

The New Zealand Model Approach to Minors in Prostitution

Since California Senate Bill 1388 is justifying recriminalizing customers of prostitutes with mandatory Jail time and high fines to go counseling provided by non state credentialed social workers, It's worth looking at how other countries approach buyers of sexual services from minors working in prostitution.

In 2003, New Zealand decriminalized all sexual service providers of prostitution and all customers of prostitutes except those who would engage minors. Upon periodic academic and judicial review, they haven't changed law since. This model makes enforcing laws against those who violate the conditions set forth below in New Zealand's Prostitution Reform Act much easier.

NEW ZEALAND'S PROSTITUTION REFORM ACT 2003

- what did it change and what has happened since?

as of August 2006, collated by Tim Barnett MP

The Prostitution Reform Act 2003 was designed to:

- safeguard the human rights of sex workers and protect them from exploitation;
- promote the welfare, occupational health and safety of sex workers; *and*
- improve public health in the area of prostitution

through a decriminalized environment for sex work focused on harm minimization, while offering no moral endorsement of prostitution.

This document looks at the previous law, the content of the law reform and what has happened since under the following headings:

A The sex worker and sex industry

- A1 Coercion
- A2 Contractual responsibilities
- A3 Media advertising
- A4 Soliciting

B The state

- B1 Benefit law
- B2 Conditions of employment and of health and safety
- B3 Health promotion and safer sex

B4 Immigration provisions and trafficking

- B5 Local Government
- B6 Monitoring and researching the impact of the law
- B7 Police
- B8 Registration etc of sex workers and operators

C Society

- C1 Numbers of sex workers
- C2 Street work
- C3 Young sex workers

It uses the following acronyms:

NZ – New Zealand
NZPC – New Zealand Prostitutes Collective
PLRRC – Prostitution Law Reform Review Committee
PRA – Prostitution Reform Act

http://en.wikipedia.org/wiki/Prostitution_in_New_Zealand

Prohibitions on use in prostitution of persons under 18 years²⁰. No person may cause, assist, facilitate, or encourage a person under 18 years of age to provide commercial sexual services to any person.²¹ No person may receive a payment or other reward that he or she knows, or ought reasonably to know, is derived, directly or indirectly, from commercial sexual services provided by a person under 18 years of age.²² No person may contract for commercial sexual services from, or be client of, person under 18 years⁽¹⁾ No person may enter into a contract or other arrangement under which a person under 18 years of age is to provide commercial sexual services to or for that person or another person.⁽²⁾ No person may receive commercial sexual services from a person under 18 years of age.²³ Every person who contravenes section 20, section 21, or section 22 commits an offense and is liable on conviction on indictment to imprisonment for a term not exceeding 7 years.⁽²⁾ No person contravenes section 20 merely by providing legal advice, counselling, health advice, or any medical services to a person under 18 years of age.⁽³⁾ No person under 18 years of age may be charged as a party to an offense committed on or with that person against this section.

Thus, it is legal for a person under 18 to be a sex worker, but it is illegal for anyone else to profit from them in this capacity, or cause, assist, facilitate, or encourage them to provide commercial sexual services to any person. It is also illegal for anyone to purchase sex from a person aged under 18. The media are likely to require photographic ID before placing advertisements to ensure they are complying with this law. The defence of "reasonableness" has been removed, but sex workers appearing under age may be asked by Police to provide proof of age. [59]

However, there appears to be no law prohibiting a person under 18 from being a client of a prostitute, thus the legal age for this would presumably be 16, the legal age of consent in New Zealand.

Since SB 1388 relies on the continued criminalization of everybody, it will fail in its vague mission and will instead have further negative impact on already vulnerable prostitutes like myself who lack access to equal protection under the law. SB 1388 places the burden on us 'performers' for example by forcing us to work in more secluded spaces, not carrying or insisting on using condoms to protect our newly made vulnerable clients.

SB 1388 must to include specific documentation of a before and after implementation study to address its effectiveness in meeting its vague goal. A sunset clause must also be written into this bill to ensure its effectiveness. An

analysis must be compiled to include actual numbers of how many 'purchasers' are being arrested now in California, what kinds of jail time they are serving, fines they are paying and must include the effects on us who newly renamed 'performers'. Also cost impact assessment must also include cost of sting operations, administrative jail costs, etc.

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