



# **Human Trafficking & LGBTQIA+ Populations: Cultural Readiness, Risk Factors, and a Plan for Action**



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# Presentation Goals

- Introduction to the LGBTQIA+ Community and its Terminology
- Human Trafficking Risk Factors
- LGBTQIA+ Populations & Human Trafficking
- In Focus: Trans People & Human Trafficking
- Best Workplace Practices & Allyship

# The LGBTQIA+ Community



# What is “LGBTQIA+”?

The LGBTQIA+ community includes people with marginalized sexual orientations or gender identities, including:

**Lesbians**

**Gay Men**

**Bisexuals and Pansexuals**

**Transgender People**

**Queer People**

**Intersex People**

**Asexual and Aromantic People**

**+ and more!**

Different groups within the LGBTQIA+ community face discrimination in different ways. Discrimination is also often compounded by other identities and social factors.



# Sexual Orientation vs. Gender Identity

## Sexual Orientation

An individual's physical and/or emotional attraction to the same and/or other genders. Distinct from a person's gender identity and expression.

## Gender Identity

An individual's internal sense of being male, female, or something else. Since gender identity is internal, one's gender identity is not necessarily visible to others.

## Gender Expression

An individual's characteristics and behaviors such as appearance, clothing, speech patterns, mannerisms, and social interactions that are perceived as masculine, feminine, or something else.



# Gender Identity

## **Sex Assigned at Birth**

The assignment and classification of people as male, female, intersex, or another sex that is assigned at birth often based on physical anatomy.

## **Cisgender**

An identity of a person whose gender identity is congruent with their sex assigned at birth.

## **Transgender**

An identity of a person whose gender identity is not aligned with their sex assigned at birth, and/or whose gender expression is non-conforming.



# It's Not Just a Binary World...

## **Gender Non-Conforming or Gender Variant**

An identity of a person who has gender characteristics and/or behavior that does not confirm to traditional or societal gender expectations.

## **Nonbinary**

An umbrella term for gender identities that fall outside the categories of “male” and “female.” Nonbinary people may also use a variety of other terms to describe their identity, including genderqueer, agender, or bigender. Nonbinary individuals may prefer that others use gender neutral pronouns such as they/them/their when referring to them, but everyone is different.

# There's No Such Thing as Just One "Transition"

## ➤ Social

- Adopt a name and pronouns consistent with identity
- Change in gender presentation/expression

## ➤ Legal

- Legally change name and/or gender
- Update identity documents

## ➤ Medical

- Hormone replacement therapy
- Hair removal
- Affirming surgical procedures (individualized to each person)



# Transgender People are People

- ▶ “Transgender” is an adjective, **not** a noun
  - ▶ “Transgender people,” “people who are transgender,” “trans woman,” “transgender community,” etc., not “she is a transgender”
- ▶ Think before you speak: Is their transgender status important to what I’m saying?
  - ▶ Hint: It’s probably not.



# **LGBTQIA+ Communities & Trafficking Risk Factors**

# The Impact of Hetero- and Cisnormativity



- Society assumes everyone is heterosexual and cisgender
- LGBTQIA+ people are subject to strong negative stereotypes
  - “Not a real man/woman”
  - Promiscuous/Immoral
  - Mentally ill
  - Likely to get STDs
- Queer people are told they are “going through a phase” or will “outgrow it”
- Families may not be supportive
- Limited role models



# Risk Factors: Bullying, Discrimination & Rejection

- ❑ LGBTQIA+ youth are more than twice as likely than their non-LGBTQIA+ peers to be harassed/assaulted at school
- ❑ 4 in 10 LGBTQIA+ people say the community in which they live is not accepting of LGBTQIA+ people
- ❑ More than 30% of LGBTQIA+ youth report experiencing physical violence within their family of origin after coming out
- ❑ 26% of all LGBTQIA+ youth report having to leave their family of origin due to rejection of their gender identity and/or sexual orientation
- ❑ LGBTQIA+ youth are 2-3 x's more likely to attempt suicide than their non-LGBTQIA+ peers
  - ❑ 41% of transgender people attempt suicide at some point in their lives, compared with 4.6% of the general public

# Risk Factors: Homelessness

- ❑ 78% of LGBTQIA+ youth in foster care run away or are removed from their placements due to hostility towards their perceived sexuality and/or gender presentation
- ❑ 56% of LGBTQIA+ youth in care spent time living on the streets
- ❑ 58.7% of LGBTQIA+ homeless youth have experienced sexual violence compared with 33.4% of heterosexual homeless youth
- ❑ According to a survey of nearly 1,000 homeless youth in New York City, LGBTQIA+ youth were seven times more likely than heterosexual youth to have traded sex for a place to stay
  - ❑ Transgender youth were eight times more likely than non-transgender youth to trade sex for a safe place to stay
- ❑ 40-46% of all homeless youth identify as LGBTQIA+



# Risk Factors: Barriers to Service

## ❑ Limited Access:

- ❑ LGBTQIA+ people commonly report barriers to receiving basic or necessary services on the basis of their sexual orientation, gender identity, and gender expression
- ❑ This may include, but is not limited to, access to shelter, counseling, and health care, including transition-related medical services

## ❑ Negative Experiences:

- ❑ Violence/discrimination at the hands of law enforcement, social service staff, etc. on the basis of their perceived sexual orientation and gender identity is common
- ❑ These poor experiences make it less likely for LGBTQIA+ people to seek out the services they may desperately need

## ❑ Lack of Knowledge:

- ❑ It is common for providers to lack the knowledge or experience to competently care for them.

# Risk Factors: Criminalization

- In 2015, the Urban Institute published the results of a three-year study of 283 youth engaged in survival sex in New York City who identified themselves as LGBTQ, YMSM, or YWSW
- **Setting the Stage:**
  - High levels of “social and familial discrimination and rejection, familial dysfunction, familial poverty, physical abuse, sexual abuse and exploitation, and emotional and mental trauma” were reported by the youth who were surveyed
- **Common Experiences of Surveyed Youth:**
  - Frequent arrests for “quality of life” and misdemeanor crimes
  - This consistently led to continued involvement in the street economy

# ...So How Does All This Connect to Trafficking?

- ▶ Histories of abuse, neglect, and bullying are easily exploited by traffickers
  - ▶ LGBTQIA+ people have higher rates of alcohol and drug use, as well as higher levels of depression and anxiety
- ▶ Homelessness is incredibly common, especially among systems-involved youth, and commonly leads to engagement in survival sex
  - ▶ Most LGBTQIA+ persons report being introduced to the commercial sex industry by their peer networks, NOT by traffickers!
  - ▶ Not all people trading sex are being trafficked, but sex work increases trafficking risk
- ▶ Lack of access to necessary/emergency services and mainstream employment opportunities often results in the need for street survival
- ▶ High levels of criminalization and the collateral consequences that accompany a criminal record increases reliance on underground economy



# 2017 Covenant House Study

- 641 homeless and runaway youth in 10 cities were interviewed
- **Totals:**
  - 1 in 5 had experienced trafficking
  - 14% reported being trafficked for sex, 8% were trafficking for other forms of labor, and 3% were trafficked for sex and labor
- **LGBTQIA+ Youth:**
  - 24% were trafficked for sex, compared to 12% of non-LGBTQ youth
  - 1 in 5 LGBTQ males were trafficked, compared to 1 in 10 cisgender heterosexual males
  - Half of all LGBTQ youth had traded sex in some way during their lifetimes



**In Focus:**

**Trans People & Trafficking Risk**





# Primary Risk Factors

- ▶ Disproportionately represented among homeless youth
- ▶ High levels of marginalization, especially among communities of color, limit employment and housing choices
- ▶ Barriers to accessing health care services leads to accessing street-based services
- ▶ Trans women and girls are commonly profiled as sex workers and subsequently criminalized



# Transgender People and the Criminal Legal System

- 21% of all transgender women have been incarcerated at some point in their lives
  - 47% of black trans women have been incarcerated
- “High rates of incarceration are driven by pervasive discrimination, disproportionate poverty, homelessness, participation in street economies, and bias and abuse by law enforcement officers.”
- 39.6% of transgender people involved in sex work who appeared in court reported biased treatment by judges or other court employees



# **Best Practices & Allyship**

# Best Practices for Attorneys and Advocates

- **Don't make assumptions about people's gender identity**
  - Do you ask people their pronouns, preferred names, and titles during intake and on office forms?
    - Is there a gender neutral option like Mx. on your forms?
  - Do you include your pronouns in your email signature?
  - Do you use gendered language when it's not necessary?
    - "Ladies and gentlemen"
    - "Ma'am, this is a Wendy's."

# Best Practices for Attorneys and Advocates

- ▶ Analyze all workplace policies and procedures to make sure they foster a culture of inclusivity:
  - ▶ Does your non-discrimination policy include gender identity and sexual orientation?
  - ▶ Does your health insurance policy cover transition-related care?
  - ▶ Do paperwork and record-keeping procedures respect individuals' gender identity and chosen names? Are there gender-neutral options?
  - ▶ Are there gender neutral facilities such as bathrooms?

# Support the LGBTQIA+ Community

- ▶ Call-out and call-in those who discriminate against LGBTQIA+ people
- ▶ Be open to other perspectives besides your own
- ▶ Challenge your own assumptions about LGBTQIA+ people and identities, even (especially!) if you're queer
- ▶ Be aware of the ways you may be perpetuating assumptions of hetero-/cisnormativity
- ▶ Encourage family and friends to reexamine their own beliefs and biases, even when it's personally uncomfortable to challenge them
- ▶ Apologize and move on when you mess up. But do better next time.
- ▶ Remember that marriage equality is not the only or most important issue facing the LGBTQIA+ community; the fight for queer rights isn't "over" just because of Obergefell!
- ▶ If you have it, use your privilege to help marginalized communities in all spaces that you occupy

# Legal/Medical Resources for LGBTQIA+ People in Maryland

## FreeState Justice

A state-wide organization that works to improve the lives of LGBTQIA+ Marylanders and their families through direct legal services, policy advocacy, outreach, education, and coalition building. <https://freestate-justice.org/>

## Chase Brexton Health Center

Offers LGBTQ inclusive medical, behavioral health, case management and other health based services in several centers across the state. [www.chasebrexton.org](http://www.chasebrexton.org)

## ACLU of Maryland

The ACLU of Maryland fights for the right of LGBTQIA+ Marylanders to live openly and receive fair treatment in employment, education, housing, public accommodation, health care, and government programs. <https://www.aclu-md.org/en/issues/civil-rights/lgbtq-rights>

## PFLAG

Offers parent and LGBTQ youth support groups in chapters across the state. [www.community.pflag.org](http://www.community.pflag.org)

# Opportunities for Additional Learning

- ❑ **2015 Transgender Survey** (includes intersectional and state-based materials):  
<http://www.ustranssurvey.org/reports>
- ❑ **Meaningful Work: Transgender Experiences in the Sex Trade:**  
[http://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report\\_FINAL\\_3.pdf](http://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf)
- ❑ **Breaking Barriers: Improving Services for LGBTQ Human Trafficking Victims:**  
<https://polarisproject.org/sites/default/files/breaking-barriers-lgbtq-services.pdf>
- ❑ **Injustice at Every Turn: A Report of the National Transgender Discrimination Survey:**  
[http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf)



# Thank You!

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### Single Mom Can't Afford A Large Payment

Client is being sued by her former landlord for \$4146.59. She admits she owes some but not all of the debt and is hoping to reduce the amount she has to pay. Court date set for 7/20/18 at 1:30pm.

Location: Baltimore County    Ref. #: 18-01138741    Case Type: Debt Collection

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### I Admit To The Debt, But Can We Negotiate A Settlement.

Client is being sued for \$933.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client has paid approximately \$300 toward the debt and would like to work out a settlement for the remaining. Affidavit Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 9:00AM.

Location: Washington    Ref. #: 18-01138685    Case Type: Debt Collection

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### You Have Left Me No Other Choice But To File For Rent Escrow.

Client wishes to initiate a rent escrow case after nothing has been done to make repairs. Client has lived in the property since October 2016 and problems in the unit began in December 2017. To date LL, has not tried to resolve the mold issue, flooding, falling attic stairs, and the hole in the ceiling.

Location: Baltimore County    Ref. #: 18-01138671    Case Type: Landlord-Tenant

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### Landlord Requests The Move, Now Refusing My Security Deposit.

Client filed suit against her previous Landlord for the return of her security deposit and three times the amount. Client only lived in the property for 3

### Looking Towards A Fresh Start

Client seeks help with expunging her criminal record.

### Here's To New Beginnings!

Client seeks to go over her criminal record with a volunteer and to have the eligible cases expunged from her record.



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- ▶ Dec. 10<sup>th</sup> – Airbnb: Know Before You Rent (Out)
- ▶ Dec. 19<sup>th</sup> – Choose Your Own Adventure: Starting a Law Practice
- ▶ Jan. 10<sup>th</sup> – Advocating for Trafficking Survivors: The Collateral Consequences of Criminal Records and the Availability of Criminal Record Relief in Maryland (In person training – Frederick, MD)



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- Human Trafficking Prevention
- Tax
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