

Issue 129 – May 2018

Migrant sex workers

The Global Alliance Against Traffic in Women (GAATW) has recently published a noteworthy report, *Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions* (2018). GAATW describes itself as:

an alliance of over 80 non-government organisations from all regions of the world that promote and defend the human rights of all migrants and their families against the threat of an increasingly globalised labour market ... The Alliance was formed in 1994 to counter the dominant discourse on human trafficking, led primarily by the global North” (p. 2).

The report identifies the vulnerability of migrant sex workers, especially in criminalised environments. It refers to New Zealand, where although sex work has been decriminalised, migrant sex work is prohibited. According to the report, this prohibition arose from concerns that decriminalisation would result in an influx of foreign workers and be conducive to human trafficking. Despite the prohibition, New Zealand has been unable to stop migrant sex work. According to the report, it is:

a destination country for migrant sex workers who visit temporarily from a number of regions,

including various parts of Asia, Europe, the United States and Latin America” (p. 79).

The report notes that although there have been official investigations, there has been no established case of human trafficking into the sex industry in New Zealand. Participants were concerned that an over-emphasis on trafficking could result in less of a focus on, “more mundane forms of exploitation that sex workers experience” (p. 87). In particular, it was considered that the prohibition on migrant sex work left these workers, “more vulnerable to experiencing exploitation and violence” (p. 74).

According to the report, migrant sex workers, “can encounter working conditions that would be considered unacceptable to most local sex workers” (p. 90). For example, participants referred to migrant sex workers who were expected to work excessive hours. It was noted that the, “precarious legal status of migrant sex workers” left them vulnerable to exploitation because it was unlikely that they would contact the police if they may be deported after coming to the attention of authorities (p. 91).

Participants referred to situations in which clients threatened to report migrant sex workers to the authorities if they did not get what they wanted:

... One client will say [...] they will think that you don't have a proper visa here and they will say,

um, give them a good service and if not, they will tell the police.

I met a girl once who [...] had a guy yep call her and say that he wanted to make a booking and then ... he had shown up and said 'you have to have sex with me for free or I'm going to call immigration'. And she was like [thinking] 'god what am I going to do?' And she couldn't get rid of him so she just did it and then she changed her work name and changed her phone number and then he found her again. And I think it happened to her like three times and she was really scared and really traumatised ... she was having a really bad time. (pp. 91-92)

In terms of seeking the protection of the police from an abusive client, one participant referred to her perception that: “if you're illegal you can't call the police. If you're illegal they can't protect you” (p. 92). Another said: “they [i.e. the worker] will get in trouble [...] the policeman will take them”.

In New Zealand, temporary visa holders can be deported if they have been providing commercial sexual services. Participants referred to their fears of deportation:

The fear that you would get caught working illegally and be deported which is like a huge consequence. It's a terrible thing to have to face just because you're doing sex work. And I think that there is kind of stigma to them, like it sets migrant workers aside as they're doing something illegal and the rest of the girls

working in the brothel weren't doing something illegal ... And also I think ... yeah, it makes them less likely to insist on their rights at work being respected.

I think if they felt like they were in real danger I would have let them know that the police wouldn't be horrible to them, but I don't know how likely I would have been to recommend that because of the possible consequences of deportation which, if someone's here on a working holiday, it doesn't seem like such a big deal, but then there's the flow-on effects – if you've been deported from one country for doing sex work you might not be able to get into other countries, it could affect your whole life and all of your options for travel. (pp. 93-94)

The GAATW report concludes that:

The prohibition of migrants engaging in sex work has created a contradictory context in which New Zealand-born sex workers enjoy the benefits of a work context that is characterised by openness and transparency, while migrant sex workers are essentially forced 'underground' and are vulnerable to exploitation and violence as a result ... [This] creates conditions in which trafficking could conceivably occur. While no cases of trafficking have been identified to date, the vulnerability of migrant workers within the current policy framework means there is no room for complacency" (pp. 96 and 105).

The report can be accessed here:

www.gaatw.org/resources/publications/941-sex-workers-organising-for-change

Application processing times

Applications for a brothel licence or an approved manager's certificate are not simple "tick and flick" processes. The PLA needs to be satisfied that a person is suitable to operate or manage a licensed brothel. This involves an exhaustive probity process, involving the supply of detailed personal information, during which the PLA must consider a range of matters prescribed by the *Prostitution Act 1999*, including an applicant's reputation, having regard to character, honesty and integrity. This includes a criminal history check and interview by the QPS. The PLA also needs to seek information from other government agencies.

The minimum processing time for a brothel licence application is three months. Applications for an approved manager's certificate can take up to eight weeks to be processed. This assumes that applicants have provided all required information with their application.

Applicants can ensure that the process is not delayed by:

- submitting complete forms, with all required attachments
- promptly responding to any requests for further information or any other communication from the PLA
- making themselves available for interview by the QPS
- nominating referees who are readily contactable and willing to speak to the QPS.

2018 PLA meeting dates

The PLA Board generally meets on the first Monday of each month. Meeting dates for the remainder of 2018 are: 6 June, 2 July, 6 August, 3 September, 8 October, 5 November, 3 December. *Whilst current at the time of printing, these dates are tentative and subject to change without notice.*

Vacancies for approved manager positions

Nil advised.

Please note that approved manager advertisements may be submitted at any time for inclusion in the next edition of the newsletter. They should be emailed to plaadmin@iprimus.com.au.