

# Meaningful Work

TRANSGENDER EXPERIENCES IN THE SEX TRADE  
DECEMBER 2015

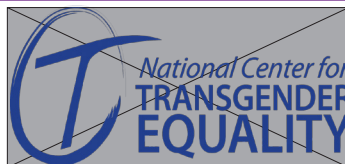
JOBS  
NOT  
JAILS

ARTIFICIAL  
EQUALS  
SEXISM  
#TRANSLIVE

WITH NEW ANALYSIS FROM THE NATIONAL TRANSGENDER DISCRIMINATION SURVEY



[BESTPRACTICESPOLICY.ORG](http://BESTPRACTICESPOLICY.ORG)



[TRANSEQUALITY.ORG](http://TRANSEQUALITY.ORG)



[REDUMBRELLAPROJECT.ORG](http://REDUMBRELLAPROJECT.ORG)

# Meaningful Work

TRANSGENDER EXPERIENCES  
IN THE SEX TRADE

BY  
ERIN FITZGERALD, MPA  
RED UMBRELLA PROJECT

SARAH ELSPETH  
PATTERSON, M.ED.  
RED UMBRELLA PROJECT

DARBY HICKEY  
BEST PRACTICES POLICY  
PROJECT

WITH

CHERNO BIKO

HARPER JEAN TOBIN  
NATIONAL CENTER FOR  
TRANSGENDER EQUALITY

*With new analysis from  
the National Transgender  
Discrimination Survey*

DECEMBER 2015



BESTPRACTICESPOLICY.ORG



REDUMBRELLAPROJECT.ORG



TRANSEQUALITY.ORG



TABLE OF  
**Contents**

MEANINGFUL WORK:  
*Transgender Experiences  
 in the Sex Trade*

**EXECUTIVE SUMMARY** \_\_\_\_\_ 4  
 4  
 4

**PART 1**

**BACKGROUND** \_\_\_\_\_ 7  
 INTRODUCTION 7  
 UNDERSTANDING COMMERCIAL SEX AND LEGALITY 7  
 POLICE TACTICS, HARASSMENT, AND ARRESTS 9  
 #BLACKTRANSLIVESMATTER 11

**PART 2**

**FINDINGS** \_\_\_\_\_ 12  
 METHODOLOGY 12  
 DEMOGRAPHICS 13  
 GENDER 13  
 Chart 1: Participation in the Sex Trade, by Gender Identity 13  
 RACE & ETHNICITY 14  
 Chart 2: Participation in the Sex Trade, by Race/Ethnicity 14  
 EDUCATION, EMPLOYMENT, AND INCOME 15  
 EDUCATION 15  
 Chart 3: Educational Attainment Breakdown, by Percent 15  
 WORKPLACE EXPERIENCE AND DISCRIMINATION 16  
 INCOME AND ECONOMIC INSECURITY 16  
 HOUSING SECURITY AND HOMELESSNESS 17  
 POLICE AND INCARCERATION 17  
 INTERACTIONS WITH LAW ENFORCEMENT 17  
 EXPERIENCE IN COURTS 18  
 SENTENCE LENGTH AND INCARCERATION 18  
 Chart 4: Breakdown of Total Time Spent Incarcerated, by Percent 19  
 Chart 5: Percent Reporting Mistreatment While Incarcerated 20  
 PHYSICAL AND MENTAL HEALTH MEASURES 21  
 MEDICAL CARE, SETTINGS, & TREATMENT 21  
 Chart 6: Percent Reporting Mistreatment in a Medical Setting 22  
 HIV INFECTION 23  
 Chart 7: HIV+ Status, by Percent 23  
 MENTAL HEALTH & SUBSTANCE ABUSE 24  
 Chart 8: Percent Reporting Suicide Attempt 24

**PART 3**

**CONCLUSION** \_\_\_\_\_ 25

**POLICY RECOMMENDATIONS** \_\_\_\_\_ 26  
 WHAT POLICY MAKERS AND LEGISLATORS CAN DO 26  
 DECRIMINALIZE SEX WORK AND ALL RELATED OFFENSES 26  
 PASS NONDISCRIMINATION AND OTHER TRANS-POSITIVE LAWS AND POLICIES 27  
 IMPROVE AND MONITOR POLICING PRACTICES 27  
 IMPROVE AND EXPAND HEALTH AND SOCIAL SERVICES AND PROGRAMS 28  
 WHAT ADVOCATES AND COMMUNITY GROUPS CAN DO 29

**ENDNOTES** \_\_\_\_\_ 30

# Executive Summary

The National Transgender Discrimination Survey (NTDS) examined the experiences of over 6,400 transgender adults across the United States in 2008-2009. To date, it remains the largest reported survey of transgender people in the US.<sup>1</sup> The NTDS found that transgender people overall experience high levels of discrimination in every area of life, as well as high levels of poverty, unemployment, homelessness, negative interactions with police, incarceration, and violent victimization. As a result, many transgender people participate in the sex trade in order to earn income or as an alternative to relying on homeless shelters and food banks. The criminalizing and stigmatizing of sex work in the United States can worsen the discrimination and marginalization that transgender people already face in society. Trans sex workers experience harassment and violence, often at the hands of police, and these experiences are heightened for transgender people of color, especially women.

## KEY FINDINGS

694 NTDS respondents — 10.8% of the overall survey — reported having participated in sex work and 135 NTDS respondents (an additional 2.3%) indicated that they had traded sex for rent or a place to stay.

Black and Black Multiracial NTDS respondents had the highest rate of sex trade participation overall (39.9%), followed by those who identified as Hispanic or Latino/a (33.2%). Those who identified as “White only” had the lowest rate of participation at 6.3%.

Transfeminine NTDS respondents were twice as likely to participate in the sex trade compared to transmasculine respondents (13.1% vs. 7.1%)

## Education

THOSE WHO EXPRESSED THEIR TRANSGENDER IDENTITY WHILE ATTENDING GRADES K-12 REPORTED SUBSTANTIAL NEGATIVE EXPERIENCES IN EDUCATIONAL SETTINGS.

**83.2%** OF SEX TRADE PARTICIPANTS EXPERIENCED PROBLEMS IN K-12 AND 76.8% REPORTED HARASSMENT.

**51.2%** REPORTED PHYSICAL ASSAULT AND 23.2% REPORTED SEXUAL ASSAULT IN SCHOOL DUE TO BIAS .

**26.1%** LEFT SCHOOL DUE TO HARASSMENT (VS. 10.8% OF NON-SEX WORKERS).

# Employment

An overwhelming majority (69.3%) of sex workers reported experiencing an adverse job outcome in the traditional workforce, such as being denied a job or promotion or being fired because of their gender identity or expression (vs. 44.7% of non-sex workers). Those who lost a job due to anti-transgender bias were almost three times as likely to engage in the sex trade (19.9% vs. 7.7%).

Current unemployment rates were dramatically higher for those who reported involvement in the sex trade (25.1%) compared to those who were not (12.4%).

Transgender sex workers were more than twice as likely to live in extreme poverty (under \$10,000/year) than those who hadn't participated (30.8% vs. 13.3%) and were less likely to be higher income earners, only 22.1% reported household income over \$50,000/year (compared to 43.4% of non-participants).

# Housing Insecurity

Those who had ever been involved in the sex trade experienced substantially higher rates of homelessness; 48.1% reported experiencing homelessness at some point in their lives (compared to 14.2% of non-sex workers).

WHEN TRYING TO ACCESS HOMELESS SHELTERS, TRANSGENDER SEX WORKERS WERE DENIED FAIR TREATMENT MORE OFTEN THAN OTHER TRANSGENDER PEOPLE:

39.5% WERE DENIED ACCESS TO A SHELTER (VS. 17.5% OF NON-SEX WORKERS).

35.3% WERE THROWN OUT OF A SHELTER (VS. 12.9% OF NON-SEX WORKERS).

64.5% WERE HARASSED BY STAFF (VS. 39.1% OF NON-SEX WORKERS).

37.3% WERE PHYSICALLY ASSAULTED AND 35.4% WERE SEXUALLY ASSAULTED BY STAFF.

# Police & Court Interaction

Transgender sex workers reported high levels of interaction with the police (79.1%). They also indicated that they were somewhat uncomfortable (26.3%) or very uncomfortable (31.8%) seeking help from the police.

Of those who have appeared in court, transgender people engaged in the sex trade were also more likely to report biased treatment by judges and court staff (39.6% vs. 15.5% of non-sex workers).

They also report mistreatment (64.1%), as well as physical (12.9%) and sexual (9.2%) assault at the hands of the police.

Rates of arrest and incarceration varied significantly by race and gender for transgender sex workers: People of color were more than twice as likely (46.8%) than their white counterparts (18.3%) to report being “arrested for being trans.” Similarly, 58.8% of people of color and 35.2% of respondents reported being sent to jail/prison “for any reason.”

ONCE INCARCERATED, TRANSGENDER SEX WORKERS EXPERIENCE DISCRIMINATION AND VIOLENCE AT THE HANDS OF OTHER INMATES, AS WELL AS PRISON OFFICERS AND STAFF.

52.6%

WERE HARASSED BY CORRECTIONS STAFF.

29.4%

CORRECTIONS STAFF ALSO DENIED ACCESS TO HORMONES (24.9%) AND MEDICAL CARE (17.1%).

26.9%

INCARCERATED SEX WORKERS WERE ALL SUBJECT TO PHYSICAL ASSAULT BY OTHER INMATES (26.9%) AND OFFICERS/STAFF (13.5%).

10.7%

REPORTED THAT THEY WERE SEXUALLY ASSAULTED BY A PRISON OFFICER.

## Health Care & HIV Status

Those with experience in the sex trade were more likely to use the emergency room or low-cost clinics than other survey respondents and 32.9% reported being uninsured entirely (vs. 17.5% of non-sex workers).

For sex trade-involved respondents, mistreatment was common in medical settings: 47.9% reported harassment and 28.9% were refused treatment by medical providers. Mistreatment was consistently higher for those with sex trade experience across all medical settings, especially in the ER and rape crisis centers.

Transgender respondents involved in the sex trade were more likely to have a physical or mental health disability (40.2% vs. 28.3% of non-sex workers).

HIV RATES AMONG TRANSGENDER PEOPLE WITH SEX TRADE EXPERIENCE WERE ALARMINGLY HIGH.

15.3%

SAID THEY WERE HIV+ OVERALL, COMPARED TO 1.2% OF NON-SEX WORKERS FROM THE SURVEY.

9.9%

DID NOT KNOW THEIR HIV STATUS.

25.9%

OF PEOPLE OF COLOR WITH EXPERIENCE IN THE SEX TRADE WERE HIV+ (VS. 3.2% OF NON-SEX WORKERS).

40.6%

OF BLACK AND BLACK MULTIRACIAL RESPONDENTS SAID THEY WERE HIV+ (VS. 7.0% OF NON-SEX WORKERS).

## Mental Health & Suicide

Respondents who had done sex work reported higher rates of daily tobacco use (32.5% vs 17.4% of non-sex workers) and were more likely to say they use drugs or alcohol to cope with discrimination (18.2% vs. 6.7% of non-sex workers).

60.4% of survey respondents in the sex trade reported that they had attempted suicide, significantly higher than the attempted suicide rate of non-sex worker survey respondents overall (38.2%).

Transgender men who had participated in the sex trade had the most substantial increase in suicide attempts (75.5% vs. 44.3% of non-sex workers).



# Background

## INTRODUCTION

The previously published report, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey (NTDS)*, documented devastating effects of anti-transgender bias experienced by transgender and gender non-conforming people (hereinafter transgender people) in the United States. Survey participants reported pervasive discrimination, but the combination of anti-transgender bias and persistent, structural racism was shown to be especially devastating.<sup>2</sup>

A vast majority of NTDS participants reported harassment, mistreatment, or discrimination in education and employment settings.<sup>3</sup> At the time of the survey, respondents revealed that they experienced unemployment at twice the rate of the general population, and were four times more likely to live in extreme poverty (\$10,000 annually or less per household).<sup>4</sup>

For many transgender people, the sex trade can offer greater autonomy and financial stability compared to more traditional workplaces, with few barriers to entry. However, economic insecurity and material deprivation can increase one's vulnerability to harm and decrease the ability to make self-determined choices.

Involvement in the sex trade remains highly stigmatized and stigma is compounded by other forms of discrimination, such as race, gender identity or expression, and class. People of color, immigrants, those engaged in outdoor sex work, and youth face the highest rates of police abuse and harassment, institutional discrimination, and violence.<sup>5</sup> The consequences of stigma, targeted policing, and poor physical and mental health outcomes weigh heavily on already vulnerable communities.

## *Understanding Commercial Sex & Legality*

Commercial sex exists in a variety of forms and legal frameworks. The exact degree of criminalization is based on type of work, jurisdiction, and law enforcement practices on the street. All forms of having sex for payment are illegal in the United States, with the exception of brothels in certain parts of the state of Nevada.<sup>6</sup> Soliciting a person to engage in sexual activities for payment, and operating a “house of prostitution” are also illegal. Depending on state law, a person offering sexual services, a person seeking them, and any third party facilitator can all be prosecuted under various statutes. Though such laws fall largely under the legal jurisdiction of



## WHAT IS SEX WORK?

“SEX WORK” IS A BROAD TERM USED TO DESCRIBE EXCHANGES OF SEX OR SEXUAL ACTIVITY. SEX WORK IS ALSO USED AS A NON-STIGMATIZING TERM FOR “PROSTITUTION,” BUT IN THIS REPORT WE USE THE TERM IN ITS BROADER MEANING. USING THE TERM “SEX WORK” REINFORCES THE IDEA THAT SEX WORK IS WORK AND ALLOWS FOR GREATER DISCUSSION OF LABOR RIGHTS AND CONDITIONS.

NOT EVERY PERSON IN THE SEX TRADE DEFINES THEMSELVES AS A SEX WORKER OR THEIR SEXUAL EXCHANGE AS WORK. SOME MAY NOT REGARD WHAT THEY DO AS LABOR AT ALL, BUT SIMPLY A MEANS TO GET WHAT THEY NEED. OTHERS MAY BE OPERATING WITHIN LEGAL WORKING CONDITIONS, SUCH AS PORNOGRAPHY OR EXOTIC DANCING, AND WISH TO AVOID THE NEGATIVE ASSOCIATIONS WITH ILLEGAL OR INFORMAL FORMS OF SEX WORK.

IN ADDITION TO THE EXCHANGE OF MONEY FOR SEXUAL SERVICES, A PERSON MAY EXCHANGE SEX OR SEXUAL ACTIVITY, OR THINGS THEY NEED OR WANT, SUCH AS FOOD, HOUSING, HORMONES, DRUGS, GIFTS, OR OTHER RESOURCES. “SURVIVAL SEX” IS A TERM USED BY MANY NON-PROFIT ORGANIZATIONS AND RESEARCHERS TO DESCRIBE TRADING OF SEX FOR SURVIVAL NEEDS.

states and localities, federal laws also criminalize commercial sex, as it relates to interstate commerce.

Over the past decade, the federal government has significantly increased its involvement in the policing of sex workers and clients in the name of fighting human trafficking. The Trafficking Victims Protection Act was passed into law in 2000 and, more recently, was reauthorized and expanded as part of the Violence Against Women Reauthorization Act 2013.<sup>7</sup> This law awards multimillion dollar block grants by region to government and non-government entities for their participation in federal anti-trafficking efforts.<sup>8</sup> A surge of activity at the federal level has, in turn, spurred states and localities to pass a bevy of laws aimed at addressing instances of forced or coercive involvement in commercial sex, or simply at further criminalizing prostitution in general.<sup>9</sup>

Human trafficking in the sex trade, often referred to as “sex trafficking,” is defined in federal law as “commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”<sup>10</sup> Some advocates and lawmakers have erroneously used the term “sex trafficking” synonymously with prostitution. Conflating the two has led federal, state, and local governments to focus on efforts to “end demand” for human trafficking in the sex sector by cracking down on commercial sex in its entirety, rather than seeking to address only those cases where force, fraud, or coercion are present.<sup>11</sup> National campaigns to rescue minors or trafficking victims are primarily pursued via street sweeps and brothel raids which result in the arrests and mistreatment of adult sex workers.<sup>12</sup> The overall effect of these efforts is an increase in criminalization, bringing the concomitant problems for transgender communities.<sup>13</sup> While “end demand” approaches harm sex workers by making it more difficult to screen and select safe clients, these efforts can have particularly harmful effects on trans sex workers. For example, as part of “end demand” campaigns in Chicago, Black transgender women arrested for solicitation were subject to felony charges and higher fines, and had their mug shots posted online as “johns” who were supposedly soliciting prostitution.<sup>14</sup>

In jurisdictions outside the United States where sex work is decriminalized, sex workers have greater access to health and social services and are less likely to be victims of violence or coercion.<sup>15</sup> Support for decriminalization is growing and recently, Amnesty International voted to adopt a policy to protect the human rights of sex workers.<sup>16</sup> The resolution recommends developing a policy that supports the full decriminalization of all aspects of consensual sex work and that provides equal legal protections for sex workers, following similar recommendations put forth by the World Health Organisation and UNAIDS.<sup>17</sup> Further, several national LGBT-focused organizations, including the National Center for Transgender Equality, spoke out via a cosigned letter in support of Amnesty International and committed to working with them to “replace laws that criminalize sex work with public policies that address sex workers’ real economic and safety needs.”<sup>18</sup> These developments illustrate that the push for the decriminalization of sex work in the United States is working to gain traction.

## *Police Tactics, Harassment, & Arrests*

Transgender people experience multiple layers of criminalization, such as police profiling and the enforcement of “prostitution free zones.”<sup>19</sup> Police may classify an individual as a “known prostitute” or issue “stay away orders” which associate a physical location with a presumption of criminal activity, regardless of the legitimate, non-criminal reasons a person might have for being in an area. Profiling, particularly of transgender women of color, is commonly referred to as “walking while trans” or “walking while Black.”<sup>20</sup> Aside from solicitation, police also arrest transgender individuals accused of involvement in commercial sex with seemingly unrelated charges such as “failure to obey” or “disorderly conduct.”<sup>21</sup>

Police confiscation of condoms and the use of condoms as the basis for arrest have negatively impacted the health of transgender people throughout the United States.<sup>22</sup> Law enforcement confiscation of condoms from transgender people involved, or assumed to be involved, in commercial sex puts them at risk not only for HIV infection but also for charges of criminal HIV exposure. In at least 35 states, people who are HIV positive can be singled out for criminal prosecution or enhanced sentences.<sup>23</sup> A 2012 report conducted by the PROS (Providers and Resources Offering Services for Sex Workers) Network found that about half of all respondents

## WHAT IS THE SEX TRADE?

THE TERM “SEX INDUSTRY” SUGGESTS AN ORGANIZED SYSTEM OF SEXUAL EXCHANGE, WHICH IS NOT ALWAYS THE CASE WHEN PEOPLE ARE TRADING SEXUAL SERVICES. THE TERMS “SEX TRADE” OR “SEX TRADES” REMAIN MORE OPEN, EMPHASIZING THE EXCHANGE ASPECT OF THESE ACTIVITIES, WHILE STILL ALLOWING FOR BOTH FORMAL AND INFORMAL CONDITIONS.

OTHER TERMS WITH SIMILAR MEANINGS INCLUDE SEXUAL EXCHANGE, TRANSACTIONAL SEX, AND COMMERCIAL SEX. ACTIVITIES THAT FALL WITHIN THE REALM OF COMMERCIAL SEX MAY BE FORMAL, SUCH AS DANCING AT A STRIP CLUB OR WORKING AT A BROTHEL, OR MAY BE MORE INFORMAL, SUCH AS SOLICITING CLIENTS AT A BAR OR TRADING SEX ON OCCASION TO SUPPLEMENT INCOME.

reported that police had confiscated, damaged, or destroyed their condoms; 67% reported that police destroyed condoms they were carrying solely as a means of harassment, without making an arrest.<sup>24</sup> Research in other cities has found this pattern as well, in addition to widespread fear among transgender communities that carrying condoms would lead to arrest.<sup>25</sup> Yet transgender women, who are most often targeted by these practices, are also at high risk of contracting HIV.<sup>26</sup> According to the PROS study, 75% percent of transgender women surveyed reported that they carried no condoms for fear of police.<sup>27</sup>

Studies from around the country reveal persistent police use of profiling to harass, and falsely or selectively arrest based on race and gender presentation. One-fifth (22%) of respondents to NTDS who have interacted with the police have reported harassment by police due to bias; respondents of color reported substantially higher rates (29-38%).<sup>28</sup> The National Coalition of Anti-Violence Projects has also noted that transgender people of color are 6.2 times as likely to experience police violence compared to other survey respondents.<sup>29</sup> Transgender respondents were also more likely to report experiencing inappropriate touching, sexual harassment, humiliation and violence at the hands of police officers.<sup>30</sup> A study of transgender community members in Queens, New York, who were largely people of color and immigrants, found 51% experiencing verbal harassment, 46% reporting physical harassment and 37% experiencing both.<sup>31</sup> Similarly, in a study of 220 transgender Latina women living in Los Angeles, almost 60% of women believed they were stopped without having violated any law.<sup>32</sup>

In interviews conducted by the Center for Constitutional Rights, young women described being targeted by police for their gender and sexuality, including appearing too “masculine” in their presentation.<sup>33</sup> Police mistreatment manifested in a variety of ways, from being groped in order to “determine their gender,” to being accused of having “fake” identity documents when the gender marker did not match the person’s gender presentation, to being extorted for sex under threat of arrest.<sup>34</sup> Other studies reported that police have publicly removed wigs from transgender women and stomped on them.<sup>35</sup>

Investigations by the US Department of Justice of the New Orleans Police Department and the Puerto Rico Police Department both found biased policing of transgender communities—specifically targeting transgender women of color as suspected sex workers, as well as hostility to transgender victims of violence. Consent decrees in these jurisdictions required changes in policies toward transgender people.<sup>36</sup> In some jurisdictions such as Louisiana, transgender sex workers have been specifically targeted under unconstitutional sodomy or “crimes against nature” laws that can lead to harsher penalties and sex offender registration.<sup>38</sup>

**BLACK**

**TRANS LIVES**

**MATTER**

## #BLACKTRANSLIVESMATTER

#BlackLivesMatter is a chapter-based, national organization that is rooted in racial and social justice and the affirmation of the importance of Black lives. It was started in response to the murder of Trayvon Martin, an unarmed Black teenager, by George Zimmerman, who was acquitted for his crime. In the years following, #BlackLivesMatter has brought attention to countless cases of police brutality against people of color, many of whom committed no crime, many of whom were unarmed, many of whom died as a result of the assault.

Related to this injustice is the ongoing murders and epidemic of violence targeted at transgender women, especially women of color. This past year, 2015, has been a year of unthinkable violence. In 2015 the number of trans women who have been attacked and murdered climbs by the week. The hashtag #BlackTransLivesMatter was created as a way to center the experiences of Black trans women and mobilize around the ongoing violence against them. #BlackTransLivesMatter and #BlackLivesMatter have formed a partnership to elevate the conversation around social and institutional violence, including the ways that Black trans people are disproportionately and uniquely affected.

The current landscape in the United States fosters a culture of violence and fear for Black and transgender people. Transgender women of color, who are far more likely to engage in the sex trade than their white counterparts, live at the intersection of this devastating violence and systemic transphobia. There is an ever-growing, brilliant body of work that explores these issues and they are invaluable to the context of this analysis.<sup>38</sup>

# Findings

## Methodology

This report utilizes data collected through the National Transgender Discrimination Survey (NTDS) conducted and published by the National Center for Transgender Equality (NCTE) and the National LGBTQ Task Force (the Task Force). In 2008-09, the Task Force and NCTE launched a nationwide study of anti-transgender discrimination in the United States.<sup>39</sup> Over a six-month period, 6,456 transgender and gender nonconforming people answered a 70 question survey, in English or Spanish, online or on paper, reporting on their experiences of discrimination and abuse at home, in school, the public sphere, and in the workplace, as well as with landlords, doctors, and public officials, including judges and police.<sup>40</sup> The initial findings were released in 2011. Information presented in this section is based on a more thorough quantitative analysis of the raw data set that focuses on respondents' involvement in the sex trade.<sup>41</sup>

THE BASIS OF THIS REPORT IS FORMED ON THE RESPONDENTS' ANSWERS TO QUESTION 29 (Q29), WHICH WAS ASKED AS FOLLOWS:

29. IF YOU HAVE EVER WORKED FOR PAY IN THE STREET ECONOMY, PLEASE CHECK ALL ACTIVITIES IN WHICH YOU HAVE ENGAGED.<sup>42</sup>

\_\_\_ Sex work/sex industry

\_\_\_ Drug sales

\_\_\_ Other, please specify

\_\_\_ Not applicable. I have never worked for pay in the street economy.

The main limitation of this data is that the stigma associated with sex work, as well as the respondents' own definition of "sex work/sex industry," may have an impact on the number of people that answered as having participated.<sup>43</sup> Legal employment in the sex industry may not be correlated with the same vulnerabilities of criminalized work, but is not without risk and possesses a comparable set of challenges. Since there was not an option to distinguish the legality of work in this report, any survey respondent who self-identified as participating in sex industry (hereinafter, the sex trade) is included in our analysis of demographics and outcomes.

All reported comparisons in this report are statistically significant, unless otherwise noted.<sup>44</sup> It is important to note that, in this analysis, correlation does not imply causation. We don't know whether disparities found are driven by the hazards faced by sex workers, or are related to each other. For example, we don't know if transgender sex workers experience worse treatment in health care in part because they are more likely to be low-income. The experience of transgender people is shaped by multiple factors and their interactions are complex. We did not control for all of these factors and thus, the variables that make sex work the best option for many people may themselves be correlated to some of the negative outcomes we find.



# Demographics

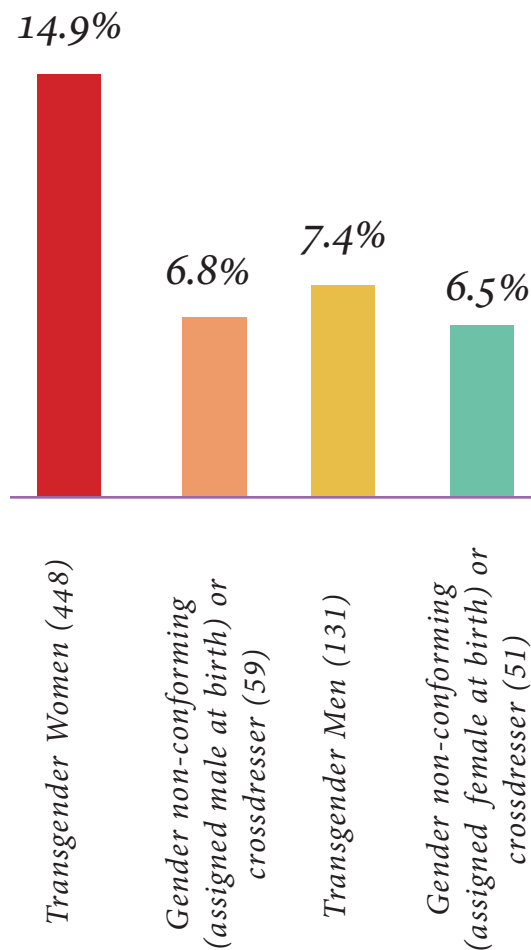
In our analysis, 694 survey respondents—10.8% of overall NTDS respondents — reported having participated in sex work.<sup>45</sup> Further, respondents were asked if they ever traded sex for rent or a place to stay — an additional 2.3% of respondents (n=135) indicated that they had done so. Combining these two measures, 12.8% of participants (n=829) reported engaging in the sex trade or trading sex for access to housing. The reported results are only based on those who indicated that they had experience in the sex trade on question 29.

Family rejection more than doubled the likelihood that a respondent participated in the sex trade.<sup>45</sup> Respondents who had experienced adverse job outcomes, such as job loss or demotion, as a result of their transgender status, reported much higher involvement in the sex trade than those who had not (16.3% vs. 6.5%). Forty-eight percent (48.1%) of those who had done sex work also reported experiencing homelessness due to bias, compared to 14.2% of NTDS respondents who hadn't been involved in the sex trade. Approximately 7.4% of the general population has experienced homelessness.<sup>47</sup>

## GENDER

TRANSFEMININE RESPONDENTS WERE TWICE AS LIKELY TO PARTICIPATE IN THE SEX TRADE COMPARED TO TRANSMASCULINE RESPONDENTS (13.1% vs. 7.1%).<sup>48</sup> HOWEVER, TRANSMASCULINE RESPONDENTS COMPRISED 26.4% OF ALL SEX TRADE PARTICIPANTS. WHILE MOST DISCUSSIONS OF SEX WORK AND TRANS PEOPLE FOCUS ON TRANSGENDER WOMEN, THIS FINDING SHOWS THAT MANY TRANSMASCULINE PEOPLE ARE ENGAGED IN THE SEX TRADE.

CHART 1: PARTICIPATION IN THE SEX TRADE, BY GENDER IDENTITY

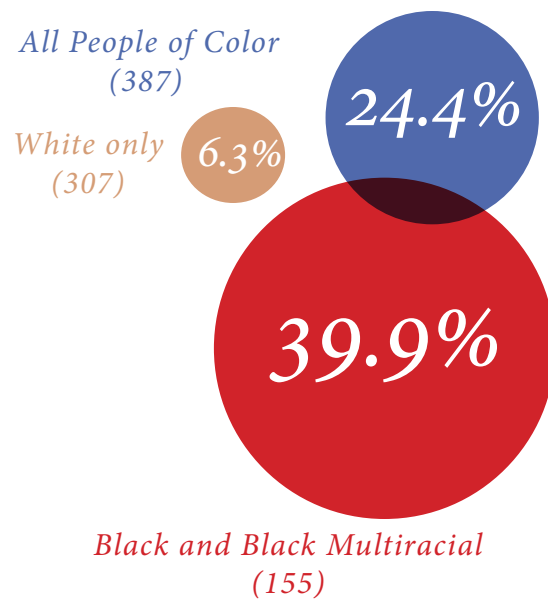


# RACE & ETHNICITY

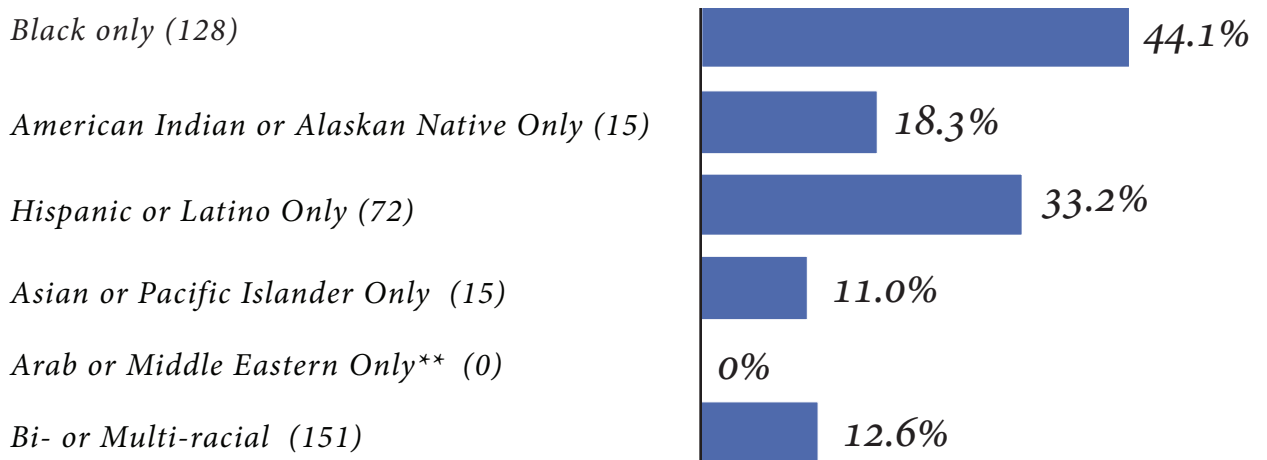
Rates of participation in the sex trade varied dramatically across different racial and ethnic identities. Black and Black Multiracial respondents had the highest rate of sex trade participation overall (39.9%), followed by those who identified as Hispanic or Latino/a (33.2%).<sup>49</sup> Those who identified as “only White” had the lowest rate of participation at 6.3%, although they comprised the largest group of self-reported sex workers in this sample.

PEOPLE OF COLOR WERE FOUR TIMES AS LIKELY TO ENGAGE IN SEX WORK COMPARED TO THEIR WHITE COUNTERPARTS (24.4% VS. 6.3%). HIGH PARTICIPATION IN THE SEX TRADE BY RACIAL AND ETHNIC MINORITIES ALIGNS WITH OTHER FINDINGS FROM NTDS, WHICH SHOW THAT TRANS PEOPLE OF COLOR EXPERIENCE HIGHER LEVELS OF POVERTY, UNEMPLOYMENT, HOMELESSNESS, JOB AND HOUSING, AND INCARCERATION.<sup>50</sup>

CHART 2: PARTICIPATION IN THE SEX TRADE, BY RACE/ETHNICITY



PARTICIPATION IN THE SEX TRADE AMONG PEOPLE OF COLOR



\*\*Of the entire survey sample, only five respondents identified as Arab or Middle Eastern solely.



# Education, Employment, & Income

Many transgender people find themselves in dire economic situations due to the combination of discrimination in education and the workplace.<sup>51</sup> Engaging in underground work is sometimes a necessary and vital means of survival for many when they lack steady income or access to living wages.

Of those who expressed their transgender identity while attending school, NTDS respondents who have worked in the sex trade reported experiencing high levels of harassment and trauma during grades K–12.

## EDUCATION

WHILE MANY NTDS RESPONDENTS ACHIEVED SOME COLLEGE EDUCATION, SEX WORKERS OF COLOR AND TRANSFEMININE SEX WORKERS REPORTED HIGHER RATES OF HAVING COMPLETED HIGH SCHOOL ONLY OR NO HIGH SCHOOL.

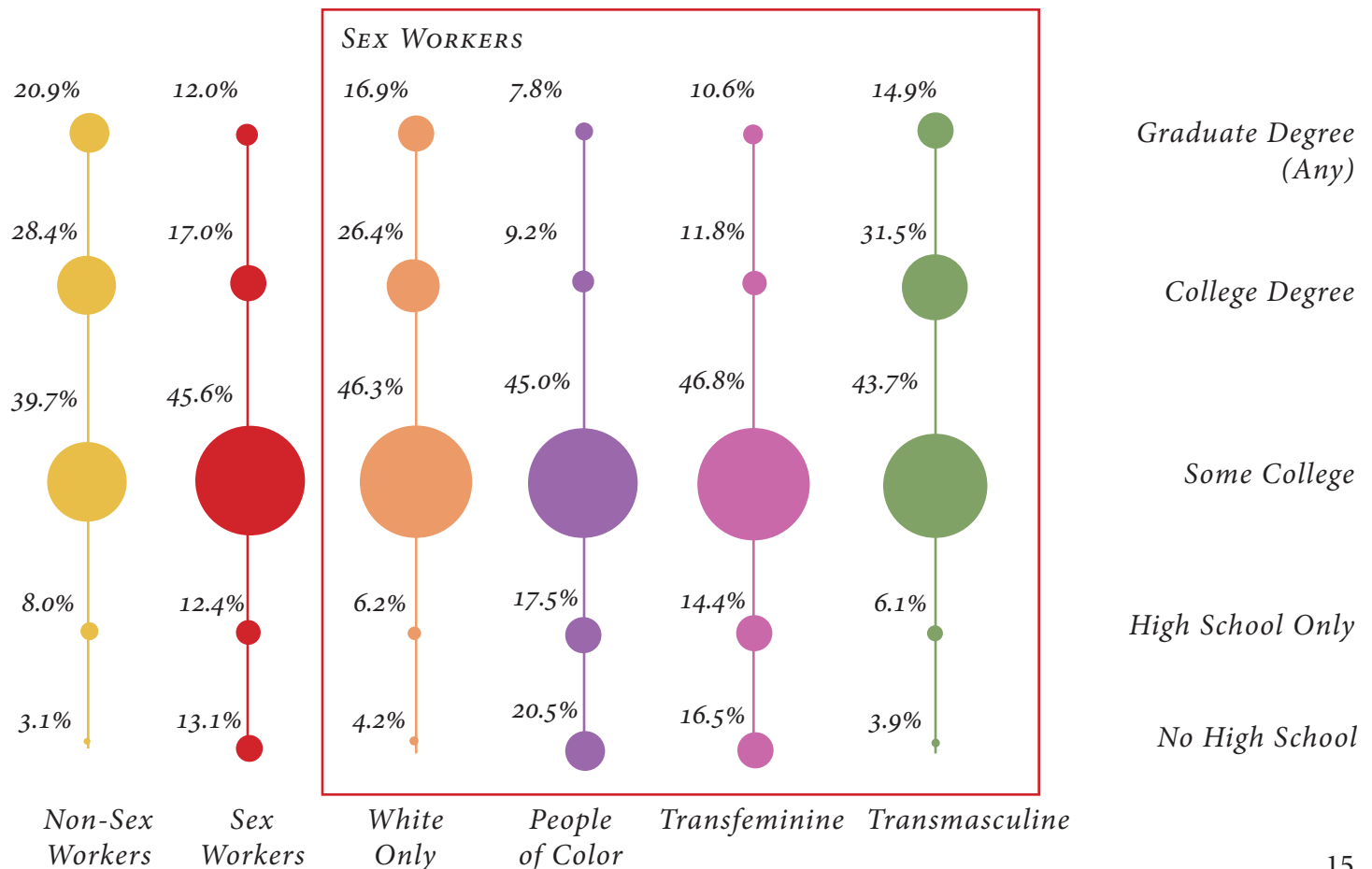
SIMILAR TO OTHER TRANSGENDER RESPONDENTS, 83.2% OF THOSE WITH EXPERIENCE IN THE SEX TRADE REPORTED EXPERIENCING PROBLEMS IN K-12, INCLUDING 76.8% WHO REPORTED HARASSMENT.<sup>52</sup>

**51.2%** REPORTED PHYSICAL ASSAULT (VS. 32.5% OF NON-SEX WORKERS).

**23.2%** REPORTED SEXUAL ASSAULT (VS. 9.8% OF NON-SEX WORKERS).

**26.1%** LEFT SCHOOL DUE TO HARASSMENT (VS. 10.8% OF NON-SEX WORKERS).

CHART 3: EDUCATIONAL ATTAINMENT BREAKDOWN



# WORKPLACE EXPERIENCE AND DISCRIMINATION

An overwhelming majority (69.3%) of sex workers reported experiencing an adverse job outcome in the traditional workforce because of discrimination (vs. 44.7% of non-sex workers).

Transgender people who lost a job due to anti-transgender bias were almost three times as likely to engage in the sex trade (19.9% vs. 7.7%).

CURRENT UNEMPLOYMENT RATES WERE DRAMATICALLY HIGHER FOR THOSE WHO REPORTED INVOLVEMENT IN THE SEX TRADE (25.1%) COMPARED TO THOSE WHO WERE NOT (12.4%).

**20.7%** OF WHITE SEX WORKERS REPORTED UNEMPLOYMENT COMPARED TO 11.4% OF WHITE NON-SEX WORKERS.

**29.2%** OF SEX WORKERS OF COLOR REPORTED UNEMPLOYMENT COMPARED TO 16.1% OF PEOPLE OF COLOR WHO WEREN'T ENGAGED IN THE SEX TRADE.

**42.6%** OF BLACK AND BLACK MULTI-RACIAL SEX WORKERS REPORTED THE HIGHEST RATES OF UNEMPLOYMENT.

**27.1%** OF TRANSFEMININE SEX WORKERS AND 19.3% OF TRANSMASCULINE SEX WORKERS REPORTED UNEMPLOYMENT, DESPITE SIMILAR LEVELS OF UNEMPLOYMENT FOR NON-SEX WORKERS (12.2% AND 12.6%, RESPECTIVELY).

Almost half (46.5%) of sex workers reported that they were underemployed, compared to 29.6% of respondents with no sex trade experience.

# INCOME AND ECONOMIC INSECURITY

Respondents who reported participation in the sex trade were more than twice as likely to live in extreme poverty (under \$10,000/year) as those who hadn't participated (30.8% vs. 13.3% of non-sex workers).

Moreover, sex trade participants were less likely to be higher income earners: only 22.1% reported current household income over \$50,000/year (compared to 43.4% of non-participants).

At the time of the survey, one-fifth (20.3%) of those with experience in the sex trade reported that some or all of their current household income included pay from the street economy in the last year.

THE INCOME DISTRIBUTION OF SURVEY RESPONDENTS WHO PARTICIPATED IN THE SEX TRADE VARIES WIDELY ACCORDING TO RACE.

**43.4%** OF PEOPLE OF COLOR WHO HAD EXPERIENCE IN THE SEX TRADE REPORTED HAVING A HOUSEHOLD INCOME OF LESS THAN \$10,000, WHILE ONLY 16.3% OF WHITE RESPONDENTS REPORTED THE SAME.<sup>53</sup>

**50.0%** HALF OF BLACK AND BLACK MULTIRACIAL RESPONDENTS WHO HAD EXPERIENCE IN THE SEX TRADE REPORTED EARNING LESS THAN \$10,000 IN HOUSEHOLD INCOME, AND 63.4% REPORTED MAKING LESS THAN \$20,000 PER HOUSEHOLD ANNUALLY.

Despite the prevalence of poverty and low incomes, only 12.7% of those with sex work experience received public assistance; 4.2% of transgender people with no sex work experience claimed public assistance benefits.

## HOUSING SECURITY AND HOMELESSNESS

Those involved in the sex trade experienced substantially higher rates of homelessness; 48.1% reported experiencing homelessness at some point in their lives (compared to 14.2% of non-sex workers).

Over half (54.6%) of all NTDS respondents who were currently homeless also had been involved in the sex trade.

WHEN TRYING TO ACCESS HOMELESS SHELTERS, TRANSGENDER PEOPLE IN THE SEX TRADE WERE TWICE AS LIKELY TO EXPERIENCE MISTREATMENT.

39.5% WERE DENIED ACCESS TO A SHELTER (VS. 17.5% OF NON-SEX WORKERS)

35.5% WERE THROWN OUT OF A SHELTER (VS. 12.9% OF NON-SEX WORKERS)

64.5% WERE HARASSED BY STAFF (VS. 39.1% OF NON-SEX WORKERS)

37.3% WERE PHYSICALLY ASSAULTED BY STAFF (VS. 13.0% OF NON-SEX WORKERS)

35.4% WERE SEXUALLY ASSAULTED BY STAFF (VS. 8.8% OF NON-SEX WORKERS)

## *Police & Incarceration*

Many transgender women reported having been profiled as a sex workers, regardless of their involvement in the sex trade. Transgender respondents in the sex trade reported a wide range of alarming experiences with police and the law enforcement system. As with employment and education, we do not know whether respondents' experiences with police, courts, or incarceration occurred before, after, or during their involvement in the sex trade. We also don't know if those interactions, including incarceration, were related to respondents' sex trade participation or for other reasons.

## INTERACTIONS WITH LAW ENFORCEMENT

Transgender sex workers reported high levels of interaction with the police (79.1% compared to 51.6% of non-sex worker respondents).<sup>54</sup> Black and Black Multiracial sex workers reporting the highest levels of interaction (87.3%). Transfeminine sex workers reported higher likelihood of police interaction (83.9%) than their transmasculine counterparts (65.8%).

Respondents with sex trade involvement indicated that they were somewhat uncomfortable (26.3%) or very uncomfortable (31.8%) seeking help from the police.<sup>55</sup> They also report mistreatment (64.1%), as well as physical (12.9%) and sexual (9.2%) assault at the hands of the police.

RATES OF ARREST AND INCARCERATION VARIED SIGNIFICANTLY BY RACE AND GENDER FOR TRANSGENDER SEX WORKERS:

**46.8%** PEOPLE OF COLOR WERE MORE THAN TWICE AS LIKELY THAN THEIR WHITE COUNTERPARTS (18.3%) TO REPORT BEING “ARRESTED FOR BEING TRANS.” SIMILARLY, 58.8% OF PEOPLE OF COLOR AND 35.2% OF RESPONDENTS REPORTED BEING SENT TO JAIL/PRISON “FOR ANY REASON.”<sup>56</sup>

**65.3%** BLACK AND BLACK MULTIRACIAL RESPONDENTS HAD THE HIGHEST RATES OF BOTH ARREST DUE TO THEIR TRANSGENDER STATUS (65.3%) AND BEING SENT TO JAIL/PRISON FOR ANY REASON (69.6%).

**41.9%** TRANSFEMININE RESPONDENTS REPORTED HIGHER RATES OF ARREST DUE TO TRANS STATUS (41.9%) AND BEING SENT TO JAIL FOR ANY REASON (54.6%) THAN TRANSMASCULINE RESPONDENTS (10.6% AND 30.5% RESPECTIVELY).

## EXPERIENCE IN COURTS

Of those who have appeared in court, transgender people engaged in the sex trade were also more likely to report biased treatment by judges and court staff (39.6% vs. 15.5% of non-sex workers).

**25.3%** REPORTED BEING VERBALLY HARASSED BY A JUDGE OR COURT OFFICIAL (COMPARED TO 9.3% OF NON-SEX WORKERS).

**2.3%** REPORTED THAT A JUDGE OR COURT OFFICIAL PHYSICALLY ASSAULTED THEM (COMPARED TO 0.6% OF NON-SEX WORKERS).

## SENTENCE LENGTH AND INCARCERATION

RESPONDENTS WHO HAD BEEN TO JAIL/PRISON WERE ASKED ABOUT THE TOTAL TIME THEY SPENT INCARCERATED. TRANSGENDER PEOPLE WITH SEX TRADE EXPERIENCE REPORTED BEING INCARCERATED FOR LONGER SENTENCES THAN TRANS PEOPLE WITHOUT SEX TRADE EXPERIENCE. RACIAL AND GENDER DIFFERENCES AMONG TRANSGENDER SEX WORKERS IN LENGTH OF SENTENCE WERE SIMILAR TO THOSE AMONG NON-SEX WORKERS.

Formerly incarcerated transgender respondents who engaged in sex work reported staggering amounts of abuse in the prison system committed by other prisoners, as well as staff. Almost half of respondents reported harassment by staff and prisoners alike.

CHART 4: BREAKDOWN OF TOTAL TIME SPENT INCARCERATED, BY PERCENT

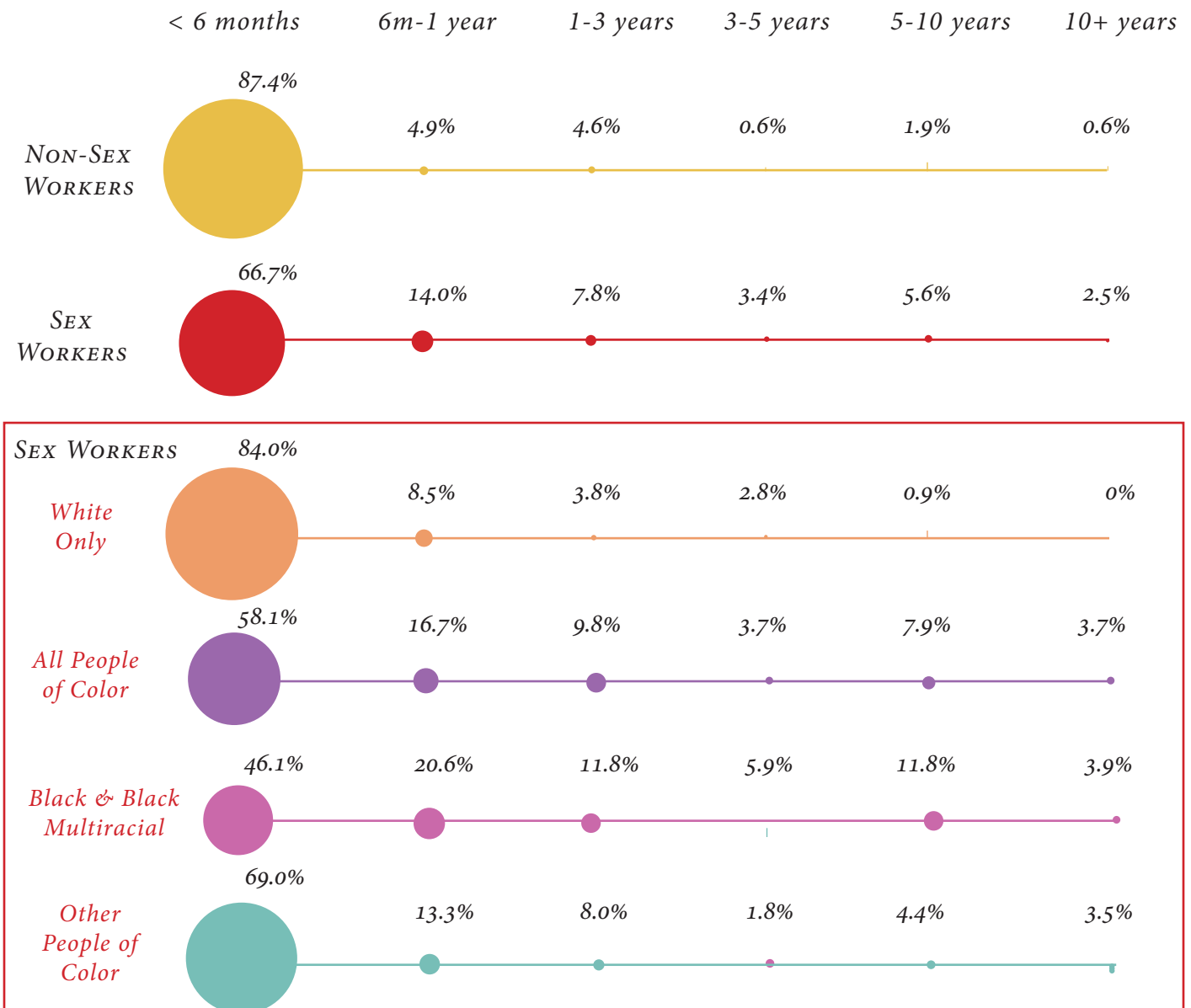
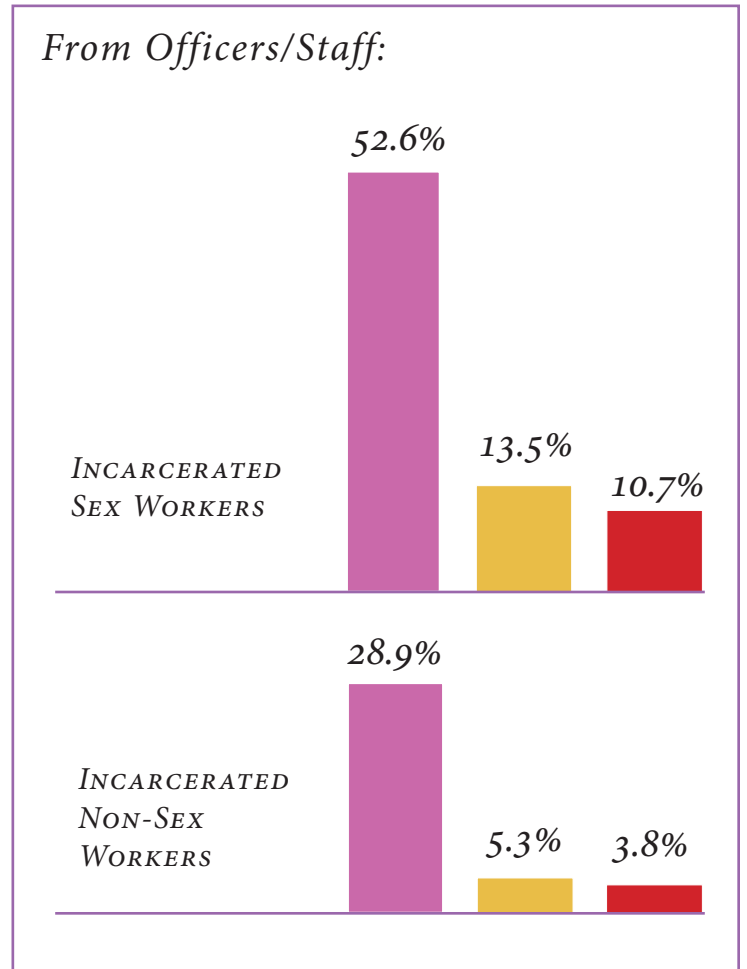


CHART 5: PERCENT REPORTING MISTREATMENT WHILE INCARCERATED



- Harassed*
- Physically Assaulted*
- Sexually Assaulted*

RESPONDENTS WHO PARTICIPATED IN THE SEX TRADE WERE ALSO MORE LIKELY TO REPORT BEING DENIED ACCESS TO HORMONES (29.4%) AND MEDICAL CARE (17.1%) THAN THOSE WHO HAVE NOT (11.3% AND 10.3% RESPECTIVELY).

# Physical and Mental Health Measures

People who trade sexual services for money, goods, food, shelter, housing, or other resources face many obstacles when gaining access to health and social services.<sup>54</sup> Based on the overall findings from the National Transgender Discrimination Survey, we know that transgender people face numerous disparities in health measures. Those who also participate in the sex trade face higher levels of negative outcomes, likely in part due to the compounded stigma based on their transgender status and involvement in the sex trade.

## MEDICAL CARE, SETTINGS & TREATMENT

Transgender respondents involved in the sex trade were more likely to have a significant physical or mental health disability (40.2% vs. 28.3% of non-sex workers).

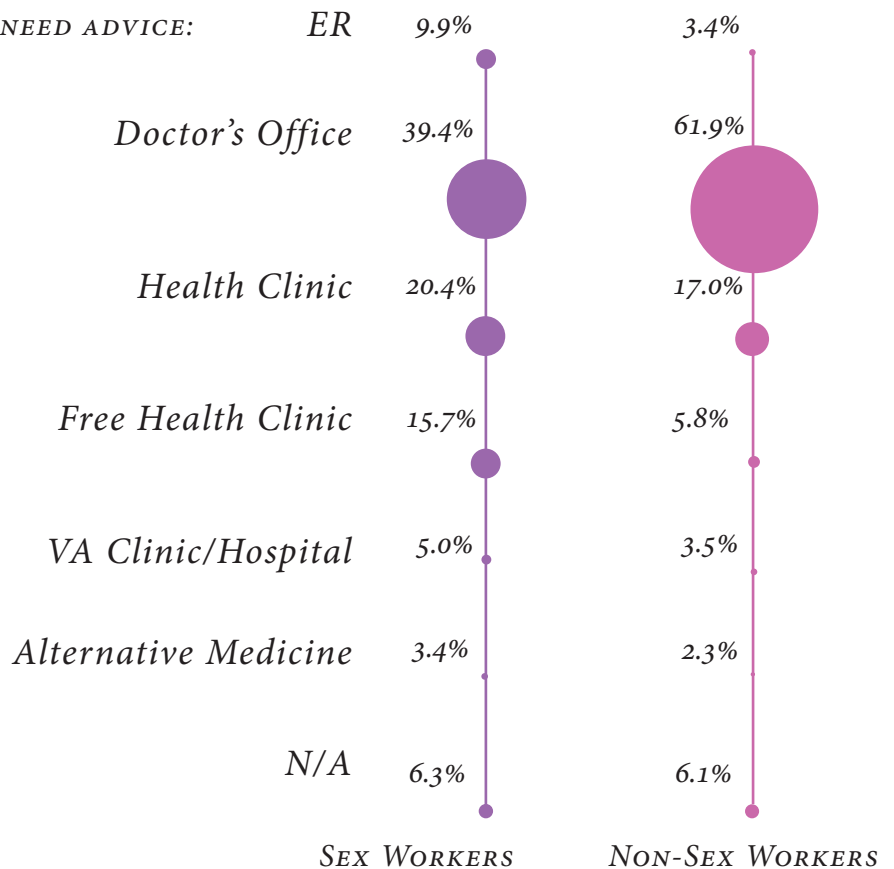
Respondents who reported sex work were more likely to have public insurance or no insurance coverage at all, likely due to their lower incomes:

**35.3%** REPORTED HAVING PRIVATE INSURANCE COVERAGE (VS. 65.6% OF NON-SEX WORKERS)

**31.8%** REPORTED HAVING PUBLIC INSURANCE, SUCH AS THROUGH MEDICAID OR MEDICARE (VS. 17.0% OF NON-SEX WORKERS)

**32.9%** REPORTED BEING UNINSURED ENTIRELY (VS. 17.5% OF NON-SEX WORKERS)

UTILIZED MOST OFTEN WHEN SICK/NEED ADVICE:

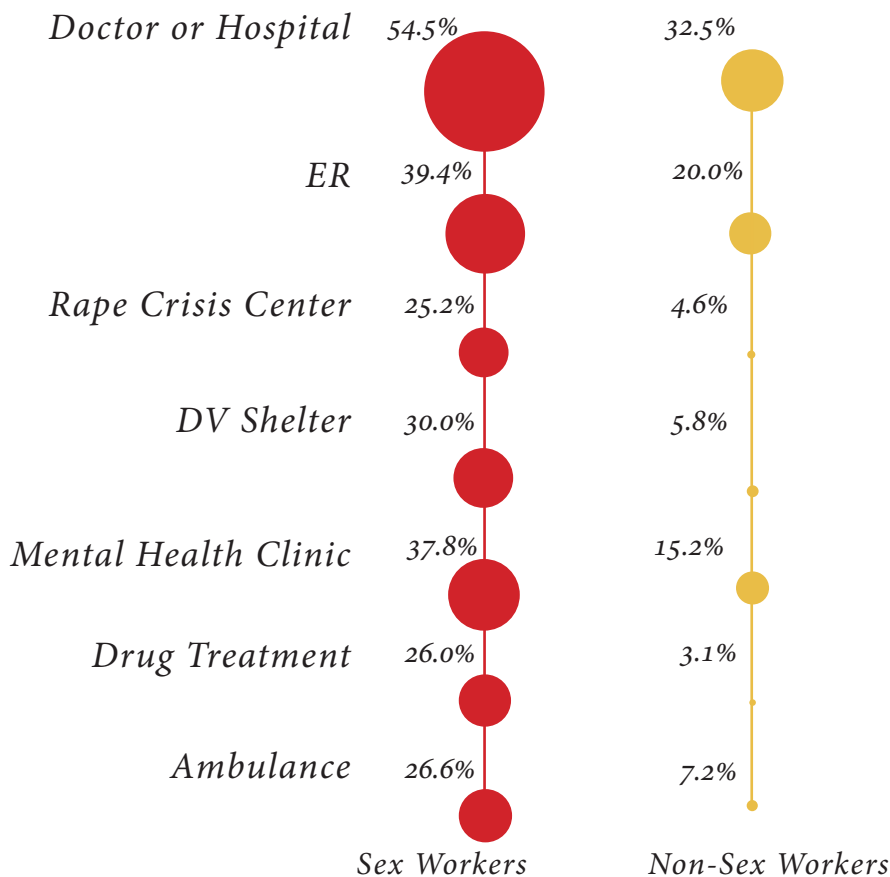


THOSE WITH EXPERIENCE IN THE SEX TRADE WERE MORE LIKELY TO USE THE EMERGENCY ROOM OR LOW-COST CLINICS THAN OTHER SURVEY RESPONDENTS AND WERE MORE LIKELY TO HAVE TO TEACH THEIR PROVIDERS ABOUT TRANS ISSUES (53.3% VS. 38.5% OF NON-SEX WORKERS).



Overall, NTDS respondents reported high rates of mistreatment in medical settings. Participation in the sex trade was associated with higher rates of harassment and mistreatment in medical settings: 47.9% of sex worker respondents reported harassment and 28.9% were refused treatment by medical providers. Mistreatment was consistently higher for sex trade-involved respondents across various medical settings, especially in the ER and rape crisis centers.<sup>58</sup>

CHART 6: PERCENT REPORTING MISTREATMENT IN A MEDICAL SETTING



TRANSGENDER SEX WORKERS WERE MORE LIKELY THAN OTHER RESPONDENTS TO POSTPONE MEDICAL CARE.

58.9% POSTPONED CARE WHEN THEY WERE SICK OR INJURED BECAUSE THEY COULD NOT AFFORD IT (VS. 38.8% OF NON-SEX WORKERS)

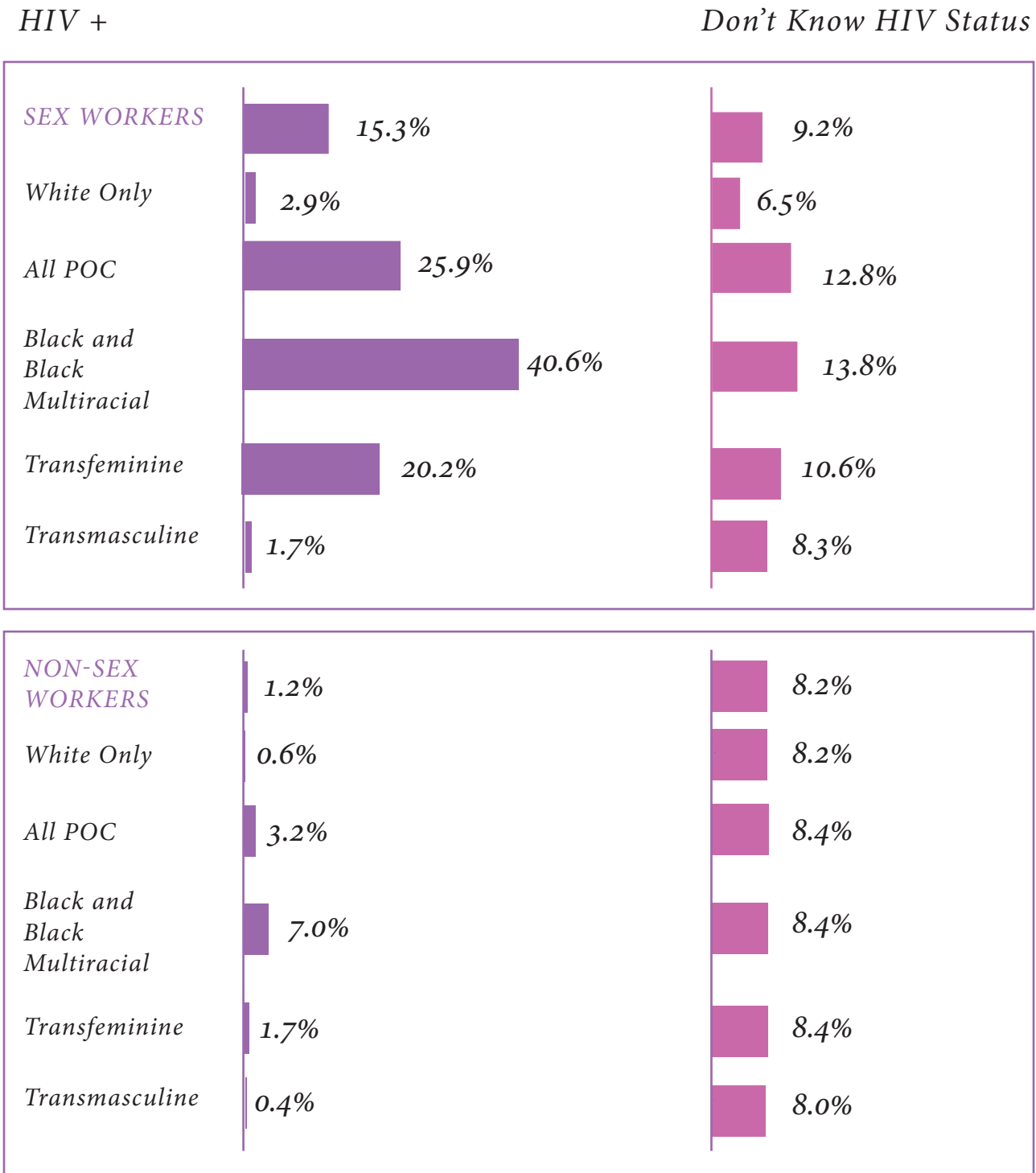
39.6% POSTPONED CARE WHEN THEY WERE SICK OR INJURED BECAUSE OF FEAR OF DISCRIMINATION (VS. 21.7% OF NON-SEX WORKERS)

59.9% POSTPONED PREVENTIVE CARE BECAUSE THEY COULD NOT AFFORD IT (VS. 40.7% OF NON-SEX WORKERS)

41.3% POSTPONED PREVENTIVE CARE DUE TO FEAR OF DISCRIMINATION (VS. 25.7% OF NON-SEX WORKERS)

# HIV INFECTION

CHART 7: HIV+ STATUS, BY PERCENT



There is a significant disparity in self-reported HIV status, and in not knowing one's HIV status, within the transgender community based on participation in the sex trade. Transfeminine respondents experienced the most significant increase in risk of HIV infection based on their sex worker status—a nearly tenfold increase. Transgender men experienced a 4-fold increase in HIV infection that was correlated with participation in the sex trade. Participants of color also reported high levels of infection and unknown status.

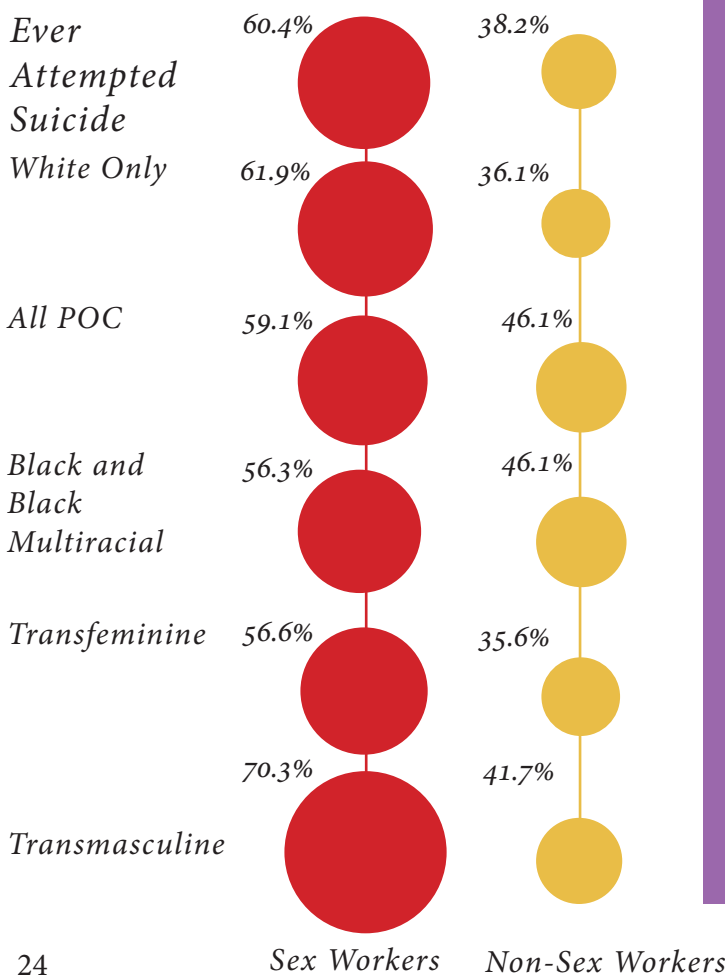
# MENTAL HEALTH & SUBSTANCE ABUSE

TRANSGENDER SEX WORKERS WERE MORE LIKELY TO REPORT HAVING A MENTAL HEALTH CONDITION (27.7% VS. 18.0% OF NON-SEX WORKERS).

Respondents who had done sex work reported higher rates of tobacco use, and were more likely to say they had used drugs or alcohol to cope with the mistreatment they face.

- 18.2% REPORTED THAT THEY ARE CURRENTLY DRINKING OR MISUSING DRUGS TO DEAL WITH MISTREATMENT (VS. 6.7% OF NON-SEX WORKERS).
- 32.2% REPORTED THAT THEY PREVIOUSLY DRANK OR MISUSED DRUGS TO DEAL WITH MISTREATMENT (VS. 16.0% OF NON-SEX WORKERS).
- 32.5% REPORTED THAT THEY SMOKED DAILY (VS. 17.4% OF NON-SEX WORKERS).
- 16.9% REPORTED THAT THEY SMOKED OCCASIONALLY (VS. 10.8% OF NON-SEX WORKERS).

CHART 8: PERCENT REPORTING SUICIDE ATTEMPT



SIXTY PERCENT (60.4%) OF SURVEY RESPONDENTS WHO WERE INVOLVED IN THE SEX TRADE REPORTED THAT THEY HAD ATTEMPTED SUICIDE, A RATE 37 TIMES THAT OF THE GENERAL POPULATION (1.6%).<sup>59</sup> THIS WAS ALSO SIGNIFICANTLY HIGHER THAN THE ATTEMPTED SUICIDE RATE OF NON-SEX WORKER RESPONDENTS (38.2%). TRANSGENDER MEN WHO HAD PARTICIPATED IN THE SEX TRADE HAD THE MOST SUBSTANTIAL INCREASE IN SUICIDE ATTEMPTS (75.5% VS. 44.3% OF NON-SEX WORKERS).

# Conclusion

US laws today categorize those involved in the sex trade as either criminals or victims. Either way, sex workers are targeted for arrest and frequently channeled into social “services” that give them a choice between participation and jail time. Sex workers have been at the forefront of those criticizing this approach for simplifying complex issues into a criminal/victim dichotomy, without allowing for the reality that people with few opportunities—particularly those who are poor, migrants, and targets of pervasive social stigma—make the best of their situations, whether by working a low wage job, dealing drugs, or trading sex for money. Transgender sex workers, in particular, reject categorization as victims or criminals—they are individuals with needs and will pursue the necessary avenues to progress toward the life that they want.

WHEN PERVASIVE DISCRIMINATION PRODUCES SYSTEMIC BARRIERS THAT MIMIC THE EFFECT OF FORCE, FRAUD, AND COERCION, THE CULPABILITY FALLS ON THE SEX WORKER. TANGIBLE AGGRESSORS CREATE VICTIMS; PERVASIVE DISCRIMINATION CREATES CRIMINALS.

Transgender people who struggle to support themselves and their families are placed in an extremely challenging situation due to the stigma, violence, and discrimination they face, which is often compounded by racism, poverty, and other factors. Many turn to sex work to sustain themselves, and become vulnerable to harassment, assault, and arrest. The experiences that transgender people have in the sex trade are extremely diverse and multifaceted. Many regard this involvement as work—which they may prefer to other forms of work or which may be their best or only economic option. Others regard it as an informal means of making money, sometimes supplementing other income. In some instances, trans

people become involved in the sex trade because of coercion, such as due to domestic violence perpetrated by a partner or family member. Some people have participated in the sex trade for different reasons at different times in their life and had very different experiences.

The stigmatizing and criminalizing of sex work deepens the marginalization that transgender people face. NTDS respondents who had participated in the sex trade had many of the same negative experiences as other transgender people, often at higher rates—particularly transgender women and trans people of color. We cannot say whether these negative experiences caused respondents to seek income through the sex trade, or resulted from the stigma and risks associated with sex work and its criminalization. Certainly, given the high rates of sex trade participation shown in NTDS, efforts to improve the lives of trans people must prioritize addressing the stigma, marginalization, violence, and criminalization that sex workers face. All transgender people deserve a meaningful path out of poverty and access to safe and meaningful work, no matter what that work is.

# *Policy Recommendations*

## *What Policy Makers and Legislators Can Do*

### DECRIMINALIZE SEX WORK AND ALL RELATED OFFENSES

Federal, state, and local governments should repeal criminal laws for prostitution and related offenses. Leading human rights and public health experts agree that decriminalization is essential to protect the safety of people in the sex trade and to combat HIV. Decriminalization is not only compatible with efforts to combat coercion and trafficking in the sex trade; it will strengthen them by focusing resources on the real problem and making it far easier for sex workers to screen clients, report violence, access social services, and find employment outside the sex trade without the burden of a criminal record.

While full decriminalization may not be immediately feasible in many jurisdictions, policymakers can take steps to reduce the harshest impacts of criminalization and refocus attention on coercion in the sex trade. This includes rolling back local enforcement policies based on “zero tolerance” of prostitution, “prostitution free zones,” and “quality of life.”

State and local governments should repeal the application of felony-level charges and mandatory minimum sentencing against people arrested for sex work-related charges. States should eliminate sex offender registration requirements for sex work-related offenses that do not involve violence or coercion, and make it possible to expunge the records of those arrested and charged under these laws.

Federal and state governments should change policies that prevent individuals with criminal records, including sex workers, from applying for or receiving student loans, public housing, food stamps or other public benefits, or from voting.

Federal, state, and local governments should carefully review the application of mandatory reporting in cases of minor involvement in sexual exchange, and ensure youth receiving social services receive clear and accurate information concerning reporting laws and the limits of confidentiality.

Mandatory reporting may conflict with a young person's expectation of confidentiality when seeking help and may deter youth from accessing counseling, shelter, or other services.<sup>60</sup>

Federal, state, and local governments should reform laws, policies, and programs that seek to address human trafficking with the flawed logic of "ending demand for prostitution," and otherwise confuse the dynamics of human trafficking and commercial sex, resulting in rights violations and ineffective response to exploitation, such as Proposition 35 in California.

Congress should eliminate the federal law mandating inadmissibility for travelers and immigrants with a history of sex work, repeal the one-year deadline for asylum applications, and enact comprehensive immigration reform.

## PASS NONDISCRIMINATION AND OTHER TRANS-POSITIVE LAWS AND POLICIES

Federal, state, and local governments should pass comprehensive legislation, such as the Equality Act, that would explicitly prohibit discrimination based on gender identity and expression and sexual orientation in employment, housing, public accommodations, public education, and by any entity receiving federal funding.

Federal, state, and local governments should adopt policies permitting individuals to update the name and gender on driver's licenses, birth certificates, passports, and other forms of identification without medical requirements, excessive fees, or other burdens. This includes changing gender based on self-designation and eliminating publication requirements for name changes.

Federal, state, and local governments should take action to eliminate discriminatory transgender exclusions in Medicaid, state and local employee, and other health insurance plans, and to ensure that transgender individuals can access all medically necessary care for gender transition.

Federal, state, and local governments should collect data on gender identity, sexual orientation, and, where appropriate, sex trade participation in population surveys, and should prioritize funding for health and other research on transgender and sex worker populations.

## IMPROVE AND MONITOR POLICING PRACTICES

Federal, state, and local governments should implement more rigorous civilian oversight, transparency, and other accountability measures for police, including passing or strengthening laws and policies limiting use of force and prohibiting profiling and other discrimination based on race, ethnicity, national origin, religion, gender, gender identity, and sexual orientation, such as the Community Safety Act in New York State and the proposed End Racial Profiling Act in Congress.

Federal, state, and local governments should adopt clear and nondiscriminatory policies governing interactions of police, prosecutors, public defenders, court staff, and judges with transgender people

and sex workers or suspected sex workers.

Federal, state, and local governments should prohibit the law enforcement practice of using possession of condoms and other safe sex supplies as evidence of criminal activity and launch education campaigns to alert marginalized communities of this policy change, such as pursued by the D.C. Metropolitan Police Department in 2012.

Federal, state, and local governments should institute mechanisms that allow sex workers, transgender individuals, and others to find redress for mistreatment and abuse and hold law enforcement accountable for their actions. Policies should be developed in a way that ensures that sex workers are able to report police misconduct and violence without fear of retaliation.

## IMPROVE AND EXPAND HEALTH AND SOCIAL SERVICES AND PROGRAMS

Federal, state, and local governments, social service agencies, and funders should invest resources in education, job training, healthcare, and housing programs for transgender, and sex trade-involved individuals, with a focus on those in low-income and traditionally underserved communities, including transmasculine participants in the sex trade.

Federal, state, and local governments, health and social service agencies, and funders should adopt policies clearly prohibiting discrimination against people who are transgender, gender non-conforming, or have experience in the sex trade in health and social services.

Federal, state, and local governments, health and social service agencies, and funders should ensure that all health and social service programs avoid approaches that stigmatize transgender or sex trade-involved people and should provide cultural competency training for medical, social service, shelter, transitional housing and other provider staff on working with transgender, gender non-conforming, and sex trade-involved individuals.

Federal, state, and local governments should provide funding for harm reduction health care services for transgender communities and sex workers, including by lifting all restrictions on federal funding for harm reduction programs.

Federal, state, and local governments, health and social service agencies, and funders should ensure that public health programs for transgender people and sex trade-involved people are not limited to HIV/AIDS or other sexually transmitted diseases and address other basic health care needs including care related to gender transition.

Federal, state, and local governments, health and social service agencies, and funders should improve access to mental health care and crisis intervention services for transgender people by ensuring that service providers are competent to work with these communities and do not stigmatize or pathologize transgender or sex trade-involved individuals.



# *What Advocates and Community Group Can Do*

LGBT, criminal justice, immigration, and other advocacy and community-based organizations should educate themselves on the complexities of involvement in commercial sex and the struggles of those involved to have their rights respected, rejecting frameworks that categorize people as criminals or victims.

Organizations should understand how the law enforcement and prison systems intersect with transgender individuals and communities, and should collaborate to advance policies and programs that will support the individuals and communities living at the intersection of these issues.

National, state, and local LGBT and allied advocates should develop dialogue and relationships with sex worker organizations and organizations who serve and advocate for sex trade-involved individuals. Organizations should particularly focus on supporting, collaborating with, and funding grassroots groups of sex workers and allies who are best situated to inform response to these issues but lack resources to make a bigger impact.

National, state, and local advocacy organizations should support the advancement and leadership development of transgender, gender non-conforming, and LGB people with sex trade experience, who possess a critical perspective that organizations need in order to address the full spectrum of their constituencies.

State and local organizations should engage in direct outreach with both the transgender and sex work communities and should work to expand their direct services to include non-judgmental programming for transgender people in the sex trade.

State and local organizations should commit to developing deeper collaborations and partnerships with advocates for racial justice, police reform, and others working to end race- and gender-based violence. Organizations should work to prioritize Black and trans voices and allow them to have space to ask for support, particularly around issues related to policing.

# Endnotes

1 In 2015, the National Center for Transgender Equality began collecting data for the second iteration of this survey, newly entitled “the United States Transgender Survey.” The initial data from this research is scheduled to be released in 2016.

2 Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, (Washington DC: National Center for Transgender Equality and National LGBTQ Task Force, 2011). [Available here](#).

3 Of those who expressed a transgender identity or gender non-conformity in grades K-12, 78% reported harassment. Ninety percent (90%) of those surveyed reported experiencing harassment, mistreatment, or discrimination on the job or took actions, like hiding who they are, to avoid it. Both figures can be found in the Executive Summary of *Injustice at Every Turn*.

4 U.S. Census Bureau, *Current Population Survey: Annual Social and Economic Supplement*, (Washington DC: GPO, 2009).

5 Sex Workers Project, “Behind Closed Doors: An Analysis of Indoor Sex Work in New York City,” (New York, NY: Urban Justice Center, 2011), [Available here](#).

6 Nevada, where a system of state-regulated brothels in some counties is the exception.

7 Violence Against Women Reauthorization Act of 2013, Public Law 113-4, 113th Cong., Title XII - Trafficking Victims Protection. [Available here](#).

8 Ibid. For more information on anti-trafficking block grants, see [Section 1241](#).

9 Michelle Madden Dempsey, “Decriminalizing Victims of Sex Trafficking.” Working Paper No. 2014-1015 (Villanova, PA: Villanova University School of Law, 2014). [Available here](#).

10 Explanation of “Involuntary Servitude, Forced Labor, and Sex Trafficking Statutes Enforced,” as listed on the Department of Justice website.

11 Rachel Lovell and Ann Jordan, “Do John Schools Really Reduce Recidivism?” (American University Washington College of Law and DePaul University, 2012) [Available here](#).

12 Emi Koyama, “Operation Cross Country VII Roundup and Comments,” (eminism.org, July 30, 2013). [Available here](#).

13 Transgender immigrants face particular challenges in this area – from lack of options for legal immigration to the prostitution inadmissibility and one-year asylum deadline clauses in US immigration law. For more information, please see: National Center for Transgender Equality, *Statement of US Transgender Groups on Immigration Reform* (April 22, 2013), [available here](#), and *A Call to Change US Policy on Sex Work and HIV* (July 2012), [available here](#).

14 Nandhini Gulasingam, “Mug Shots: Snapshot of Transgender Prostitution-Related Arrests in Chicago,” and Rachel Lovell, “Mug Shots: Transgender ‘Johns,’” *re/search* (Chicago: DePaul University, 2012). [Available here](#) and [here](#).

15 Basil Donovan, Christine Harcourt et al., “The Sex Industry in New South Wales: A Report to the New South Wales Ministry of Health,” (New South Wales: The Kirby Institute, University of New South Wales, 2012). [Available here](#).

- 16 Amnesty International voted to adopt policy to protect the human rights of sex workers on August 11, 2015. More information about the policy and voting is available [on their website](#).
- 17 “Why decriminalizing sex work is a good idea.” The Economist, 18 August 2015, [available here](#).
- 18 “LGBT Right Organizations Join Amnesty International in Call to Decriminalize Sex Work” is available via Lamda Legal’s [website here](#).
- 19 Alliance for a Safe and Diverse DC, “Move Along: Policing Sex Work in Washington D.C.” (Washington, D.C.: Different Avenues, 2008). [Available here](#).
- 20 Grant et al., Injustice at Every Turn.
- 21 Alliance for a Safe and Diverse DC, Move Along.
- 22 Geeny Beemyn, “Transgender History in the United States” from Trans Bodies, Trans Selves (New York, NY: Oxford University Press). [Available here](#).
- 23 For more information see: Rene Bennett-Carlson, Daniel Faria, and Catherine Hassens, “Ending and Defending Against HIV Criminalization, A Manual for Advocates: Vol. 1 State and Federal Laws and Prosecutions,” (New York: Center for HIV Law and Policy with the Positive Justice Project, Fall 2010), [available here](#), as well as the resources at [www.hivlawandpolicy.org](http://www.hivlawandpolicy.org).
- 24 Leigh Tompert and the PROS Network, “Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City,” (New York, NY: The Sex Workers Project at the Urban Justice Center, 2012). [Available here](#).
- 25 Alliance for a Safe and Diverse DC, “Move Along: Policing Sex Work in Washington D.C.” (Washington, D.C.: Different Avenues, 2008). [Available here](#).
- 26 Don Operario, Ph.D., Toho Soma, MPH, and Kristen Underhill, DPhil, Sex Work and HIV Status Among Transgender Women Systematic Review and Meta-Analysis, J. AIDS, Vol 48 No 1, May 2008. Research identified 25 studies among 6405 participants recruited from 14 countries. Overall crude HIV prevalence was 27.3% among transgender female sex workers, 14.7% for transgender women not engaging in sex work, 15.1% among cisgender male sex workers, and 4.5% for cisgender (non-transgender) female sex workers.
- 27 Leigh Tompert and the PROS Network, Public Health Crisis.
- 28 Grant et al., Injustice at Every Turn, 158.
- 29 Osman Ahmed and Chai Jindasurat, “Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Hate Violence in 2014, 2015 Release Edition.” (New York, NY: The National Coalition of Anti-Violence Programs, 2015). [Available here](#).
- 30 Ibid.
- 31 Make the Road by Walking New York, “Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights.” (New York, NY, 2012). [Available here](#).
- 32 Frank H. Galavan, Ph.D. and Moshen Bazargran, Ph.D, “Interactions of Latina Transgender Women with Law Enforcement.” (Los Angeles, CA: Bienestar Human Services for the Williams Institute, 2012). [Available here](#).

33 Center for Constitutional Rights. “Stop and Frisk: The Human Impact.” (New York, NY: Center for Constitutional Rights, 2012). [Available here](#).

34 Center for Constitutional Rights, Stop and Frisk.

35 Human Rights Watch, “Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities.” (New York, NY: Human Rights Watch, 2012). [Available here](#).

36 See: United States Court for the District of Puerto Rico, UNITED STATES OF AMERICA v. COMMONWEALTH OF PUERTO RICO and the PUERTO RICO POLICE DEPARTMENT, Agreement for Sustainable Reform of the Puerto Rico Police Department, July 17, 2013. United States District Court Eastern District of Louisiana, UNITED STATES OF AMERICA v. CITY OF NEW ORLEANS, Opinion and Order Entering Consent Decree, January 11, 2013. See also: United States Department of Justice Civil Rights Division, Investigation of the New Orleans Police Department, March 17, 2011, 36. “In particular, transgender women complained that NOPD officers improperly target and arrest them for prostitution, sometimes fabricating evidence of solicitation for compensation.”

37 United States Department of Justice, Civil Rights Division, “Investigation of the New Orleans Police Department,” (Washington, DC: GPO, 2011), page 36. [Available here](#).

38 For more reading please see: “October 22nd and After: The Movement Against Police Violence and Black Sex Workers” by Chernobiko, available at [here](#) and “Black Trans Lives Matter” [available here](#), also by Chernobiko.

39 In 2015, the National Center for Transgender Equality began collecting data for the second iteration of this survey, newly entitled “the United States Transgender Survey.” The initial data from this research is scheduled to be released in 2016.

40 Grant et al., Injustice at Every Turn.

41 For a more detailed explanation, please see the methodology section of the original report. When ascertaining demographic information pertaining to race, respondents were asked to “check all that apply.” Respondents who checked a single-race option are described within a single race category, such as Black, Latino, or American Indian/Alaska Native. Respondents who checked off “Black or African American,” whether as their sole racial identity or as one element of being bi- or multiracial, are grouped together in the analysis of Black participants in the sex industry. When discussing “All People of Color” in this report, Black respondents are included with all other respondents who checked any box besides “White.” Further, respondents who checked “White” in combination with any other race or ethnicity were included in the analysis of outcomes for “All People of Color.”

42 Question 29 asked survey participants if they had ever participated in the sex trade, meaning that certain variables (such as income or employment status) are not necessarily concurrent with participation in the sex trade. The language in the survey employed a compulsory narrative; this report moves away from that notion, towards an understanding of the complex reasons why people participate in the sex trade.

43 When asking this question in the future, it may be helpful to include more options to distinguish the nature and legality of participation in sex work or the sex industry. Further, there was a question regarding housing stability elsewhere in the survey that allowed respondents to indicate if they’ve engaged in sex with someone in exchange for a place to stay or to pay rent (Q22). Activity such as this could fall under the sex work umbrella, despite sometimes not being thought of as such. In future research, to further explore the relationship between economic insecurity and the sex trade, it may be helpful to ask if participants have ever exchanged sex for food, clothing, or other goods and favors.

44 For this analysis, statistical significance was determined at least  $p \leq .05$ , as is standard in statistical analysis.

45 Unfortunately, there are not reliable estimates of the percentage of the U.S. population that has engaged in the sex trade. Research on participation in the sex trade is slightly more comprehensive outside of the United States (see Vandepitte, J et al. "Estimates of the number of female sex workers in different regions of the world." *Sexually transmitted infections* 82.suppl 3 (2006): iii18-iii25). A recent demographic study of sex work in Europe revealed that transgender people comprised 6% of sex workers in Europe, though the researchers themselves suggest this figure might be an underrepresentation (see TAMPEP. *Sex Work in Europe: A Mapping of 25 Countries*. (Amsterdam: TAMPEP Foundation, 2009).

46 13.2% of respondents who reported experiencing family rejection participated in the sex trade, compared to only 6.7% participation of those who experienced family acceptance.

47 Bruce G. Link, Ph.D. et al., "Lifetime and Five-Year Prevalence of Homelessness in the United States," *American Journal of Public Health* 84, (December 1994), <http://ajph.aphapublications.org/cgi/reprint/84/12/1907>

48 The "transfeminine" number includes those who identified as transgender or transsexual, as well as people who were male-assigned at birth but identified as gender non-conforming or on the trans spectrum. Similarly, the number for "transmasculine" participation is based on those who identified as transgender or transsexual, as well as those who are female-assigned at birth but are gender non-conforming or on the trans spectrum.

49 We generated a new variable to simplify the analysis of outcomes that may be influenced by race or ethnicity. For this variable we separated out people of color from those who identified as "white only." We also looked at the unique responses for Black and Black multiracial participants.

50 For more information on the original findings, please see the full report of [Injustice At Every Turn](#).

51 Initial findings from The National Transgender Discrimination Survey report unemployment at twice the rate of the general population for transgender and GNC people. People of color respondents were most affected by this epidemic, experiencing unemployment up to four times the rate of the general population. Close to half of all NTDS respondents reported having been underemployed and 15% of respondents lived in households that earning under \$10,000 annually. Compared to the general population, respondents were nearly four times more likely to live in extreme poverty.

52 The difference is not statistically significant.

53 The National Transgender Discrimination Survey is cross-sectional, meaning that income earned may or may not be from participation in the sex trade. Question 29 asked if the respondent had ever participated in the underground economy. When asking about income, the survey requested current income.

54 The survey question asked, "Have you ever interacted with the police as a transgender/gender non-conforming person?"

55 Among non-sex workers, 25.7% were uncomfortable and 18.7% were very uncomfortable.

56 Respondents were asked if they had ever been "sent to jail or prison for any reason." This indicator demonstrates the proportion of those who have been to jail or prison, but does not clarify the reason for the stay or if it had anything to do with their transgender status. Those who had been to jail or prison for any reason may or may not have expressed a transgender identity at the time of incarceration.

57 C. Angel Torres and Naima Paz, “Bad Encounters List: A Participatory Action Project,” Young Women’s Empowerment Project, 2012, [Available here](#).

58 This could be attributable to sex work status or correlated with lower socio-economic status, which is correlated with participation in the sex trade.

59 “U.S.A. Suicide: 2002 Official Final Data,” prepared for the American Association of Suicidology by John L. McIntosh, Ph.D. Official data source: Kochanek, K.D., Murphy, S.L., Anderson, R.N., & Scott, C. (2004). Deaths: Final data for 2002. National Vital Statistics Reports, 53 (5). Hyattsville, MD: National Center for Health Statistics DHHS Publication No. (PHS) 2005-1120.  
Population figures source: table I, p.108. of the National Center for Health Statistics (Kochanek et al., 2004), [Available here](#)

60 See, e.g., World Health Organization, HIV and Youth People Who Sell Sex: A Technical Brief (2015), [http://apps.who.int/iris/bitstream/10665/179868/1/WHO\\_HIV\\_2015.7\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/179868/1/WHO_HIV_2015.7_eng.pdf).

# Meaningful Work

TRANSGENDER EXPERIENCES  
IN THE SEX TRADE



RED UMBRELLA PROJECT

[redumbrellaproject.org](http://redumbrellaproject.org)



BEST PRACTICE POLICY PROJECT

[bestpracticespolicy.org](http://bestpracticespolicy.org)



NATIONAL CENTER FOR TRANSGENDER  
EQUALITY

[transequality.org](http://transequality.org)