

# Migrant Sex Worker

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## Definitions

- **Sex work:** is a person who provides commercial sexual services.
- **Migrant worker:** is a person engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. *United Nations*
- **Trafficking in people:** is the recruitment, transportation, transfer, harbouring or receipt of a person by deceptive, coercive or other improper means for the purpose of exploiting that person.
  - Global crime, committed at the expense of victims who are robbed of their dignity and freedom. *United Nations*

# Aotearoa NZ Legislation

- Prostitution Reform Act 2003
  - Decriminalised sex work
  - Section 19 refers to Immigration Act
- Section 19 refers to Immigration Act (2009)
  - Intent to prevent people trafficking

## Prostitution Reform Act 2003

- The purpose of this Act is to decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that;
  - Safeguards the human rights of sex workers and protects them from exploitation
  - Promotes the welfare and occupational health and safety of sex workers
  - Is conducive to public health
  - Prohibits the use in prostitution of persons under 18 years of age
  - Implements certain other related reforms.

## Immigration Act 2009

- No visa may be granted under the Immigration Act 2009 to a person on the basis that the person;
  - a) Has provided, or intends to provide, commercial sexual services; or
  - b) Has acted, or intends to act, as an operator of a business of prostitution; or
  - c) Has invested, or intends to invest, in a business of prostitution.
  
- It is a condition of every temporary entry visa granted under the Immigration Act 2009 that the holder of the visa may not, while in New Zealand;
  - a) Provide commercial sexual services; or
  - b) Act as an operator of a New Zealand business of prostitution; or
  - c) Invest in a New Zealand business of prostitution.

## Immigration New Zealand

- INZ - proactive approach to better understanding issues within the sex industry as part of its wider work on exploitation.
- Recognize that temporary migrants, who breach their visa conditions by working in the New Zealand sex industry are vulnerable to exploitation by unscrupulous employers and clients.

## Immigration New Zealand

- Migrants are less aware of their rights and entitlements than their New Zealand colleagues.
- In the past three years, deportation liability notices were served on 38 people with temporary visas and 27 have been deported.

## Immigration New Zealand

- 179 foreign nationals Jan to Aug 2018
  - denied boarding flights or refused entry to New Zealand because of suspicions they were intending to work in the sex industry
- Primarily from Brazil, Taiwan and Hong Kong

## Site of Work

- Migrants sex worker
  - ~60% Privately or in Small Owner Operated Brothel
  - ~ 40% Managed brothels.
  - <1% Streets Working
- Touring sex workers can be migrant or resident

Bennachie. C. Preliminary report, SexHum Project, March 2018

## Health Care Experiences

- Two women reported sex assault by Brothel owner
  - Peer support at NZPC
  - Accessed initial care at NZPC
  - One seen in acute sexual assault care; one declined offer of assessment
  - Consented to report to police
  - Left the county before police interview

## Health Care Experiences

- A women with a non sexual infection requiring Hospital emergency care
  - Was scared of the hospital
  - Removed from her personal possessions all sex work related paraphernalia
  - Fear has the potential to be a barrier to appropriate health care

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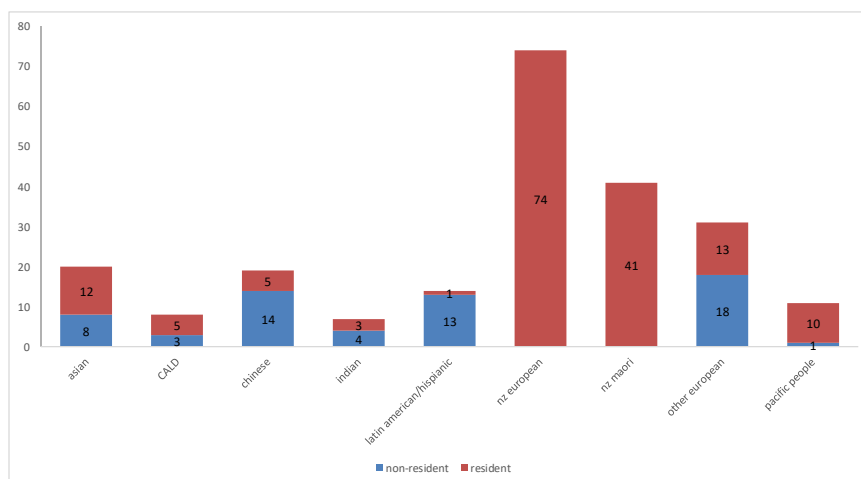
## Sexual Health Sex worker Clinics

- March 1992 to ~2004 Thai Clinic.
  - Clinical session at Auckland Sexual Health
  - Thai interpreters
- 1990s to current Partnership clinic at New Zealand Prostitutes Collective.
  - Initially one weekly evening clinical session
  - 2017 a weekly afternoon and evening session
  - Nurse lead clinic

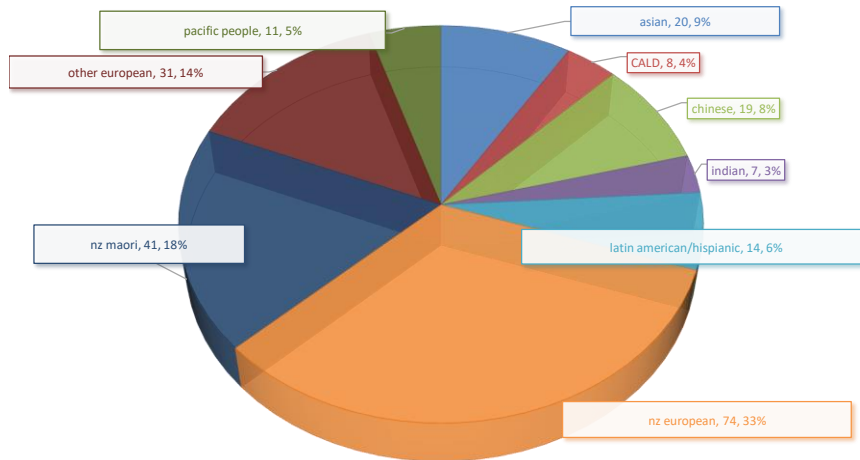
## The Clinic in Partnership January to September 2018

- 411 contact with clients
- 225 individuals
- 201 Females (381 visits)
- 24 Males (30 visits)
- Age range 18 to 66

### NZPC Clients Jan – Sep 2018



## By Ethnicity Jan – Sep 2018



## Global Alliance Against Traffic in Women

- The current policy here creates conditions that are conducive to trafficking, rather than protecting against it.
  - "All participants were unequivocal that they had not observed or heard of any cases of people being forced to come to New Zealand to engage in sex work,"
  - "This was consistent with existing data, which shows that despite intensive investigations by Immigration New Zealand, no cases of trafficking in the sex industry have been identified to date."

Lynzi Armstrong

<https://www.gaatw.org>



## United Nations Recommendation

- In July 2018, the United Nations Committee on the Elimination of Discrimination against Women released its observations on New Zealand and said Section 19 of the Act may have a negative impact of migrants. It recommended amending Section 19.

## Thank you

- New Zealand Prostitutes Collective
- The researchers
- Auckland Regional Sexual Health Service
- The sex workers