

# What are you? A report by Transgender Sex Workers Cape Town SA

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Partnership:

Transgender Sex Workers Cape Town, SWEAT and Gender Dynamix

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Transgender Sex Workers Cape Town is a support group for transgender women sex workers. The group was established in 2011 and currently consists of a small group of very committed transgender (male to female) women. Most of them are homeless.

The group was initiated by SWEAT in consultation with Gender Dynamix. The distinction of transgender women from male sex workers is important with regards to the drive to address autonomy and self determination of transgender women's issues. Current HIV programming mistakenly invisibilises and usurps transgender women's identities within the category of MSM (men who have sex with men)

SWEAT (Sex Workers Education and Advocacy Taskforce) is an organisation that advocates for the decriminalisation of adult sex work in South Africa, addresses health and human rights abuses with sex workers and supports their self-representation in issues affecting them.

Gender Dynamix is a human rights organisation promoting freedom of expression of gender identity and advocating for the rights of transgender, transsexual and gender non-conforming people.

**Abstract:** This report acknowledges that transgender women sex workers face similar challenges as female bodied and male sex workers concerning criminalisation, stigma and access to HIV-related services, but wishes to highlight the compounded stigmatisation and added challenges that transgender women experience. These challenges are deeply rooted in the constructs of a society dependant on stereotypical gender identities. These identities are rigidly attached to binary biological sex categories. Laws and other systems are organised around these categories and exclude gender variant people to the point of non-citizenship. Persons who do not conform to these constructs are punished with violence and exclusion. (quote Annabel). Transgender sex workers find themselves bearing the brunt of society's violence and prejudice against those who transcend its decrees concerning sex and gender. This report draws on three focus group discussions with ten transgender sex workers from Cape Town, South Africa.

On being transgender

As is evident from the stories of participants, the experience of being transgender encompasses all areas of one's life. It impacts on how you experience your own body, how you relate with family and how you negotiate your social identity within society. Already from early childhood it may involve marginalisation, victimisation and a struggle to get acceptance for one's gender identity. It also affects how you relate intimately and sexually to others and which kinds of sexual practices you engage in or avoid. A recurrent theme is the need to make others understand that being transgender is not the same as being gay.

Netta: "Being transgender is what you are feeling inside yourself. I am a woman. That is what I try people to see. Then you get gay (in their eyes). (I am)...trying to dress up so people can see that I am a woman. Two men - they do each other. For me.... I will not go into another man because I am a woman. I don't use that part of my body, if they take it away tomorrow I will not even care."

Gulam: "I dress, behave and live as a woman... but only at night. But that is who I am. In the day I have to just be gay. Some people think I am just cursed. Your mother wanted a girl now you act as a girl. It's not like that, it is the way you are born. I am woman. I am comfortable when they call me she."

Lily: "To become a transgender is not easy. There are not many of us. ...from the age of 13 years I experienced a lot of bad things. Why do I have to be a transgender? I think... just let me be gay. But I know am not suitable for that. I fought with my mother for years. I will not wear boy's clothes. I will rather run away. But now I did it. I am a woman even in a black area. I will not be with someone like me who wears dresses. I want a straight man who will make me feel like a woman."

Homelessness:

A number of transgender sex workers experienced rejection from their families and communities due to being transgender. For some it had started during childhood. Homelessness is common experience for many.

Netta: "The first time I slept on the street was when my family did not accept me for who I am."

Cym: "I left home because my mother did not understand my gender identity. Community members made fun of me called me funny names which hurt me."

Leigh: "My family did not accept me. I loved my mother so much I decide to give her space. I was 14 years old and left home. I have been on the streets since then."

Pricilla: "I don't feel comfortable in the community. Some throw stones at you and you feel like you don't belong there."

Cym: "I was a child. Where was I supposed to go when I was kicked out of school and of home for just being myself?"

#### Gender identity and law in South Africa:

"Hi, my name is Kim but my ID document says I am Colin. I am a sex worker. I have tried getting jobs but when I go for the interviews people don't end up contacting you. I look like woman but my I.D. says I am a man."

"South African law allows for people to amend the gender in their identity document without surgical intervention but government consistently fails to implement this law." – Robert Hamblin, Advocacy Manager, Gender Dynamix

Possessing an identity document congruent with one's gender identity/self-presentation is vital for accessing the most basic human rights and services as a citizen and member of society. Without a gender congruent identity document one becomes a non-citizen unable to access bank accounts, healthcare services, driver's licences, grants, bursaries or a fair chance at employment, among others. In a country where socio-economic circumstances already make it difficult to find employment, the stigma surrounding transgender people (even when highly qualified), marginalises their chances even further. When one's identity document does not reflect your gender identity, it forces you to disclose your transgender status, thereby jeopardising your chances at employment as well as making you vulnerable to prejudice in the workplace.

In the case of transgender sex workers, who find themselves among the most marginalised sections of the population, lack of a gender congruent ID document puts them at even greater risk of rape, ridicule and victimisation in their encounters with clients, police, the criminal justice system (where transgender women are often put in cells with men) and society at large, and further impedes their access to employment, healthcare and other services. It is therefore absolutely unacceptable that despite the existence of enabling legislation, many transgender people, including transgender sex workers, still find themselves struggling to obtain gender congruent identity documents from Home Affairs.

The Alteration of Sex Description and Sex Status Act No. 49 of 2003 states that any part of the process of gender reassignment qualifies a person for a legal gender change. Such reassignment could consist of gender realignment by means of hormonal treatment only, or alteration of a person's gender characteristics (social identity) only. In both cases surgical interventions would not be required. However, since the law's inception in 2004 the Department of Home Affairs in South Africa has consistently neglected to apply this law, ignoring the fact that activists have fought hard for the right not to have surgery imposed as a condition for a legal gender change. It is important to point out that not all transgender people qualify medically or have the means to pay for medical gender reassignment. The process is prohibitively expensive and often entails multiple surgeries over a period of several years. Additionally, there are often personal, health and other reasons why not all transgender people wish to undergo some or all of the surgeries.

Affordable and accessible health and medical care for transgender persons is virtually non-existent in South Africa, with only two government institutions offering gender reassignment procedures. The waiting lists are long and people wait years. One of these establishments has a reputation of unethical medical experimental practices. Forcing people to undergo surgeries – sometimes performed with substandard and mutilating results – as a condition for obtaining gender relevant ID documents, is a human rights infringement. This further underlines the importance of effective implementation of the Sex Description Act, which stipulates that individuals may change their legal gender without requiring surgical intervention..

#### Employment and criminalisation of sex work

Sex work is illegal in South Africa, thereby further stigmatising sex workers and effectively denying them decent working conditions and fair labour practices. Already marginalised because of their transgender status, transgender sex workers have to deal with the additional problem of being criminalised. In many cases sex work is their only option at earning an income, but as pointed out by one of the participants, the criminalisation of sex work not only makes it difficult to do sex work, but also to move on to other forms of employment should the opportunity arise:

Leigh: "I have great experience in the call centre industry. I love talking to people and there it does not matter what my gender looks like. There was a time I could not get work .... During this time I was convicted for doing sex work. Because I have a criminal record due to sex work I cannot find a job now. I cannot return because of my criminal record as a sex worker."

### Clients and the fear of being discovered:

Sex workers work under conditions that make them extremely vulnerable to exploitation, harassment, assault, rape and murder. Transgender sex workers have to live with the additional risk and fear that their transgender status may at any point be discovered by clients, who may react with extreme violence in addition to refusing them any payment:

Kim: "This time he took out his pistol and asked me to undress. I got such a fright and I said: I am not what you think I am. I am a tranny. He took the pistol and punched me against my lip. I was bleeding. He kicked me out of the car and took all my personal things, my identity document."

Priscilla: "We were in a moving truck... one of the guys touches me and says oh my goodness are you a man? I was young, I did not know transgenders are working undercover. I was wearing my skirt and tights. So what happens, it was a shock to them. The one says, "It is a man!" He starts beating me from one side and the other one from the other side. They beat me and beat me. When I looked up and see there is a window. And throw myself out."

Gulam: "We were with two guys. The one knew about me but when the other one found out he got so furious. He chased me away with a gun and he kept my friend locked in his house. He was going to punish her for not telling him that I was not a real woman."

Leigh: "I am a woman and I portray the role of a woman when I work. I could work as a transgender sex worker but 80% of the clients are interested in female sex worker so to survive I have to portray a double image on the road. So my life is always in danger. Regular clients will become violent when they find out. They threaten our lives, take back the money."

### Police, courts and prisons:

Transgender sex workers often find themselves victimised and traumatised a second time when having to deal with the police, prisons and courts. This applies regardless of whether they are trying to lay a complaint against a perpetrator, or are arrested for doing sex work. They are ridiculed and denied dignity, justice and fair treatment. Their gender identity is not respected, they are refused their choice of dress and self-representation, and the safety of transgender women is further compromised by placing them in cells with men. Unable to access justice, they are tremendously vulnerable to repeated rapes and assaults as well as increased risk of HIV.

Lily : (22) "One day I was raped and beaten badly by a client who discovered me. I ran away. I was naked. A woman helped me into her car. A police van also came by. She told them and they caught him. She gave me a towel to close my lunch (genitals) I went to the police station and they just made fun of me. At the police station I could not just sit there. I was in terrible pain, naked bleeding. People coming in and out.

Then they asked me what happened. I told them..... and started laughing at me. The woman police worker walked to other police man and laughed together with him at me.

They come back to me and say, "What are you? Are you a woman or what?"

I was crying my eyes were red. They were laughing and laughing. I said that is none of your business I am trying to make a complaint. I could not stay there.

When I returned they knew I was a sex worker. I was dressed now. They took me more seriously but they told me that my work is illegal they cannot help me."

Leigh: "When I was arrested they ordered me to take of my (prosthetic) breasts, my wig and even my underwear. They took that into their possession until the day I went to court. I felt dirty when in the holding with men."

Netta: "One day I went to court and then the officer who was in charge told me I must take off my head scarf. I said I am a transgender woman. He said NO you are a male! I felt stupid and that I could not talk..."

Netta: "When I went to prison I had to undress. Everybody here know I won't even go to the toilet in front of men. There I had to stand naked in front of male warders. I felt so ashamed like any other woman would."

### HIV/Aids:

The conditions under which sex work takes place, including its criminalisation, make it very difficult for sex workers to negotiate safe sex. For transgender sex workers the situation is often compounded by the fact that clients take greater liberties with them upon discovery of their transgender identity. In addition, the need to avoid attracting attention to their transgender status may prevent transgender sex workers from calling out for help or challenging a client who puts them at risk. All of this increases the risk of HIV infection for sex workers who are transgender.

Pricilla: "He was having sex with me, he discovers that I am a transgender. Then he wants his money back. I agree to take only half and then he says I am going to have sex with you without a condom. He just did it. After that he took the money. I did not want to make a noise. There were people around. Spare myself the disgrace."

When healthcare personnel manifest a complete lack of understanding by refusing to acknowledge the gender identification of transgender persons, it effectively blocks them from access to HIV treatment. For successful HIV-related services to transgender sex workers (and to transgender people generally), it is vital that their gender identity be respected, which includes addressing them by the gender-specific names, titles and pronouns they prefer and not querying their dress or self-presentation:

Vn: "After my friend was raped by those men because she was discovered she came to me.... we went to the clinic to get post HIV exposure prophylaxis. The nurse told her to go home, take off her women's clothes and come back. She was already so traumatised she could not return. I believe that is why she is HIV positive today."

### ON MSM Research and HIV Programmes:

Participants emphasised that transgender women identify as women, and not as men who have sex with men (MSM). In order to develop effective HIV programmes for transgender persons, including transgender sex workers, research needs to be geared towards understanding how the sexual practices and treatment needs of transgender populations may be different from other populations. In conducting the research, researchers need to be knowledgeable about transgender issues and respect the gender identification of transgender persons.

Tb: &ldquo;We are not men, I never want to go to those researches when they call me MSM. I said why do you not understand that we feel like women?&rdquo;

Gulam: &ldquo;They not thinking of transgender only moffie and gay. Nobody understands it and they think you are moffie or gay. You just a wanna-be. This is not who we are.&rdquo;

#### Medical institutions and doctors:

As mentioned above regarding HIV-related services, it is important that medical institutions, rehabilitation centres and healthcare personnel accord transgender persons the same dignity and respect as other clients, and this includes respecting their gender identification. Transgender persons should be allowed to dress, present and be treated as their self-identified gender and share facilities with the gender they identify with. Education of personnel regarding transgender issues is needed.

Cym (on rehab): &ldquo;When I got there the security asked me to undress to look for substances. I refused to do that. I would not undress in front of a man. I insisted that a female deal with me and that I have privacy as other women do. It took them five weeks before they called me on my woman name. I was already dealing with withdrawal and now also had to deal with being seen as a man, wearing men&rsquo;s clothes, sharing facilities with men.&rdquo;

&ldquo;The doctor was shocked that I was a transgender. He told me not to dress like that in his surgery again. He would not treat me.&rdquo;

#### Ways forward:

- &bull; Gender identity needs to be acknowledged in all aspects of law making and human rights issues.
- &bull; Rape and assault on transgender sex workers should be part of and specified as such in the drive to get hate crimes against sex workers and LGBTI people acknowledged.
- &bull; Adult sex work must be decriminalised.
- &bull; In health programmes and medical institutions, space should be made to accommodate and fully acknowledge the identities and needs of transgender people. It should be understood that being transgender is not the same as being gay, and transgender women should not be regarded as &ldquo;men who have sex with men&rdquo;.
- &bull; HIV treatment and prevention programmes and research should develop an understanding of how the sexual practices and treatment needs of transgender populations (including transgender sex workers) may be different from other populations. Respect for the gender identification of transgender persons and knowledge about transgender issues should be promoted.
- &bull; Transgender should not be treated as a third category of gender. Transgender people should have the right to self-determination and to identify as women or men. The tendency to refer to female, male and transgender sex workers undermines transgender women sex worker&rsquo;s identities.
- &bull; Programmes for transgender persons, including transgender sex workers, should prioritise access to identity documents that reflect their self-identified gender, as well as access to transgender-specific healthcare..
- &bull; Public institutions, including the police, prisons, courts and healthcare institutions need to be educated to respect the gender identification, dignity and rights of transgender persons, including transgender sex workers. Transgender persons should be allowed to dress, present and be treated as their self-identified gender. This includes addressing them as their preferred gender and letting them share facilities with the gender they identify with.
- &bull; Schools should accommodate children and work to adjust the system and not the transgender children. Awareness and promotion of gender diversity need to start at school level, including respect for children&rsquo;s gender identification. Schools should have more than one gender neutral toilet.