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Sex Workers
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Briefing: Operation Inglenook

Australian Border Force Operation Inglenook was established in late 2022 in response to media claims regarding the exploitation of the visa system within the sex industry, and claims of trafficking and other modern slavery practices. Scarlet Alliance maintains that the media reporting that led to the formation of Operation Inglenook was unethical, and did not substantiate its claims. The reporting included undercover footage of migrant sex workers without their consent, which is illegal in the jurisdictions it was filmed in (Queensland and Victoria).¹

Operation Inglenook has since conducted numerous visa compliance on brothels, leading to the detention and deportation of migrant sex workers, in addition to identifying and turning away migrant sex workers without work rights at airports.

There is widespread confusion about the aims and focus of Operation Inglenook. Media and Border Force repeatedly states that Operation Inglenook was established to identify “exploitation of Australia's visa program, primarily as part of the sex industry” and “victims of trafficking or modern slavery practices within the sex industry”. This dual role is incompatible with a rights based approach to trafficking and other instances of modern slavery, and is singling the sex industry out for visa compliance enforcement action and causing widespread harm.

The original media reporting and the actions of Operation Inglenook, is fuelling stigma and discrimination against Asian migrant sex workers specifically, and sex work more broadly. This must be corrected or it will continue to promote discrimination against sex workers and workplaces, and fear amongst migrant sex workers communities that they are being singled out and targeted by enforcement agencies.

Australia's response to trafficking in the early 2000s included mass raids on sex industry workplaces.² Any perceived positive outcomes are outweighed by harms caused. Raids don't work as a deterrent and disproportionately hurt the workers at these sites, without resulting in substantial detection of unscrupulous migration agents or bosses.³ Raids are associated with negative health outcomes, creating a barrier to workers' seeking out support services, advice, colleagues at other workplaces, networking and community.⁴

¹ Scarlet Alliance, Respect Inc QLD and Vixen (2023) 'Stan's Revealed: Trafficked exposes Nick McKenzie's white knight fantasy based on racist stereotyping', Available at: <https://scarletalliance.org.au/stan-revealed-trafficked-statement/>

² 'Migrant Sex Workers, The Australian Response to Trafficking and Why this is Relevant to Scarlet Alliance and our HIV/AIDS Work' (2008) in Provision: Defining Sex Worker Space. Issue 1. Scarlet Alliance, Australian Sex Workers Association Incorporated, pp. 18–25.

³ Pearson, E. (2007) 'Australia', in *Collateral damage: The impact of anti-trafficking measures on human rights around the world*. Bangkok: Global Alliance Against Traffic in Women (GAATW)

⁴ UNAIDS (2011) 'Building Partnerships on HIV and Sex Work: Report and Recommendations from the first Asia and the Pacific Regional Consultation on HIV and Sex Work'; Pell, C. et al. (2006) 'Demographic, migration status, and work-related changes in Asian female sex workers surveyed in Sydney, 1993 and 2003', Australian and New Zealand

Exploitative bosses or fraudulent migration agents can be addressed when sex workers are empowered and supported to report crime, have access to legal migration pathways, and are not at risk of deportation for coming forward.

Raids push workers and workplaces underground⁵

State and territory governments are decriminalising sex work, and in doing so are improving access to justice, removing barriers to reporting crime, improving work, health and safety, and strengthening industrial rights. Raids undermine decriminalisation by pushing the staff and sex workers underground in an attempt to avoid detection, making it difficult for sex worker organisations to enter, harder for WHS regulators to monitor and fostering a feeling of criminality in workplaces that are actually lawful.

Raids push sex workers experiencing, or at risk of, exploitation and slavery-like conditions away from support and generate fear of authorities amongst sex workers as they attempt to avoid detection for fear their sex work status, if known, will have negative consequences for intended travel or immigration plans. Thus reluctance to report crime or workplace exploitation, and instead tolerating crime and bad working conditions becomes a normalised method of protecting one's economic future and the future of their family. Individuals impacted by bad or illegal work practices, or immigration fraud, deliberately isolate themselves from their community, support networks and authorities. These workers miss out on the benefits of the WHS regulatory transparency that comes with decriminalisation, and thus exploitation becomes more commonplace.

Migrant sex workers' experiences of raids

Raids are traumatising for migrant sex workers, regardless of whether or not they are in breach of their visa conditions.⁶ Operation Inglenook reported that one raid in Sydney saw 25 officers including four armed police entering the workplace. Migrant sex workers report that questions by Border Force personnel are intrusive, stigmatising, and fear that the information collected will be used against them in the future, impacting upon future migration and work opportunities.⁷ One migrant sex worker reports that "lawful migrants, residents and citizens are caught up in these actions, traumatised, standing in the workplace in lingerie for two hours or more, sometimes partially naked (as per sex work attire) while questioned, not permitted to use their phone or have a friend with them while Border Force isolate them into different rooms on the premises."

Journal of Public Health, 30(2), pp. 157–162; Oram, S. et al. (2012) 'Prevalence and risk of violence and the physical, mental, and sexual health problems associated with human trafficking: Systematic review', PLoS Medicine, 9(5).

⁵ Holroyd, C. (2023) 'Fear of Australian Border Force raids sending workers underground', *The Canberra Times*.

⁶ Oppenheim, M. (2022) Trafficking victims not referred for support in 7 in 10 sex industry police raids, 21 December. Available at: sex-work-trafficking-victims-raids-police-b2244505.html.

⁷ Scarlet Alliance Asian Migrant Sex Worker Advisory Group (2023) 'Asian migrant sex workers respond to recent brothel raids', Available at: <https://scarletalliance.org.au/2023-response-to-recent-brothel-raids/>

Rights-based approaches to migration and modern slavery

Australia must provide safe opportunities for Asian migrant sex workers to report crime or exploitation by stopping raids on sex worker workplaces, and implementing a firewall between agencies that enables reporting without deportation/repercussions. Additionally, a national multilingual migrant sex worker peer education and advocacy program must be funded to deliver:

1. Translated information, created and endorsed by people trusted within the migrant sex worker community about work/visa options and accessible lawful migration pathways
2. Information from trusted sources on how to obtain support and advice if the visa, work or workplace conditions are unfair or illegal
3. Peer support, individual advocacy and trusted community interpreters for migrant women to access crisis support, industrial and workplace rights, anti-trafficking protections and government agencies such as Fair Work, AFP and Home Affairs

Evidence shows peer education led by lived experience is a solution

Scarlet Alliance is acknowledged within anti-trafficking and labour rights sectors as the only organisation (government or non-government) representing Asian migrant sex workers in Australian workplaces. Scarlet Alliance understands the work conditions, risk factors, barriers to reporting, motivation for migration, and methods to address compliance with rules and prevent exploitation for this community. Peer educators use their lived experience, evidence from decades of organising and reliable research to inform their national work (funded nationally from 2008 - 2017 at \$110,000pa, recently costed at \$350,000pa to relaunch). The 2011 evaluation of the Scarlet Alliance migration project noted that *"Scarlet Alliance has a strong history of peer-based program development which enabled the project to draw on the experiences and knowledge of sex workers. Other benefits included the ability to mobilise through member networks and the provision of information to otherwise difficult to access target groups."*⁸

Migrant sex workers do not see themselves as victims

Migrant sex workers in Australia believe a migration agent has sold them the correct visa, they do not identify as a victim of trafficking, and believe themselves to be compliant with immigration rules and permitted to work in Australia. Also, because they travel from countries where sex work is illegal, they fear authorities and deportation because they work in sex work workplaces. Statistically, Asian migrant women sex workers in Australia are likely to have travelled previously and have a higher level of education than is average for women in their home country. Around half are citizens or intend to become citizens in Australia, and around half are here to work temporarily. Roughly one quarter are single parents and the majority are aged 30 or older.⁹

⁸ Booker Wilkins Evaluation (2011) 'Sex Worker Migration Project 2009–2011 Evaluation Report' Available upon request

⁹ Renshaw L et al (2015) 'Migrant sex workers in Australia'. Research and public policy series no. 131. Canberra: Australian Institute of Criminology. <https://www.aic.gov.au/publications/rpp/rpp131>; Jeffreys, E. and Perkins, R. (2011) 'Sex Work, Migration, HIV and Trafficking: Chinese and other Migrant Sex Workers in Australia', *Intersections: Gender and Sexuality in Asia and the Pacific*, (26).