I write as a former Member of Parliament in New Zealand, and prior to that a Borough Councillor in the London Boroughs of Greenwich and Lewisham. I worked as the first Executive Director of the Stonewall Group between 1988 and 1991.

As an MP I sponsored a Private Members initiative – the Prostitution Reform Bill – which after 2 ½ years of Parliamentary and public scrutiny eventually became law in New Zealand in June 2003. Through that New Zealand became the first country to decriminalise prostitution, following comparable legislation which had been enacted in the Australian state of New South Wales. Since that law reform passed I have presented to audiences of politicians on sex work law in Australia, the Pacific Islands, South Africa, Uganda, and the USA; and at two International AIDS Conferences. In South Africa I worked with teams of sex workers to develop presentations on law reform to Parliamentarians. In that sense, as a former politician, I guess that I have a unique story to tell.

I thank the Committee for selecting this matter for inquiry. Debate, and especially political debate, on the law around prostitution/sex work is typified by heat rather than light, and calm deliberation of the issues is much more likely to generate wise outcomes.

I am, of course, willing to appear by videoconference, Skype or phone before your Committee, and am likely to be in the UK later in 2016.

You will have much to read and consider, and I thought it would help to summarise my message in six short paragraphs:

The informed views of current sex workers/sex worker advocates is central to any attempt to reach the truth about sex work.

You will hear from many professing to have intimate knowledge of the sex industry who are no longer in it, or rely on suspect research for “proof” of their views. They closely parallel the opponents of attempts over the years to bring fundamental human rights to marginalised and vulnerable populations. Over time those attempts succeed; that is the drift of history. When it comes to sex work, as was the case with race relations, womens equality and lesbian and gay law reform, it is incumbent on politicians to seek the truth and not take refuge in comfortable but fallacious arguments.
The better the police-sex worker relationship, the less likely is abuse to occur. That relationship is a strategically vital one and can only succeed if neither sex workers nor their clients are criminalised. With decriminalisation, New Zealand has experienced a massive improvement in Police-sex worker cooperation. This has enabled, for example, murders of sex workers to be solved; corrupt police and law breaking brothel owners to be exposed and convicted; traffickers of sex workers to be exposed. Conversely, criminalisation incentivises police corruption linked to the sex industry.

Laws worldwide which attempted to control which could have consensual sexual contact with each other have been repealed; decriminalisation of sex work is a continuation of that process. Laws around inter-racial relationships, relationships between people of the same gender, xxxxx have all been the focus of intense debate in different places at different times. The matter which the Committee is focussed on is another aspect of that key debate; the core question in relation to prostitution is whether money passing between someone seeking and someone offering sexual services should in effect render that association illegal.

Effective law in relation to sex work must differentiate between genuinely harmful activity and activity which may have a “yuck” factor for some but does not lead to harm. For example, the law must strengthen the ability of sex workers to access employee rights and protections, and it must criminalise the managers and clients of under-age sex workers. Conversely, it should remove illegality from sex worker-client contact. Law exists to address genuine harm, offering intelligent interventions and standards which are able to be policed, rather than sustain positions which some may regard as moral but which are not enforceable.

Trafficking at some level of volume is a reality, and laws directly tackling trafficking are much more likely to be effective if the criminalisation associated with sex work is also removed. Decriminalisation brings light into the dark corners of the sex industry, and incentivises sex workers to develop a positive relationship with the police (why would legitimate sex workers not seek to expose unfair competition and corrupt controllers of involuntary sex workers?).

There is a proven legal model. The decriminalisation of sex work in New Zealand has generated the intended outcomes. The number of sex workers has not increased. The status of sex workers under the law and in relation to the police has been positively transformed. Police time is not wasted in maintaining sex worker registers or arresting street workers; and there has been a flow of sex workers from the streets to brothels in some places. A briefing on this can be provided to your Committee on request.

My best wishes for informed debate on this topic,

Tim Barnett