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**Why Success of the Sex Workers' Rights Movement in Reducing Political Violence for Sex
Workers vary in South Africa and New Zealand**



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BAP: Social Movements and Political Violence

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*For the Sex Workers who inspire me
Your strength is recognized everywhere*

Abbreviations

SW	Sex Work
SWer	Sex Worker
SWRM	Sex Workers' Rights Movement
PO	Political Opportunities
PC	Political Culture
PV	Political Violence
HR	Human Rights
SWEAT	Sex Worker Education and Advocay Task Force
NZPC	New Zealand's Sex Workers' Collective
ANC	African National Congress
SA	South Africa
NZ	New Zealand
SAHMS	South African Health Monitoring Survey
HIV/AIDS	Human immunodeficiency virus/Acquired immunodeficiency syndrome
SOA	Sexual Offences Act

1. Introduction

Sex work (SW) is one of the oldest known profession in the Western world, surviving and fighting through centuries of oppression by patriarchy who marginalize, discriminate and abuse sex workers (SWers) (Mac & Smith, 2018). The Sex Workers' Rights Movement (SWRM) start can be seen originating from the United States in the 60s and 70s, during the events of Stonewall where SWers decided to organize and create a collective where they were accepted and heard (Mgbako, 2020). Since then, this movement has grown worldwide in liberal Western countries and conservative countries such as India, providing SWers with aid through non governmental organizations focusing on SWers' wellbeing and legal advice. The SWRM accomplished decriminalization in New Zealand, Northern Territory in New South Wales, Australia and legalized SW in 41 countries (NSWP, 2015). This accomplishment was a big success for the movement as it proved that decriminalization is possible as long as institutions and communities comprehend the professional nature of SW and support SWers in their fight for recognition, respect and acceptance (Abel, 2014).

SW can be defined as work that produces income through the exchanges of sexual services, in physical or non physical forms, between a client and the worker (Open Society Foundations, n.d.). Those engaging in SW have various reasons such as financial reasons or sexuality expression, as to why they choose to work in this field. The terminology has changed over the years where 'sex worker', coined by Carol Leign in 1978, is used in opposition of 'prostitute' in order to acknowledge that sex work is work (Open Society Foundations, n.d.). This shift in term has allowed for the conceptualization of sex work to take a HR approach in legal, health and social services where SW is perceived as work. Furthermore, the rise in SWer activists in the Global South has made this movement a globalized movement where SWers worldwide are fighting for similar outcomes and SWers everywhere have faced some form of abuse. This advocacy is done in hopes of providing better working conditions for SWers and to enforce a decriminalization framework. (Gerasimov and Lepp, 2019).

This is an important topic to research as SWers rights is still a contested subject in many places. This thesis aims to contribute in shedding light to a HR perspective surrounding SW by

explaining how and why SWers rights are important. Furthermore, it can be used to explain why the SWRM is successful in a handful of countries. The thesis aims to answer the research question: *Why success of the SWRM in reducing political violence for Sex Workers varies in South Africa and New Zealand*. This thesis will specifically look at whether an authoritarian or liberal political culture influences the opening or closing of a political space and whether this opening or closing influences the violence faced by SWers in SA and NZ.

2. Literature Review

From Stonewall to Slutwalk

The history of the SWRM can be dated back to the presence and role SWers played in Stonewall 1969 (Stern, 2019). Stonewall history was known as the fight for gay and lesbian liberation in the United States, revolting against institutional homophobic laws and police brutality (Stern, 2019). Stern (2019) argues that transgender (trans) and colored SWers were ignored in the Stonewall movement, despite the organizers of this movement wanting to include them. This silencing was made to show Stonewall under a “politically appropriate” lens, omitting the origins of Stonewall rooted in the works of SWers who pushed for conditions to make this historical event possible (Stern, 2019). The exclusion of SWers were not just limited to the Stonewall movement, but also within many radical feminist movements where SWers were unwanted in participation and discriminated against (Stern, 2019).

Chauteauvert (2013) takes a similar stance, arguing that the SWRM was created due to the lack of representation and the lack of space in liberation movements in the 1970s, “counter-narrative to identity-rights movements that drew their ideology from liberalism and middle-class respectability.” (p. 21). She argues that the movement not only focus on SWers liberation but also from the patriarchy that perpetuates violence and discrimination against women. Carr (2013) adds that the fight for SWers rights is not mutually exclusive from the fight for womens’ liberation. They share the roots of wanting bodily autonomy, to be respected, to be believed for their stories, wanting accountability for the actions of oppressors, and to be unapologetically women. The Slutwalk, which was created by SWers fighting for their space in society and their

recognition of identity, welcomes all feminist with open arms to also fight for their liberation and reclaim the word 'Slut' (Carr, 2013). Originating in Canada, it became a global movement when in 2011 protests happened in around 40 countries. In addition, she argues that the intersectionality of the movement can be seen when looking at the organizers and participants of this protest, being feminists fighting against "victim-blaming, slut-shaming patriarchal cultures" (Carr, 2013, p. 24).

Sex Work is Work: Striving for Decriminalization

Scholars who are pro-SW argue that decriminalization is the only option where SWers are protected under the legislation and their rights are accorded. This is argued by Abel (2014) as decriminalization recognizes SW as work, enabling them to "operate under the same employment and legal rights accorded to any other occupational group" (p. 581). In addition Deering (2014) argues that the framework of SW is a significant component in influencing violence against SWers. She argues that under a criminalized framework, SWers and violence becomes correlational, occurring within SW. This correlation is argued because SWers are unable to report abuses to law enforcement and criminalization also means SWers do not have legal protections or rights that can be exercised. Their health and safety becomes at risk as violence is constantly perpetuated by this tolerance of violence (Deering, 2014).

Mac & Smith (2018) goes against the argument made by many liberal feminists that the Nordic model of legalization is better than decriminalization. The Nordic model, also known as the Swedish model, was adopted in eight countries becoming embedded in the framework of partial criminalization of SW (Mac & Smith, 2018). Introduced in 1999, it became a favorite of policy makers as the embodiment of this model was believed to be one that is rooted in feminism and prioritizes women's rights (Mac & Smith, 2018). The authors argue that this is evidently flawed as the nordic model does the opposite of prioritizing their version of women's rights by excluding and punishing sex workers and their very limited rights. Therefore, they hold similar arguments with Abel (2014) and Deering (2014) on the importance of enforcing SW decriminalization.

Stigma against sex workers

The abuse faced by SWers come in different forms such as stigmas, physical or sexual assault, emotional abuse and more. According to Weitzer (2017), one of the most common forms of violence against SWers are stigmas, influencing society's understanding of SW. Thus affects the creation of discriminatory SW policies. Sanders (2016) holds a similar argument to Weitzer (2017), arguing that the violence sex workers face is a direct result of the stigmas in place, the environment in which SW occurs, and the governance approaches regarding SW. In addition, Armstrong (2017) argues that criminalization provokes stigmas towards SWers whereby they are being 'othered' and seen as criminals, therefore rendering them more exposed to violence. They add that stigmas against SW have existed since the establishment of traditional norms for women, whereby SWers are deviant from these norms and therefore do not fit into societies' expectations of women. Sanders (2016) and Armstrong (2017) both agree that street based sex workers face the most intense violence compared to those working indoors. With the understanding that SWers who work in criminalized countries are predominantly street based sex workers meaning a significant amount of SWers have faced one or more forms of violence.

3. Theoretical Framework

Conceptualization of stigma

Stigma can be defined as the “negative attitudes or discrimination against someone based on a distinguishing characteristic such as a mental illness, health condition, or disability” (Caddelle, Verywell Mind, 2020). One of the biggest stigmas that many SW face is that this line of work is correlated with human trafficking, as mentioned above. The vast majority of SWers, who are in this line of work by choice, are not victims (Chateauvert, 2013). In order for human trafficking victims and SWers to be independent from each other, institutions need to be able to distinguish between the two and provide resources as well as protection for SWers (Chateauvert, 2013).

With different hierarchies within SW, there are different levels of abuse faced. Full service SWers, who are providing face to face sexual services and those working on the streets, are

confronted with the most violence. Predominantly SWers of color and trans sex workers where they are “punished more than any other group” by the legal institutions and by society (Chateauvert, 2013, pg. 13). This culture of violence against SWers is legalized in some places, perpetuated and even accepted in societies because of the prejudice that comes with SW.

Conceptualization of political violence

Political violence (PV) can be defined as using force by a range of actor(s) in order to achieve political goals (Sousa, 2013). PV includes “deprivation, the deliberate denial of basic needs and human rights” (Sousa, 2013, p.1). The conceptualization of PV in this thesis will be illustrated as violence against street SWers carried out by their clients or police officers, in the form of emotional or physical violence. Violence against SWers are upheld and perpetuated by institutions who continue to enforce criminalization, denying basic HR to SWers. In a country where SW is criminalized, violence will be more persistent and intense because SWers are forced to work on streets. The clients and police officers who assault SWers face no indictment as SWers are not able to report without also being charged.

Criminalization, partial criminalization, legalization or decriminalization

The four legal frameworks surrounding SW laws globally

Criminalization of sex work bans selling and purchasing of sexual services and has the grounds to arrest SWers who are doing so. This leads to the penalizing and punishment of SWers by forcing them to operate underground, erasing them in public sectors, affecting the difficulty for them to report crimes committed against them and continues a cycle of prison industrial complex by arresting and incarcerating SWers (Mac & Smith, 2018). The criminalization of SW was initially pushed forward by institutions and legislations in the start of the AIDS epidemic as SWers were seen as the carrier of HIV. Today, criminalization is intertwined with an increase in HIV/AIDS risks as SWers do not have access to safe sex tools, access to health care services or even consultations with doctors, increasing the risk of contracting sexually transmitted infections (World Health Organization). Criminalization also leads to the inability to report violence as they are further punished for the already integrated violence that harms them. That being said, the

criminalization of SW becomes a HR issue as it “disregards the fundamental principles of self-determination, bodily integrity, and sexual freedom” (Chateauvert, 2013, pg. 15).

Partial criminalization, still under similar implications of criminalization, punishes those who purchase sexual services and those who are organizing these services such as brothel owners (Mac & Smith, 2018). This leads to SWers losing their regular and new clientele, causing their socioeconomic well being worsened with people afraid to pay for SW services as the risk of being apprehended is too high (Vanwesenbeeck, 2017). As mentioned in previous paragraphs, the Nordic Model which is part of this framework, further discriminates against SWers as it forces them into seclusion and separated from society (Mac & Smith, 2018).

Legalization, although sounds appealing, does not protect SWers nor does it provide the basic resources and protection that are usually given to other labour works. The imposition of a heavily regulatory framework under a set of conditions on how SW operates in various parts of the world, cannot exist outside of criminalization thus still punishing SWers (Vanwesenbeeck, 2017). The distinction of illegal and legal forces SWers to operate under a set of conditions that some may not be able to follow due to factors such as race, ethnicity, socioeconomic privilege and others, creating similar outcomes to criminalization (Vanwesenbeeck, 2017). This model of framework is prevalent in many countries who profit off of SW tourism but refuse to take responsibility for the lives of SWers who experienced abuse, such as the Netherlands (Vanwesenbeeck, 2017).

Decriminalization of SW refers to the elimination of criminal penalties related to activities, association and transactions within SW (Mac & Smith, 2018). Decriminalization has shown to be the only effective method in protecting SWers and recognizing SW as work by providing SWers the same resources as other labor works (Mac & Smith, 2018). Furthermore, increasing protection and resources against violence as they will have access to social and public services (Abel, 2014). Law enforcements are present to serve and aid SWers instead of arresting them, thus they are able to report without fear of being abused and silenced by them (Vanwesenbeeck, 2017). That being said, the decriminalization of SW would allow protection of SWers against violence that they encounter every day (Abel, 2014). However, it is important to note that even

under a decriminalized system violence may still exist for SWers but the resources for protection and risk management of violence is readily available in these systems. For countries that impose criminalization, the violence is the most prevalent and intensive.

conceptualization of political opportunities and political culture

Political opportunities (PO) can be defined broadly as “any environmental factor that facilitated movement activity” in the understanding that the dimension of opportunities can be affected by political cultures (PC), state repression, roles of the elite, and divisions between the elite (Mcadam, McCarthy & Zald, 1996, p.25). According to Mcadam, PO explains the timing in which collective action occurs and the outcomes of these activities (1996, p. 29). The conceptualization of PO in this thesis will be defined as an opening of the political space for movements to make demands and will also examine the PC that enabled or deterred the movement’s progress in reducing violence against sex workers in South Africa and New Zealand. PC can be defined as “set of attitudes, beliefs, and sentiments which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system including the political ideals and the operating norms of a polity.” (International Encyclopedia of the Social Sciences, n. d.).

Hypothesis

The most important factor attributed to the movement’s successes are the influence in the legal and political system where space for SWers in culture and society is created. This factor will be analyzed under the lens of the political process theory whereby the institutional and political setting influences the extent to which movements’ outcomes fail or succeed. A political system’s closure or openness for movements to seize opportunities affects the extent movements can mobilize successfully (Porta & Diani, 2020). In the case of the movement in New Zealand and South Africa, the theory will be applied in analyzing the movements’ success, in reducing PV due to their distinct PC and system where the movement saw an opening or closing of space.

That being said, the hypothesis that is applied is as follows:

H1: Political opportunities and culture for the Sex Workers' Rights Movement play a significant role in the success of reducing political violence against SWers

In this thesis, I argue that PCs that are rooted in liberalism, creates an easier environment for the SWRM to introduce ideas of decriminalization and achieve certain rights. For PCs that are more conservative or authoritarian, it becomes a difficult hurdle for the SWRM to introduce SWers rights let alone decriminalization. This expectation is based on how decriminalization is the only framework that focuses on the rights and safety of SWers thus we would expect a decreased amount of recorded violence from street SWers in New Zealand post-decriminalization compared to South Africa. Furthermore, PO, such as a change in leadership, significantly provides an opening to push forward introduction of rights.

4. Methodology

Research design

To answer the RQ, using a qualitative comparison and most-different systems design (MDSD) will be conducted. The case selection of South Africa (SA) and New Zealand (NZ) was chosen using a MDSD where the differences lie in the PO and the PC as well as their legal status for SW. This method is appropriate for this thesis because it can help in examining whether violence which is reported by both cases yearly is reduced, or not, by the movement and if so, does the independent variables play a part in this outcome. To avoid limitations of this method, this thesis uses an explanatory research structure whereby in-depth case analysis on SA and NZ is examined using literature search of articles, reports and research papers.

The independent variables (IV) measured are the PO, the framework of decriminalization or criminalization and their PC. The dependent variable (DV) is the difference in successfully reducing PV.

Method of agreement / MDSD:

<i>South Africa</i>	<i>New Zealand</i>
Criminalization	Decriminalization
SWers report incidence of violence yearly	SWers report incidence of violence yearly
Authoritarian PC at the start of the movement	Liberal PC at the start of the movement

Table 1: The legal framework, the PC and the similarity, in bold, are presented

To measure PO, the history of South Africa and New Zealand will be examined alongside their PC. The difference in their legal status will also be examined and compared. South Africa's PC is attributed to the events of Apartheid from 1948 until early 1990s. This influenced the opportunities the movement had in introducing and integrating SW policies, which will be further analyzed (Thusi, 2015). On the other hand, New Zealand's liberal PC is one that has existed even before the movement was introduced, influencing the POs and the success of the movement which will be further analyzed (Abel, Fitzgerald, Healy and Taylor, 2010).

PV is measured in 1999 (pre-decriminalization) and 2006 (three years post-decriminalization) in New Zealand. In South Africa, 2013-2014 which is 7 years after the Sexual Offences Act, and 2016, 9 years after the SOA. Only data on SWers working on the street is examined in order to attempt a more precise measurement for both cases and compare them as South Africa's SWers are mainly working on the streets (SWEAT, 2016). Data on violence is conducted by examining which violence is recorded and compiling bar charts. The charts will show the number of recorded violence from SWers, compared amongst each other to see if violence increased over the two assigned years. Lastly, the comparison of recorded violence for SA and NZ will be examined to see if there is variation amongst the two cases and if so, how different.

For the case of New Zealand (1999), the data from the Christchurch survey in 1999 will be used in this thesis examined by Jan Jordan (2005). The data is reproduced originally by Plumridge and Abel (2001) where a survey was carried out to measure sex workers experience in the industry pre-decriminalization where licensed SW was legal but not tolerated. The survey sample

includes 303 SWers in only Christchurch, New Zealand. A total of 78 SWers from the street sector responded to the survey.

For the case of New Zealand (2006), the data collected by Gillian Abel, Lisa Fitzgerald and Cheryl Brunton (2007) on their report will be used in this thesis. The data is from a survey that examines the safety of SWers post-decriminalization, administered by the NZPC. The number of survey participants who completed the questionnaire for street sex workers were 201 whereby there were 78 in Auckland, 92 in Christchurch, 31 in Wellington and 0 in Napier and Nelson (Abel, Fitzgerald & Brunton, 2007). Napier and Nelson were not recorded in the data collection due to the low number of survey respondents, as the demographics of sex workers lie in mostly Auckland, Christchurch and Wellington (Abel, Fitzgerald & Brunton, 2007).

For the case of South Africa (2013-2014), the data collected on violence by the South African Health Monitoring Survey (SAHMS) in their report will be used in this thesis. The report used a quantitative method of a survey and a respondent driven sampling (RDS) to create data that represents the target population of only female sex workers and conduct IBBS surveillance amongst them. The survey was conducted in three cities in SA which are Johannesburg, Cape Town and Durban (SAHMS, 2014). It focused on aspects outside of violence such as HIV and syphilis related questions, sexual / personal questions, socioeconomic factors and physical and sexual assault in the last year. The sample size for Johannesburg is 764 FSW, Cape Town is 650 FSW and Durban is 766 FSW, totaling to 2180 FSW (SAHMS, 2014).

For the case of South Africa (2016), the data collected by AIDSfonds in collaboration with SWEAT on their 2016 needs assessment report will be used in this thesis. The report used a mix methods approach of a survey and in depth interviews of respondents, examining violence against SWers in various parts of South Africa. Only the survey data will be used in this thesis. The study sample included 490 sex workers, who took part in the survey and the interview from which there were 86 from Cape Town, 200 from Johannesburg, 99 from Musina and 105 from Durban (SWEAT, 2016).

5. Analysis

The structure of this analysis will first look at the historical background and PC. Then, a comparison of PO and PC that enabled the movement to achieve success will be analyzed and explained using the political process theory. Furthermore, PV is analyzed using the data provided and a case comparison between the bar graphs will be made.

Historical background and political culture

South Africa

1948	1957	Early 1980s	1988	1994	2007
Start of Apartheid	Immorality Act included SW in the provisions	Start of the SWRM	Decriminalized by the Appellate Division	End of Apartheid	Sexual Offences Act
			SW re-criminalized	New plan for decriminalization	

Table 3: timeline of important events

Apartheid, translated to apartness in Afrikaans, started in 1948 until 1994 whereby racial segregation and white superamcy became the dominant belief (Thusi, 2015). The authoritarian PC during Apartheid led to the suppression of various minority groups, whereby women's rights of equality, SWers' rights, gay and lesbian rights and more were not recognized (Coleman, 1998). Authoritarianism can be categorized as "a constellation of beliefs, emotions and

behaviours including a rigid adherence to traditional values, resistance to introspective self-examination, adulation of powerful leaders, exaggerated sexual conservatism, racial prejudice, and overgeneralized dichotomous thinking” (Edwards, 1985, p. 261). Authoritarian PC encompasses these categories and became a norm of the polity. Therefore, under an authoritarian lens SW goes against the traditional gender role of women thus discourses surrounding sex or sexuality is from a conservative standpoint.

The framework to criminalize SW was first introduced in the 1957 SOA (Mgbako et al, 2013). The first few Immortality Act, until 1957, only had laws related to white superiority on same-race marriages (Mgbako et al, 2013). In regards to sexual activities, this extended to include laws surrounding SW in SOA 1957 and in 2007 that continued until today (Thusi, 2015). The Immorality Act served to punish those who partake in sexual activities with other races outside of their own as well as those who marry outside their race. Created under an authoritarian PC, it is rooted in “controlling consensual adult sexual behavior” and further upholds beliefs of institutional white supremacy in South Africa (Mgbako et al, 2013, p. 1425). The SOA in 2007 was an extension of the Immorality Act that was introduced during the Apartheid-era and is still punishing SWers today. Under the SOA, SWers are stigmatized as they are believed to be criminals therefore public and institutional violence towards them are argued to be justified (Thusi, 2015). In order for South Africa to end all forms Apartheid-era beliefs, removing SW criminalization and repealing the SOA in present day is a step that needs to be taken.

The SWRM has existed in South Africa since the 1980s, where the movements’ core values and ideologies were heavily influenced by the movement in Western countries in the 1970s. In the same decade, direct action towards decriminalization was taken in 1988 whereby the Appellate Division, which is the highest court in South Africa, came to a decision that sex work will be decriminalized and “the activities of sex workers were not to be treated as criminal under the Immorality Act” (Thusi, 2015, p. 237). This is the only time in South African history during and post-Apartheid where decriminalization was implemented. However, this did not last long as in the same year, SW was criminalized once again in a new 1988 amendment (Thusi, 2015).

The failure to continue decriminalization can be attributed to the conservatism of the public in regards to SW. Although, it is arguably shocking that the plan for decriminalization would reach the parliament during Apartheid. After the failed attempt to continue full decriminalization in 1988, the work by the Department of Safety and Security, in Johannesburg provided an elaborate plan for SWers rights and introduced the idea of decriminalization to the African National Congress in 1994, who was already in power in this time (ANC) (Wojcicki, 2003). Their first goal, aside from their main goal of decriminalization, “focused on the public health benefits of an increased tolerance and leniency of SW” (Wojcicki, 2003, p. 84). The advocates for SW at the time were predominantly SWers of color, as the liberation of apartheid mostly recognized white South Africans (Mgbako et al, 2013). The unfair race-based factors of SW is based on decades of racial inequalities and white supremacy that occurred since colonization in South Africa in the 1650s (Thusi, 2015). Apartheid was an extension of this inequality and despite achieving political liberation in the 90s, this does not apply to Black SWers who have been enduring decades of economic and racial inequality.

New Zealand

1978	1980s	1989	1999	2003
Massage Parlour Act implemented	Emergence of the SWRM in New Zealand	presented first arguments for decriminalisation	Labour Party became ruling party	Implementation of the PRA

Table 4: Timeline of important events

In the case of New Zealand, SW achieved decriminalization in 2003. Their PC is rooted in social liberalism, becoming a strong advantage for the movement as the government made the decision to decriminalize SW in 2003 under the Prostitution Reform Act (PRA) (Radačić, 2017). It was considerably easier for them to introduce decriminalization and integrate it into society because of their stable PC. New Zealand’s PC is one that leaned towards social liberalism at the start of the SWRM, shaping many laws in the present day (Abel, Fitzgerald, Healy and Taylor, 2010). The principles of liberalism such as “respect for diversity, freedom of choice and human rights”

became the main principle in policy reforms and laws, highlighting the HR approach to SWers rights in the 21st century (Abel, Fitzgerald, Healy and Taylor, 2010, 2010, p. 1).

Before the PRA, criminalization of activities related to S, under the Massage Parlor Act 1978 (MPA), such as brothel keeping and having main income from SW, were enforced which resulted in an increase on violence against SWers (Abel, Fitzgerald, Healy and Taylor, 2010). The MPA was the main framework of SW at the time, implemented by the National Party. Massage parlors, which were a public place, were also acting as brothels, hiring SWers or drug dealers (Robinson, 1987). When the MPA was enacted, they were “prohibited from employing individuals with drug or prostitution-related convictions” (Abel, Fitzgerald, Healy and Taylor, 2010, p. 45). Police officers who were undercover would pretend to be clients and are able to arrest SWers due to soliciting in public (Robinson, 1987). When arrested, SWers can face up to 10 years of being banned from working in massage parlors in the future and having a criminal record of being a prostitute which affects future employment outside of SW (Abel, Fitzgerald, Healy and Taylor, 2010). Therefore, SWers who were arrested resort to working on the streets as they are unable to find employment elsewhere, making them exposed to higher levels of violence.

The stigmas surrounding SW was substantially due to the HIV/AIDS epidemic in the late 70s, during the rise of LGBT+ liberation movements and women's rights (Abel, Fitzgerald, Healy and Taylor, 2010). SWers and gay men were highly stigmatized at the start of this epidemic, they were blamed for causing it and scapegoated as disease bearers, impacting the health of public citizens (Abel, Fitzgerald, Healy and Taylor, 2010). However, the prevalent stigma was slowly decreasing due to the advocacy of the NZPC as well as the funding provided by the Ministry of Health used to educate public space on these issues (Radačić, 2017). With the decrease of stigma, more citizens acknowledged SWers as labor workers. This change in perspective led to support from the public in the process of decriminalization, leading to the implementation of the PRA (Radačić, 2017).

The SWRM in NZ in the early 80s led to the creation of the NZPC who are an organization that is run by SWers exclusive, advocating for “the rights, health, and well-being of sex workers (Radačić, 2017, p. 3). The NZPC was created in response to the epidemic and the lack of rights

available for SWers, thus creating a collective focusing on these issues (Abel, 2014). In 1989, the first plan for decriminalization was introduced to the Select Committee on Justice and Law Reform. This introduction was deemed successful, although seen as a long process, as the implementation of the PRA took place 14 years later, in 2003 (Radačić, 2017). Under the PRA, SWers are no longer criminalized as well as having the “same legal and employment rights as any other citizen” (Abel, 2014, p. 590). The long process can be attributed to the change in ruling parties in 1999, from the National Party to the Labour party, which provided an opening to the movement. This will be analyzed in the section of *political opportunities*.

Political Opportunities

South Africa

Apartheid provided an opening in the emergence of other movements due to the change in PC moving from an authoritarian culture to one that focused on a HR approach, giving priority to suppressed movements. The change of the movements’ objectives between pre and post-apartheid can be seen as shifting from advocacy of SW to justification of decriminalization that was developing post-apartheid (Wojcicki, 2003). Furthermore, the inclusion of minority voices in the media and public spaces post-apartheid were prevalent. This is significant because SWers and SWers of color had a voice after being overshadowed by White South Africans in the media for so long (Mgbako et al, 2013).

The PO present was attributed to the shift in PC, which gave the movement advantage to exploit the new crack in the system (Wojcicki, 2003). One significant opportunity taken by the movement during the shift can be seen in 1994 when the “introduction of a new Constitution that includes a Bill of Rights guaranteeing equality and equal protection under the law to women through the inclusion of a gender equality clause and to gays and lesbians through the inclusion of a sexual preference clause” (Wojcicki, 2003, p. 86). This allowed the movement to bring up the unfair treatments and working conditions SWers face on a daily basis, using the new HR language popularized in South Africa. In response, the ANC first discussed with the Safety and Security Minister on approaches to take regarding SWers rights and protection, as the number of

crimes were prevalent in South Africa concerning other aspects of livelihood such as crimes of theft and murder (Wojcicki, 2003). This opportunity enabled the movement to push forward into South African political sphere through the creation of a task team which included sex workers, scholars, NGOs and government officials (Thusi, 2015).

In recent years, the task teams formed SWEAT in South Africa and other alliances where SW is prevalent in all of Africa. The process of decriminalization had already begun as the new South Africa focused on values that were made to protect and respect the HR of South African citizens, and this included sex workers. However, this process was halted after multiple headlines on the media showing animosity towards sex workers, using language that further stigmatizes SW (Wojcicki, 2003). Although, in combination with this, what fully led to a back and forth argument on SWers rights was the lack of endorsements from political elites and public officials which yielded SW as a topic that does not require importance and one that is extremely controversial.

New Zealand

The change in ruling parties and the crimes committed against SWers in the 90s provided an opening for the SWRM in implementing the PRA. First, the PC in NZ towards SW is one that is supported by their political elites, with fundings provided by the Ministry of Health and their ability to provide with their own resources (Radačić, 2017). The fundings helped in the distribution of condoms during epidemic, advocating for safe sex through education programmes as well as provide “free and anonymous sexual health clinics operating in each of the community bases once or twice a week” (Radačić, 2017, p. 3). Second, the change in ruling party provided space for the NZPC to finalize the PRA, as mentioned above the process took 14 years to complete. In 1999, the work on the PRA draft was intensified with the support and approval from the Labour Party. When drafting the PRA, members of the NZPC worked alongside members of parliaments, researchers and lawyers in order to implement as many equal rights for SWers as possible, with the list of rights created by the NZPC (Abel, Fitzgerald, Healy and Taylor, 2010).

The change from National Party to Labour party was in favor of the SWers rights as the enforcement of liberal policies led to the drafting of the PRA (Radačić, 2017). This was a big PO because the labor government focuses on social democracy with an emphasis on equality for all when previously NZ had a centre right government, the National party, who had conservative views and policies (Radačić, 2017). Furthermore, this provided an opportunity for the organization to establish connections with law enforcements and institutions to work on a policy as well as community level (Radačić, 2017). The members of the NZPC met up regularly to discuss improvements on SWers rights and the cases of violence reported by SWers (Abel, Fitzgerald, Healy and Taylor, 2010). The cooperation with NZPC and various actors and institutions provided a significant opening space for the SWRM in implementing the PRA and most importantly, in safeguarding the rights of SWers.

Secondly, the crimes committed against SWers in the 90s created an opening in discussions for decriminalization in order to prevent these violences from being committed again. The crimes were the murder of three sex workers in Auckland and rape of three SWers in Christchurch (Abel, Fitzgerald, Healy and Taylor, 2010). This became national news highlighting the violence SWers face when SWers rights are not available. That being said, this gave way to further discussions on decriminalization within public discourses and members of parliament in the late 90s as to “ensure that any measures introduced would reduce sex worker vulnerability and recognised their rights to respect and safety” (Abel, Fitzgerald, Healy and Taylor, 2010, p. 41).

Failure or success of the movement

South Africa

An aspect of their failure to reduce PV can be seen when attempting to reform the PC and norms to accept SW and SWers rights and for them to achieve decriminalization. Failure of previous efforts to decriminalize can be attributed to politicians and government officials straying away from diving into SWers rights as they deemed the topic to be too sensitive for South Africans under a conservative Christian society (Wojcicki, 2003). Furthermore, the failure to achieve success in redeucing PV and decriminalization can be attributed to several factors such as

post-Apartheid spillovers and the failure to mobilize political elites. The control over ones' sexuality during Apartheid made it difficult for the movement to fully push towards a decriminalized society, even though SW was decriminalized at one point in 1988. This authoritarian principle continued post-Apartheid which creates blockages for the movement to succeed. The introduction of the SOA in 2007 was met with objections from the activists within this movement, arguing that this act further placed SWers in the same category as human traffickers and criminals which perpetuates a culture of violence against SWers and one that is rooted in stigmas (Wojcicki, 2003). Many SWers argue that South African policy has used HR language to create rights for the LGBTQI+ community and other minority groups. However in the case of SW this language of HR has been ignored and repressed, proving that SW is unacceptable in the community despite the argument that SWers rights are human rights (Wojcicki, 2003).

Public opposition led the African National Congress (ANC) refusing to proceed with the process of decriminalization (Wojcicki, 2003, p. 85). The reasoning behind ANC's decision could be attributed to the race-based factors prevalent during Apartheid. The ANC was the first ruling party post-Apartheid that represents the voices of Black South African and those opposing SWers rights were mostly from the Black South African communities (Mgbako et al, 2013). That being said, this became a significant reason as to why the SWRM did not succeed as this became a closing of political space for SWers to achieve decriminalization and reduce violence. In addition, this also provides explanations as to why mobilization of political elites is experienced as a difficult hurdle due to the majority of the political elites in South Africa being Afrikaners (Wojcicki, 2003). Lastly, the change in PC is a process that takes longer than a year to accomplish and for authoritarian cultures, this process would be carried out for longer. This would have affected the movement's success as with an unstable PC, the POs presented are limited especially if a movement is not supported by the majority of its people.

Despite the failures of the SWRM to decriminalize SW and reduce violence significantly in South Africa, the movement is still prominent in South Africa today with the leading organization SWEAT representing the struggles and rights for SWers in South African society. SWEAT, a non profit organization within the SWRM who only employ SWers, has facilitated

two significant movements for African SWers which are the African Sex Worker Alliance and a national movement of sex workers called Sisonke to provide resources to SWers all of South Africa (SWEAT , n.d.).

New Zealand

The SWRM, led by the NZPC, became one out of three places in the world to achieve decriminalization of SW in 2003 under the PRA and subsequently reduce violence faced by SWers (Abel, 2014). One of the main attributes to this was their relationship with the Ministry of Health which led to establishing connections with other political actors, institutions, law enforcement and members of the parliament whilst including SWers in the policy formulation and process of creating the PRA (Geymonat & Maciotti, 2016). Collaborative governance became one of NZCP's strongest characteristics (Ansell & Gash, 2008, p. 544). This is argued because they managed to create a conversation between SWers and various institutions, providing institutions direct access to the SW community. Furthermore, this included SWers in the political and policy sphere, in comparison to South Africa where SWers were excluded in the input of SW policies such as in the SOA (Radačić, 2017) (Aroney, 2021).

The support provided from media, political actors and committee members during public debates and interviews is another explanation in the success of the NZPC (Radačić, 2017). The media was significantly important in raising awareness of needing decriminalisation as they included them “into the discussions that were taking place in order to inform the public of the reality of sex work” (Abel, Fitzgerald, Healy and Taylor, 2010, 2010, p. 51). Furthermore, the representation of SWers on headlines and news articles were mostly displaying SW in a positive light, highlighting that SWers are humans and all humans deserve rights regardless of their work or identity (Abel, Fitzgerald, Healy and Taylor, 2010).

Political Process Theory

The outcome of the movements in SA and NZ can be explained using the political process theory. First, the institutions and political setting for NZ was rooted in liberalism and pro-SW

beliefs which led to their success. SA, on the other hand, did not receive support from their institutions furthermore, the political setting post-apartheid had a heavy focus on other suppressed groups such as Womens' rights (Mgbako et al, 2013). They did not converse in SWers rights due to contesting debates on the subject, leading to lack of representation in policies and ultimately failure of the outcome. Second, the NZPC had an extensive resource mobilization when examining the fundings provided and the representation in media and institutions, enabled the organization to implement decriminalization (Radačić, 2017). Contrasting to SWEAT, they did not receive fundings from institutions at the beginning of the movement, and neither did they receive public support. Therefore, one of the differences between both cases in reducing levels of violence could be attributed to the lack of or more resources.

Lastly, the support in NZPC led to the ability for them to mobilize to the highest capacity as they were provided material resources in the form of funding and non-material resources in the form of relationships with institutions and political actors (Radačić, 2017). This cannot be argued for SWEAT as they only had the opportunity to alongside other SWers in their city, health clinics and the Department of Justice. The connections were not extending to law enforcements, other institutions or political actors as the SW stigma and unacceptance was prevalent. Therefore NZPC had both forms of resources which affected the outcomes of the movement, in this case, the success in reducing political violence.

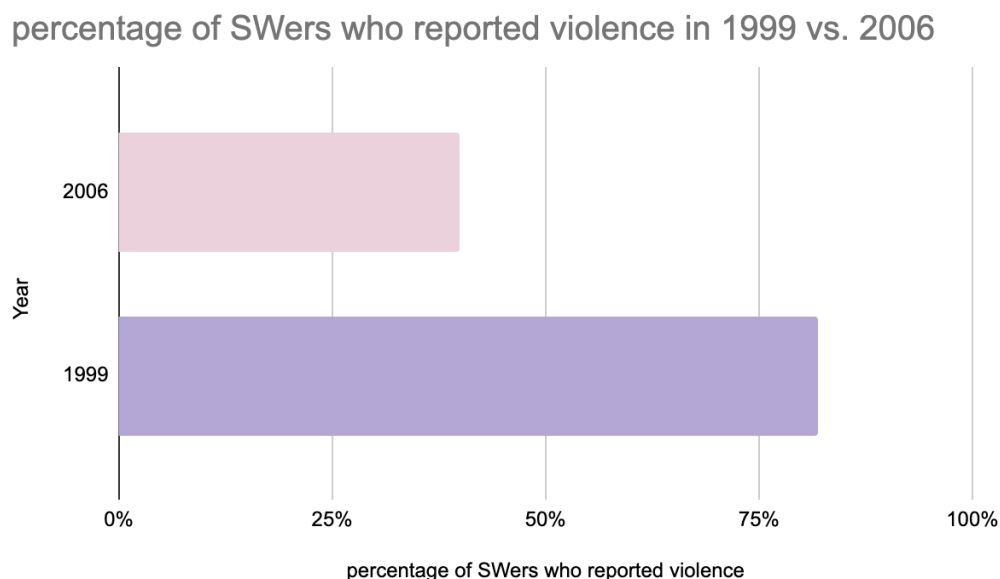
Political Violence

Examining which violence is recorded

New Zealand (1999) and (2006): The table below examines how many SWers faced which form of violence in 1999 vs. 2006. The percentages are rounded to the nearest tenth, if a decimal is 0.5 or more, the number is increased by 1.

	1999: Street SWers experience violence during their last 12 months of work in Christchurch (N=78)	2006: Street SWers experience violence during their last 12 months of work in Auckland, Christchurch and Wellington (N=201)
Refusal to pay	42 (54%)	64 (32%)
Received abusive text messages	Unknown	22 (11%)
Verbal abuse	64 (82%)	Unknown
Had money stolen by a client	33 (42%)	48 (24%)
Threatened with physical violence	51 (65%)	80 (40%)
Physically assaulted	32 (41%)	26 (13%)
Held somewhere against their will	18 (23%)	20 (10%)
Raped	21 (27%)	10 (5%)
Forced to have unprotected sex	16 (21%)	Unknown

Table 5: survey data for both years are included in this table for better comparison between reported cases. Forced to have unprotected sex and verbal abuse is not measured for 2006, therefore it is unknown. Received abusive texts is not measured for 2009, left unknown.



On table 5, except for the boxes marked unknown, it appears that violence decreased in 2006 when examining the percentages. For 1999, the percentage (%) of SWers who experienced violence is 82% and for 2006, 40%. The % for both cases is concluded by examining the amount of SWers who reported violence out of the overall sample. The bar chart above signals that there is a decrease in violence for 1999 and 2006. The percentage of decrease is 51.2%. The calculation can be found in the appendix section.

The 2006 survey can be argued to be more representative of violence experienced by street SWers as it is inclusive of the three major cities in NZ where SW takes place. The 1999 survey on the other hand only examines SWers in Christchurch, causing a limitation for the results of this survey to be generalized. Furthermore, the size of the sample of 201 and 78, differs by 40% which may be affected by a confounding variable.

South Africa (2013-2014 and 2016): Using the survey and data produced by SAHMS and the survey data from SWEAT (2016), the two tables below examine how many SWers faced which form of violence in the past year.

	Cape Town (N=650)	Durban (N=766)	Johannesburg (N=764)	Total of three cities (N=2180)
Physical assaulted in the past 12 months, ≥ 1 time	314 (48%)	206 (27%)	388 (51%)	908 (42%)
Sexually assaulted or raped in the past 12 months ≥ 1 time	78 (12%)	138 (18%)	167 (21.9%)	383 (18%)

Table 6: The data is from SAHMS 2013-2014 survey measuring physical and sexual assault in Cape Town, Durban and Johannesburg

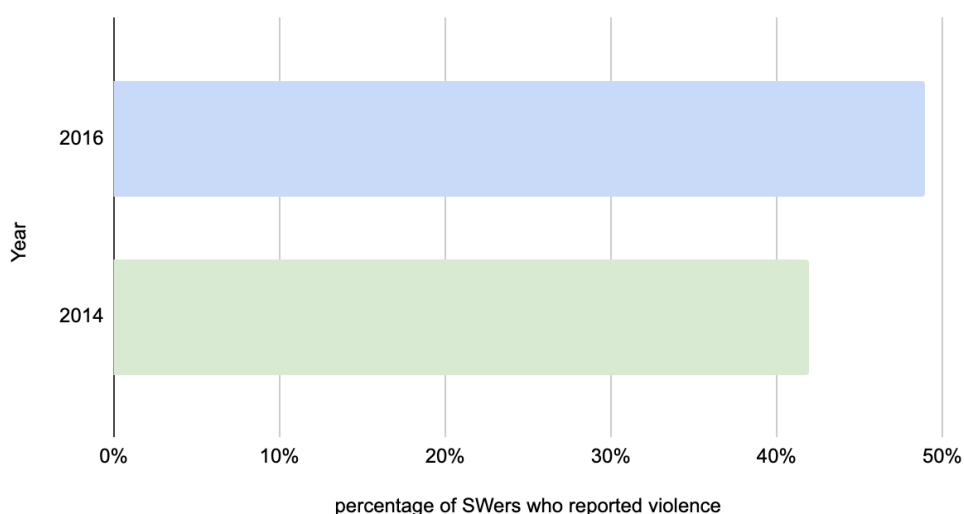
Forms of violence faced by SWers in this 2016 report and by which perpetrator:

	Client	Police officers	Other sex worker	Community	Health worker
Economic violence	240 (49%)	162 (33%)	172 (35%)	Unknown	Unknown
Physical violence	216 (44%)	191 (39%)	127 (26%)	88 (18%)	15 (3%)
Sexual violence	201 (41%)	118 (24%)	Unknown	49 (10%)	Unknown
Emotional violence	Unknown	230 (47%)	Unknown	Unknown	157 (32%)

Table 7: The data is from the report made by AidsFonds & SWEAT, N=490.

For both tables, it appears that the recorded violence for 2016 is slightly lower than 2014. Physical assault is higher than sexual assault in the 2014 table and also in the table for 2016 of recorded violence. In 2016, the highest form of violence is economic violence experienced by 49% of SWers carried out by clients and the lowest being physical violence experienced by 3% from health workers.

percentage of SWers who reported violence in 2014 vs. 2016

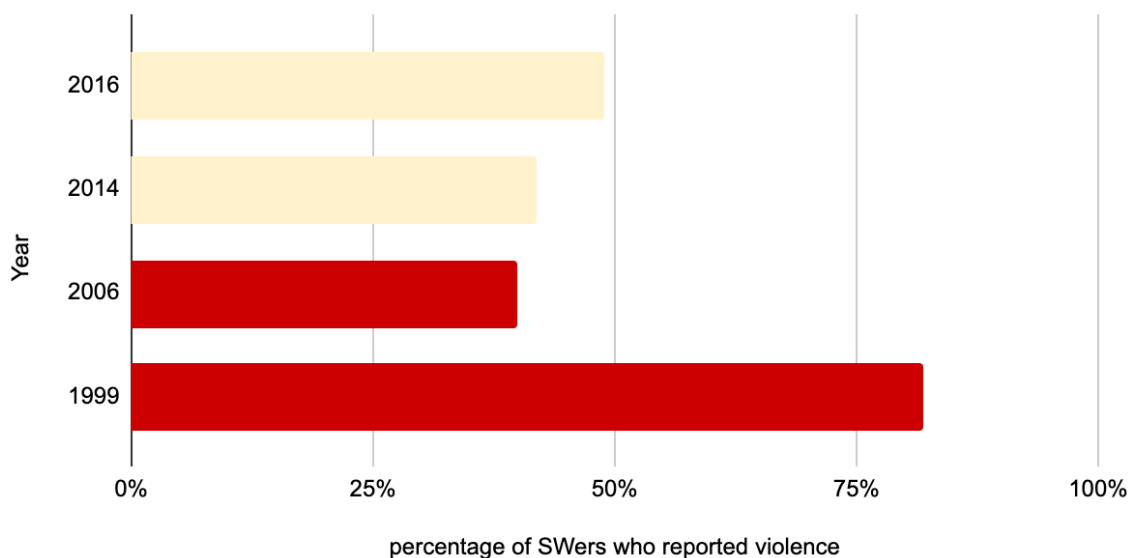


It can be argued that the increase in recorded violence for street SWers in South Africa is attributed to their framework of criminalization. The data from 2016 is measured 9 years after the enactment of the SOA and the data from 2014, 7 years after. This indicates that under the SOA, violence faced by SWers can increase yearly. The percentage increase of recorded violence between those two years is 16.6%. The formula can be found in the appendix section.

The 2014 data does not include which forms of physical or sexual assault is measured, hence making the understanding of violence quite limited. Furthermore, they do not specify which perpetrators commit these acts of violence, which causes a limitation in comparing the data alongside the 2016 one. The comparison can still be made, although it could be made better provided the lacking information. The sample size for 2016 is considerably smaller than the size of 2014. This does create an issue with reporting the findings as there may be a confounding variable that is not accounted for.

Comparison of New Zealand (1999 and 2006) and South Africa (2014 and 2016):

percentage of SWers who reported violence in New Zealand (1999 and 2006) vs. South Africa (2014 and 2016)



This comparison is made to examine whether both cases vary greatly in their cases of recorded violence, or similar. The graph shows that in both years, violence in NZ (1999 and 2006) can be seen as lesser than SA (2014 and 2016). Because NZ has the lowest percentage of violence in 2006, compared to SA and NZ in 1999, this underlines the success of the movement in reducing PV when implementing decriminalization. In addition, this provides a comparison in recorded violence under a decriminalized framework and a criminalized one. Although, the percentage of violence between SA and NZ, for both years, do not have a significant difference in violence.

Conclusion

Coming back to the RQ, it can be argued that POs are shaped by the PC which affects the levels of violence. Looking at SA, an authoritarian PC and the stigma of SW due to conservative norms heavily influences the outcomes of the movement in reaching decriminalization and reducing violence against SWers. Whereas in NZ, a liberal PC led to acceptance and support of SW, contributing to the PRA, reducing violence faced by SWers.

There are a few limitations to this study. First, the factor of socioeconomic inequalities is not accounted for. This is important as it examines why cases of violence are more common in one area compared to the other. As resources are scarce in underprivileged areas, SWers will most likely report more intense forms of violence relating to economic and physical violence. Second, keeping in mind the stigmas on African SWers, the sample for SA in 2016 is limited because street SWers became more wary of being a part of the research as having fear of being arrested and further discriminated against (SWEAT, 2016).

To conclude, under a criminalized society, SWers are mainly working for economic reasons. Black South Africans are facing economic difficulties and inability to find employment due to post-Apartheid inequalities that places the livelihoods of White South Africans first (Anna, 2019). The resort to SW is one that is based on survival and an 'only option' for many Black and trans SWers, who are not welcomed in their communities due to stigma. That being said, SW liberation is intersectional with economic marginalization and class distinctions. Fighting for SWers means fighting for the liberation of the underprivileged, the exploited and the marginalized communities everywhere.

Appendix

Calculations of percentage increase in 2014 and 2016:

$$49\% - 42\% = 7\%$$

$$7\%/42 = 0.16 \times 100 = 16.6\%$$

Calculations of percentage decrease in 1999 and 2006:

$$82\% - 40\% = 42\%$$

$$42\%/82\% = 0.512 \times 100 = 51.2\%$$

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