

Meaningful Work

TRANSGENDER EXPERIENCES
IN THE SEX TRADE

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Executive Summary

*With new analysis from
the National Transgender
Discrimination Survey*

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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. The NTDS found that transgender people overall experiences 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 only as white 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 in sex work (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).

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.

Prison staff also denied access to hormones (29.4%) and medical care (17.1%). Incarcerated sex workers were also subject to physical assault by other inmates (26.9%) and officers/staff (13.5%).

10.7% REPORTED THAT THEY WERE SEXUALLY ASSAULTED BY A CORRECTIONS 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).

Trans sex workers frequently reported mistreatment 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 like 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 LIVING WITH HIV, 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).

Conclusion

US laws today categorized 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 survive, where they are vulnerable to harassment, assault, and arrest. The experiences that transgender people have in the sex trade are extremely diverse and multifaceted. Some 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. Still others are involved in the

sex trade because of coercion, often 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.

Being involved in a highly stigmatized and often criminalized form of employment deepens the marginalization that transgender people face. NTDS respondents who had participated in the sex trade had any of the same negative experiences as other transgender people, often at higher rates, particularly transgender women and trans people of color. In many cases we cannot say for sure with certainty 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 among NTDS respondents, 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

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 eliminate 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, seek access social services, and find employment outside the sex trade without the burden of a criminal record.

While full decriminalization may not 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.

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 that otherwise confuse the dynamics of human trafficking and commercial sex. These laws and policies,

such as Proposition 35 in California, result in rights violations and are an ineffective response to exploitation.

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.

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