



# **“In an ideal world, it would be fully decriminalised”:**

*Stigma, discrimination,  
& sex work laws  
in Scotland,  
Aotearoa New Zealand,  
& the Republic of Ireland*

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**KEY FINDINGS AND  
POLICY RECOMMENDATIONS**

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# Executive Summary

In 1999, Sweden became the first country to implement a legal framework focused on ‘ending demand’ for the sex industry by criminalising the purchase of sex, which has subsequently become known as the ‘Nordic model’. Four years later in 2003, New Zealand moved in a different direction, decriminalising sex work with the passing of the Prostitution Reform Act (PRA). In the two decades that have followed, sex work laws have been subject to significant debate globally, and while variants of the Nordic model have spread to several countries, decriminalised frameworks remain rare. This is despite extensive advocacy of sex workers calling for decriminalisation, and steadfastly opposing the Nordic model.

Over the past two decades, research has continued to document the impacts that legislative approaches have on sex workers lives. Evidence from multiple countries adopting the Nordic model has highlighted a multitude of harms, including increased vulnerability to experiencing violence, barriers to accessing justice, increased economic precarity, discrimination, and various forms of structural violence (see, for example, Amnesty International, 2016; 2022; McBride et al, 2020; Levy, 2014; Vuolajärvi, 2019). Conversely research focused on decriminalised contexts has indicated that sex workers feel more able to refuse to see clients, that they are aware they have rights, that their safety strategies are better supported, and subsequently that decriminalised frameworks better support their human needs, overall health and wellbeing (see for example Abel, Fitzgerald and Brunton, 2008; Abel, 2014; Armstrong, 2014; 2016; 2021; Macioti, Power, and Bourne, 2023). However, there is a lack of research that has comparatively examined the experiences of sex workers when diverse forms of legislation are in place. This project contributes to the evidence on the impacts of sex work laws by comparing the experiences of sex workers in New Zealand, Scotland, and the Republic of Ireland, with a particular focus on how stigma and discrimination operate when different laws are in place.

New Zealand, Scotland and Ireland were chosen as comparative sites due to their laws being historically similar, but now differing considerably following

legislative change. As previously noted, New Zealand has a framework of decriminalisation, following the passing of the Prostitution Reform Act in 2003. This means that neither the sale nor purchase of sex is against the law, and the sex industry is subject to regulation that is broadly comparable to other industries. The law in the Republic of Ireland changed in 2017 to a variant of the Nordic model, through Part 4 of the Criminal Law (Sexual Offences Act) 2017 which criminalised the purchase of sex and increased existing penalties for brothel keeping and living on the earnings of prostitution. The law in place in Scotland largely mirrors what was in place in New Zealand and the Republic of Ireland prior to their respective law changes and is best described as an archaic system of criminalisation based on historical legislation. While selling sex is technically legal, sex workers must work alone indoors to avoid breaking laws.

This report outlines the findings of in-depth interviews undertaken with 70 sex workers across these three jurisdictions between 2020 and 2022. Participants were diverse in multiple ways, including the contexts in which they had worked, their perspectives on the work, and their personal characteristics, including their gender, ethnicity, and age. A total of 26 interviews took place in New Zealand, 24 in the Republic of Ireland, and 20 in Scotland.

The findings of this research highlight stark differences in the experiences of participants across these different legislative environments. The interviews indicated that stigma was most deeply felt among participants in the Republic of Ireland, where structural stigma and structural violence were evident in the stories that were told. Isolation, shame, and judgement featured in participants’ narratives far more prominently than the other contexts. Several participants described instances of abusive and demeaning treatment in a range of settings, linked to another person being aware of their sex work. In this context, stigma was described as being both built into the laws in place, and connected to power held by the Catholic Church, which continues to wield control over sex workers’ lives and shape public narratives regarding who sex workers are. Participants were unambiguous in their views that the laws that relate to sex work in Ireland are harming

sex workers and urgently need to be changed. No participants in the Republic of Ireland spoke positively about the legislative framework. Participants were also overwhelmingly critical of existing organisations that receive government funding to support people working in the sex industry; they felt these organisations promote stigmatising narratives and do not provide meaningful support.

Stigma was also deeply felt by participants in Scotland, and overall it was felt that there is a lack of understanding about who sex workers are, exacerbated by misinformed narratives about sex workers, promoted through government policy and the advocacy of some politicians. Several participants in Scotland were fearful that stigma could be weaponised against them and may have negative consequences for their future. There was a strong belief among participants that sex workers are not listened to by people in positions of power. This feeling of not being listened to or respected was clearly having a profoundly negative impact on several participants' mental health. Participants felt that public attitudes could change but that sex workers were not given a platform to educate the public, and were instead frequently talked over or ignored. While existing laws were felt to put sex workers at risk, very high levels of fear and anxiety were evident in interviews regarding the possibility that a Nordic model style law may be enacted in its place.

Participants in New Zealand still managed stigma, but how this was talked about indicated that it is less intense than it was among participants in the other two contexts. Participants described being a lot more open about their sex work, including with friends and family, in education settings, and when accessing healthcare. There was, however, still a degree of fear regarding the possible consequences of stigma. This is unsurprising because, although sex work is decriminalised, sex workers have no legal protection from discrimination. Several participants also felt that the exclusion of migrant sex workers from the protections of the PRA continued to entrench stigma by setting sex workers apart as fundamentally different. Nevertheless, participants framed themselves as “lucky” and “grateful” to be doing sex work in New Zealand, and strongly conveyed a belief that working conditions are far better than in other parts of the world.

While it is important to highlight differences between these three contexts, it is also important to highlight the similarities. The most compelling similarity is in the laws that sex workers wanted, with participants in all three jurisdictions very clearly stating that a fully decriminalised model would support their safety, improve their working conditions, and serve as a starting point from which to tackle stigma. Relatedly, the majority of participants in all three contexts were overwhelmingly critical of the Nordic model, and were clear that all forms of criminalisation harm sex workers.

With sex work laws under debate in Scotland, a review of the law in Ireland now long overdue, and two decades of decriminalisation in New Zealand, these findings are timely. The findings of this research clearly highlight how a failure to listen to and respect sex workers in the Republic of Ireland and Scotland is causing immense harm. The findings also point to a failure to engage with evidence on the impacts of sex work laws. While the Nordic model is lauded as a means of supporting and protecting vulnerable people who have limited choices, the experiences of participants in this research who were working in this context strongly refute that. People who are struggling economically continue to do sex work, they just do it in more challenging circumstances where they are more vulnerable to abuse, violence, and discrimination.

Based on the findings of this research, we offer a series of recommendations to policy makers. As the findings of this research clearly indicate, the full decriminalisation of sex work is essential to support the overall safety and wellbeing of sex workers, and relatedly for stigma reduction. However, decriminalised frameworks must be comprehensive and build in anti-discrimination protections so that sex workers have rights to challenge discriminatory treatment. Alongside this, we recommend that policy makers turn their attention to anti-poverty measures, to ensure that all people in society can meet their everyday needs and have more control over the work that they choose to engage in. To enable meaningful, affirming support for people who do sex work, our recommendations also include that governments fund sex worker-led organisations. Sex workers are the experts on their work, working conditions, and what would improve their everyday lives. Politicians and policy makers just need to listen.

# Introduction

*This report outlines the key findings of qualitative research undertaken between 2020 and 2022 with 70 sex workers in New Zealand, Scotland, and the Republic of Ireland. The research examined how stigma and discrimination impacts sex workers when different laws are in place, along with how laws impact sex workers more broadly. Providing critical insights from the lived experiences of sex workers working under variations of the Nordic model, decriminalisation, and partial criminalisation, this report emphasises why the harms of stigma and discrimination must be a consideration when sex work laws are made, making a series of recommendations to reduce harms and strengthen the rights of sex workers.*

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This report is intended for a community and policy audience, and provides a summary of key findings of the research, along with policy recommendations. While this report provides a broad overview of select themes, further publications will follow which theorise the findings and report on specific themes in greater depth. There are some issues – for example policing practices and access to justice – where the data is so extensive that this must be reported on in-depth separately. The report begins with an outline of the background to the research, providing an overview of the policy contexts in which the research was undertaken. A summary of key findings is then provided, before offering recommendations for policy and practice.

## Background and context

### *What is stigma?*

To contextualise the findings of this research, it is important to clearly define stigma and explain how it has been used in this research. Stigma is a concept that initially emerged within social psychology; however, it is sociologist Erving Goffman who is most renowned for shaping this concept and how it has come to be understood. Goffman (1963) described stigma as being a situation in which people are “disqualified from full social acceptance” and due to social judgement have what he termed “spoiled identities”. Put simply, this means that people who are stigmatised are those who are set apart as ‘different’ in a negative way compared to everyone else in society. Stigma results in stereotypes – fixed and oversimplified ideas about people who are seen to belong to a particular group. Goffman (1963) described how stigma can be both ‘felt’ and ‘enacted’. Felt stigma describes the awareness of being negatively set apart, whereas enacted stigma describes instances of unfair treatment among stigmatised people. Goffman argued that stigmatised people manage stigma by concealing their stigmatised

identity through ‘passing’ and ‘covering’, developing strategies to avoid their status being identified.

Subsequent to Goffman’s work, understandings of stigma have evolved, with researchers conceiving of stigma as a form of power, which manifests both structurally and individually. For example, Pinker (1970) described stigma as a form of violence. Parker and Aggleton (2003) argued that to understand stigma, first we must broadly consider how particular people come to be excluded, where this exclusion is produced and reinforced, and in what settings. The term structural stigma has developed, defined as the “societal-level conditions, cultural norms, and institutional policies that constrain the opportunities, resources, and well-being of the stigmatized” (Hatzenbuehler, 2016, p. 742). In relation to the production of stigma, Tyler (2020) has argued that we must pay attention to the destructive role played by ‘stigma politics’ and a need to understand the ways that “divisive politics gets under the skin of those it subjugates; how this state-cultivated stigma changes the ways in which people think about themselves and others



– corroding compassion, crushing hope, weakening social solidarity” (p.7). Similarly, Walker (2014) refers to institutional stigma as being in some cases an unintended product of bad policy, but in other cases a punishment that is deliberately imposed on a particular group, or intended to deter a particular behaviour. Stigma has also been described as an avoidable social harm, which is weaponised against marginalised people in a bid to keep them down, having a destructive impact on their mental health (Addison, 2023). Scholars have emphasised how stigma is politicised, and is evident not only in interpersonal relationships but in state expressions, including statements made by politicians, the actions of state actors such as the police, in the language of official press releases, and through campaigns coordinated by government bodies to raise awareness of a particular issue or change behaviours (Quinn, 2021).

Thus, researchers, activists, and practitioners focused on a range of issues and diverse populations agree that stigma is *harmful*. It is widely recognised that stigma is a determinant of health and a cause of health inequality (Hazenbuehler, Phelan, and Link 2013). It has been found that among people who experience mental illness, stigma serves to exacerbate mental ill health but also increases the likelihood of future physical illness (Link, Phellan and Sullivan, 2018). Furthermore, the distress that stigmatising attitudes can cause has been acknowledged as a risk factor for suicide among marginalised groups (Carpiniello and Pinna, 2017). For people who use drugs, it has been acknowledged that stigma is a barrier to preventing overdose deaths (Guise et al, 2023). Thus, research across a range of areas has highlighted the significant harms of stigma, and the importance of reducing it.

### **Sex work, stigma, and the law**

Stigma is widely acknowledged as a harm that impacts sex workers, highlighted by sex worker-led organisations and activists, and in academic research. The stigma associated with sex work has a long history, and is linked to a legacy of criminalisation and a framing of sex workers as dirty, dangerous, hapless, and in need of control. While all sex workers are impacted by stigma, specific groups are subject to particularly entrenched stigma and distinct versions of it. Street-based sex workers, sex workers who use drugs, trans and gender diverse sex workers, and migrant sex workers are all subject to multiple, overlapping forms of stigma (Armstrong, 2019; Samudzi and Mannell, 2016; Whitaker, Ryan and Cox, 2011).

As a consequence of stigma, it has been recognised that sex workers routinely hide their work from others, including family and friends, and service providers to protect against the risk of discrimination, rejection, and judgement (Benoit et al, 2018; Armstrong and Fraser, 2020; Jobe, Stockdale, & O'Neill, 2022; Wong, Holroyd and Bingham, 2011). This selective disclosure necessitates extensive emotional labour and is isolating, creating anxiety, a constant reminder of 'otherness', and can be a barrier to accessing essential services such as healthcare (McCausland et al, 2022; European Sex Workers' Rights Alliance, 2023). Barriers to disclosure may be exacerbated for sex workers who live in countries where sex work is subject to particularly intense stigma, or those who are migrants and originate from such countries (McCausland et al, 2022). The fears that drive concealment among sex workers relate to serious risks, including: the possibility of losing employment they may hold outside of the sex industry; experiencing banking discrimination in the form of rejection for credit cards or loan applications; facing challenges accessing housing and visas for international travel; and possible impacts on children and other family members (Bowen, 2021; Lyons et al, 2021; McCausland et al, 2022; Herrmann, 2022).

It has also been recognised that stigma is associated with significant mental health harms, which can encompass stress and anxiety, poor self-esteem, loneliness and self-harming behaviours (Bowen and Bungay, 2016; Treloar et al, 2021; McCausland et al, 2022; Hart et al, 2023). Stigma has been identified as the most significant barrier for sex workers to enjoy good mental health (Macioti, Garofalo, and Mai, 2021). It is indisputable that stigma is associated with emotional distress, which highlights a critical need to carefully consider how laws and policies either challenge or exacerbate stigma, and how they subsequently may impact the mental health of sex workers.

The stigma to which sex workers are subjected has also been associated with violence. While studying media coverage focused on the murders of sex workers, Lowman (2000) argued that a “discourse of disposability” was evident; this dehumanised sex workers and supported the actions of those who seek to harm them. Lowman argued that this was reflected in high levels of violence towards street-based sex workers in Canada. In public discussions regarding sex work, violence is also often normalised with the assumption that violence is inevitable in the context of sex work (Sanders, 2016). Furthermore, researchers have unpacked how stigma manifests structurally in



policing practices, creating conditions in which sex workers may choose to opt out of the criminal legal system when they are offended against, to protect themselves from state violence and stigma (Stardust et al, 2021).

Scholars have also emphasised the role that the law can play in shaping attitudes towards sex workers and either entrenching or challenging stigma. As Scoular (2010) has argued, while the law is not the only form of power that impacts sex workers, it is significant. It is widely acknowledged that the criminalisation of sex work serves to exacerbate stigma by defining sex workers as a problem to be solved, where they are defined as immoral deviants and/or victims in need of rescue (Armstrong, 2018; Graham, 2017; Krusi et al, 2015; Sanders, 2009). When sex work is subject to criminalisation – whether that be directed towards the workers themselves, their clients, or those who help to facilitate the work – sex workers are set apart as ‘different’ in a negative way. While criminalisation serves to exacerbate stigma, stigma is still present in legalised regimes, where it is promoted through exclusionary regulations that set sex workers apart, such as those allowing sex workers to legally work only in isolated areas and imposing mandatory sexual health checks (see for example Blithe, Wolf, and Moore, 2019; Herter and Fem, 2017). Research in Germany with healthcare providers found that despite it being legal to sell sex, healthcare workers held inaccurate views regarding sex workers, and subsequently overestimated the prevalence of particular medical conditions (Langenbach et al, 2023). Jobe, Stockdale, and O’Neill (2022) found in research undertaken with sex workers in the North East of England that the ideological narrative perpetuated by sex work laws shaped service provision experiences, with several participants describing feeling explicitly judged (Jobe, Stockdale and O’Neil, 2022). Stigma is also still present in decriminalised contexts, evident in research focused on New Zealand where sex work has been decriminalised since 2003 (Abel and Fitzgerald, 2010; Armstrong, 2019; Bruckert and Hannem, 2013; Easterbrook-Smith, 2022). This is hardly surprising given that stigma connects not only to law but to wider gendered social attitudes regarding sexuality that are historically entrenched. It is also clear that, even when stigma is still present, it is not stagnant and the way it operates and how it impacts people changes over time, albeit often slowly (Earnshaw et al, 2022). The overall purpose of this research was therefore to examine not only the existence of stigma but to consider how and why it may change over time when different laws are in place.

## ***The context of this research***

This report is primarily intended for a policy and community audience, and accordingly it is essential to provide an overview of the policy contexts with which this research is concerned. New Zealand, Scotland and Ireland were chosen as the sites for this research on because their laws were historically similar but now differ considerably following legislative change. This section provides an overview of the laws relating to sex work in each country, and the overall policy context.

### ***New Zealand***

New Zealand has a decriminalised framework, following the passing of the Prostitution Reform Act in 2003. Broadly, this means that neither the sale nor purchase of sex is against the law, and the sex industry is subject to regulation that is comparable to other industries. The decriminalised framework in New Zealand followed many years of advocacy by the New Zealand Prostitutes Collective (NZPC), New Zealand’s sex worker led organisation (see Healy, Pickering, and Hati, 2020). The PRA was formally evaluated five years after its enactment; among the 772 sex workers who participated in that research, 90 percent felt that they had more rights since the law decriminalising sex work had been passed (Abel, Fitzgerald and Brunton, 2008). The Prostitution Law Review Committee – a diverse panel of people who were appointed to oversee the review of the PRA – concluded that the situation of sex workers had been improved by the law change (Prostitution Law Review Committee, 2008). While the law is far from perfect, subsequent research has highlighted further positive impacts, particularly among street-based sex workers who can now take their time when talking to clients, asking questions without the fear of police entrapment; there has been, relatedly, a shift in the balance of power between sex workers and police (Armstrong, 2014; 2016). The impact of decriminalisation on the overall wellbeing of sex workers has also been reported in research, with the knowledge that sex work is regarded as work and not as ‘crime’ having an important impact on overall wellbeing among some participants (Armstrong, 2021). While not all cases are publicly available, a number of high profile cases where sex workers have used their rights have also been reported in the media, including: 2014 and 2020 cases where brothel based sex workers won sexual harassment cases against business owners; two cases in 2021 and 2024 in which clients who covertly removed condoms were convicted of rape; and the conviction for indecent assault and intent to

commit sexual violation of a man who demanded sex from a sensual masseuse (Duff, 2014; Taunton, 2020; Stevens, 2022; Almeida, 2024; Owen, 2024). Thus, while misinformation has circulated regarding the impacts of decriminalisation in New Zealand, the evidence clearly points to workers benefitting from being protected by legislation.

There are certainly flaws and limitations in New Zealand's decriminalised model, which reflect ongoing stigma and room for further improvements to strengthen the framework and create a system that is more fully inclusive and supportive of sex workers. One of these areas relates to the continued presence of bylaws in some areas of the country. The PRA enabled Territorial Authorities to regulate where sex work can take place, along with signage, through the passing of bylaws. While most Territorial Authorities did not respond legislatively following the passing of the PRA, fifteen passed a new bylaw or amended an existing one (Prostitution Law Review Committee, 2008). In the years that have passed, several of these bylaws have been repealed; however, several have endured, including in Queenstown – a major tourist destination – in which brothels are so heavily restricted it is essentially impossible to operate one, and Hamilton, which prohibits soliciting in a public place, despite the PRA deeming this lawful (Biddle, 2019; McKenzie-Mclean, 2019).

While rare, the continued existence of bylaws serve to maintain stigma by setting sex workers apart as requiring containment and control, while enabling discrimination. Furthermore, although sex work is decriminalised, there is no legal protection for sex workers from discrimination. For example, it is legal to state in tenancy agreements that sex workers cannot work from home, and to include such a clause in body corporate rules (Community Law, N.Da). Similarly, it is also legal for banks to refuse to work with sex workers, framing them as 'high risk' clients (Armstrong, 2020; Community Law, N.Db; Doyle, 2018). Reflecting this, media reports have indicated that sex workers in New Zealand have continued to experience discrimination when attempting to open bank accounts or apply for mortgages (Armstrong, 2018; Almeida, 2022). Legal precedents have been set in some areas, for example parenting, where the courts have stated that a person's experience of sex work is not relevant to their ability to be a good parent (Community Law, N.Db). However, the lack of legal protection from discrimination is clearly an issue that continues to negatively impact the situation of sex

workers in New Zealand. It is crucial to acknowledge that such protections against discrimination are feasible, evident in some Australian jurisdictions which include these protections. For example, the State of Victoria amended the Equal Opportunities Act 2010, as part of the Sex Work Decriminalisation Act 2022, to prohibit unfair treatment on the basis of occupation, trade or industry (Victorian Equal Opportunity and Human Rights Commission, 2022). In Queensland, it is illegal to discriminate against a person on the basis of lawful sexual activity (Queensland Human Rights Commission, ND). However, it is critical to also acknowledge that until very recently (with the decriminalisation of sex work in Queensland in 2024), the rights and protections available to sex workers in Queensland were limited by a highly restrictive and discriminatory form of legalisation which continued to penalise sex workers (Jeffreys, O'Brien, and Fawkes, 2019). For example, an accommodation amendment added to the legislation in 2012 enabled landlords to evict sex workers or refuse to accommodate them, and also required them to pay higher rates or additional fees (Gillespie, 2022). There was also an exception relating to work with children, that enabled employers for jobs that involve care of children to discriminate against applicants based on their sex work experience (Queensland Law Reform Commission, 2023). The example of Queensland powerfully highlights why anti-discrimination protections for sex workers must be both comprehensive, and accompanied by a rights based framework of full decriminalisation, otherwise such protections are hamstrung by exceptions and by other aspects of the law. As the Scarlett Alliance – the national peak body representing sex workers in Australia – has emphasised, to be effective, anti-discrimination protections for sex workers must be robust, specific, and not allow scope for any loopholes (Scarlett Alliance, 2022). As it stands, the State of Victoria provides the most comprehensive framework. While this legislation was only enacted in 2022, and it is not yet possible currently to conclude on its effectiveness, an active case highlights the willingness of sex workers to use these protections. The 2024 case, still ongoing at the time of writing this report, involves a former sex worker who has lodged a case in the Victorian Civil and Administrative Tribunal (VCAT) after she was terminated from her job when her employer learned of her experience of the sex industry (Clayton, 2024). While such protections are not yet in place in New Zealand, these examples illustrate the potential of strengthening the rights of sex workers through robust anti-discrimination protections.

A further significant limitation of the legal framework in place in New Zealand is section 19 of the PRA, which prohibits temporary migrants from working in the sex industry; the harms of this have been well documented in research and in media reports for many years (Armstrong, Abel, and Roguski, 2020; Bennachie et al, 2021; Roguski, 2013). This aspect of the legislation means that even those who hold temporary visas that enable them to work (for example, working holiday visas, students visas, and other short term work visas) are not permitted to do sex work. This singling out of sex work is highly discriminatory and is an example of ongoing structural stigma relating to sex work in New Zealand, signposting that sex work is not considered comparable to other forms of work (Armstrong, 2017). The rationale for this section of the legislation, which was added in the latter stages of the process by the then Minister for Immigration, was that this would serve to protect against trafficking into sex work (Armstrong, Abel, and Roguski, 2020). Notwithstanding the fact that this rationale is based on fallacies regarding how, why, and where serious exploitation occurs, it also serves to reinforce stigma towards migrant sex workers by implying that they are likely to have less agency and are potential problems that need to be protected against.

In relation to all these issues that serve to entrench stigma and enable discrimination against sex workers, since securing decriminalisation over 20 years ago, the New Zealand Prostitutes Collective have steadfastly worked to change these enduring issues. It is clear that the organisation saw the passing of the PRA in 2003 as a first step to creating a framework that is truly inclusive of sex workers (see for example Healy, Pickering and Hati, 2020; Healy, Wi-Hongi and Hati, 2017).

### ***The Republic of Ireland***

The laws relating to sex work in the Republic of Ireland changed in 2017, through Part 4 of the Criminal Law (Sexual Offences Act) 2017 which criminalised the purchase of sex and increased existing penalties for brothel keeping and living on the earnings of prostitution (an approach commonly known as the ‘Nordic Model’). This approach seeks to ‘end demand’ for sex work by criminalising the purchase of sex and other third parties (such as those involved in the management of brothels).

It is crucial to be clear that while this legislation is often lauded by proponents for not criminalising sex workers, this characterisation is inaccurate. While the legislation did remove offering sexual services

from the offence of soliciting for the purposes of prostitution, the offence of loitering was retained meaning that street-based sex workers can still be targeted by police (Amnesty International, 2022). Amendments made to the 1993 legislation also retained existing provisions that indirectly criminalises sex workers and people with whom they have personal and professional relationships. Under section 9 of the Act “the organisation of prostitution” is prohibited, while section 10 criminalises those who live “in whole or in part on the earnings of the prostitution of another person and aids and abets that prostitution”. Section 11 of the 1993 Act, as amended, specifically criminalises anyone who “keeps or manages or acts or assists in the management of a brothel”; is “the tenant, lessee, occupier or person in charge of a premises, knowingly permits such premises or any part thereof to be used as a brothel or for the purposes of habitual prostitution”; or is “the lessor or landlord of any premises or the agent of such lessor or landlord, lets such premises or any part thereof with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the continued use of such premises or any part thereof as a brothel”. This therefore potentially implicates those who provide accommodation to sex workers, intimate partners, and family members, and makes sex workers vulnerable to being evicted. The penalties for brothel keeping were also increased through the 2017 Act, and those who are convicted of this offence can be sentenced to up to 12 months’ imprisonment and/or be fined up to 5,000 euros. Since a brothel is technically defined as two or more sex workers working together in a premises, this provides a disincentive to sex workers working together through fears of being criminalised. In 2019, two migrant sex workers who were working together – one of whom was pregnant – were imprisoned for nine months after being convicted of running a brothel, highlighting how this legislation can be used to criminalise sex workers (Oppenheim, 2019). Advertising for sexual services is also prohibited under section 23 of the Criminal Justice (Public Order) Act 1994. Therefore, sex work law in Ireland has become increasingly more punitive.

Since the law change was enacted in Ireland in 2017, several studies have been undertaken examining the impacts on sex workers, and have concluded that the law change has produced a multitude of harms. A report published by Amnesty International in 2022 concluded that the law change had a ‘chilling effect’ on sex workers’ human rights. The research was based on interviews with 30 sex workers and 17 civil society

representatives. The findings of the research revealed that sex workers had significant distrust towards An Garda Síochána, perceiving the Guards to be a risk rather than a source of protection, as engagement with them could have dire consequences such as eviction or the possibility of being deported. Participants also reported that housing insecurity was a concern, due to a combination of the law implicating landlords and the ongoing housing crisis in Dublin (Amnesty International, 2022). The report recommended that the government implement the full decriminalisation of sex work in the interest of human rights and that the review of the operation of Part 4 of the Criminal Law (Sexual Offences) Act 2017 include meaningful consultation with sex workers.

Alongside Amnesty's 2022 research, several other studies undertaken have illustrated the impact of the law on sex workers. Berry and Frazer's (2021) study based on interviews with six active sex workers in Ireland concluded that the law change had a range of negative impacts for participants, including distrust of law enforcement, an undercurrent of fear, and having to carefully conceal their work from family and friends due to risks, illustrating how the change in law had deleterious impacts on participants' psychological wellbeing. Researchers have also highlighted increases in experiences of violence among sex workers since the law changed, including instances of hate crime, and low levels of reporting to the police (Campbell et al, 2020). Sex workers have also undertaken their own research into the impacts of the law. In 2019, a report was published by SWAI, based on a mixed methods study undertaken with 24 participants. The report concluded that the new law had not prevented people from doing sex work, that sex workers were now more vulnerable as a result of the law change, and that, relatedly, client behaviour towards sex workers had worsened and violence towards sex workers had increased (SWAI, 2019). Furthermore, a study, which involved repeat in-depth interviews with 25 people who were working on the streets as sex workers indicated a low level of awareness among participants regarding the 2017 law change, a lack of knowledge on their rights, and harassment and abuse from the Guards (Minescu et al, 2022). The researchers also highlighted how stigma is actively perpetuated by the legislative framework through the framing of sex workers as exploited victims, and sex work as a form of harm rather than legitimate work (Minescu et al, 2022).

Similarly to New Zealand, there was a requirement in the Republic of Ireland that the impacts of the law be formally evaluated, in this case, three years after enactment. The review of the legislation in Ireland, however, has been beset with delays. The review was scheduled for completion by 2020 and, while Maura Butler was appointed to oversee the review in 2020, in 2023 it was announced that she had withdrawn from the process and another appointment would need to be made to complete it (Ryan, 2024a). At the time of writing this report, it had been seven years since the law changed in the Republic of Ireland, and it was reported that instead of engaging a new independent reviewer, the Department of Justice would be completing the review internally, with the findings released by the end of 2024 (Ryan, 2024a). Sex workers have understandably expressed concerns regarding this, citing the importance of the review, the lack of information on the process, and the lack of engagement with sex workers (Ryan, 2024b). Concerns regarding this process reflect a longstanding failure to listen to sex workers on how laws impact their lives.

## **Scotland**

The policy context surrounding sex work in Scotland has been fraught over the past three decades, with numerous consultations and proposals introduced. Scotland's legislative framework surrounding sex work is best described as an archaic system of criminalisation, which largely mirrors the framework in place in England and Wales, and also the framework in New Zealand prior to decriminalisation in 2003. While selling sex is technically legal, sex workers must work alone indoors to avoid breaking laws. The laws that are invoked to criminalise people involved in sex work are largely historical legislation, with a significant focus on public places and a definition of sex work as a 'social nuisance' meaning that street-based sex workers and their clients have long borne the brunt of criminalisation. Within the Civic Government (Scotland) Act 1982, offences relating to sex work come under the category of "*annoying, offensive, obstructive or dangerous behaviour*", and under section 46, it is illegal for a person to solicit or loiter in a public place (defined as "*any place to which at the material time the public are permitted to have access*").



Sections 7 to 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 contain a wide range of offences that relate to the organisation of commercial sex, including procuring, living on the earnings of prostitution, running a brothel, or being a tenant or landlord of a premises and permitting sex work to take place. Sections 11 and 13 of the Criminal Law (Consolidation) (Scotland) Act 1995 were amended by the Criminal Justice and Licensing (Scotland) Act 2010, which increased the maximum penalties in place for living on the earnings of prostitution and brothel keeping, to a maximum of 7 years imprisonment, and an unlimited fine.

More recent laws include the use of Anti-Social Behaviour Orders (ASBOs) through the Anti-Social Behaviour etc (Scotland) Act 2004, with the first being enforced in July 2004, banning a woman from several streets during any time of the day or night (The Herald, 2004). Legislation introduced within the past two decades also includes The Prostitution (Public Places) (Scotland) Act 2007, which created two new offences of soliciting a person for the purposes of obtaining commercial sexual services, and loitering in a public place for the purpose of obtaining such services. This legislation criminalised kerb crawling, in effect meaning that the clients of street-based sex workers were criminalised.

While extensive legislation criminalising aspects of sex work has long been in place, as Smith (2015a) has argued, the legislative context has become increasingly prohibitionist in nature. This perception is shared by Morgan Thomas (2009), who reflected on a degree of tolerance and pragmatism in how the law had been enforced in the 1980s and 1990s, which subsequently moved to a 'zero tolerance' approach. This approach has been reflected in the increased targeting of street-based sex workers and their clients, along with crack downs on indoor sex work with raids on saunas and brothels becoming increasingly common from 2012 following the establishment of 'Police Scotland', a single police force for the whole country (Ryan, 2019).

This increased punitiveness towards sex workers in Scotland has coincided with an ideological shift towards understanding prostitution as a form of violence against women and subsequently seeking to abolish it by criminalising the purchase of sex and other third parties (Smith, 2015a). Failed attempts to adopt this form of criminalisation in Scotland occurred in both 2010 and 2012. In both instances, various concerns

were raised about a lack of consultation, the impacts the proposed law changes would have on sex workers, the failure to acknowledge the diversity of sex workers' experiences, or to engage with evidence (Ilston, 2010; Lehmann, 2012; Nine, 2012).

Proponents of this form of legislation have continued to relentlessly campaign, and the Scottish government has continued to endorse this approach. In 2020, while sex workers were struggling in the unprecedented conditions forced on them by the Covid-19 pandemic, another consultation was launched entitled *Equally Safe: Challenging Men's Demand for Prostitution* (Scottish Government, 2020). The starting point of this consultation was that prostitution represents a form of violence against women and that targeting 'demand' for the services of sex workers, along with supporting women to leave sex work, was the only course of action being considered. This starting point is reflected in the wording of the consultation which stated that it sought "views on how best to challenge men's demand for prostitution in Scotland, reducing the harms associated with prostitution and supporting women involved to exit" (Scottish Government, 2020). The inference is clearly that sex work is presumed to be a harm, a problem, and women who sell sex are specifically framed as being invariably in need of help. The full decriminalisation of sex work was not presented as an option in the consultation; however a majority of respondents proactively offered it as the preferred option, stating the importance of rights, improved access to services, and that this is a policy that is supported by a wide range of international bodies and organisations (Rocket Science, 2021). Regardless, the Scottish Government has made its position abundantly clear stating in a 2022 strategy that the overall policy principles "will guide the development of a framework to challenge men's demand for prostitution" and that "it will make plain that prostitution and wider commercial sexual exploitation are a form of violence against women and girls, and that this will not be tolerated in Scotland" (Scottish Government, 2022). Most recently, at the time of writing this report, MSP Ash Regan had announced an intention to introduce a new Members Bill to criminalise the purchase of sex, with yet another pending consultation regarding this (Paterson, 2024).

Within this context of relentless campaigning for end-demand policies, sex workers have had to continually respond to proposals and campaigns that would greatly impact their lives. However, sex worker-led organisations have been marginalised in Scotland, despite organising and actively campaigning for decades. SCOTPEP is a sex worker-led charity that was established in 1989. The charity delivered frontline services to sex workers for 20 years, providing a drop-in facility in Edinburgh three times per week until a significant funding cut in 2009 meant that this was no longer possible (Kelbie, 2009). It was reported at the time that SCOTPEP had been offered secure funding on the condition that the organisation encourage sex workers to leave the sex industry, which was at odds with their commitment to recognising sex work as work and respecting the diverse realities of sex workers (Kladney, 2006).

Despite this significant funding cut in 2009, SCOTPEP have continued to advocate for sex workers. Alongside SCOTPEP, a sex worker-led community project called Umbrella Lane (now NUMbrella Lane<sup>1</sup>) was established in Glasgow in 2015 (Smith, 2015b). Both SCOTPEP and Umbrella Lane/NUMbrella Lane have steadfastly advocated for sex workers and both organisations have been abundantly clear that they reject the defining of sex work as a form of violence, and oppose proposals to introduce end-demand legislation, instead seeking a model of full decriminalisation (see for example Swanson, 2012; Pickering, 2020; SCOTPEP, 2020). Their voices have not been listened to, however, and neither organisation has received funding from the Scottish government to support sex workers in recent years. Instead, funding has been provided to organisations that are not peer-led, which are part of the Encompass Network<sup>2</sup> and are managed by the Women's Support Project (Stewart, 2020). Organisations that form part of the Encompass Network do not use the language of sex work, instead favouring 'commercial sexual exploitation'. In 2020, over £60,000 was provided to the Encompass Network by the Scottish government for the purpose of supporting sex workers during the pandemic. Despite providing peer social spaces, connecting sex workers to sex worker friendly services (e.g. health services), and a hardship fund to provide financial support to sex workers struggling during the Covid-19 pandemic, Umbrella Lane had no access to these funds (Bowen, 2021; Stewart, 2020).

## Summary

Historically, New Zealand, Scotland, and the Republic of Ireland had similar laws in place, which framed prostitution as social nuisance. Over the past 20 years, the approaches in these countries have diverged. New Zealand now has a legal framework that frames sex work as work, was informed by sex workers, and a national sex worker-led organisation that is respected as an authority on sex work issues. Significant work still needs to be done to strengthen sex worker's rights, however, and the continued existence of section 19, along with local bylaws which restrict sex work, and an absence of anti-discrimination protections enshrined in the law, enable structural stigma to endure. The situation in New Zealand is however far more progressive in terms of social inclusion, when compared to Scotland and Ireland. While the laws in Scotland have remained relatively stagnant, changes that have occurred have reflected a punitive turn and a defining of prostitution as a form of violence against women, setting people who do sex work apart as fundamentally different. In this climate, sex workers have struggled to be heard and while they have organised in response to proposals, they have been marginalised and spoken over by those in positions of power. In Ireland, the situation is even more stark, with the law having changed in 2017 to criminalise clients and other third parties, based on a view that prostitution is a form of violence and that sex workers must be saved. The voices of sex workers in Ireland have been marginalised and spoken over, as they have in Scotland, and, while sex worker-led organisations and groups exist, they have not been resourced by the government. The governments of Ireland and Scotland are therefore ideologically aligned with regards sex work policy, and sex workers in both countries are subsequently treated in similar ways, although the laws remain different. The next section of the report outlines the methodology and provides an overview of the participants.

1 In 2021 Umbrella Lane was acquired by National Ugly Mugs (NUM) – a UK wide charity focused on ending violence against sex workers. The organization name then changed to NUMbrella Lane to reflect this.

2 See <https://www.encompassnetwork.info/who-we-are.html>

# Methodology

A qualitative methodology was adopted for this project, using in-depth interviews with sex workers, supplemented with key informant interviews with people working in the area of sex workers' rights, and observation of public events in which sex work was the focus, between 2020 and 2022. A total of 82 participants were interviewed for the project. Seventy of these individuals were current sex workers or had worked as sex workers in the past two years, while twelve were key informants. A total of 26 sex worker participants were based in Aotearoa/New Zealand, 24 in the Republic of Ireland, and 20 in Scotland.

For the purpose of brevity (and to ensure that the experiences of sex workers are foregrounded), only sex worker participants are quoted in this report. Key informant interviews helped to provide broader contextual insights, and will be reported on separately in subsequent publications. It is important, however, to emphasise that the content of key informant interviews aligns strongly with the findings outlined in this report.

Ethical approval to complete the fieldwork was granted by Victoria University of Wellington Human Ethics Committee (0000027295). Interviews took place either in person or on Zoom depending on the participants' preferences or, in some cases, because of lockdowns associated with the pandemic. A total of 51 interviews were undertaken in person while 31 took place on Zoom. Interviews averaged 1.5 hours, though some interviews were significantly longer, with several being closer to two hours. All sex worker participants received the equivalent of \$100 NZD in gift vouchers or cash in recognition of their contribution to the research. All names used in this report are pseudonyms.

## *About the participants*

Sex worker participants were diverse in multiple ways, including: their personal backgrounds and motivations; the contexts in which they had worked; their perspectives on the work; and their personal characteristics, including their gender, ethnicity, and age. Participants included 48 cisgender women, four cisgender men, and 18 participants who (while often advertising and working as cisgender women) are non-binary, transgender, and intersex respectively.

While participants were mostly born in the country they were residing in or had residency status, participants included migrants from a range of regions globally, including South America, Southeast Asia, Africa, the Balkans, and other parts of Europe. Participants in New Zealand also included indigenous people, with four Māori sex workers participating.

All the participants were current full-service sex workers or were former workers who had done full-service work in the past two years, though several had experience of other types of sex work including stripping, domination, content creation, and other forms of online work.

Participants were primarily independent indoor workers; however, 19 participants had also worked on the street, and 23 had worked indoors with others, either in a managed environment such as brothels and escort agencies, or in flats with a small group of co-workers (which is still legally defined as a brothel in Scotland and Ireland).

Experience working in managed indoor environments such as brothels was more commonly reported by participants in New Zealand, with half of participants reporting that they had worked in this context. This is likely a reflection of the greater freedom available to sex workers in New Zealand regarding the way in which they work, since third parties are not subject to criminalisation.



A total of 35 participants (50% overall) disclosed that they lived with chronic illness, some form of disability, and/or were neurodiverse. Among these participants, sex work was frequently described as a means of making money which enabled them to manage their fluctuating physical or mental health, and in some cases to have a better standard of living than they would otherwise living on disability benefits.

Participants were also diverse in terms of their pathways in sex work and their perspectives on the work. The stories of participants complicate stereotypical ideas regarding how and why people do sex work. Participants included people who have experienced coercion or in some cases were compelled to work by an abuser, and now work in the sex industry of their own volition and see these experiences as fundamentally distinct.

Participants also included: migrants who started sex work to manage insecure immigration status and resulting poverty; people who are living with disabilities and chronic illnesses who used sex work to improve their quality of life; students funding their studies; parents supporting their children; trans and gender diverse people who manage the intersecting stigma of transphobia; and people who were simply interested in sex work and pursued it for that reason.

The participants include people who vehemently dislike sex work, people who love sex work, and many who see sex work as simply better than other jobs. They include those who do sex work as their main job, and those who use sex work to supplement other income, or sporadically when they have a particular need, or as a means to meet their basic everyday needs. There is, therefore, great diversity among participants in terms of their characteristics and experiences.

## ***Aims, objectives, and research questions***

The research had two overarching aims. The first was to unpack how stigma in relation to sex work operates across these three jurisdictions. The second was to investigate the inter-relationship between stigma, legal structures, and the experiences of sex workers.

The specific objectives of the research were to:

- explore how sex workers perceive, experience and navigate stigma in New Zealand, Scotland, and Ireland;
- examine the relationship between the legal frameworks in place and how sex work is constructed in these different legislative contexts;
- investigate the extent to which legislative change and debates have transformed how sex work stigma manifests and what this means for sex workers in their everyday lives;
- consider the theoretical implications of the findings for understanding the relationship between stigma and the law more broadly.

Relatedly, the research questions were:

- How is stigma perceived and experienced by sex workers, and what are the implications of this in each context?
- To what extent, and how, may stigma be reduced or exacerbated with the changing of laws associated with sex work?
- Does the way that stigma operates differ between each context, and what can this tell us about the implications of sex work laws, and the relationship between legal structures and stigma more broadly?

While these are the overall aims and objectives of the project, as previously noted, this report is focused on policy implications and therefore takes a broad view of participants' experiences and focuses on distinct, policy-relevant themes. Specifically, this report focuses on the social and legal status of sex workers in the three jurisdictions, how participants perceived and understood laws in place, and their future aspirations for legislative and social change.

# Key Findings

*The conclusion of this research is that stigma is profoundly harmful, and is connected to the laws surrounding sex work, which shapes the status sex workers are afforded and has serious implications for physical, emotional, and occupational safety. While laws are not the only factor shaping stigma, they play an important role in setting the tone for how sex workers are seen in society. Stigma also serves as a barrier to the full decriminalisation of sex work. Mitigating against the harms of stigma should be a key priority for policy makers. The following sections provide a broad overview of select findings in each context.*

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## **The Republic of Ireland**

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### **The Republic of Ireland snapshot**

*Participants overwhelmingly felt that sex workers are subject to considerable judgement in Ireland, through a combination of contempt and condescension, which translated in their everyday experiences in a range of settings. Interviews indicated that this context has fostered isolation and stymies opportunities for community and connection between sex workers. Several participants expressed disdain for organisations that receive government funding to support sex workers, feeling that these organisations further entrench stigma and do very little to improve their material circumstances. Participants overwhelmingly felt that the laws in place harm them in multiple ways, from forcing them to make risky decisions, to creating even more pronounced housing insecurity in a housing crisis, to empowering the Guards to exert more control over them, to reducing income for the most marginalised workers, to increasing stigma. In place of the current laws, participants wanted full decriminalisation, action to challenge stigma and improve attitudes towards them, and policy changes to support people who are struggling economically in practical ways. They specifically wanted: increased unemployment, disability, and child benefits; funding to support education; funding addiction services; better support for refugees and asylum seekers; and affordable housing.*

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### **The status of sex workers in Ireland**

In Ireland, participants were overwhelmingly clear that sex workers are viewed negatively and are looked down on by other people in society, with attitudes stemming from the influence of the Catholic church and sex worker exclusionary radical feminism (SWERF), both of which played a significant role in the 2017 law change.

Emily, who described sex work as being “culturally illegal” in Ireland explained “the Catholic Church is a giant fucking harmful octopus in Ireland and everything extends from it... Catholicism is the short answer, the Church and it’s just woven down through everybody’s DNA, that shame, that contempt.”

The influence of SWERF ideology was also referred to extensively in Ireland as a factor shaping public perceptions of sex workers. Caroline explained how the framing of sex workers as victims, which is central to the ideology that underpins the Nordic model, serves to perpetuate stigma:

...[they] would say that they are supportive of sex workers but at the same time...they are not supportive of sex workers. They have maybe some of the more sympathetic view of sex workers as, you know, poor and unfortunate abused women and that’s a way of looking down on you as well, you know? Sympathy for someone is not an equal view of that person, do you know what I mean? (Caroline, Ireland)

It was abundantly clear in interviews that services funded by the government to work with sex workers are not peer-based and endorse the view that prostitution is violence against women. Participants overwhelmingly referred to these organisations – and one in particular – in negative terms. It was felt that this organisation does very little to improve people’s material conditions, and is central to pushing of a condescending narrative about sex workers in Ireland. Sarah described this organisation as:

...fucking woeful for doing anything positive for sex workers other than just trying to fucking take control of their lives in a really unhelpful way ...[they] have a loud voice, directing it towards turn off the red-light anti-sex work kind of thinking and it’s really difficult when it’s put in the mix with feminism... that it is anti-feminist to be a sex worker, like it’s just so

unhelpful... it's just a complete fucking white saviour god complex...and they just have so much money, they have so much money to put into these efforts. (Sarah, Ireland)

The status that sex workers are afforded in Ireland translated in numerous instances of unfair treatment in a range of contexts, from housing, to accessing healthcare, to their interactions with the Guards. For street-based sex workers, this was particularly acute and sometimes extended to their access to extremely basic services. For example, Jennifer explained:

I remember going to the garage that's over there by the Hotel and your man, like it was just a hatch and I wanted a bottle of coke or something and he was like "no, no, you prostitute, you are a prostitute"...And I said 'what's that got to do with wanting a bottle of coke? Here's the money'. And he says no, we no serve, you. (Jennifer, Ireland)

Among the participants who were parents there was intense fear about the possibility of children being removed due to misguided stereotypes about sex working parents. This fuelled their reluctance to engage openly with healthcare and support services. While no participants had children removed from their care for this reason, a few had children removed earlier in their lives due to other circumstances, which had left a deep emotional wound. Louise expressed her frustration regarding assumptions made about her parenting, explaining:

...[people would ask] "what about your kid?" What the fuck about my kid? Did you see her clothes? You know, she is warm in bed tonight. The house hasn't been taken off me because I'm fucking stepping up to pay the mortgage payments, you know what I mean? So what about your fucking kids? You are working how many hours a week? I'm not harming my kid. I'll be back before she is even awake. So yeah, fuck you wanting to know about my kid. My kid is fine. (Louise, Ireland)

In this context, where participants were often judged intensely and treated with contempt, it is perhaps not surprising that participants in Ireland disclosed their sex work infrequently. A few participants also expressed feelings of shame, and anticipated judgement from others. Q, a migrant sex worker from South East Asia, explained:

...the secret is only [for] myself...Because I don't think outside people...they know sex work, [they think]

normally it is bad, they are thinking they are already set in mind that it is a bad job, maybe they think when the job [is bad], you are bad. (Q, Ireland)

Similarly, Tina explained "I haven't really told anybody about it— but I know that I would be judged. I know that people would look down on me like if I did tell them, of course they would", while Monica reflected "Sex working is the thing that if my friends know about that, I will get like judged".

For a few participants, disclosure of their sex work had led to friendships ending, or a feeling of distancing from friends. Paula explained "I don't have friends anymore, I don't think... They're too judgemental... they mightn't say it but I can feel the judgement off them". Similarly, Tracey stated "I haven't got friends, you know what I mean? For that reason, like, they don't trust me like... It's sad really but it's just the way it is".

Among those who were open about their sex work with friends, most commonly this was either because most of their friends were also sex workers, or they had consciously sought only friends who they knew would be accepting of their work. Ronan explained "All of my friends know - I'm not interested in being friends with people who wouldn't know", while Kelly explained "most of my friends are sex workers because I don't really like any other people".

The ability to be transparent about work is important because feeling 'seen' and understood – that people 'get you' creates a sense of belonging. Previous research has indicated that the ability to be 'out' about a concealable stigmatised identity is associated with better health outcomes (Weisz, Quinn and Williams, 2016). However, in Ireland, as a result of the exclusionary context, speaking openly and transparently poses considerable risk for sex workers. Emily articulated this, explaining "...if you speak out in Ireland, you can lose your home...you can lose your children, you can lose your social supports".

Given the extent of judgement felt by many participants, and the isolation this resulted in, it is perhaps not surprising that several participants described their mental health being negatively impacted by stigma. In a few cases, this had resulted in participants feeling immense shame. Jennifer described feeling stigma deeply in the past because of how she had heard other people talk about sex work. However, in time she had come to resist this message and recognise where it came from. Jennifer reflected:

...some people can be like, look down on you. Like I found myself even looking down on myself, like, how could I do that? How could I? Do you know what I mean? Questioning myself instead of thinking, well Jesus I must be a strong person to be able to go out and stand around, stand in the snow, to provide like for Christmas or the likes of that [for my child] because her Father was never involved, do you know what I mean? So there would be times, I'd be going out for money for say Christmas, or her birthday or something like that and instead of thinking well yeah I am a strong person to be able to do that, I'm not sitting at home, waiting on someone to knock on my door, ask someone for a lend, or begging me mam and dad to help me. I'm going out and making the money. I used to find myself looking at myself and saying like how could you do that? Like disrespect yourself like that. But I think that was just train of thought, you know and that's the way it [sex work] was talked about. (Jennifer, Ireland)

Jennifer's reflection emphasises how the way that sex work is framed and talked about matters. When sex work is portrayed as a moral failing and an act of desperation, this messaging can be internalised, having negative impacts on self-esteem.

### ***Community, isolation, and peer spaces***

In the context of deeply entrenched judgement and marginalisation, the importance of community came through strongly in several interviews, and connection with other sex workers served as a buffer against the harms of stigma. Emily explained:

I was disowned by most of my family for coming out...I'm not complaining because like I had a sex worker friend with me when all this was going down and they were like, "the trash takes itself out " and I think about that every single fucking day. You don't want the people who remove themselves. It's painful but, you know, it's a gift - it's a painful gift... I would rather be hated for what I am than liked for what I'm not. (Emily, Ireland)

Kelly felt that one of the biggest benefits of doing sex work was the friendships she had built, explaining:

...there are people I know that I would never know if I wasn't a sex worker and those friendships are friendships that I would never have not wanted to have, like I'm so grateful that I have those friendships and I wouldn't have those if it wasn't for sex work. (Kelly, Ireland)

This was a sentiment shared by several participants, including Mandy who explained "I got great friendships out of it, first and foremost, brilliant, real friends through this". Connection with other sex workers had been integral to Mandy shedding shame that she had internalised about her sex work, giving her an awareness of stigma which subsequently expanded how she felt about herself and her involvement in sex work. In addition, these connections had also given her important knowledge of business practices, and the confidence to refuse clients who attempted to disrespect her. She explained:

I had that stigma that other people...I was uneducated, is the word I would use now around it. [I felt] stigma myself of like low self-worth and it was selling myself and it was the lowest thing I could do and all this crap, until I ended up meeting a great group of women that introduced themselves through being sex workers, and I was able to be open and honest there and speak about it. And the freedom I got from it first and foremost - I cannot express my gratitude...[After] I got introduced to these women, yeah...was able to speak with my head up in the air [and say] I have done sex work... I do it because I choose to do it... My self-worth around it was a lot better [and] the girls were able to tell me like prices and stuff and I would be able to say what would this actually be worth... got what I deserved to get...And yeah, refused people that were trying to like [haggle payment]... just to be able to say "no - I'm absolutely not doing it for that". (Mandy, Ireland)

While community was critically important to participants in Ireland, the capacity to form community is limited by laws that foster isolation by criminalising sex workers for working together. Furthermore, government funding is provided exclusively to organisations that endorse the view that prostitution is a form of violence against women. Relatedly, several participants felt that there should be more peer based services in Ireland and community spaces by and for sex workers.

I wish like there were more peer-led organisations doing street outreach...I don't particularly like this about myself, I'm always trying to challenge but I definitely do mistrust people I don't see as coming from the same background as me because I assume they will have certain ideas about me... I think I wish there were more peer-led resources. (Suzanne, Ireland)

MK – a migrant worker, felt that despite a lack of funding and recognition, sex worker activists were doing critically important work in Ireland that had made her feel supported. She explained:

Actually they are doing a magnificent job...Whatever rights that we still can have here is because of the amazing work they are doing. I will give them that. They are going up and beyond, as in 101%. Especially during the pandemic. They actually actively reached out ...I'm checking in on you and things like that to make sure you are okay, you know?... You could call them if you wanted support, talk to them. They actually listen to you...They are real fighters. (MK, Ireland)

### ***Perceptions of the law***

Participants in Ireland overwhelmingly felt that the laws surrounding sex work in Ireland are actively harming sex workers. Bya, a migrant sex worker from Eastern Europe, said that she had initially believed that the Nordic model would improve her situation, explaining:

I thought it was a good idea at that time... After six months, a year, I changed my mind completely when I saw how it went - the work. So that's why [I changed my mind]... I thought we not going to have any problems anymore you know, like, but no, it's opposite. (Bya, Ireland)

Caroline explained her perception of how the law change has impacted sex workers in tangible ways:

I think it's a fucking travesty. It does so much harm and it's insulting because they have brought in laws that the evidence shows are harmful and they say they are doing it in the name of protecting us... Of course if you put more pressure on clients, that pressure is transferred to the worker you know and so then you have to go further out of your way to meet their demands and you know now they are more likely to insist that they see you on your own if you are working indoors, that you are not in a place with someone else, out on the streets I've had to go further away so we don't get picked up by the guards. (Caroline, Ireland)

Caroline's assessment of the situation was echoed by Debbie, a street-based worker who was not aware that the law had changed in Ireland and believed it was illegal for her to work on the street. However, Debbie commented that there had been a change in client behaviour in recent years. She explained that "these

days they are more aggressive". Debbie went on to explain that the volume of clients had reduced and, as a consequence, those who were still approaching sex workers on the street were often disrespectful and would attempt to secure lower rates, apparently in the knowledge that there was little work to go around. She explained "I tell them how much and he'll say 'no a tenner - I can get it around the corner for a tenner [because] everyone is standing around". This illustrates that, even where client numbers have reduced, people still need to do sex work because their material circumstances remain unchanged. However, now they are forced to work in more desperate conditions while earning less.

Although the change in law in Ireland was promoted as a means of protecting sex workers from exploitative third parties, Sarah felt the opposite had happened and sex workers now had far fewer options to challenge exploiters.

...you end up having to protect abusive spaces or people since you're left without any alternative. The law boasts that it has the effect of preventing those sorts of players from access to us, but that's not really the case - it's just eliminated any means of fighting bad practice. (Sarah, Ireland)

Relatedly, the law change in Ireland is promoted as a means of protecting the most vulnerable sex workers. For example, in 2024 Justice Minister Helen McEntee reiterated that "A key purpose for the 2017 Sexual Offences Act was to provide additional protection to persons involved in prostitution, especially vulnerable persons" (Ryan, 2024a). However, the stories told in interviews indicate that this is not the case. Sex workers who may be considered the most marginalised – particularly those working on the street – are still mistreated by Guards and criminalised in other ways. Suzanne explained:

I definitely have experienced a lot of discrimination because of being a sex worker like when I was in custody...I haven't particularly experienced much of a change in their attitudes since the law changed really. I think if they can get you on other stuff, they will. I'm sure that like shitty attitudes [towards sex workers] are at the bottom of it but lot of the time they try to get you on other stuff, for example, shop lifting, harbouring drugs etc. (Suzanne, Ireland)

Multiple stories were told in interviews of participants being humiliated by the Guards, being told to move on while working on the street, or arrested for reasons



other than sex work while they were out working. It was abundantly clear that the Guards were considered a threat and a nuisance to be avoided at all costs, rather than a source of protection, echoing the findings of previous research (Amnesty International, 2022; Minescu, 2022).

Several participants were also deeply frustrated that the law means sex workers cannot work together, which creates serious safety risks, and is based on stereotypes regarding the nature of sex work and sex work businesses.

...brothels are not a negative thing. They are actually a positive experience for a vast number of reasons, one being safety in numbers, two being that you can have cameras and things like that...it can be set up in a way that this space is being used for sex work, so it can have the essential things that we need to be safe...It's frustrating you know like if I was pay a driver, so that driver is not only my transport but they are also my fucking security - that's illegal...so I can't do that. So, I can't have security, I can't work in a safe place and I can't also like enjoy the camaraderie of my sex worker pals. You know, that something I miss from the brothel - like going to work. When I was in Australia it was fun - I had friends there... And all that craic is completely fucking gone. And I don't know why that [working together] is such a bad thing. Like where is it negative? Why can't we enjoy our jobs? Why can't we enjoy working with our colleagues in the same way that other people do? (Sarah, Ireland)

### ***Future change***

While participants were highly critical of the current situation, they were very clear on what they would like to see change. Participants overwhelmingly felt that the law needed to be changed to full decriminalisation to better support the safety of sex workers. Roberto explained:

...the only thing that I would like to be changed, as discussed before, is to make it like not an offence for them to buy and not an offence or a crime to live with someone that can save your life. That's the change that I think every sex worker is looking for at the moment, to be able to work with someone else. (Roberto, Ireland)

The need for legislative change around third parties in particular was also linked by several participants to housing security for sex workers, since sex workers are currently at risk of eviction from the premises that they

live and work from. Louise, a street-based sex worker, explained:

...we need to be able to know it's not a criminalised thing, which means we cannot be legally like discriminated against for wanting a place, for wanting that place to work, you know, like we can't just be chucked out. (Louise, Ireland)

Participants also spoke at length about a need to change attitudes in Ireland to reduce the marginalisation of sex workers. Kelly explained:

...we still have to work on stigma and I think like there's a lot of ways that you can work on stigma but I think it will take time, I think you need to, you know, normalise the word sex work, normalise that people see sex workers, normalise that sex workers exist and those are really difficult things to do. Also I think you really need to begin dismantling the Catholic system that runs Ireland. (Kelly, Ireland)

In addition to decriminalising sex work and changing attitudes towards sex workers, several participants in Ireland also emphasised a need for structural change, to provide material support to people who are struggling, without the expectation that they will leave sex work. Suzanne explained that the current laws were based on "flimsy pretence that this is like about, 'oh you know we are concerned about people being coerced into it'". Suzanne is a homeless, street-based sex worker and their priority was structural change to better support people in similar situations. They explained that they have friends in exploitative situations who do not want to leave sex work, but want support and have struggled to find it.

...not all of them want to exit the industry completely but they want to work for themselves and like nobody is interested...If you are worried about people being coerced or not being able to leave the industry, make it easier to get into treatment, make housing easier to get... If they are afraid of someone, make refuges easier to get into...Do something about the state of addiction services...Just trying to cut off people's income - it's ridiculous. Like you are just trying to narrow people's options until they have nothing, in which case they will probably just die without you ever having to notice them - which is ultimately the goal. (Suzanne, Ireland)

While the laws in place in Ireland were couched as being poised to help the most marginalised people, it is abundantly clear that this has not translated into reality. Multiple participants in this research were living in very precarious situations. For example, several were homeless, and struggling to meet their everyday needs. The change in legislation in Ireland in 2017 has not meant that people who are struggling no longer need or want to do sex work – as the findings of this research demonstrate – the impact is that they now do it in much more challenging circumstances.

## Scotland

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### Scotland snapshot

*The interviews in Scotland indicated that participants feel marginalised in Scotland, particularly by the government stance on the sex industry, which impacted their capacity to disclose their work in a range of settings. There was a strong sense in many interviews of feeling unheard, as though their perspectives do not matter, and feeling little control over decisions that would significantly impact their working conditions. Participants overwhelmingly wanted more rights, to be listened to, respected, and understanding of sex workers as diverse people. Overwhelmingly, participants opposed proposals to introduce a variant of the Nordic model in Scotland, and such proposals appeared to be harming their mental health by creating ongoing uncertainty, and fear for the future. Overall, the interviews indicated that the revolving door of policy proposals in Scotland, in tandem with the simplistic framing of sex work as ‘commercial sexual exploitation’ and the lack of funding available for sex worker-led services, is harming sex workers in multiple ways.*

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### The status of sex workers in Scotland

In Scotland, overall participants felt that anti-sex work sentiment is a fringe view rather than a mainstream view, but that understanding of sex work is clouded by misinformation. For Jake, this misinformation was fuelled by what they termed “a loud vocal minority” of campaigners who represented extreme experiences as the norm and perpetuated stigma. There was a sense among several participants that the wider public would be supportive of sex workers rights and decriminalisation if they had access to accurate information. However, there are significant barriers to this being realised.

...If you have talked to an individual person and have like, even a 5 minute conversation with them, I think the majority of people would come out in support of decriminalisation. I think by and large, if you ask people as in like a large mass, what they think about sex work, the only frame of reference they are going to have is scary stories from abolitionists and I think it comes down to funding and lack of resources. Sex workers don’t have time, energy, resources to fight against abolitionists groups because we are too busy trying to make enough money to survive. But I think if sex workers were given the same level of like platform and resources and stuff as the abolitionist groups, I think the majority of people would see the difference and would be in favour of supporting sex worker rights. I think in general people do support sex worker rights, they just don’t realise it. (Blue, Scotland)

Elektra, who had previously worked as a sex worker in Sweden, compared her experiences and felt that despite the advocacy of abolitionists, there was far less anti-sex work sentiment among the general public in Scotland:

No, that [the Swedish law] has like really made it incredibly stigmatised which really, really shows when you meet clients in Sweden and I can tell here [in Scotland] that it is, it’s not that there are no anti-sex work sentiments in Scottish culture, but society isn’t saturated with them the way it is in Sweden. (Elektra, Scotland)

The power that abolitionists hold over shaping the narrative regarding sex work in Scotland – and how this has been wielded over sex workers – was a strong theme in multiple interviews. There was a clear perception that sex workers have been silenced or ‘drowned out’ by abolitionist campaigners who had more power, time, and resources to platform their views.

I feel like there’s a lot of misunderstanding and the vibe, is, yeah, not very supportive, at all...There are so many SWERFs...They want to ‘rescue’. It’s not rescue... It’s pretty disgusting. I feel so, so bad for trans sex workers especially right now. You are made to feel like your existence as a human being isn’t worth shit and that you need help when you don’t. You need to be left alone – you need rights. So I feel like total disgust and anger. (Lucid, Scotland)



It was abundantly clear that participants did not relate to the Scottish government's framing of prostitution as a form of violence against women and were overwhelmingly opposed to policy proposals to adopt a variant of the Nordic model. Words used to describe this included "ignorance" (LuciferLee), "propaganda" (Lucid), "infantilised" (L), "patronising" (Rosie), "sexist" (Jake), and "insulting" (Skye).

I think it's very fucking patronising for a start! It assumes that I have no bodily autonomy and can't make decisions for myself, assumes that no sex worker is ever making a choice, which isn't the case. I am making a choice to do this. My choices are not being respected [by proponents of the Nordic model]. They are not trying to make my job safer. They are only trying to further stigmatise it and further criminalise it and yeah, the whole skewing public opinion to make the public think that as well. So yeah - obviously I don't appreciate that. (Rosie, Scotland)

### ***The impact of state sanctioned stigma***

The framing of sex work as a form of violence against women, sex workers as victims without choice and all men who pay for sex as abusers was not only resented by participants, it was also felt to result in a multitude of harms. L felt that this had a silencing affect, meaning that sex workers felt they had to censor their experiences because bad experiences could be weaponised by anti-sex work campaigners and used to bolster the narrative that clients should be criminalised. They explained:

I mean obviously your customer facing personality persona fake life is "everything about this is brilliant all the time. I love every minute of it". But that simply cannot be true and it must be allowed to not be true, so that when things are bad and awful, you can seek help and support. But we are currently walking on this knife edge where it's either like "do you love this, do you love it every minute, are you happy, are you happy right now, have you been happy all day?" And if you ever deviate from that they are like "victim, victim... you must never be allowed to do this again, ban it". And it's like - I was just having a shit day. Like one guy was a complete asshole and I would love to be able to report him to someone but if I do, I can never work again because the 50 other dudes that I have been seeing recently have all been lovely and I don't want them tarred with the same brush, thanks. So I'll be silent - which is never good. (L, Scotland)

Heather felt that the way that sex work is framed by officials in Scotland as a form of violence against women rather than a form of work forces sex workers to conceal their experiences, making life harder in a range of areas. They explained:

...it's like the stigma of having to be like in secret and like it is not seen as work, it's not understood as work, and you know it's perhaps perceived as some like problematic ad hoc impulse rather than actually seen as like my strategy - it's my work... You are completely kept in the margins...it's really hard to like integrate mainstream life with this work, without it being super complex from like accountancy to taxes to like paying rent. (Heather, Scotland)

Elektra talked about the mental health impact of stigma, and how long term exposure to stigma took a significant toll on people that they had tried hard to resist:

...the social consequences of the stigma weigh on you, every fucking day and it's like a long term exposure to something incredibly isolating and I've done everything I can to refuse to let it isolate me but that's a big privilege that not everybody has. (Elektra, Scotland)

The mental health impact of misrepresentation and being unheard was clearly articulated by Madeleine, a migrant sex worker who explained how distressing her experiences had been attempting to engage with politicians on sex work issues. In a meeting, Madeleine described it being evident that the politician had no interest in her perspective at all, explaining "she was just ticking a box and wasn't actually interested". She described the convoluted language that abolitionist campaigners would use to describe her as she sat across from them in meetings.

I have been in a couple of meetings with people representing various other organisations and it's like they will literally be using this like seven word descriptive metaphor of you instead of saying 'a sex worker'...And if it's a long sentence, they will say it twice, you know, in one sentence and it's like literally seven words. Ok, it would make your own life easier if you would just say 'sex worker'. And in one of the meetings I was like "for fuck's sake can we just not say sex work, is it very difficult for you?" No, it's a matter of principle [they replied]. They will not do that... It's just ridiculous. Like, you are talking about me. Could you please refer to me as I want to be referred to? (Madeleine, Scotland)

Madeleine went on to describe how this ongoing cycle of dismissal and threats to her work had impacted her mental health.

I've lived in Scotland for 12 years, I think there has been 5 consultations in these 12 years, okay, maybe 4...I'm just beginning to get very, very tired of all of this. I'm trying not to cry, so I don't know if I'm tired of activism or if I'm tired of not being heard or if I'm tired of being spoken over repeatedly. It's just I find being involved in any of that very unpleasant and overwhelming...If it happens it happens and I will try to be resourceful and come up with something else and try to figure out how I have to adapt my sex work again and again, to you know the ever changing rules. But until that actually happens, I just don't want to think about it...I think I've been doing it for too long at this stage, it's just too overwhelming and sad and disappointing. (Madeleine, Scotland)

Several participants described being emotionally harmed in this context, feeling like they had little control over the outcome of policy proposals. Heather described feeling "super terrified" about the possibility of a Nordic model law being adopted, Lily described this as "depressing and scary", while Rosie said "it actually fills me with fear".

Only two participants expressed anything other than vehement opposition to the proposed introduction of a Nordic model style law in Scotland. Both of these participants were street-based sex workers who accessed the services of an organisation that has an abolitionist stance on sex work. Sharon, recounted a conversation with an outreach worker who was seeking to galvanise support for the Nordic model in Scotland. She explained:

She's disgusted with the guys out there – aye she said they try to get a campaign here, obviously for the guys to get done [criminalised] and all...She said "that's not fair – they get walking. They should get, aye, they should get charged". (Sharon, Scotland)

When asked what she thought about this proposed approach, Sharon replied "I don't think I know...[But] they're [clients] just as bad as us, know what I mean?" However, when asked about her clients in general and how they behaved towards her, Sharon reflected "I've been lucky that way...I tend to just keep my regulars anyway... They don't intimidate me and that. Just give the money over first then do your thing and that's it".

The conversation recounted by Sharon suggested that the outreach worker had incorrectly informed her that street-based clients cannot currently be arrested, while street-based sex workers can. As such, it had been inferred to her that there is a double standard that needs correcting. Jenny appeared to have the same understanding, stating that "they are arresting the wrong people". However, Jenny also resented representations of sex workers as passive victims. She explained:

...people's misconception it will be oh there's always a big bad pimp out there trying to pimp us out and like use us and abuse is and take control and everything... You cannot believe a woman would ever choose to do that, so it's like a bad guys got to force her into it... There's definitely a lot of fucking stereotypes, do you know what I mean? (Jenny, Scotland)

Thus, between these two participants, there was confusion regarding the existing laws relating to sex work, mixed feelings regarding client criminalisation, and a rejection of universalising stereotypes about sex workers and clients.

### ***Friendship and peer spaces***

In common with participants in Ireland, in the context of misrepresentation and oppression, friendship with other sex workers and access to peer spaces were valued highly. Lucid, for example, described how connection with peers helped them to resist stigma:

...getting in touch with communities, also helped [me] as well because – like we were talking earlier about stigma – and I feel like that is something, stigma and shame are something that like when I spend a lot of time away from other sex workers or, you know, for example during lockdown or like doing like 'normal' things, you can feel the stigma and the shame kind of getting into your head. Or you feel it yourself, rather than actually thinking, you know this is [stigma]... it can be really difficult and you can be really hard on yourself and then sometimes I would feel like a total weirdo, I guess. (Lucid, Scotland)

In this quote, Lucid articulates the importance of community in facilitating shared experience, supporting people who do sex work to be aware that they are not the problem, but rather that how sex work is constructed in the world is. As such, time away from peers resulted in Lucid feeling more othered, because

they were not surrounded by the solidarity and shared experience that being in a community enables. This, therefore, points to the vital importance of prioritising community in sex work policy making to support the wellbeing of sex workers and resourcing spaces from which resistance to stigma can be built.

A few participants spoke specifically about existing peer-led services for sex workers and emphasised their value. For example, Lily reflected on her starting sex work and how little they knew at the time, explaining “Oh if I had had access to like Umbrella Lane when I was 18, I would have been a lot safer”. As noted in earlier sections of this report, sex worker-led organisations in Scotland have not been sustainably resourced, and significant amounts of funding have been afforded to other organisations that endorse the view that prostitution is a form of violence. Heather reflected on the unfairness of this situation, explaining:

...it just makes me really angry that the people who were doing really great work you know like Umbrella Lane.. these people aren't eligible for like funding support or get any like validation for support, it's really fucking important work like from my own personal experience. If these people hadn't been there in the beginning and through other key points in my journey - like it's been so useful... They were giving the actual support [to sex workers] but they weren't getting any funding from the government... And not even like recognised for their work and then their voice also isn't like heard, it's just absolutely nuts... like everyone in here [in the organisation] is working, they are speaking directly with people who cannot be heard. (Heather, Scotland)

It was abundantly clear that despite this lack of resourcing in Scotland, it is sex workers who provide meaningful support to sex workers, in some cases through formal organisations and in others more informally. For example, Lucy – who had ongoing struggles with their mental health – had coincidentally met someone in an unrelated context who was involved in sex worker activism and support, which had a significant positive impact on them. They explained:

I mentioned to like the person...that I'm a sex worker. She sent me a referral to Ugly Mugs, she also said she is going to help me with therapy. And she emailed me this morning which is nice...They alone are doing more for me than my GP could do. (Lucy, Scotland)

## ***Future change***

Participants in Scotland overall were abundantly clear that they did not want a version of the Nordic model to be adopted, and that this would greatly increase risks for them. However, they were also not satisfied with the laws currently in place. Rather, in common with participants in the Republic of Ireland, they wanted a system of full decriminalisation and felt that this would make sex work safer and would help to challenge stigma. However, there was pessimism in interviews regarding the likelihood of this occurring. When asked to describe the laws that he wanted, Karl explained “Yeah I mean, of course full decriminalisation. I think we are just so far from that”. Similarly Lucid reflected “I would love to have full decriminalisation of sex work... that's very idealistic...but I guess that's what my wishes would be ideally”, while Madeleine stated “I don't think the ideal laws that I want are ever going to happen. I mean obviously decriminalisation”.

Overwhelmingly, participants felt that full decriminalisation would make their lives easier on multiple levels.:

Yeah, I mean obviously the ideal would be full decriminalisation because I think that would help make sex work safer. It would also help to de-stigmatise sex workers, it would give sex workers more rights, it would make sex workers worry less about having to report things to the Police. Yeah in an ideal world, it would be fully decriminalised. (Rosie, Scotland)

For me, it would be transformative, it would make me truly independent. It would give me independence to make the money that I need to have not just a life but a nice life as a disabled person... It's a job that is entirely flexible around my health, so I would feel that I was able to care of myself better. I would be more free to disclose it to places like, you know, my GP, other places like that and they wouldn't legally be able to discriminate because I would have rights. I could just live like a normal person. (L, Scotland)

Several participants also felt that in addition to decriminalisation, change was needed so that the wider public have a more accurate understanding of sex work, and that misinformation about sex work in Scotland needed to be countered. Maria explained:

...the general public, I think they just need more information, they need the realistic view. But I feel like the government as well is just battering them all with like “it’s bad, it’s this, it’s that”. And people are just like, they either see the really bad or the easy money. They are not seeing the person, or the real lifestyles. Like we are just someone that you pass by in the street. (Maria, Scotland)

There are, however, clearly considerable barriers to achieving this when many of those who hold power and influence continue to perpetuate stereotypes and promote a simplistic narrative about sex work. This serves to maintain stigma, which makes Scotland a particularly risky context for sex workers to speak openly, and prevents people from sharing their experiences.

Blue reflected on what an ideal future in which sex work is fully decriminalised and sex workers are not subject to stigma would look like for sex workers in Scotland:

I think living in a world without stigma against sex workers would mean that I don’t have to worry about payment processes, suddenly kicking sex workers off platforms. I don’t have to worry about websites servers suddenly tell me that I can’t host my website with them. I wouldn’t have to worry about my Bank saying oh no, we don’t want you, go away. It would mean that I could travel anywhere in the world without fear other than, you know, other than the normal level of fear of travelling alone as woman but a world where there’s no stigma against sex workers would just make sex work safer and more manageable and able to be self-regulated and self-legislated by sex workers, like it would give us the power and the freedom to take care of ourselves. If we didn’t have to constantly fight abolitionists and governments and Police, we could reinvest all that time and energy in our community and then strengthening ourselves and oh my god, that would be amazing, the things we would accomplish. (Blue, Scotland)

The interviews in Scotland indicate that participants felt marginalised, and resented the framing of their work as a form of violence against women in government policy. There was a strong sense of feeling unheard, as though their perspectives do not matter, and that they had little control over decisions that would significantly impact their working conditions. Overwhelmingly, participants wanted rights, respect for sex workers as diverse people, and to be listened to. The interviews in

Scotland were characterised by steadfast opposition to the Nordic model. The proposed introduction of this approach appeared to be harming the mental health of several participants by creating ongoing uncertainty and fear. Participants were clear about what they wanted, which is full decriminalisation, resourcing to support peer spaces, and the erosion of stigma.

## **Aotearoa New Zealand**

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### **Aotearoa New Zealand snapshot**

*In Aotearoa, the experiences of participants indicate that the situation of sex workers is contradictory. The decriminalisation of sex work has benefited sex workers who are protected by the legislation, in so far as having more rights than they did previously, and having options to report mistreatment. The experiences of participants also signal positive shifts in terms of stigma, with participants overall feeling more able to be open about their experiences than participants in the other two contexts. In defining sex work as work, the legal framework has been symbolically important as well as practically important. It is also clear, however, that further change is needed to better support the rights of sex workers and to continue to challenge stigma and discrimination. Aspects of the existing legislation which continue to set sex workers apart in a negative way and infer that sex work is not equal to other forms of work need to be changed, specifically section 19 of the PRA, and the ability of territorial authorities to pass bylaws. In addition, further attitudinal change is required to make society safer for sex workers, so they can live without significant fear of discrimination. The provision of anti-discrimination protections in the law would assist with this, in tandem with public education regarding the diverse realities of sex work. Overall, however, the experiences of participants in Aotearoa illustrate a hopeful context, in which a sex worker-inclusive society has not yet been achieved but is at least conceivable with further change.*

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### **The status of sex workers in New Zealand**

In New Zealand, participants clearly conveyed a sense that while understandings of the work involved in sex work may not be particularly nuanced, there is an understanding that sex work is work. Anna explained:

I think most people kind of probably see it as a job – they do that [sex work] and they get money and that’s that. They don’t see the rest [of the work] like

especially if you're an independent... So they probably see it from a very one dimensional kind of view."  
(Anna, New Zealand)

Overall, participants felt that public attitudes towards sex work are largely indifferent. Kat explained, "I actually think that like Kiwis just like don't care, like it's been decriminalised for a long time now, like it's part of our reality".

There was also a sense among several participants that stigma has begun to slowly dissipate.

I don't think New Zealand is super anti sex work, but I don't think we're like 'yes power to the ho's 'you know like I think we're just kind of in the middle. But I'm hoping that we're going to keep going towards to power to the ho's side, you know? I don't think we're going to be going backwards. (Jane, New Zealand)

Participants in New Zealand very clearly felt more at ease about disclosing their sex work in comparison to participants in Scotland and the Republic of Ireland. Jane, for example, said that after she appeared on the TV news talking about sex workers rights, "I had all of these people messaging me like 'you're amazing' you know like they all knew, they all knew that I was a sex worker".

Sarah described feeling supported by friends to whom she had disclosed her sex work experience, explaining "I've had a lot of people say like that's awesome that you're doing that Sarah like that's really cool...I feel like lots of my friends have been really glad...like you seem really happy and like you're doing something that's really good for you".

Charlie Bell described how she was able to bring her sex work experience into her degree course, feeling supported to do that and as though her sharing was valued:

Because they talked about different privileges people have, I was like well there's like privileges in like certain work and everything like that. Because I can't put this [sex work] down as a job on my CV when I've learned so much from it and everything like that. And so I told them. I first asked if I should tell the whole group and the tutor, she said 'I will support you no matter what' and everything like that. And it was good. It was really good and it was actually beneficial for my whole degree. (Charlie Bell, New Zealand)

## ***Perceptions of laws in NZ and internationally***

Several participants reflected on their experiences in New Zealand in the context of how they perceive the situation in other countries. The words 'lucky' and 'grateful' were used by several participants to describe how they feel to work in the New Zealand context. Debbie explained:

"I feel that really grateful but I also feel that we shouldn't have to say 'oh we're so lucky' but we are compared to other people in other countries".

This was directly connected by participants to the laws surrounding sex work and the context that this had enabled.

That it is an actual job and as such should have the legal protection afforded to other workers. That being forced into unsafe work situations, or not being paid for your time in a fair manner, not being afforded a safe place to work, not being able to protect yourself if you're assaulted in the course of your job are not acceptable. (Luke, New Zealand)

Vanessa felt that the laws in place in New Zealand "gives you that protective layer. We have more of a voice - we can voice our opinions. We have more a leg to stand on", while Summer Joy explained "We have rights, full stop...We are people, you know, not victims and we have rights". Billie felt that this impacted client behaviour in a positive way:

...the way that we're able to act how we're able to treat it as a job and be professionals and all that. That then in turn affects how clients see us, they see it as work whereas if it's still you know [seen as] this shady underground then it does influence how they think and what they can get away.  
(Billie, New Zealand)

Participants clearly felt that the laws in place in New Zealand were, for the most part, superior to those in other countries. The criminalisation of clients was overwhelmingly seen as an approach that would create additional safety risks and also exacerbate stigma. Mary's prediction of how the Nordic model would impact her mirrors many of the lived experiences of sex workers interviewed for this research in Ireland who are actively working in this context:

Then the only people you see are people who are willing to break the law...I think it's just going to make it dangerous. And you have less clients so you'd have



to, you might feel like you had to accept the ones that did come even if you maybe didn't want to because they're more scarce...I think it takes away agency as well. Like the same thing that it's not a 'real' job, that all sex work is trafficking - like those messages that it's dirty or taboo and then also that like sex workers need to be protected from clients, which is weird. (Mary, New Zealand)

Participants were similarly incredulous about laws in place in other countries which prohibit sex workers from working together, with several having no previous awareness that this occurs elsewhere. Alex explained:

I feel way more comfortable when there's another sex worker...I feel like it's a safety strategy and that there isn't really any downside to doing it. Like I don't see why you wouldn't want to. Yeah I don't see why you would make that illegal. It doesn't make any sense. (Alex, New Zealand)

### ***Stigma and discrimination in the decriminalised context***

While there was a perception among participants that stigma is slowly lifting, it was also abundantly clear that stigma and discrimination remain issues that need more attention. While participants in Aotearoa were comparatively more open about their sex work than those in Scotland and Ireland, selective disclosure was still a priority for many participants due to the fear of stigma.

Ever since I've started one of my biggest worries has been being outed...That's always in the back of my mind is that if people find out that I do this they're going to assume that I'm back in my addiction and that I'm going down into the gutter again or something like that. So I have a double stigma about not wanting to be outed because I have that [drug use] in my background. (Debbie, New Zealand)

Concealment of sex work experience was still seen as important in specific contexts – particularly when seeking places to live and spaces to work from, and seeking employment outside of the sex industry. There was a clear perception among many participants that disclosing sex work experience would jeopardise their chances of securing a place to live or a premises to work from, or could be used to deny them jobs in other areas. For example, Addison felt that "If my landlord knew I probably would get kicked out".

While there were no instances of participants being evicted from their homes, no one had actively disclosed to a landlord when they were working from home and as such it is difficult to determine how likely this outcome is. Concerns about the risks of discrimination, however, were certainly not unwarranted. Michelle described challenges she had faced attempting to establish her business:

I remember when I was trying to set up my business after the Christchurch quake and I remember the City Council gave me absolute grief, the Christchurch City Council gave me grief in trying to set up in Christchurch... yeah bylaws and it wasn't like I was doing it in a church or a school or a kindy... They discriminated so much so yep. It just wasn't happening. (Michelle, New Zealand)

As previously noted, the PRA enables local councils to pass bylaws to control the location of sex work businesses, which Michelle had struggled to negotiate. Michelle faced further hurdles in Wellington when she disclosed the business she was setting up to estate agents and other commercial entities, explaining:

When I was looking for commercial premises in Wellington I sort of felt judged by real estate agents... I rang up companies for security because I wanted you know cameras and stuff outside...I rang up one company and I said look I'm setting up a brothel you know blah blah blah are you okay with that? And they said yes and I remember they came to see me and had a meeting and stuff like that. And then I rang them up - I think it was maybe a week later - to sort of get the pricing. And they said "oh we've decided we don't really want to have you as a customer". And I said "but why? I will pay your bill - I've got good money". I said "well why did you actually bother coming to see me if you're going to waste my time and your time. I told you straight up from the start what I did"...They just probably wanted to have a perv around the place. (Michelle, New Zealand)

Other instances of discrimination described by participants included Starr who reported that her ex-partner tried to use her sex work against her in the family court, noting "it was brought up through custody issues with my daughter and her father with the lawyer...I just denied it". While most participants had not encountered issues working from hotels and motels, participants described taking care to be discreet and avoid bringing their work to the attention of staff.

Rose, however, described being asked to not return to a motel by the owners when she was checking out, which was humiliating for her and triggered past trauma. She explained:

...It totally triggered my PTSD so bad and I was like off work for a week afterwards...when I booked in when I got there in person because I book online I was like oh my god these guys are Christians. They didn't say they were but when you've been a Christian your whole life there's this like a vibe people give off...And I was a bit scared of that and so I wasn't allowing anyone below an hour to come and see me. And I only had three bookings over five days...When they told me to leave and never come back thankfully it was my last day anyway so they didn't 'kick me out' kick me out but they did it in front of other people...They were like "we know what you're doing we don't appreciate the kind of lifestyle that you have". And those words... it was so condemning. And this journey that I had to go through personally to get to the point where I do sex work. I mean to me it was like I heard 'oh you're never going to get a husband, you're never going to be liked, you're never going to be free, you're never going to be accepted'. (Rose, New Zealand)

Ongoing impacts of stigma and discrimination were also evident in experiences of ten participants who described having their sex work disclosed by others without their consent. In most cases this was described as not being motivated by malice, and was instead attributed to a lack of understanding regarding boundaries, or a desire for kudos for being associated with a sex worker.

"I just don't think they understand. I'm quite open about what I do and that I enjoy it and all that kind of thing and then I guess they don't, they forget that it's also heavily stigmatised". (Chloe, New Zealand)

In at least two instances, participants had been maliciously outed. For Abby, this had involved an aggrieved ex-partner telling her family about her work.

Oh sadly it was my ex-partner who decided to tell my family... I don't know how he found out but he just stormed into my house one day - this is a year after we'd broken up. He stormed in and he was like "what the fuck are you doing with your life"...He was talking to me like in my face [and] that was the first time I ever thought he might physically hurt me. But he calmed down, he calmed down and he left and yep he told my family...But my family were so supportive...

I took the high road I was like "well I just need to sort of say well you kind of did me a favour because I was too scared to tell them right now anyway and they've come back and they're obviously on my side because they're my family". Thankfully they're a supportive family. And yeah I was like well ha ha. I kind of took that attitude with him like well now they know - thanks you did me a favour...this has actually made it better for me because now I can be open. (Abby, New Zealand)

Diana was outed on the internet by a woman online, who was the ex-partner of a man she had been seeing in a personal context, and who had become aware of her occupation. She discovered she had been outed when her adult child confronted her about it, explaining:

She googled me, she trolled me, my Facebook page, my you name it and then she put this huge post on this website called She's a Homewrecker dot com and that was up there from November of that year until April the next year unbeknownst to me when my daughter found it because she was googling me for some reason... I could tell by the tone of her voice she knew. And when I called her back we had a fight she hung up on me...I just literally laid in bed willing my heart to just stop...I get emotional when I think about it. But it was probably one of the hardest [times] and I've been through some hard shit in my life, but that was really hard. It was like how do I, I can't deny it - it's true. I'm not ashamed of what I do, but who the fuck is she to go ahead and do that. And then when I read the article [outing me] oh my god it was disgusting. (Diana, New Zealand)

Following this traumatic incident, Diana sought the support of the NZPC and courageously reported the abuse, which resulted in the conviction of the offender under the Harmful Digital Communications Act (2015). While the outcome of this case provided redress, and it was an important judgement sending a message that outing sex workers is not acceptable, the entire process was distressing for Diana and detrimentally impacted her health. She described the comments sections on media stories about the incident as "stigma gold" because of the judgement that was levelled at her. Diana reflected that she felt lucky to survive this situation, noting "I know of [sex workers] that have killed themselves because they've been outed", reinforcing the seriousness of stigma being weaponised against sex workers.



## ***Future change: Beyond decriminalisation***

As discussed, participants in New Zealand were abundantly clear that they were grateful to work under decriminalisation, feeling that this provided an environment where they have more rights and that best supports their safety at work. It was also clear, however, that further change is needed to strengthen the rights of sex workers, challenge stigma, and provide better protection from discrimination.

### **The rights of migrant workers**

One issue that several participants felt very strongly about was section 19 of the PRA, which prohibits temporary migrant from working in the sex industry. As previously discussed, this has long been acknowledged as a significant flaw in the legislation, with its negative impact documented in research and by sex workers who have actively campaigned against it (see, for example: Roguski, 2013; Armstrong, 2017; 2018a; Armstrong, Abel and Roguski, 2020; McCallum, 2022).

I think it's section 19 or 18 or something of the PRA needs to change because I think if everyone is viewed as accepted in the industry then that should reduce stigma I think... It's just adding to the stigma. Like okay so New Zealand and Australian sex workers are okay but anyone else is not okay. Why? That's so racist...this is something that pisses me off. Those coming into New Zealand in any other industry are covered under our laws but if they come into New Zealand to do sex work they're not covered. So why is a migrant sex worker less important or less like requiring less protection? That is not fair to me. (Jane, New Zealand)

### **Attitudinal change**

A need to change attitudes and to educate the public on the banal realities of sex work was also considered to be a priority going forward in order to progress the erosion of stigma. Sarah envisaged an ideal future as one in which:

Being able to be out - safe, not having any of your opportunities compromised because of your work... Being part of a community where you feel like you're valued and you fit in...and like yep just opportunities to work like any other person and to advertise and make that choice on your own terms. But I think just the main thing that needs to change is just stigma and public attitudes - that's really what's preventing that. (Sarah, New Zealand)

Several participants spoke of a need for there to be more people who are 'out' as sex workers, to enable connection that can shift attitudes and break down stigmatising ideas of who sex workers are. At the same time it was acknowledged that there are significant barriers to sex workers being out. Charlie Bell articulated the frustrating "everlasting loop" situation whereby sex workers are well placed to educate members of the public and challenge stigma, but stigma forms a barrier to them doing just that, explaining:

I don't know more education around sex work people just need to be more open, I don't know how to go about it because sex workers don't want to say that they're sex workers because of the stigma but if sex workers say stuff about sex work it would reduce stigma as well. Like the more people that talk about it the more stigma would like reduce. (Charlie Bell, New Zealand)

### **Anti-discrimination protections**

A further change that several participants felt could help to strengthen the rights of sex workers in Aotearoa was the provision of legal protection from discrimination on the basis of sex work experience.

I think that it would be greatly beneficial to not discriminate against sex workers because they're doing a legal job. I think everyone else has that same right. I don't know why sex workers should not be a part of that...I would have been able to get housing a little bit better, future jobs I wouldn't have to like fill in a CV gap or anything - I could just write 'sex worker' and then list all of the stuff that I've learned as a sex worker and all the credentials I have... basically I would have the right to tell, I could tell people my job without like any fear of backlash and that would be fantastic. Everyone else can do that. (Alex, New Zealand)

I think it would be really beneficial in terms of seeking further employment. I guess that part that frustrates me is that I now have all these skills that I can't disclose... a lot of my clients are self-employed businessmen and they'll look at my brand and go I would hire you and I'm like but no actually you wouldn't because if I had all this [sex work] on my CV you would go "oh god". It's only because you know me and you know who I am. (Chloe, New Zealand)

Skills developed in sex work can include, for example: marketing; website design; negotiation; conflict resolution; relationship building; time management; and active listening, to name a few. Like Alex and Chloe, several participants lamented the fact that they cannot widely share the skills that they have developed through sex work if they decide they either want to stop doing sex work, or do other forms of work alongside it. Thus, anti-discrimination protections were seen as important not only for providing options to sex workers who wish to challenge unfair treatment, but also to work towards a world in which sex workers who perceive their work in this way and wish to showcase their skills can do so, instead of needing to hide these experiences as a protective strategy.

# Conclusion

This research sought to examine how sex workers perceive, experience and navigate stigma in New Zealand, Scotland and Ireland, to explore the relationship between the laws in place and how sex work is constructed, and to investigate whether and how legislative changes shift how stigma functions and what this means for sex workers in their everyday lives. The findings of this report provide several important comparative insights.

The construction of sex work in Ireland and Scotland centres on sex workers as victims, with prostitution defined as a form of violence against women. While this is not formally enshrined in the law in Scotland, this underpins the policy narrative and, as such, participants in Scotland experienced many of the same affects as participants in Ireland. This universalising narrative functions to marginalise and exclude sex workers, and promotes shame and isolation. There was clearly an awareness among participants in Scotland and Ireland that they exist on the margins of society.

In New Zealand, while stigma is clearly still present, participants were overall more open about their work than those in the other contexts. Participants were overwhelmingly clear that sex work is defined as a form of labour in New Zealand, and felt overall that public sentiment towards sex workers is neutral. There was a strong sense of optimism among participants that stigma is slowly reducing and that future positive change is possible.

While there was optimism in New Zealand, there was hopelessness in Ireland and Scotland. Several participants had very clear ideas of what legislative environment they would like to work in, and what change was needed to begin challenging stigma. Yet this did not feel within reach. There was a strong sense of sex workers not being listened to, and it being unlikely that this would change in the future.

While it is important to emphasise differences across the three contexts, it is also critical to note the similarities. The most compelling similarity relates to how participants felt about different approaches to sex work laws. Participants overwhelmingly felt that a system of full decriminalisation would best support their health and safety, and was a starting point from which to work on stigma reduction. Likewise, participants overwhelmingly opposed the Nordic model, viewing this approach as posing a serious risk to their safety, and more broadly as unfair and unjust.

Another commonality is that participants in all three contexts valued connection with peers, which had clear benefits for their mental wellbeing. What differed, however, was the extent to which there were sustainably funded peer spaces. In New Zealand, the NZPC receives government funding to support sex workers. In Scotland and Ireland, organisations that are not peer-led receive funding, while sex worker led organisations rely on charitable grants and donations to exist. Connection with peers is also limited by the legislative frameworks in place, which prohibit sex workers from working together. In Scotland and Ireland, within peer-based organisations, it was also clear that much time and energy must be expended on responding to unwelcome policy proposals. This resistance work, while necessary in a hostile legislative environment, is not conducive to wellbeing and several participants involved in advocacy had clearly experienced negative impacts on their mental health as a consequence.

The Nordic model is often lauded as an approach that benefits the most marginalised and disenfranchised people engaged in sex work, helping those who do not want to be there to leave the industry. However, there were participants in all three contexts who were living in precarious circumstances, reflecting the landscape of neo-liberal capitalism in which all were striving to exist. Participants in Ireland included people who were street-homeless or in temporary hostels and other emergency accommodation, people struggling with addiction, and one person who had spent years in Direct Provision as an asylum seeker, still struggling to survive after being granted the right to remain. The Nordic model was introduced in Ireland in 2017 and six years later there is no evidence to suggest that the Nordic model has helped to support people out of sex work who do not want to be there. People living in dire circumstances continue to engage in sex work. Correspondingly, across each legislative environment, participants spoke about the need for structural change, so that everyone across society has more leverage over the choices that they make around work.

Based on the findings of these interviews and a review of the existing evidence on the impacts of sex work laws, in the final section of this report we offer a series of recommendations to policy makers and practitioners concerned with this area.

# Recommendations

**1 Fully decriminalise sex work:** The findings of this research and the previously published evidence unambiguously indicates that the full decriminalisation of sex work is the approach that best supports the health, safety, and wellbeing of sex workers, and serves as an ideal starting point for stigma reduction.

**2 Adopt anti-discrimination protections into law:** The full decriminalisation of sex work must be accompanied by legal protection from discrimination. A history of criminalisation and deeply engrained stigma means that sex workers are particularly vulnerable to discrimination in a range of settings. Anti-discrimination protections enshrined in the law would send a message that discriminating against sex workers is not acceptable, and enable a mechanism for recourse when discrimination is enacted.

**3 Recognise economic injustice and prioritise structural change:** Policy makers should also focus their attention to campaigning for broader structural change, specifically anti-poverty measures. Expanding access to money and resources is critical to ensure that people have maximal control over their lives and the types of work in which they choose to engage. Concrete actions that could be taken include: increasing unemployment, disability, and child benefits; implementing guaranteed income schemes for targeted groups who experience financial disadvantage and do unrecognised work such as caring<sup>3</sup>; and facilitating access to affordable housing and education, accessible and non-judgemental addiction services, equitable healthcare, and safe migration pathways.

**4 Require robust evidence in sex work policy making:** Sex work is an area that is subject to strong opinions and policies should never be made on the basis of emotion, moral judgements, and opinion. When making policies and laws that impact any population, evidence should never be optional. Sex work laws and policies must be made on the basis of robust evidence to ensure that they support rather than harm sex workers.

**5 Listen to and respect the knowledge of sex workers:** Sex workers hold valuable knowledge gathered through their own lived experience and connection with peers and are best placed to advise on the tangible impacts that laws have on them. Sex worker led organisations have direct contact with sex working communities and must be respected as experts on issues impacting sex workers, and leading the development of sex work laws and policies.

**6 Recognise that sex work is work:** Framing sex work as a form of violence is both inaccurate, stigmatising, and unhelpful. Recognising sex work as work enables acts of abuse to be more readily recognised, reported, and addressed. This framing also sends a message that sex workers are people with rights, and de-normalises abusive behaviour that is normalised when sex work is framed as violence.

**7 Recognise that the law is not just symbolic:** Laws and policies have practical impacts and send a message to sex workers about their own status and worth, as well as to other members of the community. The narratives that are prioritised in policy filter down into everyday experiences, impacting people's lives in significant ways. These impacts can have very serious implications for safety, health, emotional wellbeing, housing financial status, personal relationships, and parenting.

**8 Centre stigma reduction in sex work policy and law making:** It must be recognised that defining sex workers universally as victims is a form of stigma. Any policy that seeks to challenge stigma must recognise sex workers as a diverse group of people, who have diverse experiences. Stigma is rarely centred as a harm when sex work laws are made, despite the fact that it has a destructive impact on the mental health of sex workers, and can result in a multitude of harms due to discrimination, and its association with violence. The harms of stigma must be recognised and the reduction of stigma must be prioritised by policy makers. The starting point for this is policy makers understanding what sex work stigma is and how it is harmful, from the standpoint of sex workers.

<sup>3</sup> For more information about guaranteed basic income schemes see <https://basicincome.stanford.edu/experiments-map/>

## **9 Resource sex workers to work with their own**

**communities:** Community building and resourcing should be built into sex work policy. This respects the knowledge of sex workers, serves to support mental health of community members, and provides a buffer against stigma, along with space to share information on working practices and critical safety issues. Direct community resourcing also empowers sex workers to educate other organisations on sex work issues, enabling such organisations to improve their ability to serve sex workers accessing their services. The NZPC provides a model for this that could be replicated elsewhere.

## **10 Platform and fund anti-stigma and discrimination**

**initiatives:** The stigma associated with sex work is historically embedded and as such will take time and effort to shift. This can be assisted by investing in anti-stigma campaigns that are led by sex workers, to help educate the wider public and create more realistic, nuanced understandings of what sex work is and who sex workers are. Such initiatives may include arts-based initiatives, media projects, and community and professional education that is directly informed by the lived experience of sex workers.

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