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CRIM 245-- Research Paper

### Prostitution Reform Act of 2003 -- New Zealand

New Zealand was the first country to decriminalize prostitution in 2003 (Abel, 2014, p.580). Personally, I am quite an advocate for the legalization of prostitution. I believe that with its legalization comes more rights and less danger for sex workers. This also limits prostitution to only women 18 or above, and would most likely decrease sex trafficking and the sexual exploitation of minors. Ideally, the people who would go into decriminalized sex work would do so of their own volition.

In the process of legalizing prostitution with the Prostitution Reform Act of 2003, New Zealand directly made sex work safer. Within the section “Operators of businesses of prostitution must adopt and promote safer sex practices,” several steps are described in depth to ensure that the sex workers and their clients provide health information, the last of which is “take all other reasonable steps to minimise the risk of sex workers or clients acquiring or transmitting sexually transmissible infections” (PRA, 2018, p.8). Anyone who violates this subsection and is caught doing so is forced to pay a fine of up to \$10,000. In the section that follows, it is stated that “a person who provides or receives commercial sexual services must take all other reasonable steps to minimise the risk of acquiring or transmitting sexually transmissible infections” (PRA, 2018, p.9). Essentially, what this portion of the Act intends to do is reduce the spread of STIs within prostitution. It also tries to protect against crimes committed against the sex worker. I noticed

these regulations are similar to various domestic violence acts over the years. It specifically cites slander and blackmail as well as protects the sex worker against a client who attempts to hold any power over them. This section covers all the bases by including that one can not “commit an offence that is punishable by imprisonment” and states that any violations can earn the individual up to fourteen years in prison (PRA, 2018, p.16). Sections 1-15 were within the original act that was created in 2003. The document as of 2018 has 51 sections that protect the humanity and rights of sex workers.

We live in a very misogynistic present. The legalization of prostitution means an immediate change within sexism. Most prostitutes are girls and women, and with the decriminalization and normalization of sex work comes the ability of women to have more control over their bodies. Anything having to do with women being able to make choices about their own body is fought over, from abortion, to tubal ligation, to birth control, to sex work. Obviously, the ability to engage in sex work needs to be limited to fully grown women, and in my opinion tubal ligation should be a procedure that should be waited on until the individual’s brain is fully developed and is capable of making that decision (assuming the individual is a cisgendered woman). But the male opinion is asked for all of these female issues, where it has no place to be, depending on the situation.

With the legalization of prostitution comes a gracious step in feminism, and grants those of any gender who choose to go into sex work more respect and rights. Like what happened in New Zealand in 2003, the legalization of prostitution will in no way fix every single issue within prostitution immediately; like anything else, it is but a stepping stone. Sex workers were still in danger after New Zealand decriminalized prostitution, for it is a very dangerous and risky job. In 2009, there were three high-profile murders of sex-workers in New Zealand. The murderers of

the first two were found and arrested almost immediately, while one of the murderers of the third victim was found nearly four years later. As of 2015, the police were still looking for the other murderer of the third victim. Compare this to sex workers who go missing in Canada: the police are not as concerned with the women who are killed or kidnapped and fail to take their disappearances seriously. The difference here is that in countries where prostitution is not decriminalized, the workers are viewed as disposable. With legal prostitution, the workers actually have human rights (Abel, 2014, p.589).

While prostitution has been and always will be a dangerous job, there is no reason that it should not be legal. The effects of the Prostitution Reform Act of 2003 in New Zealand have shown that sex workers are much better off partaking in a job that isn't illegal. After all, like abortions and marijuana smoking, prostitution is going to happen regardless of whether or not it is legal, so the best thing that can be done to help those who partake in these activities is to legalize them to ensure that each individual can be as safe as possible. We should not be prioritizing an agenda of nothing but abstinence, as this has been tried time and time again and has failed each time. The safety and well-being of people, not a failure of a "moral" test, should be the number one priority when creating laws and electing political figures.

## Works Cited

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