

BRIEFING PAPER

The Homophobia and Transphobia Experienced by LGBT Sex Workers

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Introduction

Lesbian, gay, bisexual and transgender (LGBT) people experience targeted homophobia and transphobia at every level – including legal, political and social. For sex workers who are LGBT, discrimination on the grounds of sexual orientation and gender identity adds to and intensifies the discrimination they experience as sex workers, who are subjected to a distinct set of violations. The dual identities

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This Briefing Paper documents the stigma and discrimination experienced by LGBT sex workers and highlights differences in their experiences when compared with other members of their respective communities. Recommendations for addressing the double stigma and discrimination experienced by those at the intersection of the sex work and LGBT communities follow.

This paper is a collaborative effort between MPact Global Action for Gay Men's Health and Rights (formerly MSMGF) and the Global Network of Sex Work Projects (NSWP).

Background

LGBT people in many parts of the world continue to experience punitive laws, policies and practices including criminalisation, stigma, discrimination and social exclusion. In their 2017 survey, the International Lesbian, Gay, Bisexual, Transgender and Intersex Association (ILGA) reported that 72 nation states continue to criminalise same sex behaviour, with 13 nation states allowing, or allowing for the potential application of, the death penalty. These include areas controlled by Sharia law. Although there are 124 countries with no legal penalties for same-sex sexual activity between adults,¹ many of these countries do not have protective laws in place to safeguard LGBT people from outright discrimination or violence.

¹ Aengus Carroll et al., "State-Sponsored Homophobia Report." ILGA (2017): 8–9.

LGBT people in nearly all countries worldwide report experiences of stigma and discrimination in some form. This includes structural barriers that result in difficulty accessing housing, education, healthcare and employment, and restrictions on, or abuses of, human rights. In recent years, we have observed rising trends of conservatism, the proliferation of state-sponsored homophobia/transphobia, and restrictions on freedom of expression and space in civil society. This has manifested in severe legislative setbacks, the rolling-back of LGBT rights and increases in incidences of violence in places like Chechnya, Indonesia, Egypt, Russia and Tanzania.²

The majority of countries criminalise sex work or activities associated with sex work in some way³. Even countries that do not have specific criminal laws relating to sex work often utilise other laws, policies and practices to oppress sex workers. Criminalisation has a devastating effect on the health and human rights of sex workers, limiting their access to a range of services. Consequently, sex workers are disproportionately affected by violence⁴ and HIV infection⁵.

Criminalisation is a legal framework that endangers sex workers' lives by fuelling the stigma against them, removing access to legal protections, and creating a climate of impunity for those who commit violence against them. Other detrimental legal frameworks include: 'End Demand' legislation⁶ (e.g. the 'Nordic Model'), which criminalises the buyers of sex. Under such frameworks sex workers are more vulnerable

to violence, discrimination and exploitation – facing harassment, persecution and arbitrary arrest by authorities. 'Legalisation' is a framework that frequently imposes unnecessarily restrictive regulations on sex work, creating a two-tiered system of legal and illegal sex workers and resulting in exploitative working conditions and human rights violations of those deemed 'illegal'.

LGBT sex workers are therefore subjected to discrimination and criminalisation as both LGBT people and as sex workers. LGBT sex workers living with HIV⁷ and LGBT sex workers who are migrants or ethnic minorities⁸ may be even further marginalised.

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There is a dearth of research that identifies the sexual orientation or gender identities of sex workers. Without such data, it is difficult to quantify and subsequently provide interventions or services for those most at risk of intersectional stigma and discrimination. LGBT sex workers have long been at the forefront of movements for LGBT equality and continue to lead the way, but are often unrecognised by the broader LGBT and sex work communities. This paper will try to raise awareness of the specific needs and challenges for LGBT sex workers.

2 Graeme Reid, "After a Grim Year for LGBT Rights, the Way Forward." HRW (2018).

3 UNAIDS, 2018. "Key Populations Atlas."

4 Kathleen Deering et al., "A Systematic Review of the Correlates of Violence Against Sex Workers." American Journal of Public Health (2014): 1.

5 The Lancet, 2014. "Facts about sex workers and the myths that help spread HIV."

6 NSWP, 2014, "Sex Work and the Law: Understanding Legal Frameworks and the struggle for Sex Work Law Reforms."

7 UNAIDS, UNDP, UNHCR, UNICEF, WFP, UNFPA, UNODC, ILO, UNESCO, WHO, World Bank, 2008, "Policy Brief Criminalization of HIV Transmission:" 1-2.

8 NSWP, 2018, "Briefing Paper: Migrant Sex Workers."

Methodology

This Briefing Paper was informed by in-depth research in ten countries carried out by National Consultants, including focus group discussions and interviews with LGBT sex workers using a standardised questionnaire. The in-depth country work was supplemented by a global e-consultation with NSWP and MPact member organisations using the same questionnaire, available in several languages. Additionally, in-depth interviews were held with key informants from member organisations in several relevant countries. The in-country research took place in Australia, Austria, Botswana, Cameroon, Indonesia, Jamaica, Pakistan, Peru, Ukraine and the USA. In total, 87 female, male and transgender sex workers took part in the in-country focus groups and interviews, including both documented and undocumented migrant sex workers, sex workers living with HIV, and sex workers from both rural and urban settings. The majority of participants fell within the age range 18–50, however a few sex workers over 50 were represented. Their places of work included: street or public place; indoors from their own home, hotels, or clients' residences; and managed establishments such as brothels/parlours/bars/indoor saunas. An additional 12 member organisations replied to the e-consultation.

Note: Some participants did not readily speak to the intersection of their LGBT and sex worker identities; rather they spoke distinctly as a sex worker or an LGBT person. Often, violations perpetrated on lesbian and bisexual sex workers are not specific to both identities, however gay and transgender sex workers reported facing specific violations related to both identities.

Criminalisation of sex work and LGBT communities: the impact of double discrimination

Evidence shows that decriminalisation of sex work leads to safer working conditions and decreased stigma and discrimination.⁹

Decriminalisation allows sex workers to work in a supportive environment, to take legal action in cases of harassment or violence¹⁰ and to access health care services openly without judgment. It also allows for the creation of networks that can organise collectively and assert their rights to better conditions.

Evidence shows that decriminalisation of sex work leads to safer working conditions and decreased stigma and discrimination.

⁹ Jules, Kim et al., "Decriminalisation of Sex work: the evidence is in." Australian Federation of AIDS Organisations (2015).

¹⁰ Human Rights Review Tribunal of New Zealand, 2014. "DML v Montgomery [2014] NZHRRT 6 (12 February 2014):" 18.

...33–46% of HIV infections could be averted in the next decade if sex work was decriminalised.

Conversely, the criminalisation of the clients of sex workers profoundly negatively impacts the safety of sex workers, forcing them to rush screening of their clients, and displacing them to outlying areas with increased risks of violence – including being forced to engage in unprotected sex.¹¹ HIV prevention is further compromised under criminalisation. Globally, many countries use possession of condoms as evidence of sex work in prosecutions,¹² while aggressive policing makes it more difficult to negotiate condom use with clients. A 2014 study published in *The Lancet* concluded that 33–46% of HIV infections could be averted in the next decade if sex work was decriminalised.¹³

Homosexuality is criminalised in 72 countries, with punishments including life imprisonment and the death penalty. Some countries even ban the promotion of LGBT communities or identities. Countries such as the UK and some states in the USA and Australia allow the ‘gay panic’ defence, where perpetrators can seek a reduced sentence where the victim of certain crimes is gay, based on an alleged fear of ‘unwanted homosexual advances’. Some states in the USA also allow a similar ‘transgender panic’ defence. ‘Corrective’ rape and forced marriages are also common for lesbians in some regions. There are further human rights transgressions for transgender people – many countries do not legally recognise preferred gender identities, deny transgender people equal rights, and criminalise non-gender conforming behaviour.¹⁴

The criminalisation of same-sex relationships and gender identity is often underpinned by regressive moral and religious beliefs. Legislative reform is also only a first step. Regardless of the legislative context, homophobia and transphobia persist long beyond decriminalisation or liberalisation of the law. Changing the hearts and minds of people can take generations; individuals retain their own beliefs and prejudices long after written laws are changed.

“Discrimination and disapproval of the LGBT community, along with the associated social stigma, mostly stem from religious and patriarchal beliefs and make it difficult for LGBT people to have steady relationships. Nevertheless, the LGBT community is still able to socialize, organize, date and even live together as couples, but usually only secretly...Members of the LGBT community always face discrimination due to their sex orientation or practices. Society does not accept and falsely believes that they must be punished under Islamic Law. They do not have right to live and work openly because society believes they negatively affect their children and all LGBT activities are out of Islamic beliefs.”

LGBT SEX WORKER, PAKISTAN

Current laws in the Pakistan Penal code (section 377)¹⁵ relating to ‘unnatural offences’ allow for sentencing of up to 10 years imprisonment for sex work. In regions of the country where Sharia law is practiced (Federally Administered Tribal Areas (FATA)), sex work is traditionally punishable by death. There are currently no civil rights for LGBT people in Pakistan. Lesbians particularly encounter strict repercussions for sexual activity and remain deeply hidden in society. Lesbian sex workers in Pakistan remain invisible due to the severe consequences of being discovered in ISIS-controlled areas, leading to their imminent death or ‘corrective’ rape and marriage.

11 A Krüsi et al., “Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study.” *BMJ Open* (2014).

12 Roger Collier, “Condoms for sex work: Protection or evidence?” *CMAJ* (2014).

13 Kate Shannon et al., “Global epidemiology of HIV among female sex workers: influence of structural determinants”, *The Lancet*, Volume 385, Issue 9962, p.55.

14 ILGA, 2017. ‘Trans Legal Mapping Report.’

15 OECD, (1860), “Pakistan Penal Code.”

“Lesbians exist in Pakistan but mostly hidden from our eyes. Lesbians don’t confess that they are bisexual or homosexual. As mentioned above due to strict law and taboo in Pakistan all lesbian activities are done top secretly.”

LGBT SEX WORKER, PAKISTAN

The threat or increased risk of prison, death, ill health, rape and other traumatic events is increased for LGBT individuals making a living through sex work. Having a dual identity further marginalises those who are subject to dual criminalisation.

“I found out recently your job as a sex worker in Australia can be used against you in a rape case in court. The defense can say that as a sex worker, a rapist can get less time because rape is less traumatic for a sex worker.”

LGBT SEX WORKER, AUSTRALIA

Policing of LGBT sex workers

Law enforcement officials in many areas of the world target and persecute LGBT sex workers, putting them at an even higher risk of imprisonment, rape and violence from police.¹⁶ Dual criminalisation

of sex workers and LGBT people poses increased and extensive barriers to well-being.

The criminalisation of sex work keeps justice out-of-reach for those targeted by police, and often LGBT people are specifically targeted. For example, bisexual female sex workers in Ukraine report that it is common for police to arrest and rape them. Other LGBT sex workers reported being arrested, extorted for money and being unable to work after severe beatings by the police.

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“There was such a situation when I stood on the point where I render services. The policeman approached, began to threaten, humiliate, take away all the money that I earned and took advantage of my services, and it was not once. Afterwards he came systematically and raped me and took away money, and if I refuse to do it he could beat me hard. After such beatings for a long time, I can’t go to work because my work is connected with good looks. Therefore, it was necessary to hide the money, if possible, to complain to no one and remain silent, since I do not see any reason to complain to the police. If the police find out what I’m doing, they will draw up a record of prostitution. Policemen can still plant drugs.”

BISEXUAL FEMALE SEX WORKER, UKRAINE

Sexual orientation, gender identity and sex work are criminalised in Jamaica, although the police do not actively target sex workers. However, transgender sex workers (and their clients) still fear discrimination.

“...the police are not locking up sex workers. Notwithstanding, there is a feeling that policy and legislative changes are needed that would make prostitution legal and allow persons to openly ask of trans[gender] identity without fear of discrimination. Some clients directly want to engage trans[gender] women.”

TRANSGENDER FEMALE SEX WORKER, JAMAICA

¹⁶ Harper J. Tobin et al., “A Blueprint for Equality: A Federal Agenda for Transgender People.” National Center for Transgender Equality (2015): 27–30.

Often LGBT sex workers, particularly transgender and migrant sex workers, do not report abuse to the police:

“Well I’m not sure that someone can protect me as a transgender sex worker...you know at work clients usually attack me verbally. But what if I call police, I will say: hello I’m a whore and one of my clients harassed me (laughing). They will come to my place and then they will try to find something wrong and put me in prison because I am a sex worker. They don’t care about us.”

TRANSGENDER FEMALE MIGRANT SEX WORKER, AUSTRIA

In 2018, new legislation was passed in the USA, targeting online platforms that knowingly ‘promote prostitution.’ This law, known as SESTA/FOSTA¹⁷ has conflated trafficking with sex work, effectively resulting in the disappearance of online advertisement of sex work from USA-based platforms. Sex workers used these platforms for vetting clients, sharing information and protecting themselves. Sex workers, in particular transgender women of colour,¹⁸ have since been pushed into street-based work and are subject to increased risks of arrest and violence.

Access to healthcare

Criminalisation of sexual orientation, gender identity and sex work perpetuates stigma in health settings, including mental health.¹⁹

Consequently, LGBT sex workers are reticent to access services for fear of being reported to the authorities or being subjected to mandatory testing and treatment. Additionally, criminalisation can lead to internalised homophobia and transphobia, resulting in isolation from the sex work and LGBT communities, and from services and programmes that target these communities.²⁰

LGBT sex workers reported facing discrimination, humiliation and denial of services from healthcare workers²¹, either based on their sexual orientation, gender identity, their sex work or any combination of these. This further restricts their access to

essential health services, including HIV prevention and treatment services, sexual and reproductive health services, and gender transition health services, placing them at additional risk. If LGBT sex workers do not feel they are able to be open with healthcare professionals, misdiagnoses and incorrect treatments prescriptions can result.

For example, in Botswana, even though the government has attempted to implement some non-discriminatory approaches in law and policy, discrimination persists in more subtle ways within public health facilities:

“When I told the nurse I was engaging in anal sex she opened a Bible and began praying and casting demons. I was so ashamed”

GAY MALE SEX WORKER, BOTSWANA

Another participant described how negative experiences had made it difficult for them to access health services that enable them to carry out their work in safe spaces, without fear of contracting HIV and other STIs.

LGBT sex workers reported facing discrimination, humiliation and denial of services from healthcare workers, either based on their sexual orientation, gender identity, their sex work or any combination of these.

17 NSWP, 2018, “U.S.A. FOSTA/SESTA legislation.”

18 “Without an Internet Barrier, Transgender Sex Workers Feel Less Safe.” WNYC.

19 Nitasha Puri et al., “Burden and correlates of mental health diagnoses among sex workers in an urban setting.” BMC Women’s Health (2017): 2–3.

20 Tonia Poteat et al., “HIV prevalence and behavioral and psychosocial factors among transgender women and cisgender men who have sex with men in 8 African countries: A cross-sectional analysis.” PLOS Medicine (2017): 8–9.

21 Fiona Scorgie et al., “We are despised in hospitals: Sex workers’ experiences of accessing health care in four African countries.” Semantics Scholar (2013): 2–6.

Experts overwhelmingly condemn the criminalisation of HIV transmission not least because it is an ineffective criminal justice and public health response, but because “laws that specifically criminalize HIV non-disclosure, exposure, or transmission... primarily exacerbate HIV-related stigma and decrease HIV service uptake”.²² It can also lead to the unfair targeting of specific groups, including sex workers. In Australia, a female transgender former sex worker was sentenced to imprisonment (in a male prison), after being found guilty of transmitting HIV to a former partner.²³ Concerns were raised both about the evidence used in the case and importantly, about sensationalised media coverage of the trial fuelling fear and stigma about sex workers, which could be detrimental to HIV prevention strategies.

“In CJ Palmer’s case, she didn’t know she had it and got committed anyway; most transmission is made by people who don’t know they have it.”

LGBT SEX WORKER, AUSTRALIA

A recent Lancet article²⁴ underscores the high rates of HIV shouldered by sex workers – highest in transgender sex workers. It also emphasises the need for more epidemiological data on rates of HIV and antiretroviral coverage for all sex workers but particularly for transgender populations, who are the most disenfranchised.

“Comprehensive epidemiological data on HIV and antiretroviral therapy (ART) coverage are scarce, particularly among transgender women...Although important progress has been made in biomedical interventions with pre-exposure prophylaxis and early ART feasibility and demonstration projects, limited coverage and retention suggest that sustained investment in community and structural interventions is required for sex workers to benefit from the preventive interventions and treatments that other key populations have.”

Vulnerability to Violence

Violence is an endemic social and public health problem for LGBT sex workers. Violence affects almost every aspect of their health and the

full enjoyment of their legal and human rights.

The links between violence and HIV are well established – violence increases vulnerability to HIV by limiting the ability to negotiate safe sex, and to access health and other critical services due to fear of reprisal, discrimination, and denial of services. A range of actors perpetrate this violence.

In Botswana, sex workers who took part in the focus group highlighted their vulnerability to abuse because of their sexual orientation. This was described as more common among transgender

and gay sex workers, as clients often accused them of ‘trying to trick them’; they faced high levels of verbal, physical, financial and sexual abuse. Some reported they did not want their cases reported to the police as that might ‘out’ them. All participants reported recently facing verbal abuse, one third had experienced physical/sexual abuse, and over half had been financially abused.

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22 UNAIDS, 2018, “Leading experts call on the criminal justice system to ensure science informs the application of the law in criminal cases related to HIV.”

23 NSWP, 2018, “Sex worker organisations raise concerns over HIV criminalisation case.”

24 Kate Shannon et al., “The global response and unmet actions for HIV and sex workers.” *The Lancet*: 392(2018): 698–710.

LGBT sex workers in Indonesia reported that a dominant narrative of heterosexuality creates a 'silent epidemic' of violence among male sex workers:

"The mainstream media said we are not normal. Sometimes I think it's true that I am not normal. I never see any male sex worker as a victim of violence."

LGBT SEX WORKER, INDONESIA

Stereotypes of LGBT people as 'highly sexed' individuals were reported by some respondents as leading to increased service expectations from clients – a factor that increases their vulnerability to violence:

"The higher sexualized stereotype of the LGBT communities creates a higher sexual expectation and this can affect the dynamic of the client and the worker."

LGBT SEX WORKER, AUSTRALIA

A lesbian sex worker reported a greater risk of violence if a client suspects that you are not heterosexual:

"I've experienced violence numerous times from clients and I know the threat of being outed can provoke violence, especially when a client may feel deceived and questions whether I am heterosexual. This forces lesbian sex workers to create and uphold a dual sexual identity for our safety."

LESBIAN SEX WORKER, USA

A range of other actors with a variety of motives, perpetrate violence against LGBT sex workers, including members of the general public. These perpetrators include neighbours and the wider community, who view sex workers as 'disrupting' their neighbourhoods; and

fundamental feminists who view all sex work as violence against women, sexual exploitation or as profoundly 'un-feminist'.

"Radical feminists comprised of lesbians often violently target LGBT sex workers..."

"Radical feminists comprised of lesbians often violently target LGBT sex workers in Canada."

LGBT SEX WORKER, CANADA

In addition to harassment and hostility from wider society, some LGBT sex workers reported violence at the hands of other sex workers and from the broader LGBT community:

"Discrimination, hate and bashing was extended more towards gay and transwomen sex workers, this attack mostly came from other sex workers who do not identify as LGBT as they often expressed that gay and transwomen "take" their clients...This however does not mean that lesbian and bisexual sex workers do not face the abuse, they face attacks from the bigger LGBTI community as they believe that those who practice sex work are the reason LGBTI persons continue to suffer as a result of stereotypes about LGBTI persons."

LGBT SEX WORKER, BOTSWANA

Gay male and transgender female sex workers interviewed in Jamaica described being pepper-sprayed and harassed by police, while also being robbed and denied payments by clients:

"The dangers of disclosure of one's trans[gender] identity has to be balanced with one's livelihood, as the possibility for harm is heightened for transgender women who do sex work."

LGBT SEX WORKER, JAMAICA

Consequently, some LGBT sex workers in Jamaica have devised strategies to keep themselves safe, avoiding spaces that are hostile to LGBT people, as well as spaces where recent violent incidents have occurred.

Transgender sex workers continue to face some of the highest levels of violence and exclusion globally. Transgender people suffer widespread social stigmatisation; and often experience family rejection, extreme prejudice and poverty caused by exclusion from mainstream employment opportunities. Transgender sex workers live and work at the intersection of whorephobia and transphobia.²⁵ For many transgender people, sex work is a resilience strategy employed in

response to this exclusion. Traditionally cisgender women and men have occupied indoor sex work premises, such as massage parlours, brothels and saunas. Transgender sex workers therefore often choose to work out outdoors, which makes them more susceptible to violence, including hate crimes, rape and murder. Between January 2008 and September 2017 there were 2609 known murders of transgender and gender-diverse

people globally. Analysis of the data shows that 62% of all murdered transgender and gender-diverse people whose profession was known were sex workers.²⁶

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"I feel like I make less money as a sex worker because I am male. Sometimes clients treat me "poorer" because of their perception of my "femaleness," trying to do things (including sexual assault) that they would not do to cis-[gender] males. My response was to either get very quiet and withdrawn or violent with the assaults."

TRANSGENDER MALE SEX WORKER, USA

"A transgender female sex worker was forced to use drugs by a client without informing her before she agreed to go with him to a hotel. After she got high and helpless because of the drug, he called his friends to come and have sex in [a] group without a condom. When she woke up, all [the] guys left the hotel room with her wallet and mobile phone."

TRANSGENDER FEMALE SEX WORKER, VIETNAM

Vulnerability is increased for transgender male sex workers who are often invisibilised in research and discussions. A 2015 national paper from the USA titled Meaningful Work: Transgender experiences in the sex trade²⁷ reported:

"Transfeminine respondents were twice as likely to participate in the sex trade compared to transmasculine respondents (13.1% vs. 7.1%). However, transmasculine respondents comprised 26.4% of all sex trade participants. While most discussions of sex work and trans[gender] people focus on transgender women, this finding shows that many transmasculine people are engaged in the sex trade."

25 NSWP, 2014, "The Needs and Rights of Trans Sex Workers."

26 TGEU, 2009, "Trans Murder Monitoring (TMM) Resources."

27 NCTE, 2015, "Meaningful Work: Transgender Experiences in the Sex Trade." 13.

Social, cultural, political and religious barriers that impact LGBT sex workers

Social, cultural, political and religious views, sustained by a lack of education, tolerance and awareness also have an impact on the human rights violations experienced by LGBT sex workers. Tanzanian sex workers report that barriers to their safety are seen in customs that need to change and police and political leaders need to be targeted for

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advocacy regarding policy change. Similarly, Vietnamese LGBT sex workers explain that lawmakers, local authorities and health providers must be targeted to address the discrimination they experience, by changing punitive laws, policies and practices, and encouraging less stigmatising portrayals of LGBT people and sex workers in the media.

Traditional religious and cultural values play a substantial role in highly conservative Kenya.

Leaders within the three dominant religions

– Catholic, Anglican and Islam – all condemn homosexuality and transgender identities as signs of decadence, disease, and immorality, and the Kenyan Penal code declares homosexual acts illegal. This makes life for LGBT people difficult; the local police and authorities shut down LGBT meetings on HIV prevention and safe sex. For LGBT sex workers, again at the intersection of double discrimination, work is especially risky.

“Being a member of LGBT and still involved in sex work, it earns an individual double stigma from the society which even leads to some sex workers taking their own lives and facing violence from their friends and partners.”

LGBT SEX WORKER, KENYA

Nearly ninety percent of Indonesians report feeling threatened by the LGBT community, and new laws are being drafted in Indonesia to criminalise homosexuality.²⁸ As a result, sex work districts have closed and health outreach programmes are unable to serve the population. The province of Aceh is under Islamic Sharia law enforced by citizens, forcing gay and lesbian sex workers not to reveal their sexual orientation. Transgender women are targeted under the presumption they are sex workers. The consequences of living under Sharia law in the broader LGBT and sex work community has forced many to flee.

“Two of the oldest localization districts in Bali, Indonesia were closed down by the government in the beginning of 2017, and those who used work there are no longer getting any HIV related services and information.”

LGBT SEX WORKER, INDONESIA

“The stigma index study in Côte d’Ivoire speaks of food insecurity among PLHIV [People Living with HIV] and when we know that the HIV prevalence rate is 11% among men who have sex with men and men or transgender; this still shows us the vulnerability faced by LGBT people and sex workers in Côte d’Ivoire. Especially since the socio-economic and religious situation is not at all advantageous. We describe a fairly patriarchal society with a strong cultural predominance that influences the daily lives of LGBT people who are not tolerated in this society with dual homophobia.”

LGBT SEX WORKER, CÔTE D’IVOIRE

²⁸ Kanupriya Kapoor, “Most Indonesians feel ‘threatened’ by LGBT community: survey,” Reuters, 25 January 2018.

Regarding the political situation on transgender rights and protections in the USA:

“On paper, laws sound good but there is a difference between a law being in place and enforcement of that law”. There is more visibility of trans[gender] people currently, but not enough with black trans[gender] woman “dying left and right”. Clients are still “pleading trans-panic” even when they are caught murdering transwomen. The Trump administration is actively rolling back protections of incarcerated trans[gender] people, healthcare, with no access to basic services. Stratify that by race with black and brown people and this compounds these issues (i.e. more danger for sex workers of color).”

TRANSGENDER FEMALE SEX WORKER OF COLOUR, USA

LGBT identities are not criminalised in Nepal but a country report found that laws such as the Public Offences Act of 1970 are misused to harass LGBT people.²⁹ Nepal has signed and ratified international treaties that seek to protect human rights and has various domestic laws and policies on human rights and HIV but they are not being implemented on a community level.

“The 2007 Supreme Court decision issued directive orders to the Government of Nepal to amend existing discriminatory laws and to formulate appropriate legislation to protect the rights of sexual minority groups. It stated, ‘Although, there is no distinct law that declares the relation between homosexuals as criminal (it is kept within the definition of unnatural coition), there is a claim that the state mechanism has implicitly contributed to the discrimination created due to negative attitude of the society towards these people which cannot be ignored.’”

LGBT SEX WORKER, NEPAL

Discrimination from within communities

Homophobia and transphobia often manifests as family rejection, difficulty finding a job and poverty. As a result, LGBT people often engage in sex work to support themselves and also to escape physical violence from family and friends. LGBT sex workers face physical

and psychological violence from broader society, but also sometimes stigma and discrimination from within the LGBT and sex work communities themselves.

LGBT sex workers reported being marginalised by the wider non-sex worker LGBT community who hold negative views on sex work. They also reported being marginalised and treated badly by other sex workers. Some groups within the LGBT community are more privileged, e.g. white gay/bisexual men and women:

“Historically, trans[gender] and gay communities have not been the best towards each other. Gay white men have always kind of co-opted the narrative of black trans[gender] women and it’s led to all of the monumental victories for white gay men in ways that it has not for trans[gender] women of colour.”

TRANSGENDER WOMAN SEX WORKER OF COLOUR, USA

LGBT sex workers face physical and psychological violence from broader society, but also sometimes stigma and discrimination from within the LGBT and sex work communities themselves.

²⁹ USAID, UNDP, UNICEF, 2014, “Being LGBT in Asia: Nepal Country Report,” 9.

Lesbian sex workers find that sex work gives others grounds for the assumption they are straight, undermining self-identity, self-realisation and self-determination.

“I sleep with men, [therefore] it erases my experiences of loving girls and not loving men.”

LESBIAN SEX WORKER, AUSTRALIA

Some transgender sex workers reported being discriminated against and abused by cisgender sex workers, who see them as competition for their clients, or even extort them.

“There are people who surround sex work zones where trans[gender] women who practice sex work and biological women charge them quotas (collectors of quotas). If they do not pay these quotas they are violated in groups with blows until sometimes leaving them in a serious situation.”

TRANSGENDER SEX WORKER, PERU

“I prefer to go to places where cisgender women sex workers are located even though they pose a risk for me as I am not wanted there. Often times cisgender women try to disclose my gender identity or sexual orientation to my clients in order to thwart business. Sometimes we have to threaten them (cisgender women) to stay at the location.”

TRANSGENDER FEMALE SEX WORKER, JAMAICA

The invisibility of transgender male sex workers further isolates them, creating additional barriers for their inclusion in the broader LGBT community, and decreasing their access to services and support.

“No representation of transmen or transmasculine due to less visibility in the LGBT community in Bali and the uncommon circumstance for transmen to participate in sex work in Indonesia.”

LGBT SEX WORKER, INDONESIA

LGBT migrant sex workers

Migrant LGBT sex workers, both documented and undocumented, experience high rates of violence, exploitation and policing; consequently, they fear registration and are afraid to report violence or exploitation to the police in their new countries.

Austrian sex workers currently work under *legalisation*, but have no labour rights and a higher chance of exploitation. 80–90% of sex workers in Austria are migrants³⁰; many migrants are unregistered and are not knowledgeable regarding laws that protect them. Harassment goes unreported to police because of a lack of regularised migration status and fear of deportation.

All participants in the focus group of LGBT sex workers in Austria reported experiencing harassment or verbal attacks from individuals or groups in the general population. None reported any of these cases to the police or other institutions. For the focus group, the most common reason for not reporting attacks was their migrant status, both documented and undocumented, and/or they were non-German speakers.

Harassment goes unreported to police because of a lack of regularised migration status and fear of deportation.

30 TAMPEP, 2010, “Sex Work in Europe: A mapping of the prostitution scene in 25 European countries.”

Trans-misogyny and discriminatory immigration laws are rampant in Canada, reinforcing discrimination against transgender women and migrant sex workers in: employment hiring practices; their over-representation in sex work; exposure to predatory clients; and service refusal by health services.³¹

In Peru, high levels of migration from Venezuela in recent months has caused tension between local and migrant sex workers, including LGBT sex workers:

“At the moment there is a high migration of sex workers and foreign sex workers from the country of Venezuela... [the] government forces them to leave their country and be in our country and they make the charge for sexual service much lower than normal for Peruvians, that creates a whole competition.”

LGBT SEX WORKER, PERU

Allies and Safety

While competition across genders and sexual orientations exists in the context of sex work, the reverse is also true – non-LGBT sex workers are often valuable allies. The same can be said for LGBT organisations and LGBT community members who are non-sex workers, who can protect LGBT sex workers and help them find safety.

In the USA, all participants mentioned sex worker organisations, non-sex worker radical queers and transgender people as safe harbours. A transgender woman of Caribbean descent stated:

“It’s very easy in NYC by comparison to my home countries of Honduras and the Caribbean where it’s very difficult. I found family, sanctuary, opportunity, and fans as a person in USA.”

TRANSGENDER FEMALE SEX WORKER, USA

Transgender women sex workers in Tanzania report that their strongest allies and protectors are lesbians. Meanwhile, in Canada, people who use drugs and sex work organisations were reported as the biggest allies in terms of safety.

In Indonesia, LGBT sex workers reported receiving support from mainstream LGBT community organisations:

“Since I work by myself, I don’t have [a] figure to protect me. But usually I go to Yayasan gaya dewata (an LGBT NGO in Bali) if I need anything urgent.”

LGBT SEX WORKER, INDONESIA

While competition across genders and sexual orientations exists in the context of sex work, the reverse is also true...

³¹ Transrespect versus Transphobia Worldwide, Transgender Europe, 2017, “The vicious circle of violence: Trans and gender-diverse people, migration and sex work. 13–14.”

Potential alliances for development

International organisations, national governments, the media, and mainstream LGBT and sex worker organisations all have the potential to better support LGBT sex workers.

In June of 2018, WHO released the eleventh version of their *International Classification of Diseases* (ICD 11).³² It removes transgender identities from classification as a mental health disorder, representing a historic achievement for the global transgender community. The pathologisation of gender identity within the ICD has contributed to stigma, harassment, criminalisation, discrimination and abuse for transgender people. WHO invites nation states to adopt ICD 11, implement transgender healthcare policies in their countries and begin to sensitise healthcare providers to the needs of transgender persons.

“ICD-11 will be presented at the World Health Assembly in May 2019 for adoption by Member States, and will come into effect on 1 January 2022. This release is an advance preview that will allow countries to plan how to use the new version, prepare translations, and train health professionals all over the country.”

This offers an opportunity for states to ensure that transgender communities, including transgender sex workers, have increased and equitable opportunities, including accessible sexual health and HIV

prevention services that are sensitive to their needs. Transgender communities, including sex workers must be meaningfully involved and included in the development of national transgender healthcare policies.

It was not so long ago that sexual orientation and different gender identities in global-north countries were widely criminalised. The LGBT and sex worker movements have much in common in their historic struggle for decriminalisation

and recognition of their human rights. Historically, transgender, women of colour sex workers have been at the forefront of the gay liberation movement but they continue to be segregated from much of the broader LGBT advocacy community. Unfortunately, insufficient progress has been made in uniting the LGBT and sex worker movements at a national level. For example, Australian participants stated that cooperation between LGBT and sex work organisations does not exist or that they ‘tolerate’ each other at best.

“We need greater coordination and better communication between LGBTQ support organizations and sex worker organizations. We don’t not get along, there is no antagonism between the two communities, but the greater LGBTIQ [community] do look down on us sex workers.”

LGBT SEX WORKER, AUSTRALIA

There are clear opportunities for increased partnership and collaboration between LGBT community organisations and sex worker-led organisations to foster understanding. Bridging this divide is necessary to eliminate tensions that further marginalise LGBT sex workers and keep them isolated from the support they need.

Transgender communities, including sex workers must be meaningfully involved and included in the development of national transgender healthcare policies.

³² WHO, 2018, “WHO releases new International Classification of Diseases (ICD 11).”

When the government persecutes one group the entire coalition unites in support and advocacy for their rights. This is a model that can and should be replicated.

Kenya and Botswana reported the strongest relationships between LGBT and sex worker organisations and could serve as a model in better uniting the two communities. Key populations have formed a coalition along with people who use drugs and other minority groups to protect one another. When the government persecutes one group the entire coalition unites in support and advocacy for their rights. This is a model that can and should be replicated.

“For example a lot of sex workers love working with the LGBT persons in different projects as well as working together in the same office space. The Gay and Lesbian Coalition of Kenya works so closely with the sex workers’ movement as well as other sex worker led organizations in Kenya. This partnership has seen the movements and the groups grow together... their interaction [is made] stronger and better.”

LGBT SEX WORKER, KENYA

“The LGBTI and Sex Work organisation in Botswana has formed a Key Population Consortium which brings together heads of organisations to discuss meaningful partnerships and exchange work experience, challenges, success stories and best practices. The KP Consortium also has group in the form of Youth Key Populations Think tank, which consists of young LGBTI and Sex workers working for the organisations. Organisations share their annual plan of activities at the consortium as well; highlighting areas they will or might need assistance from the rest of the team. The empowerment strategy is one that is continuous; we use the Peer to Peer approach in which we train a group of LGBTI and Sex Workers and support them to be able to train other members of the community. We have Support groups in different parts of the country led by LGBTI and sex worker identifying persons and these are supported by the Consortium.”

LGBT SEX WORKER, BOTSWANA

Sex worker-led organisations support sex workers in Vietnam to learn about HIV prevention and their rights when harassed by the police. This has led to better cooperation across sectors and has also sparked the development of a new LGBT community organisation in Vietnam.

“In Vietnam, sex work is still illegal...I was not aware of HIV prevention or any information to protect myself. Luckily, I met VNSW (sex worker-led organisation) by chance and it totally changed my life. Thanks to what I was taught and shared, I with other male sex workers and MSM established a MSM community-based organisation named ALO BOY with aim to help more community members who are sex workers, MSM, TG.”

GAY MALE SEX WORKER, VIETNAM

Recommendations

The following recommendations, based on the evidence and findings within this Briefing Paper, are made for national governments, policy-makers, religious and cultural leaders, donor organisations, as well as LGBT and sex worker organisations. These recommendations address the double stigma and discrimination experienced by those at the intersection of the sex worker and LGBT communities.

- Governments, policy-makers and advocates must actively pursue the full decriminalisation of sex work, same-sex activity and variant gender identities. Criminalisation is a primary driver of the stigma and discrimination experienced by LGBT sex workers when accessing health services, and of increased violence. It is a major reason for why they continue to be disproportionately affected by HIV.
- States must ensure that police and law enforcement personnel are held accountable for acts of violence or abuse against LGBT sex workers and improve mechanisms of legal recourse and access to justice.
- States must investigate and prosecute all cases of violence against LGBT sex workers within the full scope of the law. Governments should also invest in targeted violence prevention programmes, meaningfully involving both sex worker and LGBT communities in their development.
- Governments and programmers should invest in awareness-raising and sensitisation training for law enforcement, religious and cultural leaders, health service and other key providers to reduce barriers LGBT sex workers experience in accessing services and justice, and to reduce societal stigma.
- Comprehensive sexual health and rights and HIV prevention services must be inclusive and sensitive to the needs of LGBT sex workers. Nation states should adopt ICD 11, implement transgender healthcare policies and begin to sensitise health care providers to the specific needs of transgender persons.
- Donors should consider prioritising funding for LGBT and sex worker-led organisations to conduct more research that identifies the sexual orientation and gender identities of sex workers to improve the design of interventions.
- Donors should fund multi-sector partnerships between LGBT and sex worker-led organisations to improve cooperation and strengthen alliances, particularly at national and local levels.
- Sex worker-led and LGBT organisations should actively seek opportunities for partnership and collaboration to ensure they can better meet the needs of LGBT sex workers.

Conclusion

This Briefing Paper provides a snapshot of the experiences of LGBT sex workers and of the impact of homophobia and transphobia on their lives and work. Steps must be taken to protect LGBT sex workers from multiple criminalisation, continuing marginalisation, violence, stigma and discrimination, and barriers to their access to health, justice and other services. Legislative reforms and societal changes are critical to protecting the fundamental human rights of LGBT sex workers.

Legislative reforms and societal changes are critical to protecting the fundamental human rights of LGBT sex workers.

The Global Network of Sex Work Projects uses a methodology that ensures the grassroots voices of sex workers and sex worker-led organisations are heard. The Briefing Papers document issues faced by sex workers at local, national, and regional levels while identifying global trends.

The NSWP Secretariat manages the production of briefing papers and conducts consultations among its members to document evidence. To do this, NSWP contracts:

- Global Consultants to undertake desk research and a global e-consultation with NSWP member organisations, coordinate and collate inputs from National Consultants, analyse regional differences and draft the global briefing papers.
- National Consultants to gather information and document country case studies.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



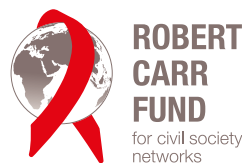
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MPact and NSWP are alliance partners of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: www.hivgaps.org for more information.