him, God will "give you a free pass on this one."⁷

Although the sex therapist/surrogate distinguishes sex therapy from prostitution, it is women in prostitution who likely will be enlisted to fulfill the sexual "needs" of disabled men. And outcall sessions for disabled "clients" will provide a new source of income for the sex industry.

A substantial part of the NZPC website is devoted to brothel owners and business practices. The NZPC developed "The Business ABC" code in conjunction with "sex workers" and brothel operators. The Code sets best practice guidelines for "sex work businesses," including information about hiring and contracting workers, workplace procedures, and combating stigma. The NZPC website assures prospective brothel operators that "We can provide you with resources that help

your business to stay within the law and provide a safe and sound venue to seek employment.”⁸

NZPC advertises that it can help in completing the application to set up a brothel and apply for a brothel operator’s certificate. The NZPC website directs applicants to the Ministry of Justice portal that lists requirements for prospective brothel owners. The applicant must be over 18; a New Zealand or Australian citizen or permanent resident; pay a fee of NZ \$205; present a copy of an official photo ID; fill out a simple application form and undergo a criminal record check. If initially disqualified, the applicant may apply for a waiver.⁹

Given that requirements for certification are minimal, there should be few who need NZPC assistance. Even a brothel operator commented, “They [certificates] are too easy to get. I’ve lost confidence in the system. I used to be a car dealer and to get a licence was really hard. For this, there is no training, no interview, no asking what you know. What’s the point?”¹⁰ One could surmise that things must be very easy when the brothel operators are complaining about the lack of difficulty.

However, the Prostitution Law Review Committee (PLRC) in evaluating the brothel certification process recommended that the current system be maintained and only amended to extend the certificate’s validity from one to three years — a boon for brothel owners.¹¹ This conclusion appears to contradict the PLRC’s earlier admission that the current certification system is *not* working satisfactorily.¹²

Immediately after the law was passed in 2003, 12 brothel inspections took place. In the years following until 2015, only 11 inspections have been conducted. [This](#) official record means that the authorities have overseen only 23 inspections across the country during a period of 12 years, which poses the question why so few if the goal is to protect the “workers.”¹³

Just as troubling is the fact that from 2004-2011, only four brothel operator applications have been rejected, all in the year 2004. During the same time period, 914 applications were accepted.

Brothel owner renewal applications numbered 636.¹⁴

The Auckland District Court maintains a register of all brothel operators’ certificates, but that register is not public and, for the most part, even the police cannot get access to it. So, no one knows who the brothel owners are, except perhaps the NZPC who has such good relationships with them.

There is no question that prostitution, with the backing of the New Zealand Prostitutes’ Collective, is now a full-fledged business in New Zealand.

The Prostitution Reform Act of 2003

In 2003, the NZPC was influential in lobbying for legislation that decriminalized prostitution by a razor-thin vote of one. More correctly, decriminalization¹⁵ of prostitution is decriminalization of the sex industry, making purchasing sex, pimping and brothels legal.

The introduction to the PRA describes the purpose of the act, which is to decriminalize prostitution while allegedly “not endorsing or morally sanctioning prostitution or its use.” The Act purports to create a framework for the sex industry with licensed brothels operating under strict health, safety and employment guidelines that:

- “safeguards the human rights of sex workers and protects them from exploitation;

- promotes the welfare and occupational health and safety of sex workers;
- is conducive to public health;
- prohibits the use of persons in prostitution of persons under 18 years of age;
and
- implements certain other related reforms.”¹⁶

These purposes will be fulfilled, the Act states, by issuing brothel owner certificates, restricting police powers of entry, and conducting inspections to comply with health and safety requirements. Both “sex workers and clients” will adopt safer sex practices, and there will be “protections for sex workers” against those inducing or compelling persons to provide “commercial sexual services or earnings from prostitution.”¹⁷

In 2003, the Collective received then-substantial government funding of more than \$50,000. Although the funding was awarded to promote safe sex and reduce HIV/AIDS, the NZPC with its taxpayer funding actively lobbied members of parliament — what the Collective calls “expressing opinions and developing submissions.” When questioned about the contract, spokeswoman Catherine Healy responded, it “doesn’t say not to lobby and doesn’t say to lobby.”¹⁸ Yet for many years, a major role of the NZPC has been gatekeeper to the decriminalization legislation, especially by trying to silence its critics, paid for with government funding.

In its most recent 2016 report to the Ministry of Health, obtained under the Official Information Act (OIA) request, the NZPC lists only salaries, direct costs, indirect costs and workforce development. Looking at the Collective’s “national financial information,” however, the budget expenditure lines reveal little about how its NZ\$1.1 million funding has been spent for specific projects and programs. There is an appended narrative report responding to its contractual obligations but no correlation between its reported outputs and detailed costs allocated to each output.¹⁹

“Hidden in Plain Sight:” The Prostitution Law Review and the New Zealand Prostitutes’ Collective

The Prostitution Law Review Committee’s most recent report of 2008, which evaluated whether the purposes of the PRA had been fulfilled, concluded that “On the whole, 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.”²⁰ However, it was noted that some “sex workers” were subject to “exploitative working conditions,” such as being forced to take buyers against their will.

When a country codifies prostitution as normal work, it is almost impossible for a governmental report to cast its evaluation and recommendations outside the labor paradigm. A labor framework tones down existing abuse of women because committee members frame such exploitation as a breakdown in labor relations rather than violence against women. Violence and coercion become “exploitative working conditions.” Lack of autonomy and low levels of women’s well-being are reported as occupational hazards to be remedied by better work conditions and minimized in scope. Even the terms “sex work” and “sex worker” reinforce this emphasis.

The NZPC collected information, partnered on the research team appointed by the Ministry of Justice to conduct the research, and ultimately secured seats as evaluators on the Prostitution Law Review Committee charged with assessing the

research and making recommendations. In fact, Section 43 of the PRA states that of the 11 members of the PLRC, “3 persons [are] nominated by the New Zealand Prostitutes’ Collective or, if there is no New Zealand Prostitutes’ Collective, by any other body that the Minister of Justice considers represents the interests of sex workers.”²¹

In 2008, the PLRC gave the NZPC a huge role in contributing to its evaluative reports on the impact of the 2003 decriminalization legislation. Its outsized influence on the research and conclusions of this report are “hidden in plain sight” within the report itself.

All passages and quotes in this section come from the Ministry of Justice, *Report of the Prostitution Law Review Committee*, and are listed with page numbers in the text.

- The NZPC carried out prostitution advertising audits in 2003-04 for the Committee’s first report. It repeated the same kind of audit in Wellington and Auckland in July 2006 and again in July 2007 for the Committee’s 2008 report (35).
- For the evaluation, NZPC outreach workers collected information on the numbers of “workers” in brothels “during their regular visits to distribute safe sex supplies and educational information (33).”
- NZPC created and maintained the databases of street-based “sex workers” in Auckland, Wellington, and Christchurch, and continues to monitor the numbers of those in commercial brothels and small owner-operated brothels (SOOBS) (18).
- The Collective maintains close relations with brothel owners and gets high marks from them. “Those in the industry valued greatly NZPC services in particular, which they felt had always been good.” One brothel owner remarked, “There have always been opportunities through NZPC (49).”

The 2008 report states that the Christchurch School of Medicine’s (CSOM) Crime and Justice Research Centre carried out the majority of the research identified in the framework of the Law Review Committee’s report. However, Christchurch School of Medicine researchers worked “*in partnership with NZPC.*” (25, *Italics Mine*). Here is a list of tasks that the NZPC carried out for the “independent” Christchurch Crime and Justice Centre researchers.

- The NZPC assisted the CSOM researchers to conduct “exploratory focus groups with sex workers and regulatory officers” and assisted in a study to estimate the number of “sex workers” by helping to survey 772 “sex workers” in five locations. “Participants were not randomly selected as it was considered this may cause distrust and affect the response rate and compromise the validity of the sample (?).” (25, Question mark mine).
- The CSOM researchers designed their questionnaire “in conjunction with the NZPC and the Ministry of Justice.” The questionnaire asked respondents about themselves, how they entered prostitution, including age at entry into the sex industry, and the nature of their “work.” In-depth interviews with “58 sex workers” were conducted in various locations “including NZPC offices, brothels, and escort agencies... The interviews were conducted by NZPC staff (trained by CSOM researchers)” (25-26).
- The Prostitutes’ Collective provided other services to the Christchurch School of Medicine’s Research Centre. “NZPC was seen as the main provider of health services and information in the Research Centre’s key informant

interviews. Offices in Christchurch, Wellington, and Auckland provided weekly sexual health clinics (49).”

- Representatives from the Prostitutes’ Collective also arranged for the Law Review Committee to view brothels and make contact with the brothel operators who allowed the Committee to visit their businesses. (Acknowledgments)
- Two brothel owners — one current and one former — were members of the Committee (175).
- The Law Review Committee recommended that the Department of Labor should work with the NZPC and others to establish an inspection regime that covers both health regulations and is also “attuned to identifying coercive or exploitative practices (96).”
- The NZPC commented in the Law Review report that it was potentially offensive to discuss with “sex workers” how they should be assisted to exit. “It is offensive to talk about exiting – it’s a right to be able to be a sex worker. We don’t need rescuing (70).”

In summary, the Prostitutes’ Collective was given excessive influence in developing the prostitution law review framework. It was subsidized by the government to collect a key part of the evidence that informed the Committee; partnered with the CSOM’s Research Center in designing the questions and in conducting interviews for the report; facilitated the Prostitution Law Review Committee’s visits to brothels, and provided several representatives who sat on the evaluation committee. If the PRA review were adjudicated in a courtroom, the NZPC would be regarded as plaintiff *and* defendant, judge *and* jury, *and* expert witness.

Notwithstanding the Review Committee’s claim that it represented diverse members of the community — a nun, “sex workers,” brothel operators, a general practitioner, an academic, a city councilor, a criminologist, a public health official, social workers, representatives of non-governmental organizations (NGOs), and a retired policeman²² — how can this report be judged impartial given the fact that three of the 11 committee members were from the NZPC, and it was involved in most facets of the review?

It has been important to scrutinize the Committee’s report in detail because it depends, in large measure, on one-sided information from a source that promotes prostitution as work, makes distinctions between voluntary and forced prostitution, and claims to represent the experiences of women who are in prostitution. The PRLC report reads as if prostitution has little to do with violence against women, contradicting the many authoritative studies worldwide that document the pervasiveness of such violence in both legal and illegal venues.²³ In the PLRC’s report, there is no section entitled “violence against women.”

Numbers related to violence are listed under the heading of *adverse experiences while working*. In Table 11 of the report, percentages are listed from interviews with c.770 “sex workers” who were interviewed. Results from a single 12-month period are tabulated. These adverse experiences include sexual assault by buyers, threats of physical assault by “someone,” being held against their will, and rape by buyers. The comment that accompanies these figures states: “It appears that adverse incidents, including violence, continue to be experienced by those in the sex industry. There is conflicting evidence on whether violence is reported more often since decriminalisation, but clearly there is still a marked reluctance amongst sex workers to follow through on complaints (58).” The comments reflect an emphasis on *reporting* the adverse experiences including violence, not

preventing or investigating the violence further. In fact, “The majority [of the committee] felt that the PRA could do little about the violence that occurred (57).”

In their article on “Reflections from the Field,” National NZPC Coordinator Catherine Healey *et al.* include a section on violence but with no information on the incidence of violence experienced by women in the sex trade. Rather they state that since the PRA, “sex workers” feel more able to refuse unwanted buyers and to contact the police “either to prevent violence being committed against them or to report it being committed.”²⁴ This tells us nothing about who and how many women experience violence in the decriminalized sex industry.

In the same article, the authors admit that a number of “sex workers” contact NZPC to report *malpractices* by “brothel owners, as well as by clients or even their peers.”²⁵ *Malpractice* is another stand-in category for violence and other forms of exploitation, which makes violence not only unaccounted for but also invisible.

In a media report, Healey insists that only 10% of women want to exit the sex trade.²⁶ But Chelsea, a writer and survivor of prostitution who speaks from her firsthand experience with the NZPC, writes that she has seen articles “where the NZPC has skewed its own research data to deceive the public that decriminalisation has resulted in greater safety for women in New Zealand.”²⁷

In spite of all the Committee’s claims to consider only information that is evidence-based — eschewing “outdated” ethics and partisan politics — it appears to have been influenced heavily by the NZPC and its libertarian pro-sex work politics that market prostitution as a choice and the sex trade a legitimate enterprise.

The Tactics of the New Zealand Prostitutes’ Collective

The NZPC has employed tactics of bullying, smearing, and no-platforming of feminist critics and survivors who disagree with the Collective’s valorization of “sex work.” One would think that an organization that is deemed a professed “expert” on the Prostitution Law Review Committee would not engage in these kinds of behavior for fear of losing its professional credibility.

The NZPC has largely become a public relations organization promoting decriminalization of prostitution. One of their spokespersons, Anna Reed, when asked whether trafficking was prevalent in New Zealand responded, “Nooo...If I was young and beautiful, I would love to go on a working holiday.”²⁸ In calling sex trafficking a “working holiday,” Reed means that what other countries define as sex trafficking is simply work joined with a traveling vacation in New Zealand’s alleged paradise of prostitution. Reed’s flippant remark flies in the face of other reports that, for years, have maintained, “New Zealand is a destination country for foreign men and women subjected to forced labor and sex trafficking and a source country for children subjected to sex trafficking within the country.”²⁹

The NZPC’s recent campaign effectively seeks to decriminalize trafficking. Its representatives have issued disclaimers denying the existence of sex trafficking in New Zealand. In an academic women’s studies journal article, NZPC rejects that immigrant women engaged in prostitution have been trafficked. “A popular view is that these migrant sex workers are a hidden population and are trafficked.”³⁰ Instead, the NZPC states: “By listening to what these sex workers themselves say about their lives, we, therefore, conclude that they are not trafficked.”³¹

The Collective argues that the PRA discriminates against immigrant women by not allowing them to legally “work” in the country’s legal sex industry. Citing the fact that Immigration New Zealand claims there have been no cases of trafficking

in New Zealand, the Collective concludes that Section 19 of the PRA needs to be deleted. Section 19 prohibits non-New Zealand citizens from engaging in prostitution or related activities including operating a prostitution business or investing in such a business.³²

If Section 19 is removed from the law, sex trafficking will become just as invisible as prostitution, by rebranding it as “migrant sex work.”

Critical voices that dissent from the NZPC orthodoxies about prostitution and trafficking are subjected to vilification campaigns. Calum Bennachie, the program’s coordinator at the NZPC, rails against feminist critics and survivors who contest NZPC policy. “We must challenge them, their language, and their publications at every opportunity, reveal their language of hate for what it is and counter them with evidence-based facts that prove their claims to be false.”³³ It is incongruous that a man who calls for evidence-based facts most often uses hateful language and personal attacks, instead of responding to the actual evidence presented by feminist critics and survivors of prostitution.

What is this language of hate that feminist critics are accused of? In a torturous essay entangled in linguistic knots, Bennachie faults feminists for calling prostitution “an institution of male violence and racial and economic privilege that objectifies and keeps women in their place to fulfill male desires.” In a stretch of logic, he adds that such a statement has harmful consequences for “sex workers” who, faced with feminist claims that male violence victimizes them, “are likely to doubt their self-worth and their self-agency (sic) and put themselves in the position of victims, thus making it more likely they will become victims of violence.”³⁴ In his words, it is feminists who make women into victims, not the pimps, buyers or other perpetrators.

Bennachie has also led censorship campaigns against feminist critics of decriminalization. His recent targets have been writer Renee Gerlich and Pala Molisa, a New Zealand academic critical of the country’s decriminalization legislation. The NZPC has taken to bullying those who publicly criticize NZPC positions, putting pressure on organizations to no-platform feminist critics from speaking at events. The Collective’s Ahi Wi-Hongi has published an online request asking for sign ons to prevent Gerlich from speaking at community events and “that you not give financial assistance to her campaign of hate.”³⁵ This is because Gerlich authors a blog of insightful writings that critique decriminalization and that spotlight the role of the NZPC in propping up the legislation and misrepresenting critics of the law as whorephobic.

The ongoing slur in pro-sex work circles is that feminist critics of the sex industry are “whorephobic.” “Whorephobia can be defined as the fear or the hate of sex workers. Sex workers...would argue that it also embraces paternalistic attitudes that deem us... victims who don't know what is good for them and who need to be rescued.”³⁶

The pro-sex work lobby converts criticism of the sex industry and its oppression of women into fear or hatred of prostituted women. It rejects women’s victimization by pimps and buyers and alleges paternalism on the part of feminist critics who support exit programs for prostituted women. The NZPC targets the critics, not the perpetrators of prostitution, whom it has blessed as business partners.

Whorephobia is a deceptive reversal implying that feminist critics are the enemy of prostituted women. Behind the accusation lies a twisted truth that those who broadcast this propaganda collude in undermining prostituted women and

instead ally with the real “enemy” in their defense of the rights of pimps and prostitution users. For example, the NZPC advertises itself as “committed to maintaining constructive relationships with brothel operators throughout New Zealand,” listing the ways that it can be helpful: “If you are considering starting a brothel, or you work with sex workers in your job, NZPC can provide valuable information.”³⁷

Pro-sex work groups have constantly tried to undermine women who identify as survivors. The NZPC is hostile to and dismissive of any prostituted woman who disagrees with its ideology. NZPC activists especially attack women who testify publicly about their experiences of being harmed and violated in prostitution. They confront writers and advocates who present evidence of the harm and instead, they respond with personal attacks and public disruptions. As happened in Australia with members of the Scarlet Alliance, an organization closely akin to the NZPC, sex work advocates tried to shut down a survivor book launch and readings from the book *Prostitution Narratives*.³⁸ They routinely show up at events with the goal of interrupting them.

Misrepresentations about survivors and their advocates are flagrantly spread on social media. And the vitriol that survivors and their advocates experience online in the misogynist corners of the Internet is vicious. Those dispensing the propaganda don’t care if people believe the specifics. As Michael Lynch has written, it’s comparable to a shell game where propagandists just need to get you confused enough so that you don’t know what’s true. People may not believe, but they do not disbelieve either. Faced with so much conflicting information, many people are prone to think that “everything is biased, everything conflicts.”³⁹

Survivors Speak for Prostituted Women

Journalist Julie Bindel has interviewed a number of survivors of prostitution who have spoken about the “horrors” of being smeared by bullies who label them as “mentally ill, liars, fraudsters, fantasists, and masochists.”⁴⁰ Calum Bennachie targets feminist abolitionist writers and survivors, claiming it is their voices that “actively encourage violence against sex workers.” In an outrageous comparison, he equates these critics with “the client who does not want to pay, the corrupt police officer who rapes, or the members of the public who throw bottles and rotten eggs at street workers. In fact, these critics are worse because they justify their violence as caring.”⁴¹ However, it is Bennachie who is guilty of the real hate-speech, slandering especially survivors of prostitution. Such defamatory campaigns should make the governmental ministries that fund the NZPC reconsider whom they are working with and question how the Collective’s public funding is being spent.

Menacing tactics, however, have not stopped a burgeoning global movement of survivors of prostitution and their advocates from speaking out. When survivors who had been in systems of prostitution began to publicly testify about the ravages of prostitution, the media began to take notice. Having lived through this violence, many women have claimed the authority of their own experience and the title of *survivor*. Survivors have become a progressive voice challenging the rosy picture of prostitution and the sex industry and resisting the notion of prostitution as normal work. Rejecting the moniker of “sex worker,” this group of formerly prostituted women presents a strong indictment of New Zealand’s system of prostitution. Calling prostitution sex work is a euphemism that covers up the real violence done to women in prostitution.

The NZPC champions itself as the authoritative voice of women in prostitution. As members of the PLRC, the Collective appears to be treated as the sole

representative of New Zealand women in prostitution. One of the rare instances where New Zealand survivors provided testimony was in 2013 when they and their advocates appeared before a parliamentary select committee and gave evidence that the PRA legislation had failed them and others who remain in the industry.

Survivors testified that decriminalizing the sex industry “has simply played into the hands of the pimps and brothel owners and enabled them to gain a façade of respectability while legally preying on the women they control.” In a petition that included a set of recommendations that survivors presented at the hearing, they urged the government to pass a law that makes the purchase of sexual services illegal, often referred to as the Nordic Model, which decriminalizes prostituted persons but criminalizes pimps and sex buyers.⁴²

The New Zealand Prostitutes’ Collective opposed the survivors’ petition along with its recommendations in a counter-submission to the parliamentary committee. It claimed, “The safety and health of sex workers would be severely undermined if brothel operators, or the purchase of sexual services, were to be criminalised...as the proposed changes would facilitate exploitation.”⁴³

Other New Zealand survivors are also speaking out. Sabrina Valisce is a key and credible witness to the failures of the New Zealand prostitution law and the machinations of the NZPC. In her former life as a volunteer at the Collective, she campaigned for decriminalization. Valisce attended the celebration it held when the Prostitution Law Reform Act was passed in 2003. “I thought it would give more power and rights to women...But I soon realised the opposite was true.”⁴⁴

Valisce described the devastating consequences to prostituted women when the brothel owners were allowed to offer sex buyers an “all-inclusive” deal, a set payment that permitted them to do anything they wanted to women with no-holds-barred. The women couldn’t refuse to perform any activity requested, or determine their own prices, which as Valisce points out, “was the mainstay of decriminalisation and its supposed benefits.”⁴⁵

When Valisce realized that the Prostitutes’ Collective was not interested in exit programs for prostituted women, it was the beginning of her recognition that a decriminalized system held no pathway to a new life. It was only when she became a feminist activist and began working with others against the sex trade that she “exited first emotionally, then physically and lastly intellectually.”⁴⁶

Rae Story who worked in a New Zealand legal brothel has said that this “was anything but a job like any other.” She related the pain from “often rabid men [who] left us bruised and sore.” When she pushed one particularly offensive sex buyer away from her, he got impatient and angry and complained to the brothel receptionist who let it pass only because this was the first complaint against her.⁴⁷

Young Jade had a friend who dropped her off at a brothel, and because she was underage, the friend gave Jade her identity card. The madam barely looked at the card, liked that she was sucking on a lollipop, and put the word out that she was young. Her first buyer was into fantasies of sex with children.

The younger I pretended to be when I lost my virginity the more he enjoyed himself. From then on, I had night after night of pedophile types... Over ten years I estimate I have been raped at least 30 times and suffered about 2,500 severely violent attacks. I never got any medical treatment...None of the sex worker advocacy agencies ever offered a contingency to get me out of the sex industry. They supplied lawyers, health checks, condoms, and dams but nothing to help me get out.⁴⁸

When Chelsea was in prostitution, she visited the NZPC to find out her rights. All they offered were “condoms at a discounted price,” advice for “how to stay a happy hooker” and a caution about burnout syndrome. Chelsea contends, “But it’s not burn-out syndrome, it’s a normal response to ongoing sexual abuse.”⁴⁹

Chelsea explains the reason many women in prostitution promote decriminalization is that NZPC propaganda presents it as the only model that doesn’t criminalize women. In an earlier period, she was convinced that decriminalization was the answer because previous laws criminalized prostituted persons, and “no woman wants a return to that.” She mocks the NZPC’s mantra of “Listen to sex workers,” which really means, “Only listen to people who agree with blanket decriminalisation of the sex industry — and assume that prostitutes themselves fall into this category despite all evidence to the contrary.” For more women in prostitution to speak freely, “This culture of silencing opposition to current decriminalisation policy needs to end.”⁵⁰

Chelsea blames New Zealand’s legislation and the pro-sex work propaganda saturating the media for increasing numbers of men who convince themselves that “we are having consensual sex with them...They are expecting more and more, and willing to pay less and less.” Chelsea definitively states, “This is not consent, this is coercion. This is not sex work; this is rape... This is women’s oppression...No, decriminalisation of johns and pimps has not improved our safety or lives. No, we are not satisfied with a Prostitutes’ Collective that merely dispenses condoms, we need real support services, we deserve more from our country.”⁵¹

*Five prostituted women have been murdered in New Zealand since the PRA came into force in 2003. Comparing murder rates of prostituted women in New Zealand with those in Sweden, the first country to criminalize sex buyers, Penny White notes: “New Zealand has half the population of Sweden. And not one prostitute has been murdered by a john in Sweden since the Nordic model passed in 1999. Not one in 16 years.”*⁵²

The NZPC held no public vigil, protest or other commemoration on behalf of these slain women: Ngatai Manning, commonly referred to as Mellory, Suzie Sutherland, Renee Duckmanton,⁵³ Nuttidar Vaikaew,⁵⁴ and a 24-year-old woman whose name was permanently suppressed by the Court.

Conclusion

There has been no review of the decriminalization legislation since 2008 when the PLRC issued its last report. Because that review was undertaken only five years after decriminalization, the Committee commented, “some of the anticipated changes in the industry have been slow to eventuate.” The Committee called for a full assessment at a later date. “By 2018, fifteen years after its enactment, the longer-term impact of the PRA will be much clearer.”⁵⁵

It is not clear whether plans are underway to undertake such a review in 2018. The PLRC stated that any forthcoming review should include “an assessment of whether the PRA is achieving its purpose, if any unintended consequences have arisen (either positive or negative), and if the PRA requires amendment.”⁵⁶

How can any future review be considered fair if, as stated in the 2008 report, the Review Committee continues to award the Prostitutes’ Collective with the lion’s share of funding and functions that should be given to a more diverse group of women who identify as survivors, not sex workers? Already in its 2008 report, “The Committee recommends NZPC maintains the databases of street-based sex

workers created by outreach workers in Auckland, Wellington, and Christchurch for the Committee's review," and so the Collective's monopoly continues.⁵⁷ How can any future review be considered fair if the Review Committee continues to enlist the Prostitutes' Collective in its multiple tasks of collecting information, partnering on the research team to conduct the research, and ultimately invited as evaluators on the Committee itself?

It is imperative that the Prostitutes' Collective should not have a continuing role as members of any future review committee charged with evaluating the decriminalization legislation if the Collective has a role in contributing other expertise such as their research. This is a conflict of interest. Any organization should not be allowed to evaluate its own research and have a part in voting for any recommendations based on that research.

Where is the proof that the Prostitutes' Collective represents the majority of women in New Zealand prostitution? It appears to represent only those who define themselves as "sex workers" and who agree with their ideological positions. Survivors who are critical of decriminalization — not just a token one or two — but many should be invited to give evidence to any future review committee. Survivors — not just a token one but also several — should be invited to sit on the committee.

Local writers and organizations critical of the PRA and its consequences should be invited to give evidence and have as equal representation on the Committee as those who favor the law. International NGOs who have undertaken research and advocacy on alternative models of prostitution in other countries should be invited to submit evidence.

Researchers who provide evidence-based assessments should not only come from those who partner with the Prostitutes' Collective, such as the Christchurch School of Medicine's Crime and Justice Research Centre but from other institutions that can give a more independent assessment from its professional experience, research and advocacy.

The PLRC argued in its 2008 report that its methods were evidence-based and not grounded in a moral or political perspective. One has only to peruse the NZPC website to see that it has a *political perspective* for which it advocates, in conjunction with various international networks of "sex workers" such as the Network of Sex Work Projects whose former vice-president, Alejandra Gil, was convicted of and received a 15-year jail term for sex trafficking.⁵⁸

Let's stop the inanity reflected in the report of the PLRC that its review "was achieved through deliberately not focusing on the political or moral aspects of the sex industry, as is frequently done by those advocates for and against decriminalisation."⁵⁹ The New Zealand Prostitutes' Collective has been one of the most opinionated advocacy groups well known for its one-sided view favoring decriminalization of prostitution. We can't be expected to believe that the NZPC has put away its partisanship and become bias-free for purposes of the review — especially if other groups have been prevented from testifying or serving on the committee because they may be reputed to be "political."

Acknowledge that various groups have political perspectives on prostitution and give these groups an equal role in the review process.

Finally, in light of the fact the Prostitution Reform Act passed by a vote of one in 2003, consideration should be given to assessing public opinion of the law and its consequences, and to revisiting a parliamentary vote.

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