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Voices of Māori Sex Workers

By

Elise Escaravage

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School of Global Studies, University of Gothenburg

School of Business and Social Sciences, Roehampton University Department of Archaeology and

Social Anthropology, University of Tromsø

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*The **Manaia** symbolizes one's strength, endurance and resilience.
Relating it to this study, it means standing up against prejudice and stigma while retaining your
mana or pride as a Māori sex worker.*

-Chanel Hati

Voices of Māori Sex Workers

In Special Collaboration with Members of the Advisory Group

Chanel Hati

Kayla Riarn

Ahi Wi-Hongi

Declaration Form

The work I have submitted is my own effort. I certify that all the material in the Dissertation that is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed  Date May 23rd 2016

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*He aha te mea nui o
tēnei ao?*

He tangata!

He tangata!

He tangata!



*What is the most important
thing in the world?*

It's the people!

It's the people!

It's the people!

Abstract

Aotearoa (New Zealand) is the only country in the world to have decriminalized sex work. The *Prostitution Reform Act* (PRA henceforth) was enacted in 2003 with the aim to safeguard the human rights of sex workers, and create a framework that is conducive to public health. Skeptics of this policy argue that the law reform was targeting indoor workers while the livelihood of street-based sex workers did not see significant improvements (Justice Acts, 2014). It is known that Māori sex workers are over-represented at the street-level, thus raising the question: to what extent has the PRA (2003) been successful in safeguarding the human rights of Māori sex workers?

This dissertation discusses the effects of decriminalization on the human rights of Māori sex workers based on interviews with 30 participants, and meetings with 18 key informants such as social workers, researchers, and a sexual health nurse. An *Indigenous Intersectionality-Based Policy Analysis* of the PRA (2003) helped capture the colonial, historical, and socio-political layers that shape the sex industry Māori sex workers are involved in. This research is the result of a four-month community-based participatory research with a Māori Advisory Group to help address the voices of Māori sex workers. It can be argued that the PRA (2003) has given a potentiality of *mana motuhake* (control over one's own destiny) to Māori sex workers. Nevertheless, despite improvements since the PRA (2003), discrimination is an ongoing human right issue faced by this community, and it manifests both within and outside of the sex industry, notably with housing, employment, and healthcare. This dissertation will therefore look at the way discrimination manifests –both within and towards the sex industry– from a human rights approach.

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List of Acronyms

AWAN	Aboriginal Women’s Action Network
CATW	Coalition Against Trafficking in Women
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
IIBPA	Indigenous Intersectionality-Based Policy Analysis
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
NWAC	Native Women’s Association of Canada
NZPC	New Zealand Prostitutes Collective
PRA	Prostitution Reform Act
PRROS	Papatoetoe Residents Reclaiming Our Streets
UNDP	United Nations Development Program
UNAIDS	Joint United Nations Program on HIV/AIDS
WHO	World Health Organization
YCD	Youth Cultural Development

Glossary of Māori Concepts

Aotearoa	New Zealand.
Atua	God, supernatural being, ancestor with continuing influence.
Aroha	Love, affection, compassion, empathy.
He Taonga Tuku Iho	Cultural property, heritage, a treasure from the past.
He Kanohi Kitea	The seen face, present yourself to people face to face.
Hinengaro	The intellectual dimension, mind, thought, consciousness.
Hōkakatanga	Māori sexualities.
Ira	Spirit.
Ira Tangata Tane	Male spirit.
Ira Tangata Wahine	Female spirit.
Iwi	Tribe, extended kinship group, large group of people descending from a common ancestor and associated with a distinct territory.
Kai	Food, meal.
Karakia	Prayer, chant.
Kete aronui	Basket of knowledge of aroha, peace and the arts and crafts which benefit the Earth and all living things. This basket relates to the knowledge acquired through careful observation of the environment.
Kia āta-haere	Proceed with understanding.
Koha	Gift, present, contribution. It has connotations of reciprocity.
Kōhine	Two spirit people according certain <i>iwis</i> (tribes), while others refer to girl, maiden or female adolescent.
Korero	Speech, narrative, discourse, statement.
Mahi	Work, activity.
Manaaki	Support, hospitality, caring for.
Mana	Prestige, authority, spiritual power, authority, standing.

Mana Motuhake	Autonomy, independence, <i>mana</i> through self-determination and control over one's own destiny.
Marae	Courtyard before a Maori tribal or family meetinghouse used for formal greetings, formal functions and discussions.
Mauri	Life principle, vital essence, source of emotions –the essential quality and vitality of a being or entity.
Pākehā	New Zealander from European descent.
Rangatira	Chief (male or female), chieftain.
Ranga Whatumanawa	The emotional level and senses, seat of emotions, heart, mind.
Rori	Street.
Taha Tinana	The physical world, body, the trunk (of a tree).
Takatāpui	Lesbian, gay, homosexual, queer –the use of the term for queer Māori is modern.
Tane	Boy, husband, male.
Tangata Whenua	People of the land.
Tapu	Sacred.
Te Wheke	An octopus, one of Rose Pere’s eight dimensions of well-being.
Tino Rangatiratanga	Self-determination, sovereignty, autonomy, control, power.
Tīpuna	Ancestors.
Tiriti o Waitangi	Treaty of Waitangi.
Tohunga	Skilled person, chosen expert, healer –a person chosen by the agent of an <i>atua</i> (god) and the tribe as a leader in a particular field because of signs indicating talent for a particular vocation.
Wahine	Woman, female, lady, wife.
Waiata	Song, chant, psalm.
Wairua	Spirit, soul –spirit of a person which exists beyond death. It is the non-physical spirit, distinct from the body and the <i>mauri</i> .
Whakakoha Rangatiratanga	Respectful relationships.
Whakawahine	To be a woman, commonly used to refer to transsexual.
Whānau	Extended family.
Whānaungatanga	Kinship, sense of family connection, togetherness.

Introduction

Amnesty International triggered worldwide debate after pronouncing themselves advocates of the decriminalization of prostitution, and of its related activities –brothel keeping, procurement, and the commercialization of sexual services (Amnesty International, 2015). Aotearoa (New Zealand) is thus far the only country to have decriminalized sex work, taking a human rights approach to sex work with the aim of safeguarding sex workers’ human rights to health and safety, and protecting them from exploitation (Ministry of Justice, 2003).

While decriminalization has had beneficial effects for indoor workers so far, the worry is that those benefits do not necessarily extend to the street sector, where Māori are over-represented (Green and Simpson, 2013). This raises the question: what characterizes the sex industry Māori sex workers are involved in? And to what extent has the PRA (2003) been successful in safeguarding the human rights of Māori sex workers?

Despite the legalization of their occupation, Māori sex workers continue to face discrimination on the basis of ethnicity, gender, and sexual orientation added to discrimination on the basis of their (now legal) occupation. Discrimination has been experienced in various facets of society, most notably when it comes to housing, healthcare, and employment. Interviews with brothel operators indicate that this discrimination is also found within the sex industry. Given that the PRA (2003) addresses sex work from a human rights approach, is the human right to non-discrimination protected under this policy (2003)?

An *Indigenous Intersectionality-Based Policy Analysis* (IIBPA) of the decriminalization policy will be useful to capture the colonial, neo-colonial, and social layers that might affect Māori sex workers’ experiences in the sex industry. Given that purely legal analysis can fall short in capturing the effects of a policy in practice, this project used a community-based participatory approach to assess the effects of the PRA (2003) from a Māori perspective.

This dissertation is therefore the result of a four-month study in collaboration with a team of Māori sex workers –the Advisory Group– who were involved in all aspects of the project, including decisions about the goals and framing of the research. The Advisory Group identified the following as their research objectives:

- ❖ Sharing the outcomes of decriminalization for marginalized groups of the industry;
- ❖ Presenting ourselves as ‘agents’ rather than ‘victims’ in the sex industry;
- ❖ Getting our voices heard.

(Advisory Group, meeting 09.02.2016)

We argue that decriminalization has given the potentiality of *mana motuhake* (autonomy, control over one’s own destiny) to Māori sex workers over their own well-being, and that this empowerment has helped in their continued battle against discrimination. This argument was derived from the data gathered in 30 formal interviews with Māori sex workers and key informants, and complemented by meetings with 18 researchers, sex work advocates, and social workers across Aotearoa. Although we appreciate the IIBPA theoretical framework, we argue that it might fall short in capturing the voices of Māori sex workers. We therefore include Rose Pere’s *Te Wheke* paradigm of health and well-being to present the findings in a way that is meaningful to Māori, while emphasizing *mana motuhake* (autonomy) as the overarching theme in this study. Indigeneity can produce specific challenges and obstacles to sex workers in the sex industry, and the similar yet different reality of Māori sex workers will be addressed in this dissertation.

CHAPTER 1

Definitions

1.1 Sex Work

Sex work is the object of contentious debate for many reasons, even the simple naming of the activity is a source of disagreement, because it refers to the act of selling or exchanging sex for goods, and it considers this activity as work (UNDP, 2012). According to UNDP's official designation, *sex workers* are “consenting female, male and transgender people who receive money or goods in exchange for sexual services, either regularly or occasionally. Sex workers include consenting young people who are eighteen years or older” (UNDP, 2012, p.ix).

1.2 Prostitution and the ‘Prostituted Women’

The terms *prostitute* and *prostitution* were used in legislations of the 18th and 19th centuries, and the terms have traditionally had negative connotations. Radical feminists prefer to use the term ‘prostitution’ to exemplify their argument that sex work is not work, but rather a form of gender exploitation and objectification of women (Raymond, 2004, Bindel et al., 2012, Farley, 2005). Neofeminists have also created the concept of *prostituted women* to argue that women are *made prostitutes*, because in their view, no woman would ever *voluntary* choose sex work, and any that would do so, are psychologically damaged (Soroptimist, 2014, Busch et al., 2002). This research will only refer to the term ‘prostitution’ when directly quoting legislations, treaties or literature that use this term. In other cases the term ‘sex work’ will be preferred.

1.3 Human Trafficking and the Traffickers

Trafficking in persons or *human trafficking* does not always involves sexual exploitation. It points to an abuse of power of a given party to coerce, deceive, or trick another party that is vulnerable

for the purpose of exploitation. It can include sexual exploitation or other types of exploitation such as forced labour, slavery or the removal of organs. A *trafficker* is someone who will coerce someone into forced labour –whether sexual labour or not– with the use of force, coercion, or deception (United Nations, 2000). The term *trafficker* is not used in this paper, as the focus is on sex work, not on human sex trafficking.

1.4 Pimps and Minders

The term *pimp* is a colloquialism for *procurer*, meaning an individual who finds clients and lives off of the earnings of one or many sex workers. In many countries, procuring is an illegal activity; however in Aotearoa, procuring or pimping have been legal since decriminalization. Throughout this research, the term *operators* will be preferred to refer to brothel owners or agency managers who find clients and live off of the earnings of sex workers.

Minders are different from *pimps* because their role is not to find clients for the sex workers, but rather to protect them while at work (mainly at the street-level). Minders are most often boyfriends or close friends of the sex workers who “protect them” in exchange for money or goods. The majority of participants and key informants are quite critical of minders, as they are most often useless to the street-based workers, and live off of their earnings.

CHAPTER 2

Literature Review

2.1 Sex Work versus Prostitution in Feminist Literature

Research on sex work from a feminist perspective often focuses on the gender component: men are the buyers, and women are the prostitutes (Farley, 2005, Farley et al., 2009, Bindel et al., 2012, MacKinnon, 1993). This is a problematic framing, as it obscures the experiences of transgender,

male and youth sex workers who also work in the industry. Feminist literature can, for the most part, be divided in two general groups: those who are pro sex work, and those who are against it. Scholars Joep Rottier (2016) and human rights lawyer Dr. Radačić (2016) point what they refer as the ‘*Madonna Whore dichotomy*’ in the scholarship, wherein:

- (i) *Prostitution fosters the objectification of women and their subordination to men through sexual exploitation;*

Or,

- (ii) *Sex work is work, and sex workers are agents who chose this occupation, and are deserving of labor rights.*

Feminists often position themselves on one side or the other of the *Madonna Whore dichotomy*. This research avoids any such moralistic debate over the nature of sex work, and rather discusses the human rights approach to sex work proposed under decriminalization. This will allow for a more holistic, gender-inclusive analysis of the sex industry from the male, transgender and female Māori sex workers’ perspective.

2.2 Sex Work and Human Sex Trafficking: Intertwined or not?

Other academic discussion focuses on the relationship between sex work and sex trafficking. For example, some abolitionist academics conflate prostitution and human trafficking, arguing a shared experience of sexual exploitation in both contexts (D’Cunha, 2002, Raymond, 2004, AWAN, 2007, Tochner, 2012). Conversely, while other researchers view prostitution and human sex trafficking as separate matters, some maintain that legalizing sex work generally leads to increase human sex trafficking as the industry becomes less regulated. For example, an economic analysis of the sex industry argued that in countries where prostitution is legalized, there is a tendency for human trafficking to increase (Cho et al., 2013). This correlation is a source of international debate as human sex trafficking is considered a condemnable offence.

Aotearoa is one of the countries that serves to refute the theory: the Ministry of Justice has stated that “in the case of New Zealand, there is no link between the sex industry and human trafficking”

as there has been no cases of human sex trafficking since decriminalization (Ministry of Justice, 2016). Moreover, UNDP (2010) maintains that under decriminalization, the sex industry is more transparent, and a relationship between the police and sex workers can be built. This can ultimately lead to sex workers speaking out in cases of sexual exploitation.

2.3 International Debate on Sex Work Policies

Sex work is a source of particularly contentious debates when it comes to the issue of its regulation. While international human rights law prohibits human sex trafficking¹, sex work is neither prohibited nor protected by any international document. States are therefore free to regulate the sex industry as they please. Sex work policies can be divided in four categories: full criminalization, criminalization of the clients, legalization, and decriminalization.

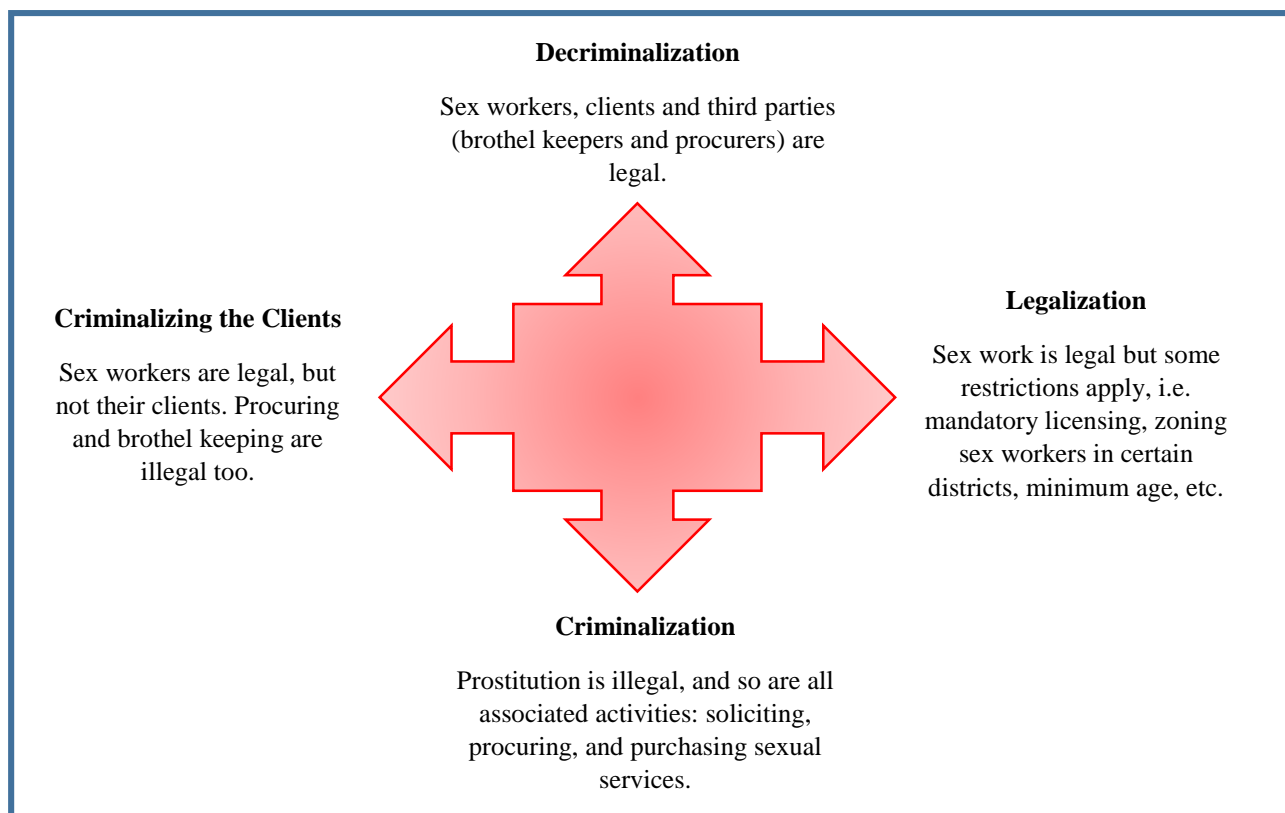


Figure 1. The Cardinal Points of Sex Work Legislations

¹ *Protocol to Prevent, Suppress and Punish Trafficking in Persons* (UN, 2000), and *Council of Europe Convention on Action against Trafficking in Human Beings* (Council of Europe, 2005).

To better understand the decriminalization policy in Aotearoa and its relevance in international debate, it is important to distinguish between *legalization* and *decriminalization*. Legalization basically legalizes sex work under a specific set of regulations, which vary from one country to another –or even across municipalities, counties or states within a given country.

The Netherlands are known worldwide famous for their history of legalized prostitution, and Amsterdam’s Red Light District. Nevertheless, the lack of uniformity in regulations across the country has led to problems such as an influx of migrant and non-licensed workers to specific municipalities with laxer regulations (Daalder, 2014). The Dutch Government is considering adopting a new bill which proposes: national licenses for all sex workers, sanctions against clients who hire non-licensed sex workers, mandatory escort registration, English and/or Dutch as mandatory languages for brothels operators and sex workers, and an increase in the minimum age of entry from 18 to 21 years old (Daalder, 2014, Rottier, 2016). These additional regulations are legally feasible under the Dutch legalization policy; conversely, in Aotearoa, when local governments attempted to impose restrictions on street-based sex work *post-decriminalization*, their bylaws were struck down by the courts as incompatible with the rights of sex workers guaranteed by the PRA (2003)².

Another concern with legalization policies is the fear of it increasing human trafficking (Cho et al., 2013). In the Netherlands, 405 cases of human trafficking in 2004 were declared, and this number increased to 1561 cases in 2014 (Rottier, 2016). While the Dutch Government considers imposing more severe regulations on the industry to help abolish human trafficking, the worry is that such stricter regulations will jeopardize the rights of sex workers who are agents choosing to work in the sex industry (Rottier, 2016). In sum, sex work policies can have an important impact on the well-being and human rights of sex workers –especially where the regulations imposed on the sex industry to abolish sex trafficking conflict with the human rights and freedoms of sex workers.

In Aotearoa, a human rights discourse was used to argue for a change in legislation aimed at ‘*Taking the Harm out of Sex Work*’ (Healy et al., 2010). The purpose of the PRA (2003) is to safeguard the human rights of sex workers –mainly their rights to health and safety– and to protect them from exploitation (Ministry of Justice, 2003).

² The two Manukau Bills will be addressed in more details in Chapter 5, section 5.5.6.

Decriminalization of sex work includes decriminalizing clients, and third parties such as operators. The nuance between decriminalization and legalization is often lost, but a sex worker explained it perfectly during an interview:

The difference between decriminalization and legalization is like smoking: legalization says “you can smoke here, but not there... and you will get arrested if you do it *there*”. Decriminalization just takes the crime out of it: you won’t get arrested for doing it, that’s it.

(Chanel, interview 04.02.2016)

Aotearoa remains the only country to have *decriminalized* sex work (as of the day of writing). This policy authorizes adults of 18 years or older to practice sex work. However, no visa can be granted to foreigners who intend to work in the sex industry. Migrants on a temporary visa are not entitled to work as sex workers, nor to operate or invest in a ‘business of prostitution’ (PRA, Art. 19 (2), 2003). Moreover, it is mandatory for clients and sex workers to practice safe sex, and for operators to implement such requirement; strict fines are imposed for breaching this article (PRA, Art. 8-9, 2003). Furthermore, the labor rights and working conditions of sex workers and operators are regulated under the *Employment Relations Act* (2000) like any other occupation. Decriminalization is therefore thought to be the best legislation in the world to protect the human rights of sex workers (UNDP, 2012, UNAIDS, 2014, Amnesty International, 2015, WHO, 2015). This dissertation will therefore discuss the effects of decriminalization, and its capacity to protect the human rights of Māori sex workers in practice.

2.4 Addressing Sex Work from a Human Rights Perspective

The human rights literature around sex work mostly focuses on civil rights violations in prostitution (MacKinnon, 1993, Justice Acts, 2014). Some describe prostitution as an industry of violence in which human rights abuses are continuously perpetrated against women who practice sex work (Raymond, 2004, Farley, 2005, Bindel et al., 2012). Others argue that the human rights of sex workers are violated in societies where the sex industry is *criminalized* because there is no protection of their labor rights, health and safety. By criminalizing their occupation, sex workers

are pushed to the margins of society, and become highly stigmatized. Several international organizations claim that the only way to diminish social stigma and violence against sex workers is to decriminalize, and to consider “sex workers rights as human rights” (Human Rights Watch, 2012, UNDP, 2012, UNAIDS, 2014, NZPC, 2013, Amnesty International, 2015, WHO 2015).

This research addresses sex work from a human rights perspective and argues that regardless of the moral ideas attached to the *sex work vs. prostitution* debate, all human beings are equally deserving of human rights. Sex work exists, and policies around it should protect the human rights to safety, health, dignity, self-determination, freedom of association, and freedom of expression of sex workers.

2.5 Indigenous Sex Workers in Literature

The disproportionate representation of indigenous women in the sex industry has been researched notably in Canada, and in the United States. However, research tends to picture indigenous sex workers as *victims* who turn to sex work to survive, thus questioning their agency and free will as sex workers (AWAC, 2007, Tochner, 2012, NWAC, 2014).

In Aotearoa, research on indigenous sex workers is scarce. Some argue that decriminalization has proven beneficial in protecting the human rights of sex workers, but “better workplace conditions in brothels do not necessarily extend to street-based sex work where Māori and transgender are over-represented” (Green and Simpson, 2013). The five-year report on the impact of the PRA (2003) was published by the Ministry of Justice in 2008; it mentioned the over-representation of Māori sex workers at the street-level, but it did not address it. This is an area that could use further research, as the street-level is known to be prone to more human rights abuses, unreported violence, riskier health and safety workplaces, higher rates of illicit substance abuse, and lower age of entry (Plumridge and Abel, 2001).

So far, there has been no research made in Aotearoa addressing the indigenous sector of the sex industry since decriminalization. This is the result of a combination of factors, notably the lack of funding for research on indigenous sex workers, and the limited number of Māori academics in Aotearoa who already have many topics to research (Abel, personal communication 25.01.2016).

This topic is far thus more complex than one could imagine as it navigates through international, feminist, and indigenous politics to address *sex work* –an already controversial topic.

CHAPTER 3

Colonialization and its Impact on Māori Sexual Mores

3.1 *Hōkakatanga* and Gender Identities in Traditional Māori Societies

In traditional Māori societies prior to the 1800s, *hōkakatanga* or Māori sexualities were openly discussed, and explicitly represented in art –namely carvings, traditional *waiata* (songs) and *karakia* (chants) (Clive, 2014). There was no stigma attached to sexuality prior to marriage, and children born of an act outside marriage were part of the tribe. Nevertheless, married women were entitled to conjugal fidelity according to Europeans settlers’ accounts of Māori societies (Salmond in Clive, 2014).

It is also maintained that at least some traditional Māori societies were accepting of transgender who some called *kōhine*:

Kōhine had a sacred role, a really sacred role for my people. We took care of the art scene, we took care of the dead. (...) In *te ao Māori*³, men walk in *te ira tangata* which is the physical world and women walk in *te ira atua* which is the spiritual world; we walk in both. We walk in both the physical and the spiritual realms. So we would be like guidance, counsellors, or advisors. (...) So depending on the area in which we were born, we were considered very *tapu*⁴ from the moment that we were born, because we would receive the signs from the *atua*⁵ we were dedicated to, and this *atua* that was dedicated to us.

But in other parts of the country, they have *whakawahine* or *kōhine* depending on the tribe. But if you are part of the tribe where *kōhine* are not supposed to exist, the child would be

³ The Māori world.

⁴ Māori word for sacred.

⁵ Māori word for God or Goddess. In *te ao Māori* (Māori world) there were many gods and goddesses; it is later on that Christianity brought monotheism, and the idea of praying to one Higher Being (Allan, interview 30.03.2016).

scattered and put in a bush where he would starve to death. But for my *iwi*⁶, it is part of our identity. It is definitely part of our identity.

(Whiringa, interview 28.03.2016)

Chanel also pointed out to the spiritual understanding of gender identity in Māoridom:

There isn't a word for that in our language because we don't look at it in a European sense, we look at it in a more spiritual sense. We have one word called *ira tangata wahine* and *ira tangata tane*. *Wahine* means woman; *tane* means man. *Ira* is your spirit, it's how you think. So if you feel that your spirit thinks like a woman, you are *ira tangata wahine*, and if you think that your spirit thinks like a man, you are *ira tangata tane*.

(Chanel, interview 11.03.2016)

Whakawahine, literally translated “to be a woman” is a relatively new word that was created in the 1990s. “They had to look back and find a word because we had none in our record, because our history is oral history” (Chanel, interview 11.03.2016). Similarly, the word *takatāpui* is an umbrella term for ‘queer’ that was created in modern days. It is however believed that *hōkakatanga* (Māori sexualities) were not limited to heterosexual relationships prior to colonialization as some *karakia* (chants) and traditional stories refer to love affairs between two male characters (Clive, 2014).

There is no evidence of prostitution prior to colonialization in Māori societies (Eldred-Grigg, 1984, Salmond, 1996, Jordan, 2005). The first accounts of sexual exchanges between European sailors and local women date to the early 1770s with the arrival of the *Endeavour* in Aotearoa. One of the explorers recorded in 1770 the story of one of his sailors who had paid a Māori family for sexual services with a young woman. The young woman turned out to be a boy, so the sailor complained to the family and was offered another young woman. She also turned out to be a boy. When the sailor came back to complain once more, the family laughed; he was not sure whether that was an accepted form of sexuality, or simply sharp trading. “If this was not good evidence of homosexuality, it certainly pointed to a local sense of humour” (Salmond, 1996, p.252).

⁶ Māori tribe.

Exchanges between Māori tribes and the European sailors began, and those “included fish, ‘curiosities’ (weapons, fishing gear and cloaks) and sex with women in exchange for nails, beads, hatchets and old European clothes” (Salmond, 1996, p.75).

Māori women were traditionally offered as a form of hospitality and honour (*manaaki*) to a very important guest (Salmond, 1998). According to Māori stories, “when men came to your *marae*, what was gifted to the visitors wasn’t flowers, it was a girl (...) and the entertainment was not only singing and dancing, but also jumping on top (...) but I am not saying that this was prostitution” (Whiringa, interview 28.03.2016). Women were offered as a gift highly respected visitors: “there was no expectation of payment and the matter was seen as hospitality rather than prostitution” (Eldred-Grigg, 1984, p.29). Higher-born and married women were however untouchables because adultery was a serious offence in traditional Māori societies.

As exchanges with European sailors continued, this form of hospitality and honour turned into a form of trade for nails, muskets, old European clothes and sometimes tobacco that Māori women would get in exchange for sexual services. “Chiefs in some places began to organise prostitution on a larger and more systematic scale, to provide an income for the tribe rather than a bonus for the prostitute. At least one tribe (...) raided neighbouring tribes to enslave women for prostitution” (Eldred-Grigg, 1984, p.30). One of the explorers deplored the perverse effect European sailors have had on Māori societies and their sexual mores: “such are the consequences of a commerce with Europeans and what is still more to our Shame civilized Christians, we debauch their Morals” (James Cook in Salmond, 1998, p.76).

3.2 Sexual Morality and Colonialization

Central to Christianity is the idea of sin, and sex was generally seen as sinful if outside of marriage. “The Christian sexual code was widely believed to be the basis of the morality and law of the colonial state (...) [and] an effect of Christianity was perhaps to cause a sense of sexual guilt” (Eldred-Grigg, 1984, p.10).

Māori were traditionally more explicit about sexuality:

Although sex was thought of as an intensely strong force, it was not governed morally by the gods or by anything resembling the Pākehā notion of sin, but was thought to involve more limited questions of seemliness and impropriety. Sexual misdemeanors (...) were punished by human society, not by divine wrath.

(Eldred-Grigg, 1984, p.10)

The impact of colonialization on Māoridom is of still of relevance, and especially when it comes to analyze the sex industry.

That is not our culture. That is so engrained in the culture now that our parents cannot make the difference between what is part of our culture, and what is Christianity (...) It is so engrained in their beliefs that it has taken control over how they think.

(Allan, interview 29.03.2016)

The “sense of sexual guilt” that came with Christianity transcended through generations, and still impacts Māori sex workers’ lives today. This sexual guilt was not traditionally part of Māori sexual mores, but it transcended over time under the influence of colonialization.

In sum, colonialization had deplorable effects on the sexual commerce between sailors and Māori women, notably the spread of venereal diseases in Māori societies and the development of ‘organized prostitution’ to benefit the tribes rather than the women. Misconceptions and stereotypes of Māori women as ‘native princesses’, ‘wild’ and ‘promiscuous’ were born of distorted ideas and misinterpretations of colonizers who read traditional Māori sexual mores through their Christian lens. Tragically, these stereotypes and misconceptions still face Māori today (Green, personal communication 10.12.2016). Moreover, Christianity was not open to ideas of non-heterosexuality, and rejected other genders such as *kōhine* (transgender). Stigma against non-heterosexuality and against gender minorities contradict traditional Māori values. It is therefore important to identify the role colonialization has had in shaping the reality of Māori sex workers today.

3.3 The Treaty of Waitangi (1840)

The Treaty of Waitangi was signed in 1840 by the British Crown and many *rangatira* (Māori chiefs), but there was a significant gap between the English version of the Treaty, and the Māori version that was signed. Māori chiefs thought that they were giving up their *kawanatanga* (governance), but in fact they were giving up their sovereignty to the Crown according to the English version of the Treaty (Walker, 1990). There is however controversy as to what giving up *kawanatanga* (governance) meant to Māori Chiefs: some believed the Chiefs agreed to delegate some of the authority to the British Crown although the ultimate authority would be the Chiefs; others argue that Chiefs agree to cede authority to the Crown over European settlers while authority over Māori was unaffected. “If Māori chiefs were to have read a version that made it clear they were signing a treaty that meant giving up their sovereignty, and in effect, their *mana* (spiritual power, authority, prestige, status) they would have not signed it” (Gagné, 2013, p.25). This ambiguity is still source of controversies as some believe that the difference between the two versions of the Treaty were a deliberate strategy by the colonizers (Gagné, 2013). The Treaty is generally viewed as New Zealand’s founding document although it has never been fully incorporated into the Constitution.

3.4 The Principles of the Treaty of Waitangi Act (1975)

The *Treaty of Waitangi Act* was the first legislation created in 1975 that recognized the Treaty. With this Act was established the Waitangi Tribunal, which has the power to investigate cases where the Principles of the Treaty are not respected. The Treaty Principles are fundamental to understand the relationship and obligations of the Government towards Māori:

- ❖ **Partnership:** the Treaty partners ought to act in good faith with one another, and there is a duty to respect both cultures’ needs;
- ❖ **Participation or Tino Rangatiratanga** (sovereignty, full authority): the Treaty guarantees Māori full authority over their possessions and interests;

- ❖ **Protection:** the Crown has a duty to take positive actions to protect the rights of Māori, including *rangatiratanga* (sovereignty) over their own affairs.

(Ministry of Social Development, 1998)

The Treaty of Waitangi and its Principles are fundamental to understand the role of the New Zealand government in policy-making: “by guaranteeing citizenship rights to Māori, Article 3 [of the Treaty] prohibits discrimination and arguably requires Government to be pro-active in reducing social and economic disparities between Māori and non-Māori” (Ministry of Social Development, 1998, p.9).

Hearing the voice of Māori sex workers with regards to decriminalization therefore becomes important not only to Māori, but to the Government who has the duty to take pro-active measures in terms of policy-making, to reduce social and economic disparities between Māori and non-Māori. Assessing the impact of a social policy such as the PRA (2003) from the Māori perspective is not only important, but necessary.

CHAPTER 4

IIBPA Theoretical Framework

4.1 The Human Right to Non-Discrimination

Discrimination is defined as the “unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex” (Oxford Dictionaries, 2016). From a human rights perspective, the Article II of the ICCPR⁷ (1966) states that it is the responsibility of each State Party to ensure that all individuals within its territory access the rights present in the Covenant, “without distinction of any kind, such as race, color, sex, language, religion, political or other

⁷ International Covenant on Civil and Political Rights (ratified by New Zealand on the 28th of December 1978).

opinion, national or social origin, property, birth or other status” (Art. 2, 1966). The human rights listed in the ICCPR (1966) include notably:

- The right to work (Art.6);
- The right to safe and healthy work conditions (Art. 7 (b));
- The right to adequate standards of living including housing (Art.11 (1)); and
- The right to health (Art.12).

According to New Zealand’s *Human Rights Act* (1993), the prohibited grounds of discrimination include sex, color, race, ethnic or national origins, sexual orientation, and employment status such as being a recipient of Social benefits (Ministry of Justice, Section 21, 1993). With regards to “Discrimination in Employment Matters”, the *Human Rights Act* (1993) stipulates that:

Where an applicant for employment or an employee is qualified for work of any description, it shall be unlawful for an employer, or any person acting or purporting to act on behalf of an employer,—

(b) to offer and afford the applicant or the employee less favorable terms of employment, conditions of work, superannuation or other fringe benefit (...)

by reason of any of the prohibited grounds of discrimination.

(Human Rights Act, Section 29 (1), 1993)

Moreover, it is “unlawful for any person concerned with procuring employment for other persons (...) to treat any person seeking employment differently from other persons in the same or substantially similar circumstances by reason of any of the prohibited grounds of discrimination” (Human Rights Act, Section 29 (2), 1993).

Since 2003, sex work has been decriminalized in Aotearoa, and is considered as a legal occupation. Sex workers’ working conditions are protected since then under New Zealand’s *Employment Relations Act* (2000). In theory, it is unlawful to discriminate workers on the basis of their gender, ethnicity or sexual orientation, and these prohibited grounds of discrimination should technically apply to the sex industry as well. Nevertheless, discrimination on those prohibited grounds occur repeatedly within the sex industry, and decriminalization has yet to be tested as an avenue to

combat this type of employment discrimination. Many participants have experienced discrimination in various spheres of their lives –with regards to housing, employment, healthcare, and even within the sex industry. Moreover, even though sex work is officially considered an occupation, sex workers still face discrimination on the basis of their occupation –which is not a prohibited ground neither in international nor in domestic human rights law. This tolerated discrimination can be acute for Māori sex workers who also experience it on the grounds of ethnicity, gender or sexual orientation. It is important to use a holistic framework that includes colonial and socio-political layers to better understand the sex industry Māori sex workers are involved in. These additional layers are linked to their indigeneity, and it is what might make their experience similar yet different to other sex workers under decriminalization.

4.2 An *Indigenous Intersectionality-Based Policy Analysis* of the PRA

Intersectionality was a paradigm created by Crenshaw (1993) who identified the discrepancy between White women’s experience who included women of color in their discourse, even though the latter did not identify with the White women’s privileged reality.

Intersectionality-Based Policy Analysis theory (IBPA) stems from the idea that individuals’ reality are shaped by overlapping social locations such as age, gender, ethnicity, indigeneity, sexual orientation, and geography notably. These social locations influence our daily experiences: for instance, men will probably not experience the sex industry the way women or transgender do. A worker might feel safer working in Wellington where the streets are more illuminated than Auckland for instance; in other words, geography can also be a factor influencing individuals’ livelihood. The impact that a social policy will have on a given community will therefore be highly affected by this series of social locations that characterizes a community. IBPA promotes a holistic framework that includes multi-dimensional layers surrounding a policy in practice, for example history, geography, politics, everyday lived experiences, and intersecting social locations characterizing a community (Hankivsky et al., 2012). This framework is “intended to capture and respond to the multi-level interacting social locations, forces, factors and power structures that shape and influence human life and health” (Hankivsky et al., 2012, p.4).

Policy analysis and legal research in human rights have been criticized for lacking attention regarding the impact of legal instruments in practice (Landman, 2009, Coomans et al., 2010). “It makes implicit assumptions in this regard and runs the risk of remaining disconnected from reality. Social scientists, on the other hand, attempt to understand and explain social phenomena (...) however, they risk ignoring or misinterpreting applicable legal standards” (Coomans et al., 2010, p. 181). This research found IBPA useful to combine a legal analysis of the PRA (2003) to a social analysis of the policy in practice.

An *indigenous* IBPA framework was proposed by Clark (2014) in an effort to critically assess a policy in Canada made to protect and diminish violence against youth⁸. Clark (2014) argued that benefits of that policy did not extend to young aboriginal girls in Canada due to additional variables linked to colonialization, and neo-colonialization processes surrounding indigenous communities in Canada. This research raised the need to develop an *Indigenous* IBPA (IIBPA henceforth) to capture the effects of policies on indigenous communities. Sunt (2013) similarly argued for an *indigenous* intersectional approach to decolonize sex work in Canada. Sunt (2013) claimed that conflating ‘indigenous sex workers’ with ‘violence against aboriginal women’ leads to victimize sex workers who are agents choosing their occupation. By undermining indigenous sex workers’ agency, one risks to perpetuate colonial patronizing attitudes that view native women as “children needing to be saved”. Decolonizing sex work both reclaims the indigenous sex workers’ agency, and addresses the perverse effects of colonialization on the sex industry and in creating stereotypes of indigenous sex workers as victims (Sunt, 2013).

I appreciate Clark’s (2014) argument that “an indigenous IBPA is required in order to foreground and centre indigenous worldviews and sovereignty/nationhood, and to highlight the role of colonialization, past and present, in violence against indigenous girls”. According to Clark (2014) and Sunt (2013), an *indigenous* intersectionality approach extends from the mainstream intersectional theory to include colonialization and neo-colonialization processes as dimensions affecting policy-making and the effects of policies on indigenous communities. Both these researchers completed their research in Canada where colonialization had an impact on the sex industry, but to what extent does this analysis apply to Aotearoa?

⁸ The policy in question was the *BC Child and Youth Mental Health Plan for British Columbia* (CYMH).

Although IIBPA might have proven successful to capture the Canadian context of indigenous women in Canada, I will argue that it might fall short in capturing Māori sex workers' worldviews and perspective on the sex industry in Aotearoa under decriminalization. It is fundamental to present the experiences of Māori sex workers in a way that is meaningful to Māori, and in line with Māori worldviews. This *mahi* (work) will therefore use the Māori *Te Wheke* paradigm to health and well-being to present the findings, and will emphasize the concept of *mana motuhake* (autonomy) as the overarching theme in this study.

4.3 Māori Worldviews: *Te Wheke* Paradigm to Well-Being

Te Wheke is a theoretical health model developed and presented by Dr. Rose Pere (2014). The model illustrates an octopus and its eight tentacles to represent the different dimensions of selfhood: *Wairua* (spiritual dimension), *Taha Tinana* (the physical world), *He Taonga Tuku Iho* (cultural property, heritage), *Mana* (prestige, authority, spiritual power), *Whānaungatanga* (kinship), *Hinengaro* (the intellectual dimension), *Ranga Whatumanawa* (the emotional level and senses), and *Mauri* (life principle, ethos, psyche). This framework help illustrate the Māori worldview on health as comprising of physical and emotional dimensions like in most Western theories, as well as the spiritual and intellectual dimensions, the connection with their cultural heritage, and with their extended kinship.

4.4 *Mana Motuhake* as an Overarching Theme

It can be difficult to explain many Māori concepts given that we do not share the same beliefs and cultural principles. It is also important to recognize the difficulties in combining Māori worldviews to Western theory in a human rights paper, even though the overarching theme of *mana motuhake* is consistent with the human rights concepts of self-determination, and dignity.

Mana encompasses an array of translations including “authority, spiritual power, control and prestige” (Māori Dictionary, 2016). *Mana motuhake* can be exercised at the individual, and collective levels. *Mana motuhake* is also described as “separate identity or autonomy” in the sense

that “there is no need for the power to depend on anything else to validate itself; one is in control of one’s own affairs and one’s own destiny” (Williams, 2010, p.20).

For instance, *mana motuhake* is reflected in Māori sex workers’ control of their own life and affairs; even more so under decriminalization, now that authorities can no longer interfere with their choice of occupation. Decriminalization has given the potentiality for Māori sex workers to be in control of their own affairs, and this empowerment manifests in the research findings that will be discussed in details in Chapter 6 and 7.

CHAPTER 5

The Learning Journey

5.1 Community-Based Participatory Research

In mainstream research, we preconize methods in which the researcher’s role is dominant: it is the research who designs the project, chooses the methodology to follow, and analyzes the findings. For this dissertation, I chose a different methodology that aims to rebalance power within the research: community-based participatory research. Building *whakakoha rangatiratanga* (respectful relationships) with Māori sex workers, ensuring their engagement at all stages of the research, and putting their culture and perspective at the forefront of the research were paramount to *kia āta-haere* (proceed with understanding) throughout this collective *mahi* (work).

Community-based participatory research was the most suiting methodology to hear the voices of Māori sex workers about decriminalization, and the effects this policy has had on their human rights and well-being. The intent was to develop a project in line with *Kaupapa research principles*⁹ which require for Māori engagement at every stage of the research (Smith and Reid,

⁹ A set of specific *Kaupapa research ethics guidelines* are recommended to research with Māori communities (Te Pūtaiora Writing Group, 2010). *Kaupapa* research is research made by Māori, with Māori and for Māori. Even though I cannot claim it to be *kaupapa* as I am a non-Māori researcher, but still I followed the *kaupapa* research ethics guidelines (Tuhiwai Smith and Reid, 2000) –see details in the Ethics Approval, Chapter 5, section 5.4.1.

2000, Pūtaiora Writing Group, 2010). The research enshrined *tinō rangatiratanga* (self-determination) of Māori, in other words the right that Māori have to govern themselves –i.e. have control over research that concerns them. Māori know what is best for them, just as much as sex workers know what legislation is best for their well-being, health and safety. For this reason, Māori participants played a key role in:

- i) Designing the proposal;
- ii) Determining the objectives, the goals and the benefits of the research;
- iii) Shaping the research questions;
- iv) Orienting the research in a way that is empowering and reflects the agency of Māori sex workers;
- v) Elaborating interview questions;
- vi) Analyzing the findings of the research; and
- vii) Framing the findings within Māori worldviews.

In most mainstream research methodologies, the researcher basically decides *what* is to be researched, and *how* it will be done. In human rights literature, it is maintained that we study human beings, and their experience as victims of human rights abuses. We determine *who are the victims* and *who are the perpetrators* in virtue of the law, and we identify certain groups of people as vulnerable or as ‘needing help’. The power imbalance between the researcher and the participants can lead to the voice of the participants being manipulated or misinterpreted. The researcher might also be influenced by his or her own preconceived ideas, which can distort the findings or the way information is presented.

For instance, comparative research would contrast sex work policies in Aotearoa and Canada, and use the comparison as a basis to assess the policies’ respective impact on the human rights of indigenous sex workers. In both countries, indigenous sex workers are disproportionately represented at the street-level, and face additional challenges linked to their indigeneity and to colonial processes (Tochner, 2012, Sunt 2013, Green and Simpson, 2013). Again, in mainstream research, the researcher chooses *which* case studies to compare –selected on the basis of key variables and factors that might lead to certain (expected) results. Aside from identifying causal mechanisms and trends, comparative research aims to draw larger inferences, and to identify

mechanisms that are reproduced across similar contexts (Landman, 2009, Neuman, 2010). There can thus be an underlying desire of the researcher to prove an argument, which can lead to results being biased or leading to over-generalization of these trends. Participants' voice can also be lost in that process; which invites us to question *who* are we doing the research for? *Whose* voices are presented? And *who* will ultimately benefit from this research? It was clear to me that participant-led research with the Māori sex working community was necessary to center their voices, and objectives throughout the research.

By engaging participants at each stage of the research, community-based participatory research allowed for a shift in power to ensure that participants had full control over the way information is sought, analyzed, and ultimately presented. The goal of this research methodology was to highlight the freedom of speech and self-determination of the participants. Frequent consultations Māori sex workers and Māori researchers was also fundamental to help avoid “the colonial mess” non-Māori researchers such as myself are susceptible of doing. I have tried to accommodate for multiple Māori voices and lessons, being quite aware of the fact that I have not encountered every Māori sex worker in Aotearoa, and that there are obviously many concerns that are not dealt with in this dissertation.

5.2 Fieldwork and Experiences Prior to the Research

5.2.1 Volunteering at WISH a Support Center for Sex Workers in Vancouver

This dissertation is the result of a learning journey that began six months before starting the HRPP program¹⁰, when I started volunteering at WISH Center –a support center for sex workers in Vancouver. My role at WISH was quite simple, going from cooking and serving warm meals to organizing the free-clothes room or make-up kiosk for sex workers. The center was free of access for all current or former sex workers who identified as women. This six-month experience gave

¹⁰ Master's program in Human Rights Policy and Practice.

me the opportunity to talk and hear the stories of many sex workers, most of which were Canadian First Nations women.

5.2.2 Human Rights Policy and Practice Program in Gothenburg

During our first term of the HRPP program in Sweden, I worked in a bar on Andralångatan in Gothenburg, without a clue of what that job would bring for this dissertation. I later discovered that Andralångatan was one of the main streets where sex workers used to go, and remained a famous street for strip clubs, and underground sex workers. My job as a bartender turned out to be very informative as I often discussed sex work with local Swedish customers, giving me an idea of the impact of the Swedish Model on Swedish social mores around sex work. I also met a key informant through this job who highly inspired this research. His life and perspective as a male sex worker was revealing of the need to include all genders in the analysis of the sex industry.

5.2.3 Internship at EAVES in London

During the second term of the program in London, I did my internship as a homelessness support worker at EAVES, a center against domestic violence and sexual exploitation. This center was ‘exit-based’ meaning that only women wanting to exit ‘prostitution’ could access the services. I was also told to use the term ‘prostitutes’ rather than ‘sex workers’. I was sponsored for a two-day training “Exiting Prostitution: Good Practice Training” with social workers, police officers and researchers in the field of prostitution and human trafficking. Both the internship and the certified training provided invaluable insights on the sex industry in the UK, and the impact of policies regulating it. Daily exchanges with service users made me aware that in the UK as much as in Canada, migrant and indigenous sex workers seem to experience the sex industry differently.

5.2.4 Fieldwork in the Red Light District in Amsterdam

The Symposium in London (2015) was a great way to meet students from the past cohort, and listen to their feedback with respect to the dissertation. Short time for the fieldwork was echoed

many times. I followed their advice, and I did a three-day fieldwork in the Red Light district of Amsterdam and visited the Dutch Museum on Prostitution (Fieldwork, 11.06.2016). No interviews were made, but I did participant observation following groups of potential clients and listening to their comments about the women behind the windows. I also had discussions with Dutch locals about legalization, and its impact on the sex industry and on sex workers' livelihood. The Museum on Prostitution states that between 85 and 90% of the Netherlands' sex workers are suspected to be trafficked (Fieldwork, 11.06.2016). It was important for me to observe legalization in practice as it contrasted with the sex industries I had previously known in Canada, Sweden and England.

5.3 Beginning the Journey in Aotearoa

5.3.1 Ethics Approval by NZPC

Research on sex work is complex because it is intertwined in international debates, gender politics and in this case, in indigenous politics as well (Jordan, personal communication 24.02.2016). I experienced this sense of 'politics' from the very beginning of the project, when I got in touch with various organizations in Aotearoa: Te Puāwai Tapu, Youth Cultural Development, Salvation Army, Street Reach, and NZPC. It is important to locate oneself on either side of the *sex work versus prostitution* debate, and organizations most often collaborate with researchers who share their views.

I was invited to NZPC's headquarters in Wellington to meet with their National Coordinator, Catherine Healy, and three of their Board members to discuss the ethics of my proposed research. We discussed my political views on decriminalization, and to my surprise, NZPC accepted my lack of positioning vis-à-vis decriminalization. We shared the same belief on the need for strengths-based research that present indigenous sex workers as agents rather than victims.

As a non-Māori researcher, I complied with the *Guidelines for Māori Research Ethics* (2010). I could not claim this research to be Kaupapa being non-Māori myself¹¹, but I complied with the Kaupapa ethics principles which aim to protect Māori *tinō rangatiratanga* (self-governance, sovereignty) over research that concerns them. For this reason, it was important to me to work

¹¹ Kaupapa research is research made by Māori, with Māori, and for Māori.

alongside a Māori Advisory Group at all stages of the research, and to consult two Māori researchers to choose theoretical frameworks that fell within Māori worldviews.

Ethical principles outlined by Linda Tuhiwai Smith (1999) for research with Māori include:

- ❖ *Aroha ki te tangata* (a respect for the people) and developing *whakakoha tangata* (respectful relationships) with the participants;
- ❖ *Kanohi kitea* (the seen face), or to meet with participants face to face;
- ❖ *Titiro, whakarongo...korero* (look, listen...speak) observing and listening first to develop an understanding, and then find a time to speak; I also interpret it as the importance to listen and receive criticism and ideas from the participants and the Advisory Group;
- ❖ *Koha*: a contribution or gift gave in exchange for the participants' time and knowledge, to respect *utu* (principle of reciprocity);
- ❖ A recognition of *Te Reo Māori* or Māori language throughout the research¹²;
- ❖ The research was anonymized, and results are presented in a way that is strengths-based;
- ❖ Participants have the right to retain and modify their interview transcript. Participants are also entitled to participate in the research, and to retain a copy of the final project to respect Māori *tinō rangatiratanga* (self-governance, control) over research that concerns them.

'Social stigma' and 'discrimination' can be hard topics to discuss with anybody, hence why researchers must *kia tupato* (be cautious). Although sex workers are powerful and strong, it can still bring back negative memories. The interview questionnaire was therefore oriented in a way that would be psychologically and emotionally harmless to the participants. Moreover, working with an Advisory Group for this task ensured that questions protected the integrity and agency of sex workers, while being culturally sensitive at all times.

¹² I took an eight-week *Te Reo Māori* course to learn the pronunciation, and accustom myself to common themes, concepts, expressions and greeting forms. I recognize that my (very) basic level of Te Reo was probably not useful to the research, but rather symbolic; an effort to respect and promote Māori language and culture.

As part of Norwegian ethics and data security, I developed an *Informed Consent and Ethics Form*¹³ that was discussed and signed by the participants prior to each interview. Participants chose an alias, and all data was saved under that pseudonym on a separate hard-drive. Finally, it was emphasized that participants could withdraw at any point, and all their information would be deleted in such case.

5.3.2 The Advisory Group

After the ethics approval meeting with NZPC in Wellington, I met three Māori transgender sex workers via the organization who became the Advisory Group for the project. From that moment on, working together has been at the heart of this learning journey. We met to redesign the proposal, adjust the research question, identify objectives for the research to benefit the Māori sex working community, write the interview guide, and discuss the findings.

The highlight of the research was our two-day meeting to write the interview questions together. I had drafted 30 interview questions, and listed down some of the human rights issues I wished to address in the interviews. We then sat all together and went through each question –rewording and adding another 30 questions– to make sure that the interview questionnaire was:

- (i) Culturally sensitive;
- (ii) As objective as possible;
- (iii) Non-stigmatizing;
- (iv) Using a familiar language;
- (v) Adaptable to the participant’s location of work (street-based, indoor private, brothel), their gender (transgender, male, female); and
- (vi) Adaptable to the participants’ period of work (prior versus post decriminalization).

Members of the Advisory Group have worked in different sectors of the industry (streets, brothels, massage parlours, private-owned), which allowed us to address various issues linked to human rights across these sectors. Moreover, they had worked both prior and post decriminalization, so

¹³ See Appendix C.

they were thus well aware of the changes the law reform had brought to Māori sex workers. We decided to focus on certain human rights: the rights to health, to safety, and to non-discrimination.

There can at times be a gap between the priorities of the participants, and those of the researcher—especially if the researcher is an outsider of the community (Green, personal communication 21.11.2016). For instance, the right to health can be my priority as a researcher who has not experienced sex work, while participants might believe issues related to safety should be addressed first and foremost. Working with an Advisory Group thus ensured that the research highlighted issues that were most important to Māori sex workers, to hopefully benefit their community, and to allow for better public understanding of their perspective on the law reform.

Nevertheless, community-based participatory research can be time-consuming, especially for participants who are already generous of sharing their knowledge. Without the support and collaboration of NZPC, none of this could have been possible: NZPC allowed me to meet with the Advisory Group on their working hours, and in the NZPC office. I consider our project to be a collective effort as the Advisory Group was engaged at all stages of the research, making sure that the voices of Māori sex workers were echoed by Māori themselves.

5.3.3 Sex Workers' Safety Symposium

Attending the “*Insights: Sex Work in New Zealand and Beyond*” day-long Symposium in Wellington was an important part of the fieldwork in Aotearoa. Sex workers from across the country were present as well as international researchers from Croatia and the Netherlands, Medical Health Officers, brothel operators, a photographer for escort agencies, and a Public Health researcher.

A vast array of issues were addressed at the Symposium: violence, drugs and alcohol, unsafe sex in brothels, breach in privacy, stigma, and ongoing need for clients and new workers' education about safe sex practices (Fieldwork, 12.02.2016). I found that decriminalization allowed for the empowerment of sex workers who are now able to openly discuss human rights issues prevailing in the sex industry. Otherwise, in a criminalized environment, sex workers' voices are lost in the *sex work versus prostitution* debate. Decriminalization created a framework that allowed for a discussion of ongoing issues related to sex workers' health, safety, privacy, and stigma.

5.4 Data Collection

5.4.1 Research Diary

The blog assignment in London as part of the *Business and Human Rights* course helped me develop a habit of keeping a field diary throughout the research. I reported after every interview, meeting, conference, and group discussions with the Advisory Group. I also wrote at times about my frustration or feeling of powerlessness after hearing of violence and discrimination experienced by several participants. A research diary was useful to trace back the evolution of my thoughts throughout the research. Maintaining a state of self-reflexivity was important to be aware of my own biases –as those could affect my interpretation of the data collected.

5.4.2 Recruiting Participants

Recruiting the participants was realized through snowball sampling¹⁴. Members of the Advisory Group played a key part in the recruitment process by contacting their sex working friends. Three members of NZPC actively helped with this task by giving out pamphlets at the NZPC reception, and by sharing the poster of the project online via their personal Facebook page. Interviews were conducted in Wellington, Auckland, Hamilton, Christchurch and Dunedin, and the breakdown of the fieldwork and interviews is illustrated below in Figure 2.

¹⁴ Snowball sampling is a recruitment technique where research participants recruit other participants for the research project.



Figure 2: Fieldwork Distribution in Aotearoa (Map source: braemarhouse.co.nz, 2016)

5.4.3 Thirty Formal Interviews and Interview Transcripts

There were three different interview questionnaires to accommodate for the sex workers, the brothel owners, and the police officers interviewed. Thirty formal interviews were made in 5 different cities across the country. Interviewees chose their own alias. In total, 23 Māori sex workers were interviewed: 17 transgenders, 3 males, and 3 females. One non-Māori sex worker was also interviewed for her experience working in 3 different brothels post decriminalization¹⁵. Four brothel operators were interviewed, who were selected for the type of premise they owned or managed: two escort agencies, one high-end salon, and one brothel. Police officers were interviewed both in Wellington, and Christchurch at the police station.

Interviews took place in an array of locations: NZPC Wellington and Auckland both let me use their private room to interview participants who felt more comfortable meeting there than privately. Some participants even invited me to their homes, and one of them allowed me to interview her while at work in the streets. Three of the four operators were interviewed in their premises, which allowed me to visit a brothel, an escort agency, and a high-end salon. The 30 formal interviews were conducted face-to-face, mindful of *He Kanohi Kitea*¹⁶, to build trust with participants.

All formal interviews were recorded, and I transcribed each of them word-to-word. The interview transcripts were sent back to the interviewees to ensure transparency, and research accountability. Some of the participants chose to modify the transcripts after reading it –which was encouraged to avoid misunderstandings, and to reinforce *tinu rangatiratanga* (sovereignty, control) of participants in the research. Some participants told me that returning the transcript for validation made them more trustful that the information they shared was neither misused nor misunderstood. Others were pleased to be able to read their own words after the interview.

Nvivo Pro 11 was the program used to compile the transcripts of the interview, and analyze the data. Once the data was compiled into subthemes –i.e. discrimination, stigma, *whānau* (extended family), security and safety, relationship with the police, etc. – the findings were presented to the Advisory Group. We then discussed the data, and chose how to present the findings. Māori

¹⁵ The non-Māori participant was however not included in the statistics and result findings representing the voice of Māori sex workers.

¹⁶ *He kanohi kitea* is one of the kaupapa ethics guidelines when researching with Māori communities. The principle translates to the seen face, that is, present yourself to people face to face (Smith, 1999, p.120).

researcher Dr. Roguski proposed *Te Wheke* framework to present the findings in a way that is meaningful to Māori (Roguski, personal communication 20.03.2016). Researcher Haunui suggested *mana motuhake* (autonomy, control over one's own destiny) as the overarching theme in this study, and in Māori sex workers' lives since decriminalization (Haunui, personal communication 16.05.2016).

5.4.4 Meetings with 18 Key Informants

Meetings with 18 key informants were of great guidance throughout the project. These informal interviews were held in Christchurch with two youth social workers from Youth Cultural Development (YCD), and a Public Health sex work researcher from the University of Otago. Meetings in Wellington were with nine researchers, and a nurse from the NZPC sexual health clinic. Meetings in Auckland were with a social worker from a homelessness shelter, and one from a faith-based (anti-decriminalization) organization. Most of these meetings took place at their work offices, but two of them were organized via Skype.

These consultations were not recorded, but I kept a research diary to record the main points of our discussions. These notes were insightful throughout the research, and the key informants were helpful in putting me in touch with other researchers, recommending literature, and sharing their thoughts on the importance of such research for the Māori sex working community. Once again, frequent meetings and collaboration with the NZPC board members in Auckland, Wellington, and Christchurch were paramount to this research.

5.4.5 Fieldwork: Three Outreach Sessions in Auckland and Christchurch

The outreach session in Christchurch in collaboration with NZPC and Salvation Army was revealing of a different street-based sex industry than Wellington and Auckland. Since the last earthquake in 2011, Latimer Square where Māori transgender used to work from was completely destroyed. Māori sex workers moved to different cities such as Dunedin, Wellington and Auckland where I interviewed them. The workers I met during the outreach session in Christchurch were all non-Māori females that night. However, many participants interviewed elsewhere had worked in

Christchurch for some years prior to the earthquake: they pointed to high levels of harassment by passersby and locals who drove by and threw rotten eggs, beer bottles, and verbally abuse them – confirming past research regarding the risks of violence faced by street workers in Christchurch (Armstrong, 2011).

Decriminalization impacted strongly on the safety of sex workers, even though it started on a negative note (Armstrong, 2011). After the law reform, the police attitude changed from a *hands-on* to a *hands-off* approach. I interviewed a police officer in Christchurch who explained that the police stopped patrolling around sex workers when the PRA (2003) was passed. This approach stemmed from the idea that sex workers were now legitimate, independent workers who could deal with their business on their own, and contact the police if need be. The two murders of sex workers in 2005 justified the need for a police preventative approach (David, interview 31.03.2016). Building a relationship of familiarity, and trust between the police and the sex workers was a journey of collaborative work with community-based organizations such as NZPC, YCD, and the police.

Over a decade later, several street workers commented that “policemen have really changed now, you can actually go and talk to them now” (Fieldwork, 30.03.2016). During that same evening, one of the girls was harassed by a group of guys that were driving around, threatening her and verbally harassing her. She came to us on outreach, and Anna Reed from NZPC recommended her to talk with the police officer that was sitting in his car across the street. She did, and the police officer’s response was very sensible: he took the car’s plate number down, and reassured her that he would deal with the situation, and that these guys would not come to bother her again. He reminded her that Manchester Street was under camera surveillance, and that sex workers were deserving of protection just like any other person (Fieldwork, 30.03.2016).

Unfortunately, I was not able to meet Māori sex workers currently working in Christchurch. However, the change in police’s attitude, and the building of a preventative approach seemed successful in Christchurch. This observation is based on my ethnographical material, including one night of outreach, interviews with two social workers, and data collected in seven interviews with Māori sex workers who have worked in Christchurch prior to the earthquake in 2011.

The two outreach sessions in Auckland were made possible thanks to Annah Pickering, NZPC Regional Coordinator in Auckland. We drove around Auckland and Manukau in a van giving out

packages of condoms, lube, and information for sex workers. These packages have a Māori symbolism, they represent *kete aronui*¹⁷. Auckland has always hosted the highest population of sex workers throughout the country. As early as 1889, figures estimated 80 sex workers in Christchurch while the Auckland police estimated as many as 800 prostitutes (Eldred-Grigg, 1984). Auckland is the biggest city in Aotearoa counting 1 454 300 inhabitants whereas Wellington, the capital, only counts with 398 300. The higher number of street-based sex workers in Auckland can be explained in that proportion. Interestingly, Auckland's sex industry counts with the lowest proportion of street-based sex work with only 11% (Abel et al., 2007). There is however an over-representation of Māori sex workers at the street-based level just like in Wellington, most of which are *whakawahine* (transsexuals).

In Wellington, the 10 street-based workers are Māori transgender sex workers, and at times there is one Pacific Islander. “You just have to go out there and see it yourself”, Chanel once told me (Chanel, interview 11.03.2016). So I did, and she was right. In Auckland, the situation is far different from Wellington: higher levels of methamphetamines, clients being tourists rather than regular local clients, and higher levels of criminality associated with drugs and gangs who are not part of the sex industry, but seem to navigate around the same waters making the industry less safe (Fieldworks, 24 and 27.03.2016).

The sex industry in Auckland will be compared to the context in Wellington due to similar variables such as a low percentage of street-based sex work –13% in Wellington and 11% in Auckland– and a disproportionate representation of Māori sex workers at the street-based level, most of which are Māori transgender sex workers. Before analyzing the result findings, it is important to outline one important variable that characterized the impact of decriminalization for Māori sex workers in Auckland: the two Manukau City Council bills.

¹⁷ *Kete aronui* is “a basket of knowledge of *aroha* [love], peace and the arts and crafts which benefit the Earth and all living things. This basket relates to the knowledge acquired through careful observation of the environment. ” (Māori Dictionary, 2016; Pickering, personal communication 30.03.2016)

5.4.6 The Two Manukau City Council Bills

In 2005, three years after decriminalizing sex work, the Manukau City Council in South Auckland submitted a local Bill to Parliament to re-criminalize street-based sex work where Māori are over-represented. The bill¹⁸ (2005) was submitted to mitigate behavioural attitudes that can be associated with street-based sex work, however most of these are linked to alcohol and drug misuse; not sex work itself.

The Manukau City Council attempted to impose mandatory licensing of street-based sex workers who would be forced to work indoors in brothels. What the bill did not take into account is that a high number of street workers are transgender, and very few brothels actually hire transgender sex workers. The bill was rejected in 2006, but a second one was submitted again in 2010. Its name was changed to the *Manukau City Council (Regulation of Prostitution in Specified Places) Bill*. In addition to the clauses outlined in the previous submission, this bill would increase police powers of arrest:

Clause 13 of the bill would give “a constable” the power to arrest, without a warrant, a person who they had good cause to suspect had committed an offence under the bill.

(Manukau City Council, 2010)

The submission of this second bill would pose a direct threat on Māori street-based sex workers: it would potentially “allow the Council to get rid of sex workers and put them in a vulnerable situation or place where the sex workers’ safety is at risk” (Ama, personal communication 28.03.2016). Moreover, a group of vigilantes, PRROS¹⁹, drove around at night to harass street workers and their clients, following them around and filming their reactions. Feeling threatened, some street workers responded to the provocations, and PRROS sent their videotapes to the City Council as evidence of public misconducts.

At the time of submission of this second bill in 2010, the demographics of street workers were: 63.9% Māori, and 9.4% Pacific Islanders; thus nearly 75% of the street-level industry were

¹⁸ Manukau City Council (Control of Street Prostitution) Bill (Manukau City Council, 2005).

¹⁹ Papatoetoe Residents Reclaiming our Streets.

indigenous sex workers (NZPC, 2010). It is hard not to view the Manukau bills²⁰ as targeting an already marginalized group: indigenous transgender sex workers. There were even newspapers claiming that roadside (metal) poles were bent by street workers who used them as dancing poles! It was said that traffic signs were destroyed by ‘prostitutes dancing on poles’ as “some prostitutes are big, strong people and often snap the poles” –alluding to indigenous street workers (NZ Herald, 2012, Telegraph, 2012).

What is hardly addressed in public debates and in academia is that many of the street workers are transgender Māori, and most of them started in the sex industry because of discrimination in the first place with regards to employment, healthcare, and housing. There are practically no brothels that will hire transgender, which pushes them to work either on the streets or privately. Given that housing can be harder to get for transgender Māori –as a consequence of negative stereotypes or discrimination– they work from the streets where they are more vulnerable to passersby, and anti-prostitution groups such as PRROS. Discrimination is therefore a perverse social phenomena that manifests itself inside and outside of the sex industry, and that perpetuates unacceptable social inequalities.

CHAPTER 6

Findings of the Research

6.1 Safety, Health, Protection and Relationship with the Police

The PRA (2003) was created to protect the human rights of sex workers –their right to health, to safety, and their freedom from exploitation. One of the focus of this research was to assess the impact of the law reform on the human rights to health and safety of Māori sex workers. The results and graphics discussed in this chapter are based on my ethnographic material.

²⁰ The second Manukau City Council bill was repealed in 2015, concluding that: “a number of non-legislative measures can be employed to limit, reduce, or mitigate the behavioural issues associated with street-based prostitution –some of which can be attributed to drug and alcohol abuse” (Local Government and Environment Committee, 2015).

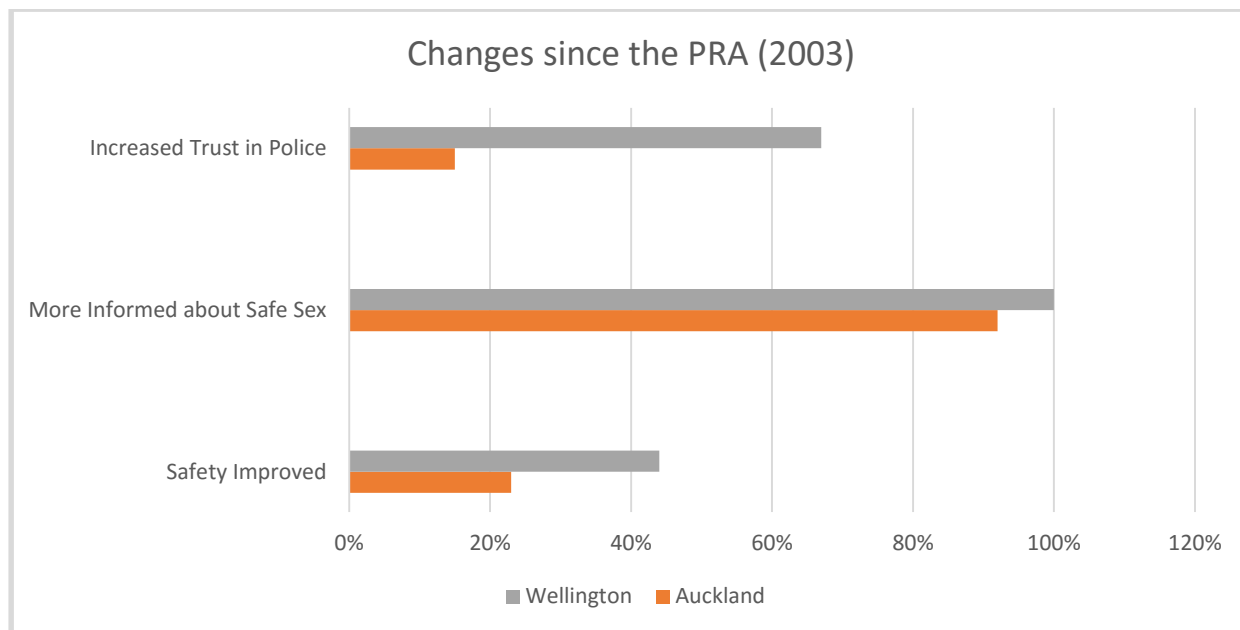


Figure 3: Changes since the PRA (2003)

In terms of health, results have shown that nearly all participants in Wellington and Auckland believe that sex workers are better informed about safe sex since the PRA (2003). The majority of them mentioned NZPC as a key player in consciousness-raising around safe sex, both for their outreach sessions where they distribute condoms and lube, and for their free sexual health clinics. The four operators interviewed in Wellington unanimously agreed that NZPC played a key role in the health of sex workers by distributing informative pamphlets, creating posters, booklets and manuals, as well as creating a safe place for sex workers to talk about issues related to their health and well-being. Some believed that these improvements have nothing to do with the law, but rather with easier access to information thanks to internet, and the involvement of NZPC since its creation in 1987. Nevertheless, creating a framework that would promote public health was one of the core goals of the PRA (2003), and whether through the legislation or through the government funding of NZPC, this research has shown great improvements in the human right to health of Māori sex workers since decriminalization.

In terms of the human right to safety, there was a significant gap between the relationship of Wellington and Auckland’s police with Māori sex workers since the law reform. Where 67% of Wellington participants pointed to an increase in trust in the police, only 15% of Auckland participants shared similar thought. Participants made this difference in trust very clear: “when I

first got to Wellington, I remember thinking that the police was completely different there. They had a whole different relationship down there with the street workers” (Allan, interview 29.03.2016). Participants in Wellington explain that they “would feel comfortable to talk to the Wellington police, but talking to the Auckland one would be another story (...) because they treated us [Māori sex workers] so horribly” (Renée, interview 10.03.2016).

Tensions with the police in Auckland started long before the law reform, and workers who worked prior to 2003 explained that even in the 1980s, police in Wellington was known to be nicer to street workers than in Auckland. Participants either had themselves, or heard of their sisters having bad experiences, with the police: beatings, verbal abuse, and even cases of sexual favors to the police in the 70s and 80s:

Sometimes there was sexual favors to the police so that they wouldn't arrest us. For example free blowjobs and such, and then they would leave you alone for a week or so.

(Ataahua, interview 25.03.2016)

Even though 85% of participants said that the law reform did not improve their relationship with the Auckland police, the majority of workers said that they knew they could now call the police if anything happened. Prior to the PRA (2003), workers would never call the police because what they did was illegal and they would risk arrest or fines even if they were victims of physical violence by a client or passerby. Nowadays they might not involve the police, but they are no structural barrier impeding them to do so. Some still lack trust due to past negative experiences, but at least there are no longer police arrests, expensive fines nor overnights spent in jail for soliciting (Advisory Group, meeting 29.04.2016).

Even though 67% of Wellington workers believe the PRA (2003) led to a better relationship with the police; only 44% of participants felt that safety improved since decriminalization. In Auckland, results were similarly low with only 23% of participants who felt that decriminalization increased their safety. There was thus a tendency to say that safety did not change much with the law reform. The respondents who felt an increase in their feeling of safety were mainly those working privately. Street-based workers sustain that not much has changed since the law reform, besides no longer getting arrested by the police for soliciting. Unfortunately, the risks attached to street-based sex work fall outside the spectrum of the law; risks are mostly associated to violent or abusive

passersby, intoxicated clients, the presence of gangs and minders, and the high levels of drugs and alcohol misuse in their work environment. According to participants, the factors affecting the safety of street-based workers could be addressed with better policing and patrolling of the area at night –which would help evict the minders and the gangs from the streets– and develop a stronger sisterhood with other sex workers.

6.2 Shift in the Age of Entry

The data was gathered from only 23 interviews with Māori sex workers, so it is obviously not representative of the situation in Aotearoa. Nevertheless, results have shown that 79% of the participants who entered the sex industry prior to 2003 were less than 18 years old; conversely, those who started *after* the law reform were all over 18 years of age besides one participant who started in her late teens. There was also a tendency for participants who started *after* the law reform to work indoors rather than at the street-based level. Operators interviewed in Wellington claimed that there was a significant influx of younger girls applying for jobs in brothels at the age of 18 years old –whereas prior to the law reform, the majority of the working girls were in their early twenties. Nevertheless, these operators also said that Māori were under-represented in their premises, so it is hard to tell if this matter concerns Māori sex workers.

6.3 Whānau among Māori Sex Workers

To understand what characterizes the industry Māori sex workers are involved in, it is important to describe the dynamics between workers, and the feeling of *whānau* (extended family) that participants often describe. As mentioned earlier, prior to the law reform, there was a tendency for Māori sex workers to enter the sex industry at an early age, and to start at the street-level (Abel et al., 2007). This inclination for the street-level can be explained by a series of factors, notably the fact that the majority of the participants were transitioning gender in their early teens. 87% of the participants identified either as *whakawahine* (transsexual) or as *takatāpui* (queer), and almost all of them worked at the street-based level prior to the law reform. Participants have explained that there were not many employment options available for transgenders in their younger days. The

majority left home quite young to move to bigger cities such as Auckland or Wellington to find a transgender community they could identify with. There was a sense of belonging at the street-level, and interactions with other sisters helped them through the transitioning, and flourishing of their identity. Some mentioned coming from dysfunctional backgrounds, being rejected from their families for being different, or coming from families with limited income that led them to turn to sex work as a means to survive. Others mentioned that their biological *whānau* (extended family) was accepting of their gender, yet they found that the streets allowed them to be themselves amongst other sisters who they considered their *whānau* (extended family).

The three male and the three female participants did not identify this sense of belonging as a pull-factor to the sex industry, but all of them identified with a feeling of *whānau* (extended family) towards other sex workers. This is perhaps one of the strongest elements that characterizes the sex industry Māori sex workers are involved in: *whānaungatanga*²¹ (kinship) amongst workers.

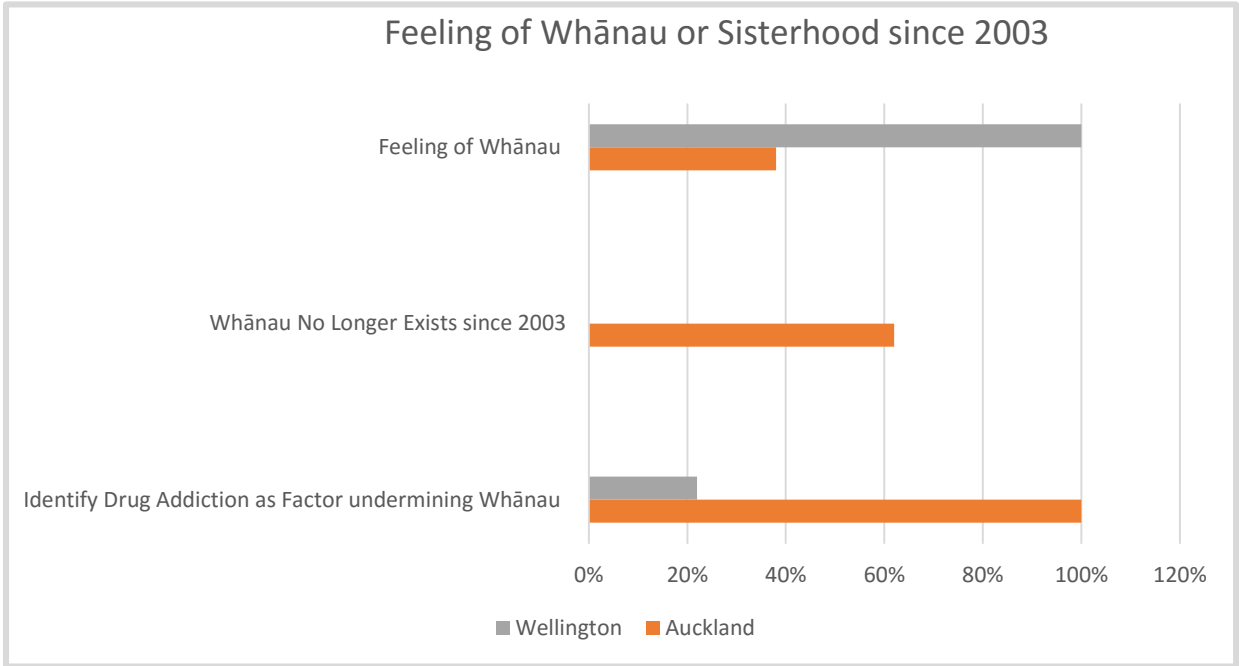


Figure 4: Feeling of Whānau or Sisterhood since 2003

²¹ This emic term denotes “kinship”, but Māori often use it to connote “togetherness” modelled on genealogical tribal affiliations. *Whānaungatanga* (kinship, togetherness) amongst Māori sex workers is a foundation of their well-being (Rose Pere, 2014). It also describes their feeling of belongingness –a need that was acute for some who had been ostracized by their biological family at a young age for being transgender.

The feeling of *whānau* amongst Māori sex workers –or what some refer to as sisterhood– changed since 2003 in Auckland, but not in Wellington. Interestingly, Auckland participants expressed their frustration with the law reform as it allowed for new girls to come work on the streets, creating both competition for clients, and a disturbance of the sisterhood. The hierarchy and respect for the ‘code of ethics’ that was originally transmitted from the older sisters to the new girls apparently vanished since decriminalization. Auckland street workers explained that methamphetamines – commonly known as ‘P’– have devastated the streets. Although drugs have always been part of the scene prior to decriminalization, the spread of methamphetamines has had a particular effect on the sex industry. Cheap and accessible, methamphetamines are heavily addictive, and give a rush to the users, allowing them to function and stay awake for many hours, and sometimes days. This has led to street workers working during the daytime as well, to afford their habit.

Although violence has always been part of the street scene, the level and types of violence have changed with the spread of ‘P’ (Breeze, interview 27.03.2016). Street workers cannot trust the younger girls (especially when intoxicated), and this distrust adds to other factors such as the distrust of Auckland police, the presence of gangs and minders, and the competition for clients²². The Auckland industry has also faced external pressures from the public and residents unlike in Wellington: in 2006 and 2010, with the two Manukau Bills submissions, PRROS²³ patrolled the streets at night creating additional insecurity for street workers. Furthermore, the low 38% of Auckland participants who pointed to a feeling of sisterhood all worked privately. They also shared their concern for the safety of street workers, and said that their own feeling of safety had increased by working privately. Unfortunately, none of the street workers in Auckland felt that there was a sisterhood with other workers.

On the contrary, the Wellington participants all felt a *whānau* (family) relationship with other Māori sex workers, and explained that their feeling of safety was closely linked to this sisterhood. Especially at the street-level, sisterhood becomes a safety mechanism as they rely on each other, and protect each other against violence that can occur at the street-level. Participants working privately or for brothels also had a *whānau* relationship with other workers. The 22% of Wellington

²² There has yet to be research made on clients in Aotearoa, but from what I have gathered from participants across the country, clients at the street-level diminished significantly since decriminalization. The online market has grown rapidly, to the expense of the street-level sex industry that has seen a loss in demand.

²³ PRROS (Papatoetoe Residents Reclaiming our Streets) was a group of resident vigilantes patrolling the streets in Auckland and Manukau. See Chapter 5, section 5.5.6 The Two Manukau Bills.

participants identified methamphetamines as a threat to the sisterhood –mainly referring to the street-based industry in Auckland. The four operators interviewed shared similar concern about the impact of ‘P’ on the indoor industry –which means that this issue is not limited to the street-level.

The safety concerns with the sex industry might be linked to drugs and the devastating effects of ‘P’ rather than a shortcoming of the PRA (2003) to protect the workers’ right to safety. When it comes to health, there has been dramatic improvements both in terms of access to free sexual healthcare for sex workers, and increased knowledge about safe sex. In terms of safety, it has increased for those who moved to work privately, but not necessarily for those who remained at the street-level. The relationship with the police has improved in Wellington, but not equally in Auckland where participants still distrust the police due to past negative experiences. Even though they might not want to involve the police when in need, they no longer fear arrest and are no longer afraid of them which is a considerable improvement (Tyler, interview 02.04.2016).

As IIBPA theory suggests, policy analysis ought to be done in a holistic manner that includes multi-dimensional layers (colonial, historical, socio-political, etc.) to capture the challenges or obstacles that affect individuals’ experience under that policy. Variations between Auckland and Wellington in terms of safety and trust-building with the police is part of a wider picture. The numerous factors to take into account in the Auckland context are notably:

- Higher demography;
- Higher levels of methamphetamines;
- The isolated environment street workers work in –particularly those who work in Manukau²⁴;
- History of harsh experiences with the police;
- Added pressure from PRROS²⁵, Manukau and Auckland City Councils to re-criminalize street-based sex workers;
- Tensions within the sisterhood linked to drugs, criminality, and the competitiveness for clients.

²⁴ South Auckland.

²⁵ Papatoetoe Residents Reclaiming Our Streets. See Chapter 5, section 5.5.6 The Two Manukau Bills.

The higher demography is a significant factor that is often left out of discussion, however it plays a crucial part on the sex industry. In a smaller city such as Wellington, the sex industry is smaller and so is the clientele. It is in the sex workers' best interest not to steal from a client because the word will spread around, and it will ruin the sex worker's reputation and clients will not come back to her overtime. This pressure to 'create a reputation' is not equally present in Auckland where the market being bigger, and clients are mostly tourists or non-regular clients (Renée, interview 10.03.2016).

Demography is an example of external variables that need to be included a policy analysis to understand the dynamics affecting Māori sex workers' feeling of safety. Should I had started the community-based research in Auckland, the interview questions would have probably been different. Nonetheless, multi-sited fieldwork and interviews across Aotearoa helped identify social elements that affect the feeling of safety of Māori sex workers across the country. Some of these variables are unfortunately outside the spectrum of the PRA (2003), yet their effects on the sex industry can be confused with the impact of decriminalization. The IIBPA framework was helpful to address multi-dimensions, factors and variables for a more holistic policy analysis of the law reform.

6.4 Well-Being since Decriminalization under *Te Wheke* Paradigm

Well-being in Māori worldviews is not limited to physical, emotional, and psychological levels the way it is often presented in Western cultures. Dr. Rose Pere (2014) developed a theoretical framework that illustrates the eight dimensions of selfhood in Māori worldviews²⁶. Some participants explained that their *wairua* (spirit) was affected by the sex industry, mainly because of drugs but also because of the stigma attached to sex work and what it meant to their biological *whānau* (extended family). Some felt 'spiritually bankrupt' after working in the industry, and reconnecting with their *taonga tuku iho* (cultural heritage) –like returning to their *marae*²⁷ or joining *kapa haka* or *poi* groups²⁸– was uplifting of their *wairua* (spirit).

²⁶ See Chapter 4, section 4.4 for more details on Māori *Te Wheke* paradigm to health and selfhood.

²⁷ *Marae* is the courtyard or open space in front of the Māori familyhouse where discussions, gatherings, and important functions are held.

²⁸ *Kapa haka* and *poi* are two types of Māori performing arts. It is an avenue for them to express their cultural heritage.

Ranga whatumanawa (the emotional level and senses), *taha tinana* (the physical world) and *hinengaro* (the intellectual dimensions) were inevitably affected by sex work, and challenges to their holistic well-being came notably from:

- Sexual practices that conflicted with their *Tikanga* (Māori customs);
- The responsibility felt for their *tīpuna* (ancestors) who they carry on their shoulders;
- Tensions with their biological *whānau* (extended family) who disagree with their choice of work.

Decriminalizing sex work empowered some participants as it was uplifting for some to have their occupation made legal. Other challenges to their well-being are rooted in discrimination and stigma experienced outside the sex industry. As Claire explains:

I got a sense of empowerment from working in the streets, and that's K road²⁹ that did that to me. Working on the streets was a journey of learning to not putting yourself or being put down by others for being trans. Working in the streets gave you this independence, and that *tino rangatiratanga*³⁰. I was able to stand up on my own two feet.

(Claire, interview 27.03.2016)

While sex work abolitionists condemn this practice for being degrading and affecting the workers' dignity, this research has shown the opposite: for transgender Māori sex workers, discrimination and stigma outside the sex industry were the main factors affecting their well-being, and the majority found that the sex industry was less discriminatory.

²⁹ K road refers to Karangahape Road in Auckland where a lot of sex workers work from.

³⁰ *Tino Rangatiratanga* refers to self-determination of Māori, but it was often used by participants to refer to their self-control, dignity, and authority over their own destiny. The use of *tino rangatiratanga* in this context is similar to *mana motuhake* (control over one's own destiny, independence).

6.5 Empowerment of Māori Sex Workers

The PRA (2003) also gave the potentially of *mana motuhake* (autonomy) to Māori sex workers in their choice of work location. Whereas 87% of participants worked at the street-level prior to the law reform –including female, transgender, and male workers– only 17% remained at the street-level after decriminalization. 26% of the participants chose to leave the sex industry after decriminalization, and the empowerment they felt is reflected in the flourishing of their careers: starting their own private business, going back to school or seeking employment in a new field of interests.

Prior to the law reform, they felt outlawed, marginalized, and stigmatized by the public, by the police, and in certain cases, even ostracized by their biological *whānau* (extended family). But decriminalization fostered *mana motuhake* (autonomy) or the exercise of Māori sex workers' control over their own destiny and well-being:

- 57% of participants started their own business as sex workers;
- None of them remained working for brothels;
- 26% stopped working after 2010 and reoriented their careers by returning to school;
- 17% remained working at the street-level.

The shift from the streets and brothels to working privately is directly linked to decriminalization because the PRA (2003) legalized privately-owned premises without licensing. This change in legislation helped overcome past barriers such as the reluctance to register oneself at the police station³¹. The possibility of working privately also allowed some to return to school or to get a university degree as they could organize their work more easily, accommodate their clients in their schedule, and recruit them via internet rather than spending hours waiting outside. Moreover, the

³¹ Police register of private sex workers stemmed from the power in the Massage Parlours Act (1978) but had no legislative basis. Police required private sex workers to register to them before they could advertise. But not all newspapers required this, and they didn't give into the police threats of assisting of a crime. Furthermore, not all police regions implemented the register. It was perhaps more daunting to Māori transgender who feared having to give out their birth name.

empowerment some gained through decriminalization gave them *mana* (standing, dignity), and it encouraged some of them to return to school with their heads high now that their side work was legal (Tricksy and Ataahua, interviews 23/25.03.2016).

CHAPTER 7

Findings in Relation to Human Rights

7.1 Two-Folds of Ongoing Discrimination

7.1.1 Discrimination within the Sex Industry

The shortcomings of the PRA (2003) relate to discrimination and ongoing stigma which can be acute for Māori sex workers who are already stereotyped based on their overlapping social locations: indigeneity, gender, and/or sexual orientation. Even though sex work has been decriminalized since 2003, sex workers and operators comment on the ongoing stigma they faced from society. From the Māori sex workers' perspective, discrimination also occurs within the sex industry when it comes to working indoors. This leads one to question if the right to non-discrimination is protected under decriminalization? Absolutely not, and in fact, discrimination on the grounds of ethnicity, skin color, and gender is tolerated under the label of 'the business model' operators supposedly follow. This is perhaps where decriminalization conflicts with human rights: the PRA (2003) does not provide for cases of discrimination on the grounds of gender or ethnicity in brothels, nor for cases of discrimination on the basis of occupation as a sex worker in other spheres of society – i.e. banks, housing, healthcare, and employment. Discrimination is a fundamental human rights offence, and it is still an ongoing issue for Māori sex workers.

The four operators interviewed explained that discrimination does not come from them, who do not hire them on the basis of their (darker) skin color, size or gender—but from 'the business model'

they ought to follow. Operators managing higher-end agencies argue that the higher-end clientele is looking for a specific type of worker, and justify their hiring criteria based on that:

If men, who are the clients, are not looking for bigger women, then why would you hire them? I mean, I see it as a size issue not a race issue (...) all I can say is that it is much harder for women of color or plus-size women to get work in the high-end industry.

(Madam Mary, interview 17.03.2016)

The same applies when it comes to tattoos: “a lot of the Māori have tattoos because it is part of their culture, but for this industry, tattoos are probably the worst thing” (Cherry, interview 03.03.2016). Operators explain that the discrimination prevailing in the sex industry come from the clients’ side –who are mostly aged between 35 and 60 years old. Some of these clients carry racial stereotypes from the 70s and 80s, and the high-end sex industry feels the need to adapt to these prejudices for their business to work.

Moreover, the vast majority of brothels only hire females: “unless you are very fair skin Māori and female, it is hard for Māori to work indoors” (Nina, interview 19.03.2016). This leaves out transgender and male sex workers who find very limited opportunities to work indoors. From a human rights’ perspective, this should not be the case. Now that sex work is a legal occupation, the sex industry operates under the regulations of the *Employment Relations Act* (2000), and of the *Human Rights Act* (1993) –both of which condemn discrimination on the grounds of gender, sexual orientation, and ethnicity in employment matters. Refusing workers on the basis of those prohibited grounds is discrimination; yet it is justified by the so-called ‘business model’ of the indoor sex industry. Operators follow the trends of the demand, and they argue that clients would be less tempted to visit a brothel that is known to hire transgender or male sex workers because of what others might think of them when they leave or enter the premise. It helps explain the over-representation of Māori transgender at the street-level where it is free from this sort of tolerated discrimination (Advisory Group, meeting 02.05.2016).

One of the benefits of the law reform was to open the possibility for workers to work privately – which helped transgender and male sex workers to work in a safer environment and under their own terms. Working privately is however not given to everyone: workers need to have a place to work from, and have the financial solvency to cover their business’ settlement costs –which is not

possible for many, especially for mothers who cannot work from home. In sum, the PRA (2003) provided an alternative to Māori sex workers who are discriminated against by the indoor “business model” that rejects males and transgender workers; yet discrimination within the sex industry remains and is tolerated under the so-called ‘business model’.

7.1.2 Discrimination on the Basis of Occupation outside the Sex Industry

Remaining challenges are linked to employment outside the sex industry for sex workers who feel the need to fill the gap in their resume, and not to disclose that they were sex working because of the stigma or negative stereotypes attached to it. For some Māori sex workers, getting employed outside the sex industry has never been an issue. However, several of them who are transgender have found it particularly difficult to find employment because of the stereotype of Māori transgender being street workers, who take drugs and have criminal records. These negative attitudes are unfortunately still present, and can act as a barrier to employment outside the sex industry.

Participants, particularly transgender Māori, have also experienced discrimination when it comes to housing. Landlords are reluctant to rent out a property to them because of the stigma attached to their identity. For instance, Ataahua had to turn to her friend who is a homelessness social worker to be able to get a home. Ataahua returned to school after decriminalization, and graduated from university, but this is not enough to overcome the social stigma she said.

As a *whakawahine* (transsexual), Ataahua feels that it is almost impossible for her to get housing, she commented:

You have trouble with housing, getting employed, and accessing healthcare even. I go to a special doctor now because prior to that I used to go to a doctor at the hospital, and one day the lady said “well just wait a little moment here, because I am not sure how the doctors are going to feel about working with you because you are transgender”. Because I’m Māori, I’m brown, and I’m transgender, so they obviously think that I am a sex worker.

(Ataahua, interview 25.03.2016)

Occupation is still not a prohibited ground of discrimination according to New Zealand's *Human Rights Act* (1993). For Māori sex workers, it is sometimes hard to say whether the discrimination felt is due to their occupation, or based on their gender, sexual orientation or indigeneity. Tristan explains the challenges linked to dealing with unfair access to housing and employment:

The fact is that even if gender or sex was in the [Human Rights] Act, if you are transgender and you are trying to get a house, depending on how you look, and especially if you are Māori, you will not get that house. Even if they were not allowed to discriminate you for being trans or for being Māori. They won't say to you "you didn't get the house because you are trans" necessarily, but that's why you didn't get the house. The same happens if you are a sex worker: they won't say "you didn't get the job because you are a sex worker", but you just won't get the job.

(Tristan, interview 21.03.2016)

Much of the discrimination is unspoken of by those who suffer from it the most. It is difficult to have enough evidence to bring their case to the Human Rights Commission. "If they don't hire me, I would have to sue them for not giving me the job on the basis of discrimination, but then I would have to prove it [and they would deny it] so I really would never want to put myself in that situation, why should I really?" (Tiana, interview 07.03.2016). Perhaps the first step is consciousness-raising to de-construct the stereotypes that fuel discrimination in various spheres of society including within the sex industry, but also in employment matters, healthcare, and housing notably.

7.2 Stereotypes Fueling Discrimination

A stereotype is "a widely held but fixed and oversimplified image or idea of a particular type of person" (Oxford Dictionaries, 2016). Stereotypes are ideas or assumptions that are socially constructed, and can lead to harmful actions anywhere between verbal harassment, condescending comments or even discrimination. Discrimination on the other hand –i.e. the unfair treatment of a person based on one of his/her/their characteristics– can be fueled by these stereotypes or ideas. For instance, the stereotype of "Māori transgender sex worker who takes drugs" can lead to landlords, doctors or future employers to distrust or judge individuals who are Māori and transgender based on this prejudice. Stereotypes basically associate individuals' characteristics in terms of ethnicity, age, gender, etc. to specific actions or behaviors, and these assumptions can lead to negative social consequences such as stigma, and discrimination.

For instance, participants in this research identified racial stereotyping as one of the sources of stigma and discrimination they experienced within the sex industry or in other sectors such as healthcare, employment, and housing. Discrimination is often fueled by the stereotypes some might have about certain people:

I haven't experienced any discrimination whatsoever actually as a sex work, but as a Māori and as a transgender, yes. It is hard sometimes to distinguish the discrimination comes from where, from what angle I mean.

(Tiana, interview 07.03.2016)

Stereotyping is a complex social phenomena that cannot easily be described, nor fixed through policies or legal initiatives. The majority of the participants, particularly transgender Māori, felt like the discrimination they experienced in terms of access to housing, employment and healthcare were based on the stereotype of them being street workers:

There is also the fact that I am a Māori trans, so they go: 'oh you must be a sex worker, if you are a trans of color, you are a sex worker and a drug addict'.

(Kayla, interview 07.03.2016)

This preconceived idea can have a significant impact on their well-being and livelihood: "they just treat me like I'm not a person, like I'm a street hooker who is a drug addict you know" (Miira, interview 30.03.2016). Some have felt that the stereotypes attached to their identities overlap, which makes them feel as though there is "too much discrimination coming from too many angles at once" (Kayla, interview 07.03.2016).

Stereotypes linked to being a sex worker can be avoided by individuals living a dual life and hiding their occupation to everyone they know –even though they should never have to do so. Stereotypes linked to sexual orientation can also be avoided by those who try not to disclose their sexual orientation –and once more, people should not have to hide their identity to be treated equally in society! Nevertheless, stereotypes associated with being Māori or being transgender are harder to escape as these social identities are often linked to physical characteristics, for instance skin color or other characteristics.

No matter what they think of Māori sex workers, they will just automatically think “street work, lower class, drug addict, criminal”. It is really hard to get out of this stereotype [...] people will assume that you are lower class. They will get treated the same as for example a meth junky because that’s all they can think of.

(Tim, interview 17.03.2016)

Male participants explained that they could easily hide their occupation, and rather felt the weight of stereotypes linked to their Māori identity. Female participants also explained that much of the stereotypes were linked to their indigenous identity unless they were out about being sex workers; then other stereotypes would add on such as sex workers not being responsible mothers. When it comes to Māori sex workers, “people automatically think that they have done a lot of bad things to end up working [as sex workers], and it has stopped them from getting a job, and sex work is their last option. But people don’t realize that sex work is not always people’s last choice” (Tim, interview 17.03.2016). According to transgender participants, stereotypes are hard to avoid as they are linked to some of their physical characteristics:

We are not accepted as people. It’s not because we are sex workers, it’s because we are different: we are sisters. I don’t know what it is, maybe it comes from society or it’s from the Westernized way of looking at what is right and what is wrong.

(Liana, interview 30.03.2016)

It can be difficult to identify the source of stereotypes. Participants feel that these stereotypes result from colonial and Christian thoughts that conventionally viewed gender as either male or female, and that saw anything outside of heterosexuality as social deviance. Prior to colonialization, transgenders were accepted in Māori traditional societies explains Liana: “we had a special role in our villages back then, but I think that it’s because of all these stupid Western people coming with all their stupid Western ways”. Participants identify the transcendence of these negative prejudices through generations:

These people have preconceived notions that were given to them by their predecessors about Māori are this and that, or you know, people who are different or who are queer are this way, and they are no other way than *that* way.

(Tiana, interview 07.03.2016)

De-constructing stereotypes is a process that falls outside the spectrum of the law. It is however necessary to understand the role of stereotypes in relation to discrimination. Sometimes, the stereotypes associated with a certain group of people leads to ‘tolerated’ discrimination or unfair treatment on that basis. Stereotypes can perpetuate the vicious circle: i.e. transgender Māori are seen as different, and some are reluctant to hire them; they are unemployed, so they have trouble getting housing; they are homeless and unemployed, so they turn to sex work to make money; and if they become sex workers, then they become associated with drugs and criminality. It is a vicious circle based on wrong ideas and social blindness; this lack of understanding of what the reality is, and of the social mechanisms leading to this vicious circle, fuels these stereotypes. These stereotypes become engrained in society –most of which are most likely rooted in Christianity, and colonial beliefs that viewed transgender and/or non-heterosexuality as social deviance.

Maybe racism and discrimination is just part of life, even in the sex industry, and what really matters is the way you deal with it (...) I think that the message for transgender girls is to get out there and get their qualifications (...) you can’t just sit and tell yourself that you won’t do it because you might be discriminated against for being transgender and Māori.

(Chanel, interview 11.03.2016)

Even though discrimination fueled by stereotypes still negatively affect Māori sex workers, many of them choose to ignore it, and live their life with strength and *mana motuhake* (control over one’s own destiny). It is nonetheless a topic that needs to be publicly addressed for these (wrong) ideas and stereotypes to end.

7.3 Limitations

Being an outsider to the community can be challenging, especially in this case being a non-Maori researcher studying such a sensitive topic. It required a lot of patience and understanding from the Advisory Group and the participants –which I am very grateful for– as cultural misunderstandings could have easily interfered in the research process. For example, in past research I took part in, the *koha* (gift, contribution) was given at the end of an interview in cash money; for Māori, a *koha* must be wrapped or put in a white envelop placed between the researcher and the interviewee

before the interview begins. After the interview, the researcher hands in the *koha* saying “*tāku koha*” (my gift) (Whiringa, interview 28.03.2016). Another element was the *karakia* (prayer) that is supposed to be said at the beginning and the end of the interview. These cultural proceedings should not be unknown to the researcher. Such cultural misunderstandings can be offending to participants, and create a distance with the researcher who is not mindful of the participants’ culture. I am very grateful for the participants’ patience in teaching me these lessons.

I am quite aware that Māori preach for *tino rangatiratanga* (self-determination, control) over research concerning their communities. It was quite daunting to research such a culturally sensitive topic as an outsider, and I was reminded by non-Māori informants that my identity might be an obstacle to the success of this research project. Nevertheless, a community-based participatory approach combined with collaborative work with an Advisory Group gave the Māori as much control as possible throughout the research. It also helped ensure that the project was oriented in a way to benefit the community as well as being culturally sensitive at all times. Cherishing the *whakakoha rangatiratanga*³² (respectful relationships) built with the participants was paramount, and I feel privileged to have had this opportunity to work with the Māori sex working community.

My role as a researcher was perhaps affected by the relationship building with members of the Advisory Group, and the collaboration with NZPC Wellington, Auckland, and Christchurch. It was however necessary as they are the only national body representing the rights and interests of sex workers in Aotearoa, and it made sense to start by consulting them for ethics approval. I also wished to interview Māori sex workers from faith-based groups –but the limited time did not allow for these working relationships to build. I would also encourage a Māori researcher to hear the voices of Māori youth workers as I was unable to include them in this *mahi* (work) for ethical reasons³³.

³² The recognition that successful engagement and endeavour requires conscious application of respectful relationships with the *Kaupapa* (subject, issue) and people.

³³ My ethics were approved for research involving adult sex workers of 18 years and older.

Conclusion

Decriminalization in Aotearoa has led to improvements in terms of health and safety of Māori sex workers. It can be argued that the PRA (2003) has given the potentiality of *mana motuhake* (autonomy) of Māori sex workers over their own well-being, and their choice of work location. This research has found that 57% of participants started their own business as sex workers since decriminalization, and 26% chose to reorient their career and returned to school. Challenges that remain are linked to combatting the devastating spread of methamphetamines, and evicting gangs and minders from the areas where street workers work from.

Although the PRA (2003) empowered Māori sex workers, and allowed for a space to improve their human rights to health and safety, there is ongoing discrimination both within and outside the sex industry. Discrimination against Māori sex workers within the sex industry are based on the grounds of skin color, size, or gender –and this discrimination is justified under the so-called ‘business model’ operators feel the need to comply with for their business to work. Decriminalization not only legalized sex work; the sex industry is regulated since then under the *Employment Relations Act* (2000) and the *Human Rights Act* (1993) which both condemn discrimination in employment on the grounds of ethnicity, gender and sexual orientation. There is a clash with the indoor sex industry’s ‘business model’ and the human rights doctrine in that sense. As discrimination is tolerated by operators, it perpetuates the vicious circle in which Māori sex workers are pushed to either street-based work or to work privately. The PRA (2003) might have provided a temporary solution by allowing a shift from street-based to working privately, but it has not addressed the issue of discrimination on the basis of ethnicity, gender and sexual orientation within the indoor sex industry. Legal instruments such as the *Employment Relations Act* (2000) and the *Human Rights Act* (1993) already prohibit such discrimination, which leads one to believe that it is a matter of implementation.

Discrimination on the basis of occupation is another element that negatively affects Māori sex workers –particularly Māori transgender– especially as it is not a prohibited ground of discrimination so far under the *Human Rights Act* (1993). The stereotype attached to *whakawahine* (transsexual) associates their gender and ethnicity to street-based sex work, and even though their

occupation is legal since 2003, there is ongoing discrimination on the basis of that occupation in different sectors of society, notably with housing, employment, and healthcare. This matter is acute for *whakawahine* who already suffer from discrimination on the basis of their gender, sexual orientation, and ethnicity. Nevertheless, the majority of participants are so strong and empowered that they are able to turn their backs to the stereotypes fueling this discrimination, and they continue to live their lives with *mana motuhake* (control over one's own destiny). I will conclude with a touching quote from a participant:

I appreciate your *mahi*. It is important to speak your voice, and to feel that your voice is being heard. There is a great need for us Māori sex workers out there.

(Nina, interview 19.03.2016)

Recommendations

(i) Discrimination on the basis of occupation is not yet in New Zealand's *Human Rights Act* (1993) as a prohibited ground, but one argues that it ought to be. If sex work is to be legal and treated as an occupation just like any others under the *Employment Relations Act* (2000), there is no reason why sex workers should be discriminated against and have unequal access to housing, employment and healthcare on the basis of their occupation. It is incongruent with the idea that sex work should be normalized as an occupation, and regulated just like other businesses under the *Employment Relations Act* (2000) since decriminalization. Therefore more legal work is necessary.

(ii) The *Human Rights Act* (1993) and *Employment Relations Act* (2000) both condemn employment discrimination on the ground of gender, sexual orientation, and ethnicity. Several participants experienced discrimination based on one or more of these grounds from the indoor sex industry. Interviews with operators confirmed discriminatory hiring criteria in several indoor premises, but the operators continue to claim that it is not discrimination but a 'business model' they need to follow. In other words, racism does not come from them, but from the clients they cater to. Similarly, male and transgender workers being refused in agencies is not discrimination, but "avoiding the shame clients might feel stepping out of a premise who hire them". I argued for a test case to be brought to the human rights commission; decriminalization was created in the first place to safeguard the human rights of sex workers, and the right to non-discrimination should not be left out.

(iii) Participants in Wellington and Auckland expressed the need to increase police patrolling at the street-level in their working areas. Much of their safety is undermined by the presence of gangs and minders, and the prevalence of methamphetamines in their working environment. Better patrolling of the sex working areas would probably intimidate minders and gang members who navigate these areas, and who are often involved in drugs.

Comparatively, the Christchurch police has developed a hands-on rather than hands-off approach that is preventative of violence against sex workers. An interview with the Christchurch police and meetings with street workers was revealing of the success of building trust relationship between the police and street workers. What helped in the Christchurch case was the active involvement of NZPC and YCD in providing police trainings, and creating a space for trust-building between street workers, and the police.

(iv) Stigma within the Māori community towards Māori sex workers is an important aspect to be addressed, but it felt outside the scope of this research. Being an outsider, I did not feel adequate enough as a researcher to investigate this topic. Participants explain that Māori communities often view sex work as degrading, or “a thing they know exists, but they don’t want to talk about it” (Kayla, interview 07.03.2016). This issue was raised many times in interviews:

When you are not welcomed by your own kind, you might as well just jump off of the building! Because imagine being isolated by your own kind, on top of being isolated by your own family and your own friends?

(Tiana, interview 07.03.2016)

The majority of participants pointed to a need for *takatāpui hui* (queer Māori meetings) to discuss topics such as stigma from the Māori community, and challenges linked to being transgender sex workers:

I would really like to see training for these young trans because I think that a lot of them are still sort of forgotten by society [...] they need some organisation that would guide them just the way the older queens used to do.

(Allan, interview 29.03.2016)

Participants were asked what they thought should be improved in the sex industry. These recommendations were based on the participants’ thoughts, and discussed with the Advisory Group to best reflect the voice and *mana motuhake* (autonomy) of Māori sex workers who know what is best for their own well-being.

17 374 words excluding subtitles and footnotes³⁴

³⁴ I judged important to incorporate Māori terms and concepts –as discussed in the Ethics– even though it required an English translation each time, thus using more words.

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Interviews and Meetings

- Adae (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 15 March.
- Advisory Group (2016) *Meetings to Discuss: Ethics Approval, Research Objectives, Interview Questionnaires, Data Analysis, Theoretical Frameworks, Conclusion and Recommendations*, Wellington, 29 January; 1, 4, 9, 24, 25 February; 29 April; 2 May.
- Aisia (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 7 March.
- Allan (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 29 March.

- Ama, C. (2016) *Discussing the Challenges faced by Homeless Sex Workers in Auckland and Manukau – Homelessness Social Worker at Auckland City Mission*, meeting, Auckland, 23, 28, 30 March.
- Armstrong, L. (2016) *Discussing Violence and Risk Management at the Street-Level since Decriminalization and its Potential Impact on Māori Streets Workers – Sex Work Researcher and Lecturer in Criminology at the Victoria University in Wellington*, meeting, Wellington, 10 February.
- Ataahua (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 25 March.
- Bennachie, C. (2016) *Discussing Discrimination on the Basis of Occupation and the Human Rights Act of 1993 – Sex Work Researcher and Board Member of NZPC*, meeting, Wellington, 3 March.
- Breeze (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 27 March.
- Caprice (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 8 March.
- Chanel (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 11 March.
- Cherry (2016) *Interview with an Operator – Owner of an Escort Agency*, interviewed by author, Wellington, 3 March.
- Claire (2016) *Interview with a Māori Sex Worker*, interviewed by the author, Hamilton, 27 March.
- David (2016) *Interview with a Police Officer – Christchurch Police*, interviewed by author, Christchurch, 1 April.
- Douglas, J. (2016) *Free Sexual Health Clinic, Precautions for Confidentiality and Discussing the Human Right to Health of Sex Workers since Decriminalization – Sexual Health Nurse at NZPC Wellington*, meeting, Wellington, 15 March.
- Escott, T. (2016) *Discussing Street-Based Sex Work in Christchurch – Social Worker/Case Manager of Youth Cultural Development*, meeting, Christchurch, 7 January.
- Jordan, J. (2016) *Discussing Research on Sex Work and Challenges linked to being an Outsider the Community – Head of Criminology Department and Associate Professor and (Was a) Sex Work Researcher*, meeting, Wellington, 24 February.
- Gail (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 29 March.

- Gillian, A. (2016) *Discussing Kaupapa versus Community-Based Participatory Research – Head of Department/Associate Professor in Population Health at the University of Otago*, meeting, Christchurch, 25 January.
- Green, A. (2015) *Discussing Guidelines for Research Ethics with Māori by non-Māori Researchers: Challenges and Potential Obstacles – Chief Executive of Te Puāwai Tapu*, personal communication via email, 21 November.
- Hamish (2016) *Interview with a Police Officer – Wellington Police*, interviewed by author, Wellington, 17 March.
- Haunui, K. (2016) *Discussing Tino Rangatiratanga versus Mana Motuhake – Postgraduate Researcher with the Takatāpui Community*, personal communication via phone, 16 May.
- Healy, C., Bennachie C., and Hati, C. (2016) *Discussing Ethics for the Research Project – Board Members of NZPC Wellington*, meeting, Wellington, 29 January.
- Kayla (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 7 March.
- Liana (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 30 March.
- Lyzbeth (2016) *Interview with a Sex Worker*, interviewed by author, Wellington, 10 March.
- Madam Mary (2016) *Interview with an Operator – Owner of a High-End Salon*, interviewed by author, Wellington, 17 March.
- Miira (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 30 March.
- Monica (2016) *Interview with a Māori Sex Worker*, interviewed by author, Dunedin, 2 April.
- Morondo, D. (2016) *Discussing Legal Research Methodology – Fellow at the Pedro Arrupe Institute of Human Rights and Guest Lecturer in Tromsø*, personal communication via Skype, 3 February.
- Nina (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 19 March.
- Nunubelz (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 28 March.
- Phiona (2016) *Interview with an Operator – Owner of an Escort Agency*, interviewed by author, Wellington, 19 March.
- Pickering, A. (2016) *Recruiting Auckland Participants, Discussing Cultural Proceedings for Interviews, Two Nights of Outreach, and Discussing the Impact of PRROS and the Manukau Bills on Māori Street Workers – Regional Coordinator of NZPC Auckland*, meeting, Auckland, 23 to 30 March.

- Radačić, I. (2016) *Discussing Ways to Address the Human Right to Non-Discrimination on the Basis of Occupation – Sex Work Researcher and Human Rights Legal Researcher*, meeting, Wellington, 4 March.
- Read, A. (2016) *Discussing the Sex Industry in Christchurch and Going on Outreach at Night in Collaboration with the Salvation Army – Regional Coordinator of NZPC Christchurch*, meeting, Christchurch, 22 February; 30 March.
- Renée (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 10 March.
- Roguski, M. (2016) *Discussing Theoretical Frameworks: Te Wheke and Tino Rangatiratanga in Relation to this Study – Kaitiaki Research and Evaluation Director and (Was a) Sex Work Researcher*, meeting, Wellington, 21 March.
- Rottier, J. (2016) *Discussing Legalization and Human Sex Trafficking Figures in the Netherlands – Sex Work Researcher*, personal communication via email, 30 April.
- Stacey (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 9 March.
- Tiana (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 7 March.
- Tim (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 17 March.
- Tricksy (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 23 March.
- Tristan (2016) *Interview with a Māori Sex Worker*, interviewed by author, Wellington, 21 March.
- Tyler (2016) *Interview with a Māori Sex Worker*, interviewed by author, Dunedin, 2 April.
- Val (2016) *Interview with an Operator – Brothel Manager*, interviewed by author, Wellington, 17 March.
- Watkin, A. (2016) *Discussing the Sex Industry Māori Sex Workers are Involved In – General Manager of Youth Cultural Development*, meeting, Christchurch, 7 January.
- Wiesehan, D. (2016) *Discussing the Impact of Decriminalization on Māori Sex Workers in Auckland – General Manager of Street Reach*, personal communication via skype, 21 January.
- Whiringa (2016) *Interview with a Māori Sex Worker*, interviewed by author, Auckland, 28 March.

Appendix A – Creating the Logo

Creating a logo for the research was an interesting step in the project. We needed a logo to make posters and pamphlets that we could give out to people, and send to other organizations (Youth Cultural Development and Street Reach) and other NZPC branches in Auckland and Christchurch. It was very difficult to find a Māori artist who could create a logo that was representative of Māori culture, of the three genders (transgender, male and female), and of the international symbol of sex work: the red umbrella. Responses from the 6 artists contacted were all negative, and one artist even told me “this is not in my usual field of work, so I would have to charge you 150 dollars to draw this, and I doubt that you could afford it” (Tattoo artist, personal communication 25.02.2016). It gave me the impression that research topic made some of the Māori artists uncomfortable. It resonated with frequent comments of participants who said that sex work is still relatively taboo in Māori communities.



FEBRUARY-MARCH-APRIL 2016
VOICES OF
MĀORI SEX
WORKERS

Recruiting for (anonymized) interviews

This project is done with the help of 3 Māori transgender sex workers who help designing the project, the interview questions, and make sure that the information you give is well interpreted.

Participants will get: a transcript of their interview, a copy of the published research, and a koha.

Tea, coffee & cake provided during the interview.

Looking for Māori sex workers

Who would like to share their opinion

About sex work and human rights

Freedom of Expression, Safety, Health, Dignity, Non-Discrimination, Liberty

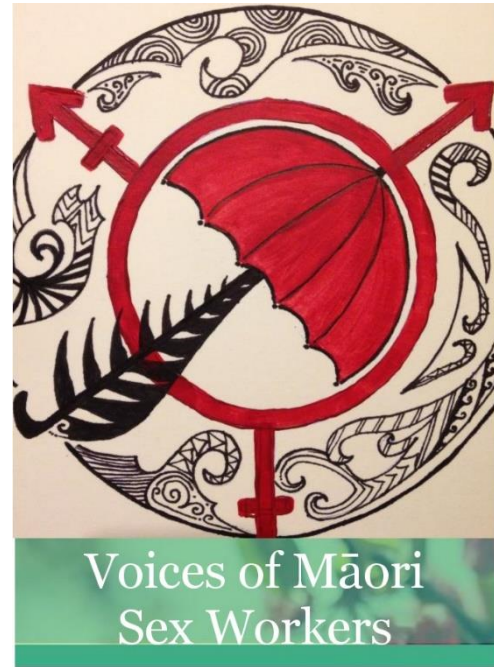
Text or call or email to set-up an interview!

ELISE ESCARAVAGE

Phone: 022.420.7984

elise.escaravage@hotmail.com

Facebook: Voices of Maori Sex Workers



(Cover Page)

Looking for Māori Sex Workers

Who would like to share their opinion

About the decriminalisation of sex work
& human rights in Aotearoa

Freedom of Expression, Safety, Health,
Dignity, Non-Discrimination, Liberty

All interviews are anonymised

Text or call or email to set-up an
interview, or for more information!

1

Participants will get

Tea, Coffee & Cake
A transcript of their interview
A copy of the final project (if requested)
A koha

Time & Place

- ❖ February, March and April 2016
- ❖ Interviews on weekdays or weekends
- ❖ In Wellington, Christchurch & Auckland (or other cities if organized in due time)

Contact Us

Phone: 0 22.420.7984
Email: elise.escaravage@hotmail.com
Or via Facebook:
www.facebook.com/maorisexworkers/

2

Request for Participation in the Research

“Voices of Māori Sex Workers”

Background and Purpose

This project aims to create a participant-led project with Māori sex workers do get a better understanding of the characteristics of the industry they are involved in, and to question to what extent has the decriminalisation of prostitution with the Prostitution Reform Act (2003) been successful in safeguarding their human rights. This research is part of a master’s project at the Arctic University of Tromsø in Norway, and the project is sponsored in part through a research grant from Fritt Ord (Freedom of Speech) organization.

The sample is selected through snowball effect, on a voluntary basis, according to the following criteria: one who identifies as or in part Māori, and who is currently or has worked as a sex worker, or someone who has knowledge pertinent to this study (i.e. operator, receptionist, human rights lawyers, researcher, etc.).

What does participation in the project imply?

Participating in the project will include: interviews, and consultation during the project design and afterwards. This project will adopt a participant observatory methodology, which implies that the participants will be engaged in the project, for example in determining the research’s objectives, designing the interview questions, and analysing the findings. Consultation with an advisory group of 3 Māori transgender sex workers is the cornerstone of this project: we have met as a group to discuss the research methodology and outcomes, to formulate the interview questions, and we will meet again to analyse the findings once the interview stage is over.

As an interviewee, you are invited to read the transcript of your interview to make sure that there has not been any misunderstandings, and to validate once more that the information you gave is correct, and that you are willing to share it for the purpose of this project.

What will happen to the information about you?

All personal data will be treated confidentially. Information given to participants will be accessed by the researcher only, and information will only be analyzed once the transcript of the interview

has been approved. Names will not be kept and they will be replaced by an alias of your choice. Voice recordings will be kept on a separate hard-drive kept in a locked drawer.

Participants will not be recognisable in the publication. All information that could lead to recognise a participant (working place, names, and personal characteristics) will be deleted from the data recordings.

Voluntary participation

It is voluntary to participate in the project, and you can at any time choose to withdraw from the project without needing to state any reason. If you decide to withdraw, all your personal data will be deleted, and all information previously shared will be erased and not taken into account in the research.

If you would like to participate or if you have any questions concerning the project, please contact Elise Escaravage at the following number +64 22 420 7984, or by email at elise.escaravage@hotmail.com. My supervisor, Dr. Jorun Braeck Ramstad can also be reached at the following email address, jorun.braeck.ramstad@uit.no, at the Institute of Archeology and Sociology of the Arctic University of Tromsø (Norges Arktiske Universitet N-9037 Tromsø, Norge). Feel free to communicate with me, or her in case of any complaints you might have or concerns about the project. You can also contact your local NZPC branch.

The study has been notified to the Data Protection Official for Research, Norwegian Social Science Data Services. Ethics approval for the project has been sought by internationally recognised New Zealand Prostitutes' Collective to ensure that the ethics guidelines for research with sex workers are respected at all times.

Ethics Approval for the Research

- Participants (Māori involved currently or previously in sex work) have rights to know that the research process meets ethical standards and the researcher is capable of undertaking research;
- Participant demographic details are confidential to the researcher/supervisor;
- Participant interview data will be safely housed in a secure facility;
- No identifying data will be published;
- Participants have a right to review and retain a copy of their data transcripts;

- Participants have a right to formally complain or raise a concern about the research process and/or the researcher;
- The researcher provides the participant with a koha or gift as recognition of the value of their knowledge and time the participant has shared with the researcher (i.e. 30 cash money);
- Participants and their representatives (the Advisory Group) are consulted about the data analysis. This is to ensure that the research is presented in a way that is strengths-based;
- Every effort will be taken to prevent stereotyping, problematizing, victim-blaming, and deficit-based approaches to representing participants.

Consent to Participate in the Research

Consent must be attained both in writing and verbally. Ethics were approved for adult participants only (18 years and over).

I have received information about the project and am willing to participate.

 (Signed by participant, date)

I agree that my personal information may be published after project completion. I am also aware that I can withdraw at any point of the project, and all my information will be deleted.

 (Signed by participant, date)

What alias would you like to use for this research? _____

Would you like a transcript of the interview? YES/NO

How would you like this transcript to be sent (email, by post, in person)? _____

Would you like a copy of the final project? YES/NO

How would you like the final project to be sent (email, by post)? _____