

Sex worker rights are an LGBTQ issue

a briefing
from SCOT-PEP

www.scot-pep.org.uk

Many sex workers are LGBTQ. Workplace discrimination in 'conventional' jobs, high rates of poverty, and high rates of homelessness¹ all mean that LGBTQ people are disproportionately over-represented in sex work. Scotland rightly prides itself on the huge strides taken in recent years to bring about safety, justice and equality for LGBTQ people: however, for LGBTQ sex workers, there is still a long way to go – and decriminalisation is the necessary first step.

Criminalisation and policing

The criminalisation of sex work disproportionately targets LGBTQ people due to the over-representation of LGBTQ people in sex work. Furthermore, LGBTQ sex workers fear that any visibility of their LGBTQ status makes them vulnerable to profiling and criminalisation as sex workers. For example, Police Scotland's announcement that they would be identifying suspected sex workers through 'tip-offs' from members of the public² caused trans women within SCOT-PEP to express concern that they would be profiled as sex workers due to their trans status. Sex workers were alarmed that this would lead to evictions: the operation in question³ entailed Police Scotland potentially 'outing' people as sex workers to their landlords, and landlords are unwilling to knowingly rent to sex workers for fear of prosecution as 'pimps'. LGBTQ sex workers, especially trans women, were deeply fearful that the intersection of their identities meant that they would be doubly vulnerable as targets for police surveillance and eviction.



Violence and hate crimes

The criminalisation of sex work renders LGBTQ sex workers vulnerable to violence. One UK study found that 16% of male sex workers (the vast majority of whom are gay, bisexual, or trans men) experienced violence from people posing as clients⁴. LGBTQ sex workers may be targeted by violent people on account of their gender or sexuality, or on account of their status as a sex worker: crucially, the law in Scotland currently *helps violent people to get at sex workers* by forcing sex workers who work indoors to work alone, and pushing outdoor sex workers to the dark, isolated edges of cities⁵.

1 Scottish Government Equality Outcomes: Lesbian, Gay, Bisexual and Transgender (LGBT) Evidence Review, Scottish Government Social Research, 2013, p5

2 http://www.heraldscotland.com/news/13170227.Charity_claims_welfare_visits_are_intimidating_sex_workers/

3 'Operation Lingle', still on-going but now named 'Operation Shaw'

4 http://www.sexworkereurope.org/sites/default/files/resource-pdfs/icrse_briefing_paper_october2015.pdf, p5

5 Brothel keeping; soliciting, kerb-crawling

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Scotland's hate crime legislation seeks to protect LGBTQ people. However, the criminalisation of sex work presents a significant barrier to some LGBTQ people accessing these protections or reporting hate crimes to the police. The criminalisation of their workplaces means that LGBTQ sex workers cannot access workplace anti-discrimination laws: for instance, a trans or lesbian woman has no protections against being fired from a brothel for her LGBTQ status. LGBTQ sex workers within SCOT-PEP regularly report to us that they experience homophobic or transphobic hate crime – but never take this to the police, for fear (justified or not) of potential repercussions. To be known to the police as a sex worker is to become vulnerable to a range of harms: if you work indoors with a friend, you can both be arrested for brothel-keeping; if you share bills with a partner, they are vulnerable to pimping charges; if you're on a waiting list for social housing, you can be de-prioritised for 'immorality'; and if you rent privately, you can be evicted⁶. LGBTQ people in Scotland already fear that they will not be dealt with fairly by the police⁷: the criminalisation of sex work adds an often insurmountable barrier to many LGBTQ people accessing justice.

Issues with service provision and LGBTQ organisations

There is a perception among LGBTQ sex workers in Scotland that funded services aimed at sex workers often neglect the specific needs of LGBTQ people, and organisations aimed at LGBTQ people often ignore the specific needs of *sex working* LGBTQ people. At worst, LGBTQ sex workers occasionally feel that, as a 'disreputable' part of the community, they are deliberately shut out by LGBTQ organisations.

A Glasgow service aimed at men who sell sex was a prominent proponent of further criminalising sex work through the 'Nordic model' – which includes the retention of laws that prosecute two people working

together for safety⁸. In the 2010 evaluation of the service, they state that they view prostitution as intrinsically a form of violence, and admit that they have seen only an average of seven service users a year over a three-year period⁹. Sex working men were not engaging with this service – and there are obvious connections between excluding the perspectives of sex working men, pushing for laws which harm and criminalise sex workers, and sex workers declining to make contact with the service. The result is that gay, bi and trans men who sell sex in Glasgow are not getting the healthcare and support that they deserve, and the service has now closed.

Homophobia and transphobia in sex work policy-making

Homophobic and transphobic organisations help shape sex work policy in Scotland. Notably, Christian Action Research and Education (CARE)'s links to "gay cure" groups¹⁰ have been condemned across the political spectrum: Labour MP Liz Kendall called CARE "deeply offensive" to LGBTQ people; the Telegraph called them "fundamentalist"¹¹; Tim Farron called them "homophobic". Yet their influence on policy is substantial: in the last session, CARE helped to draft a Member's Bill based on the 'Nordic model' that aimed to increase the criminalisation of sex work¹², and they attend the Scottish Government's Human Trafficking Stakeholder Forum, where they lobby on sex work policy. Legitimisation of CARE and others like them as 'stakeholders' in Scottish policy-making harms all LGBTQ people in Scotland, because it suggests that LGBTQ rights are conditional and can be de-prioritised, but it most starkly harms LGBTQ sex workers, who have policy that directly affects them shaped by groups widely considered homophobic.

6 Brothel-keeping; 'living on the avails'; [http://www.parliament.scot/S4_Bills/Housing%20\(Scotland\)%20Bill/b41s4-introd.pdf](http://www.parliament.scot/S4_Bills/Housing%20(Scotland)%20Bill/b41s4-introd.pdf), and 'living on the avails'.

7 <http://www.gov.scot/resource/0042/00420922.pdf>, p15

8 <http://www.nhsopenroad.org/end-prostitution-now/>

9 An Evaluation of NHS Open Road for NHS Greater Glasgow and Clyde, the TASC Agency, July 2010, p2

10 <http://www.gaystarnews.com/article/uk-mp-cuts-ties-christian-gay-%E2%80%98cure%E2%80%99-charity160312/#gs.30aA86A>

11 <http://www.telegraph.co.uk/news/uknews/1975933/Christian-fundamentalists-fighting-spiritual-battle-in-Parliament.html>

12 [http://www.parliament.scot/S4_MembersBills/Criminalisation_of_the_Purchase_of_Sex_\(2\)_Consultation.pdf](http://www.parliament.scot/S4_MembersBills/Criminalisation_of_the_Purchase_of_Sex_(2)_Consultation.pdf)



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