

Community Guide

The Homophobia and Transphobia Experienced by LGBT Sex Workers



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 of LGBT sex workers therefore have the potential to further marginalise individuals and render them more vulnerable to increased levels of violence, human rights' abuses, and decreased access to services and justice.

This Community Guide collates experiences of stigma and discrimination by LGBT sex workers and highlights differences when compared to other members of their respective communities.

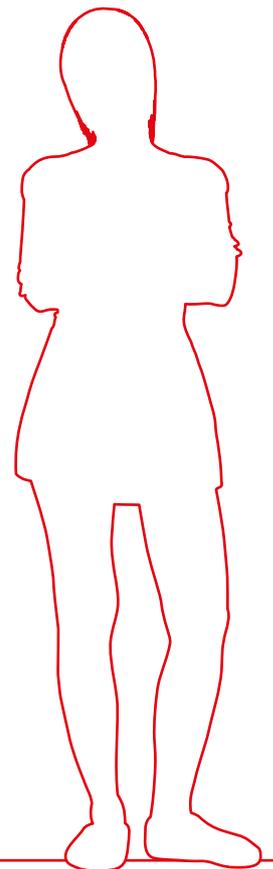
Criminalisation of Sex Work and LGBT Communities – the impact of double discrimination

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. HIV prevention is further compromised under criminalisation. Globally, many countries use possession of condoms in prosecutions as evidence of sex work in prosecutions, 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.

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'. '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.

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 and individuals retain their own beliefs and prejudices long after written laws are changed. Having a dual identity further marginalises those who are subjected to dual criminalisation.

...discrimination on the grounds of sexual orientation and gender identity adds to and intensifies the discrimination they experience as sex workers...



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 facing imprisonment, rape and violence from police. Dual criminalisation of sex workers and LGBT people poses increased and extensive barriers to well-being.

Access to healthcare

LGBT sex workers report 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. 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 treatment prescriptions can result.

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 link 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.

Social, cultural and religious barriers that impact LGBT sex workers

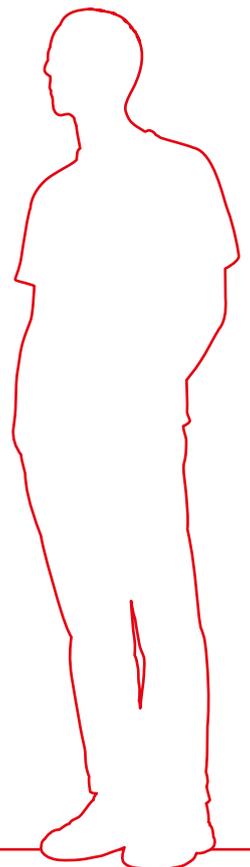
Social, cultural, political and religious views, sustained by a lack of education, tolerance and awareness also have an impact on the human rights violations experienced by LGBT sex workers.

Discrimination from within communities

Homophobia and transphobia often manifest 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 report being marginalised and treated badly by other sex workers.

..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.



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.

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.

Potential alliances for development

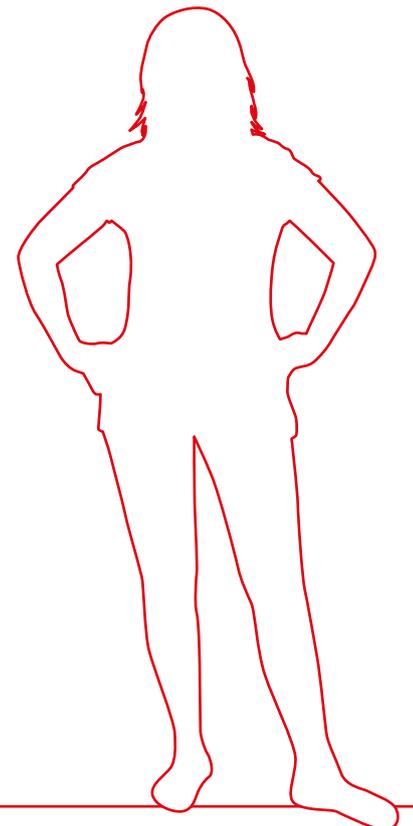
The LGBT and sex worker movements have much in common in their historic struggle for decriminalisation and recognition of their human rights. Unfortunately, insufficient progress has been made in uniting the LGBT and sex worker movements.

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)*. 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.

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. Kenya and Botswana report the strongest relationships between LGBT and sex worker organisations. Key populations have formed coalitions that unite if there is an attack by the government on the rights of any one group.

Migrant LGBT sex workers, both documented and undocumented, experience high rates of violence, exploitation and policing...



Recommendations

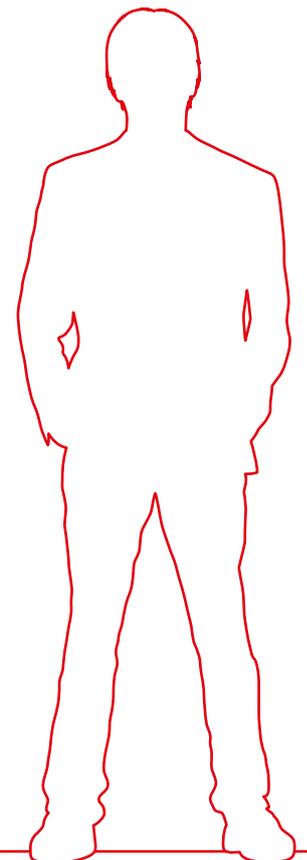
- Governments, policy-makers and advocates must actively pursue the full decriminalisation of sex work, same-sex activity and variant gender identities. Criminalisation is a primary driver of the stigma and discrimination experienced by LGBT sex workers when accessing health services, and of increased 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 healthcare 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 in order 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.

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

Conclusion

This Community Guide 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.



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 by using Global and National Consultants.

Community Guides aim to provide simple summaries of NSWP's Briefing Papers, further detail and references can be found in the accompanying Briefing Paper.

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.



The Matrix, 62 Newhaven Road
Edinburgh, Scotland, UK, EH6 5QB
+44 131 553 2555
secretariat@nswp.org
www.nswp.org

1111 Broadway, Floor 3
Oakland, CA, 94607, USA
+1 510 849 6311
contact@mpactglobal.org
www.mpactglobal.org

NSWP is a private not-for-profit limited company. Company No. SC349355

PROJECT SUPPORTED BY:



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.

