

Human Rights Violations against trans sex workers

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Eurasian Coalition for Health, Rights, Gender and Sexual Diversity

ECOM

ECOM – Eurasian Coalition on Health, Rights, Gender and Sexual Diversity, is an international non-governmental association based in Tallinn, Estonia. ECOM is a membership association open to non-profit organisations and activists working in the field of rights and health of LGBT communities in the Eastern Europe and Central Asia (EECA) region. The network currently has 76 members from 19 countries, stretching from Estonia to Tajikistan.¹

Introduction

In this report, the term "sex work" is used because it is used by sex workers' rights activists to resist the dominant representation of sex work/prostitution as an illegal, immoral, and dangerous activity.

This report focuses only on sex work and does not provide information about human trafficking. Sex work is an income-generating activity; human trafficking is a human rights violation.

In this report, we focus on trans sex workers, particularly trans women, because of case studies that ECOM collects. However, it is important to note that sex workers can be cis, trans men, non-binary people and the criminalization of sex work can also negatively impact their lives.

Trans sex workers are one of the most marginalized groups across the Globe. They face multiple discrimination based on their gender and gender identity, as well as the consequences of whorephobia².

Trans people lack access to education and work in the EECA region due to a lack of legal gender recognition and state-sponsored transphobia.

The main object of the report is to provide input to understand better the relationship between transphobia, criminalization, stigmatization of sex work, and violence against trans sex workers.

Lack access to education and work

Trans people face violence and discrimination in the educational field. 41% of trans people in Kyrgyzstan said they lack education because of their gender identity, while 32% in Kazakhstan stated they cannot get a university degree because of their gender identity³.

At the same time, trans people can face domestic violence or be kicked out because of their identity, which negatively impacts their access to education and housing. Respondents from Uzbekistan and Tajikistan stated that they lost access to housing due to a lack of acceptance of their gender identity in the family⁴.

Lack of education and transphobia at working places shrink working options for trans people. 72% of respondents from Kyrgyzstan had experience working in the informal sector, while 11% were involved in sex work permanently. In Kazakhstan, 16% were involved in the informal sector, including sex work⁵.

The same situation is observed in the South Caucasus and Eastern Europe. Lack of legal gender recognition, unclear procedures, or surgical requirements only reduces access to work for trans people⁶.

Repressive legislation

In all countries in EECA, some aspects of sex work are criminalized. If not individual sex workers, then third parties, which have been proven to increase the risk of violence for women sex workers rather than making them safe⁷ and many sex workers are also punished under those laws.

It's important to mention there are cases where repressive legislation against LGBT people is used to persecute trans women sex workers. For example, after a change in the law on LGBT propaganda in Russia in 2023, trans women migrant sex workers were prosecuted for LGBT propaganda because they published information about providing sex services⁸.

¹<https://ecom.ngo/about>

²The term whorephobia is used to denote forms of hatred, disgust, discrimination, violence, aggressive behaviour or negative attitudes directed at individuals who are engaged in sex work.

³"Needs Assessment of Transgender People in Central Asia", 2015-2016. NGOs "Kyrgyz Indigo", "Labrys".

URL: <https://www.kok.team/files/files/article/386/potrebnosti-ts.pdf>

⁴Ibid

⁵Ibid

⁶Analysis of national legislation related to LGBT and HIV rights in 12 CEECA countries. URL: <https://ecom.ngo/library/analysis-of-national-legislation-12-countries>

⁷NSWP, 2018, "Policy Brief: The Impact of 'End Demand' Legislation on Women Sex Workers."

⁸Trans women sex workers migrants became first victims of new Russian anti-LGBT "propaganda" law. ECOM and SWAN. URL: <https://ecom.ngo/news-eeeca/trans-women-sex-workers-migrants-anti-lgbt-propaganda>

Violence

Criminalized legal frameworks and discrimination create the context in which sex workers are subjected to violence. Perpetrators know that sex workers will not likely report cases of violence due to criminalization to the police and can therefore commit violence with impunity.

88% of trans women sex workers in Kyrgyzstan faced violence. The most common forms of violence reported are psychological abuse (pressure, insults, humiliation, etc.) and physical violence (physical contact, beatings, etc.). Both were noted by 79% of respondents. Extortion and blackmail (63%) and sexual violence (including rape and group assault) follow closely behind.⁹

Perpetrators

Trans sex workers often view police not as protectors but as potential sources of violence and discrimination, creating a climate of distrust and fear that further hinders their access to justice. In Central Asia, there is a practice of blackmailing structure, where police officers come to trans women sex workers every week and get money from them. 81% of trans women faced violence from police in Kyrgyzstan¹⁰. As long as there is some form of criminalization of sex work, such violations of sex workers' rights by police will continue to exist.

80% of trans women faced violence from clients in Kyrgyzstan¹¹. Frequent police involvement with street-based sex workers increases the risk of violence because it reduces the time and space for sex workers to negotiate with clients and assess their character¹². Knowing that sex workers are less likely to report to the police due to criminalization, clients feel free to violate sex workers' rights.

Trans women sex workers often experience hate crimes rooted in transphobia in EECA. The environment in which they operate can influence the kinds and extent of violence they encounter. 75% of all trans victims of murders between January 2008 and December 2011 were sex workers¹³. It is important to mention that criminalization of sex work in one form or another only exacerbates the situation, as it makes sex work look shameful and criminal, which increases the amount of violence against sex workers in society.

“In Central Asian countries, raids are practiced when police officers detain sex workers. Sometimes forced HIV testing is practiced in such cases”

Personal data

There are numerous cases when the personal data of trans people is not protected:

- In Kazakhstan, the disclosure of personal data occurred in the media, where the passport data and photographs of trans people are disseminated
- In Russia, cases were documented involving the dissemination of personal data, including contact details¹⁴
- ECOM has documented cases when doctors in HIV centers reported SOGI of patients to the police¹⁵. In Uzbekistan there is a criminalization of same-sex relationships between adult men and due to unclear procedures of legal gender recognition trans women might be a subject of investigation. Those actions not only violate personal data policy but can lead to arrests and imprisonment
- The State Committee for National Security in Kyrgyzstan circulated photos of sex workers. This is a direct violation of the law on personal data and may lead to violence against sex workers.

⁹Challenges and Barriers to Migration as a Consequence of the Economic Vulnerability of Trans* Women in the Kyrgyz Republic, 2019, Kyrgyz Indigo. URL: <https://old.indigo.kg/wp-content/uploads/2020/07/%D0%92%D0%AB%D0%97%D0%9E%D0%92%D0%AB-%D0%98-%D0%91%D0%90%D0%A0%D0%AC%D0%95%D0%A0%D0%AB-%D0%92-%D0%9C%D0%98%D0%93%D0%A0%D0%90%D0%A6%D0%98%D0%98-%D0%9A%D0%90%D0%9A-%D0%9F%D0%9E%D0%A1%D0%9B%D0%95%D0%94%D0%A1%D0%A2%D0%92%D0%98%D0%AF-%D0%AD%D0%9A%D0%9E%D0%9D%D0%9E%D0%9C%D0%98%D0%A7%D0%95%D0%A1%D0%9A%D0%9E%D0%98%CC%86-%D0%A3%D0%AF%D0%97%D0%92%D0%98%D0%9C%D0%9E%D0%A1%D0%A2%D0%98-%D0%A2%D0%A0%D0%90%D0%9D%D0%A1-%D0%96%D0%95%D0%9D%D0%A9%D0%98%D0%9D.pdf>

¹⁰Challenges and Barriers to Migration as a Consequence of the Economic Vulnerability of Trans* Women in the Kyrgyz Republic, 2019, Kyrgyz Indigo.

¹¹ Ibid

¹²The Needs and Rights of Trans Sex Workers, NSWP. URL: <https://www.nswp.org/sites/default/files/Trans%20SWs.pdf>

¹³ Ibid

¹⁴ Ibid

¹⁵ Uzbekistan 2022 — Homophobia and Persecution Encouraged in Society, ECOM. URL: <https://ecom.ngo/library/uzbekistan-2022-report>

Justice

A lack of anti-discrimination legislation and supportive policies can make it difficult for trans sex workers to seek justice when their rights are violated. The criminalization of gender identity and sex work adds to the problem, making trans sex workers hesitant to seek help due to fear of arrest¹⁶.

They often face discrimination from various parties in the justice system, such as police, officials, lawyers, and judges. This discrimination discourages trans sex workers from reporting violence because they expect transphobic or whorephobic attitudes during the process.

Many report that police officers are unwilling to thoroughly investigate their complaints, and they often face disbelief when disclosing incidents¹⁷. Moreover, perpetrators of violence against trans sex workers frequently go unpunished or receive inadequate sentences, contributing to a lack of accountability in the EECA region.

Effective measures

Decriminalization is the only effective way to prevent violence against sex workers. When there is no criminal or administrative prosecution for sex work, women can turn to the police for assistance in cases of violence or discrimination.

To protect trans women, a clear and simple procedure for legal gender recognition is needed to increase access to education and work choices.

And anti-discrimination legislation that includes SOGI as a protected characteristic is needed.

Recommendations

Legal Gender Recognition

Establish clear and accessible procedures for legal gender recognition to ensure that trans people have proper identification, reducing vulnerability to discrimination.

Anti-Discrimination Policies

Enforce comprehensive anti-discrimination policies that cover the workplace and educational spaces. This can create safer environments for trans sex workers, reducing the likelihood of violence.

Data collections

A community-based approach is needed to collect data. This approach is not only necessary to reach out to the community as they may not trust outside researchers but also to respect the principle of "*nothing about us without us*" and avoid stigmatizing language.

Shelters

Shelters for community-based organizations need to be provided. It is especially important to provide shelters for trans women sex workers, as they often find themselves without permanent housing, and some women's shelters refuse to accept them due to transphobic attitudes of management or other residents.

Community Education

Conduct "peer to peer" empowering programs for trans sex workers

Police Sensitization

Provide training to law enforcement officers to enhance their understanding of trans issues and sex work, proceeding the complaints of victims of violence and dealing with perpetrators.

Access to Support Services

Establish support services, including counseling and healthcare, tailored to the needs of trans sex workers to assist them in times of crisis.

Advocacy for Decriminalization

Advocate for the decriminalization of sex work to create an environment where trans sex workers can report violence without fear of legal repercussions. Violence against sex workers happen only

¹⁶The Needs and Rights of Trans Sex Workers, NSWP. URL: <https://www.nswp.org/sites/default/files/Trans%20SWs.pdf>

¹⁷ Invisible Voices: Regional report on violations of the right to health of LGBT people in the region of Eastern Europe and Central Asia in 2022, ECOM. Link: <https://ecom.ngo/library/regional-report-violations-right2022>



due to the discrimination and prejudices fueled by criminalized legal frameworks and harmful rhetoric around sex work which do not recognize the rights and voices of sex workers.

Collaboration with NGOs

Work closely with community-based organizations that specialize in LGBT rights and sex workers rights to implement targeted programs and support systems.

Accessible Legal Support

Ensure that trans women sex workers have access to legal support, including assistance in reporting violence and pursuing legal action against perpetrators.

Implementing a combination of these recommendations can contribute to creating a safer and more supportive environment for trans sex workers, ultimately working towards the prevention and reduction of violence.

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