

Brief supporting Evidence Report 55

LITERATURE REVIEW OF SEXUALITY AND POVERTY

Sexuality, Poverty and Law

Pauline Oosterhoff, Linda Waldman and Dee Olerenshaw

February 2014

The IDS programme on Strengthening Evidence-based Policy works across six key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

The material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government's official policies.

AG Level 2 Output ID: 217

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First published by the Institute of Development Studies in February 2014
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Executive summary

This review aims to:

- Assess the extent to which research has already examined the role of sexuality in low- and middle-income countries (LMIC) specifically in relation to poverty in LMIC and to identify new under-researched areas and questions;
- Apply Chamber's multidimensional 'Web of Poverty' to existing literature in order to identify which dimensions are most applicable to sexual minorities;
- Overview how policy marginalises people through legalising specific behaviours and criminalising others, and identify positive examples of policy change.

The paper uses a definition of poverty related to Amartya Sen's capability approach to human development and adopted by the UN. As such, poverty is considered to be broader than income and material living standards and also refers to the ability of people to choose between different ways of living that they have reason to value (Sen 1999; 1989; 1985). Poverty is a denial of choices and opportunities for living a tolerable life (UNDP 1997: 2).

Methodology

This literature review builds on an initial scoping note on poverty and sexuality developed in May and June 2013 that drew on insights from 57 relevant articles. This scoping note suggested that LGBT persons and sex workers are often both marginalised and targets of particular policies in LMIC. Therefore, this review focuses on these two categories. Five specific searches on poverty and sexuality using specific search criteria and search strings to identify papers and other sources were undertaken. We used the electronic databases of The Web of Knowledge – Science Citation Index Expanded, Social Sciences Citation Index, Arts and Humanities Citation Index, Conference Proceedings – Science, and Conference Proceedings – Social Science and Humanities, Medline, BIOSIS Citation Index and Google Scholar. In addition, we searched for relevant grey literature from websites of well-known and respected human rights organisations, international non-governmental organisations (INGOs), the UN and governments. The searches were limited to English-language publications on LMIC in Africa, Latin America, Asia and the Middle East in the period between 2003 and 2013.

Literature review findings

The majority of research around sexuality, law and policy in low- and middle-income countries (LMIC) in Asia, the Middle East, North and sub-Saharan African countries and Latin America has been in relation to HIV and AIDS prevention, treatment and care. About 25 per cent of all the articles identified were HIV-related.

The sexual behaviour of gay men, sex workers and MSM has been widely researched with regard to HIV prevention, treatment and care. Less attention has been paid to social and economic deprivation, material exclusion and political marginalisation because of sexual orientation or sexual behaviour. Few English-language studies are available on the socioeconomic and cultural aspects of sexuality in the Middle Eastern and North African countries. South Africa and India are comparatively well researched. Inequities are also reflected in the relative invisibility of lesbians and transgender (female to male) and bisexual women in the studies, the exception being studies on lesbians in South Africa.

A need for broader examination of the political economy of sexuality that also takes gender and race relations into account emerges from many studies on sexuality and poverty. All of the 12 dimensions of poverty described by Robert Chambers' 'Web of Poverty' (2007) have been found in the literature on LGBT people and sex workers. LGBT people and sex workers

experience specific disadvantages based on sexuality with regards to ascribed and legal inferiority, lack of political clout, lack of information, educational deficiencies and weak capabilities, barriers to institutions and public access, ghettoisation and spatial marginalisation, insecurities and material poverties. Seasonal dimensions of poverty and poverty of time are difficulties mentioned but these are less unique to these groups.

A multidimensional ‘web of poverty’

In terms of *Ascribed and Legal Inferiority*, human rights reports by many international organisations attest to serious and widespread violations of human rights of sex workers and LGBT populations in every region of the world. The existence of such reports reflects the willingness of a growing number of people to report the violations, often at great risk to their personal lives, as well as the emergence of grassroots organisations working on LGBT and sex workers’ rights and new policies that make legal redress possible in a growing number of countries. The focus on human rights violations has been on civil and political rights and – with a few exceptions – less on socioeconomic rights. The processes of positive change and the interactions between activists, grassroots organisations, researchers, donors, and national policymakers are not well documented, and are therefore not well understood.

This review shows many instances of *Lack of Political Clout* and of political exclusion for LGBT persons and sex workers, not least because their very existence is often illegal. This, coupled with negative stigma, excludes them from assuming formal positions of responsibility, including political positions. Challenging this lack of political clout through self-organisation offers both challenges and opportunities, many of which are shaped by broader national and international opportunity structures including weak rule of law, so-called sodomy laws, international funding and civil society. Funding opportunities created through the HIV epidemic has provided opportunities for spaces for self-organisation and the development of networks. Some organisations, which started as small outreach and peer educational organisations, have developed well-known international reputations and now have representation in international fora. However, in other instances, these same circumstances have led to the marginalisation of sex workers and other sexual minorities as issues of education and language come into play. This has led to debate over the quality, relevance and overall meaningfulness of sex worker and LGBT participation as well as questions about the degree to which internationally facilitated participation forces a focus on HIV, rather than on a broader social political agenda driven by sex workers or other sexual minorities themselves. Overall, despite some examples of relative success, LGBT people and sex workers experience difficulties in participating in the political arena. Societal assumptions about gender roles and stigma based on sexual orientation are obstacles for LGBT politicians wishing to participate in politics. In countries where LGBT identity and sex work are criminalised, political organisation has to be done underground or via the internet. HIV and AIDS have brought the needs of these groups to the attention of national and international policymakers as risk groups in relationship to HIV. This in turn has provided political opportunities, in particular for educated and English-speaking elites, but has not challenged – and has possibly reinforced – the deviant status of LGBT persons and sex workers. The transformation of the HIV medical agenda into wider poverty or social development agendas has been challenging. More broadly, the inability of LGBT people to contend for their political interests openly and on an equal footing inhibits them from leveraging the political system to escape the ‘web of poverty’ as other groups might.

Poor people often experience a *Lack of Access to Information* on a wide range of sexuality and health-care issues and this limits their chances of improving their lives. LGBT people and sex workers, especially those who are clearly visible, experience a lack of information across multiple and intersecting dimensions of their lives, and also experience specific information gaps that are related to their sexuality. LGBT people and sex workers are at high risk for HIV but lack access to general information on HIV prevention, treatment and care.

They also lack access to basic information on sexual and reproductive health in many places around the world. In addition, LGBT people and sex workers require, but often don't receive, access to specific information to support their lifestyles. Often this lack of access to information stems from their experiences of discrimination and stigma in health and medical facilities. Lack of information is thus both a cause and a result of the multiple forms of physical and social isolation that sexual minorities and sex workers face.

Chambers observes that the *Lack of Education*, skills, and capabilities has multiple effects on poor people's ability to extricate themselves from poverty (2007). In the case of LGBT people and sex workers, they may find themselves – and sometimes their children – excluded from education because of their sexual orientation and activities, which in turn limits their economic opportunities. LGBT persons and sex workers are often ostracised in schools through the reproduction of local communities' heterosexual values, even in contexts where discrimination on the grounds of sexual orientation is prohibited. Students whose sexualities do not conform experience isolation, bullying and often dropouts, as their fellow students and teachers are homophobic and appear to act with impunity. Sex work is not always an obstacle to education and many poor women use sex work to fund their children's education. Nonetheless, the stigma of sex work does affect education dramatically, with mothers working in different cities or countries from where their children attend school in order to minimise their children's experience of stigma.

This review documented specific problems that LGBT people and sex workers face in terms of *Institutions and Access*. Sexual minorities, sex workers, and often their children, also face difficulties obtaining official documents, and exclusion from the right to marry and have a family. People whose sexualities do not conform to mainstream conceptualisation of men and women, find themselves excluded from health-care institutions, from both formal workplaces and informal working arrangements and from the institutions that maintain justice in society. In seeking to access all these institutions – health, economics, justice and religion – sex workers and LGBT workers experience stigma, discrimination, harassment, fear of disclosure and concerns about breaches of confidentiality. They also experience verbal abuse, having to pay for services that should be free, violence, coercion to enact sex acts, and occasional blackmail. As a result, many LGBT persons and sex workers avoid these institutions, or seek to remain silent about their sexuality. Lack of access to services and institutions is both a cause and consequence of marginalisation and exclusion of LGBT people and sex workers. LGBT people and sex workers are shown to experience multiple and reinforcing disadvantages in institutional access that trap them into poverty and inferiority.

Poverty of Time is one dimension of poverty that acts to further trap people into poverty. Particular time-related challenges experienced by sex workers and LGBT people include: working during periods of menstruation, additional time required to develop a feminine image, and additional travel for health or children's education in order to minimise stigma through anonymity or by hiding one's sexual practices. Pressed for time, sex workers have to accept many clients without time to recuperate, which puts their health at risk. Overall, a lack of time restrains their economic options and, simultaneously, to the extent that LGBT people and sex workers must devote extra time to overcoming other hardships, this becomes another strand of the 'web of poverty'.

Insecure Spaces and Places are closely correlated with poverty. For LGBT people and sex workers, places of residence can be particularly insecure because of their sexual orientation and occupation. In some cases, LGBT persons are evicted from their homes and end up in poor, unhealthy slums; in other cases they choose these places as they leave rural areas because of the lack of work opportunities. Such poor places are also characterised by a lack of appropriate space in which sexual relations can take place in privacy. For LGBT people or sex workers, this lack of privacy is compounded by stigma, which makes it difficult to find

safe spaces. As a result, hurried sex in streets, parks, or abandoned houses increases their vulnerability. Where safe spaces are in short supply, competition between sex workers to use these spaces also reduces their ability to negotiate safe sexual practices with clients and makes them more vulnerable to harassment and violence. In some instances, when sex workers live and work in the same place, they experience extreme discrimination as the location of their home is coupled with the stigma of their work.

In contrast to these poor and stigmatised places where many sex workers and LGBT persons reside, there are exclusionary queer spaces created by and for the middle classes – which in some cases incorporate members of the working classes. These spaces, created by local organisations, often have their own hierarchical structures and power differentials. In Cape Town and Manila, these ‘gay villages’ maintain ‘safe queer spaces’ that mirror gay villages in the West: they are predominantly white and frequented by the middle class. They are also magnets for gay tourism, and incorporate working-class gay men to provide services for these tourists. For the most part, LGBT people and sex workers, for various reasons, end up living and working in poor areas. Here they experience the same problems as other poor people with regards to violence, overcrowding, pollution and lack of facilities. But the specific controversial nature of their identities and livelihoods also forces LGBT persons and sex workers to seek out isolated ‘safe areas’. While in some cases these safe areas may mitigate other disadvantages or even enhance their economic power, in other cases this isolation can further entrench them in the ‘web of poverty’. When they cannot identify such safe areas, or ways to separate their work and living areas, they are particularly vulnerable to stigmatisation and discrimination.

Sexual minorities experience a range of interlocked and mutually reinforcing *Insecurities* at the individual, familial, and local community levels that are (re)created and reinforced by state and social institutions. This ranges from verbal abuse and harassment to violence to a lack of social support because minority members are not seen as full members of groups such as families or communities. This results in depression and lack of self-esteem among homosexuals in Nicaragua, female sex workers (FSWs) in Brazil, and bisexuals, lesbians and gays in Mexico leading, in the case of bisexuals, lesbians and gays to suicide ideation, suicide attempts, mental disorders and alcoholism. Other insecurities stem from natural disasters, which may polarise and intensify the inequalities already felt by marginalised groups. The provision of housing or food following natural disasters has not considered the vulnerabilities of sexual minorities and has often been implemented along conventional gender understandings, thus unintentionally reinforcing discrimination.

Physical Ill-being due to hunger, disability, and exhaustion damages earning power and, in so doing, forms another element of Chambers’ ‘Web of Poverty’ (2007). Appearing poor and unhealthy often also disqualifies people from jobs in higher wage sectors. LGBT people’s and sex workers’ higher exposure to HIV and to discriminatory violence places them at greater risk of physical ill-being. Simultaneously, their identities and roles affect overall physical and mental health on a broader scale than the sexual and reproductive health needs conventionally identified through HIV and AIDS medicalisation. In addition, LGBT persons and sex workers are frequently exposed to physical violence and torture, and this has health consequences. Very few studies have examined other aspects of physical health, such as access to screenings and physical examinations for clearly visible LGBT communities in LMIC.

From the perspective of the ‘web of poverty’, *Social Relations* provide emotional, economic and other support and act as safety nets. In many LMIC countries sexual minorities and sex workers are cast off by their families and excluded from family support structures because of stigma. In certain instances, they form their own support networks and surrogate families that offer a degree of safety and protection, but can also create new social restrictions and

economic obligations. 'Bad' social relations and networks can reinforce the 'web of poverty' by excluding people from material and immaterial benefits.

This review found that sexual minorities are frequently vulnerable because of their *Material Poverities* and their lack of income. This vulnerability is compounded by the precarious and informal nature of sex work and other work in the entertainment and beauty industries. In addition, there is literature showing that sex workers are burdened with personal or family debts. These debts are, in turn used as leverage and control mechanisms by their employers and pimps. Economic vulnerability is frequently identified as one of the reasons why sex workers accept clients who do not use condoms, which can exacerbate the spread of sexual diseases and sex workers' ill-health. Although microcredit programmes have targeted sex workers, the income received does not enable sex workers to extricate themselves from these economic and protective entanglements. Sex work should not however be conceptualised as a direct consequence of material and income poverty as it is also a means to create economic opportunities in resource-poor contexts. In India, many women in the sex industry have tried other informal sector work but do not make enough money. These sex workers are using the labour market to develop 'different combinations of functioning' that enable them to survive.

Yet, not all people with marginalised sexualities are able to shape their access to material resources through sex work. High unemployment or very limited employment opportunities in the sex, entertainment and beauty industries, are often the only avenues for people whose sexuality is readily apparent, while others suppress their identity and sexual preferences and present themselves as conventional heterosexual men or women in order to find employment. Ultimately, even when LGBT people and sex workers do find their work empowering and creating opportunities that help them stave off material poverty, the vast majority of sex workers in LMICs are situated towards the bottom of the labour market and often work in informal and/or illegal contexts.

Resistance and opportunities for change

LGBT people and sex workers are ostracised in many ways and experience many of Chambers' dimensions of poverty, affecting their overall wellbeing including access to health, education, employment, material resources and social resilience. However, there are many changes in the status of LGBT persons and sex workers, which shows that people do take actions, and that marginalisation and exclusion are not static and do not occur in all domains. There is also evidence that the conventional heterosexual views, like any other societal view, can change. Many studies emphasise that individuals are taking action to improve their situations, including but not limited to collective political action. Rather than victimhood, individuals resist being excluded and create opportunities to realise their aspirations.

Summary of positive policy changes

Reports on human rights violations against LGBT people and sex workers might distract from the fact that there are also positive policy changes. Many countries have recently adopted same-sex marriage laws. A few countries have recognised the right to sexual freedom in their constitutions, introduced or adjusted their Equal Age of Consent legislation to recognise homosexual relations, and have made discrimination in employment based on sexual orientation illegal. A limited number of countries have legally recognised the rights of same-sex couples. These policy changes are complicated processes that reflect power contests between different national and international elites and interest groups. Labour laws are usually the first to be amended. The effects of international pressure on these policy processes with regards to LGBT people are mixed and have also included backlashes and defiance. Broader coalitions of rights-based grassroots organisations that have developed a shared framework on gender, rights and sexuality have been able to accomplish policy changes. With regards to sex work, progress with policies that decriminalise sex work and

improve job safety has been very limited. There is wide global recognition of the need to involve sex workers in HIV prevention.

Future directions

The recommendations arising from this literature review of sexuality and poverty are as follows:

Research

- Explore the links between issues of gender, sexuality and sex work/trafficking recognising both men and women can be trafficked and work in the sex industry.
- Promote research that seeks to understand the political processes underlying mobilisation and collective action towards more inclusive policies. What works? What does not work? Which kinds of actors are significant and in what ways? What narratives are powerful in directing change? What strategies have worked for civil society and social movements advocating for change?
- Promote research on specific dimensions of poverty and sexuality such as exclusion of LGBT people from education, employment and health services that are not related to sexual or reproductive health.
- Develop research processes that work with local communities to build participatory quantitative approaches and methodologies, including joint data analysis that can quantify the experience of people's marginalisation because of sexuality in sensitive and culturally appropriate ways.

Policy

Seek to interrogate and act to eliminate all forms of discrimination based on sexual diversity, in a range of different contexts and in relation to everyday life, such as housing benefits, insurance, access to health or social services etc.

- Recognise that funding for HIV prevention of 'key' populations requires the meaningful involvement of these populations but may or may not support these groups to attain wider civil political rights.
- Support and strengthen existing LGBT and sex workers' civil society groups to build alliances with other civil society groups to develop broad frameworks for change and joint activities.
- Focus initiatives on institutional violence that is directed at sexuality and sexual orientation, including violence in schools, juvenile homes and prisons, and seek ways to make these institutions more accountable.
- Explore the potential to use economic and labour law as a means to effect positive change in countries in an incremental manner.
- Recognise that sexuality is important in shaping people's ability to choose between different ways of living that they can have reason to value. Poverty is a denial of choices and opportunities for living a tolerable life (Sen, 1985; 1989; 1999).