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**Half-day of general discussion on trafficking in women and girls in the context of global migration in the framework of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.**

Madam Chair,

Although the concept note expressly excludes sex-work as a subject of consideration from the General Recommendation (in paragraph 53), there are several elements within the note that deal with sex-work by implication. We therefore consider it both relevant and important to make a statement that deals with the interplay between trafficking and a decriminalisation approach to sex-work.

New Zealand’s experience of decriminalizing consensual adult sex work demonstrates that taking a decriminalization approach actually upholds human rights, and meaningfully addresses trafficking. New Zealand’s Prostitution Reform Act 2003 creates a framework that, *inter alia*, safeguards the human rights of sex workers and protects them from exploitation; promotes the welfare and occupational health and safety of sex workers; and is conducive to public health. The legal and policy framework also facilitates the identification of any persons who are being exploited, and the prosecution of individuals who may be exploiting them.

Criminalization of sex work, including “ending demand laws”, only makes the environment more harmful for sex workers. Evidence-based analyses of the situation in New Zealand since 2003, including the report of the 2008 Prostitution Law Review Committee, have all concluded that decriminalization and regulation of sex work has had a positive impact in enhancing the health and safety of sex-workers.

We are concerned that the concept note drafted by the Committee conflates sex work, sexual exploitation and trafficking and suggests ending demand is a good practice. Sex work should not be automatically equated to exploitation and/or trafficking – and the concept note should have recognised that sex work is not inherently exploitative. We have significant concerns with the focus on the “demand side of the commercial sex industry”, as well as with the definition of trafficking in the concept note, which renders consent irrelevant and ignores the critical element of “threat, force, coercion, deception”. This contributes to the incorrect understanding of the nature of sex work.

As with other migrants without valid work visas in New Zealand, migrant sex-workers are potentially more at risk of exploitation than New Zealand sex workers because of their illegal status in New Zealand. For example, they are less likely to come forward for help, or their visa status may be used against them.  In this regard, we note the Committee’s recommendations to New Zealand in para 27 and 28 of the concluding observations from  July 2018 (CEDAW/C/NZL/CO/8), that section 19 of the Prostitution Reform Act 2003 be reformed as the inability to obtain a visa for sex-work may have a negative impact on migrant women.

We look forward to the elaboration by the Committee of a General Recommendation on trafficking in women and girls in the context of global migration, and hope that the concerns we have raised can be appropriately reflected in the draft General Recommendation.

Thank you Madam Chair