

“THEY ONLY DO THIS TO TRANSGENDER GIRLS”

ABUSES OF TRANSGENDER SEX WORKERS
IN SINGAPORE



PROJECT X

ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC, YALE LAW SCHOOL

Project X is an advocacy group for sex workers' rights in Singapore. The organization believes that sex work is work, and sex workers' rights are human rights. Project X provides social and legal support to sex workers and seeks to end all verbal, physical, emotional, and financial violence against sex workers in Singapore.

For more information, please visit <http://theprojectx.org>

The Allard K. Lowenstein International Human Rights Clinic is a Yale Law School course that gives students first-hand experience in human rights advocacy under the supervision of international human rights lawyers. The Clinic undertakes litigation and research projects on behalf of human rights organizations and individual victims of human rights abuses.

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MAY 2015



ALLARD K. LOWENSTEIN
INTERNATIONAL HUMAN RIGHTS CLINIC
YALE LAW SCHOOL

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Glossary of Terms

Cisgender: A term for individuals whose gender identity generally matches with that assigned for their physical sex. In other words, a person who does not identify as transgender.¹

Gender: A binary sociological construct defining the collection of characteristics that are culturally associated with maleness or femaleness.²

Gender Identity: How one perceives oneself – as a man, a woman, or otherwise.³

Girls: A colloquial term used to refer to fellow sex workers who are cisgender.

Sex Reassignment Surgery: Surgical procedures that change one's body to physically reflect a person's gender identity. This may include different procedures, including those sometimes also referred to as "top surgery" (breast augmentation or removal) or "bottom surgery" (altering genitals). There are many different available surgeries. These surgeries are medically necessary for some, but not all people want, need, or can have surgery as part of their transition.⁴ Terms such as "pre-operative" or "post-operative" refer to whether an individual who desires sex reassignment surgery has or has not yet completed surgery. "Non-operative" refer to individuals who do not desire surgery.

Sisters: A colloquial term used to refer to fellow sex workers who are transgender.

Transgender: An umbrella term for those individuals whose gender identity does not match with that assigned for their physical sex. In its general sense, it refers to anyone whose behavior or identity falls outside of stereotypical expectations for their gender. Transgender people may identify as straight, gay, bisexual, or some other sexual orientation. The term is sometimes shortened as "trans."⁵

1 *LGBT Glossary*, JOHNS HOPKINS UNIV., <http://web.jhu.edu/LGBTQ/glossary.html> (last visited Jun. 8, 2014).

2 *Id.*

3 *Id.*

4 *Transgender Terminology*, NAT'L CTR. FOR TRANSGENDER EQUALITY, http://transequality.org/Resources/TransTerminology_2014.pdf (last visited Jun. 8, 2014).

5 *LGBT Glossary*, JOHNS HOPKINS UNIV., *supra* note 1.

Summary

“More than ten times, police have stopped me and taken photos. They probably go back to the station and laugh about it. They only do this to transgender girls.”

—Transgender sex worker, March 19, 2014

“The first time they [the police] had a bamboo stick. They threatened me, pulled my hair, telling me, ‘How much is the price? Tell us the price.’ Of course, with a bamboo stick, pulling my hair, I had to tell them the price.”

—Transgender sex worker, March 19, 2014

“They [the police] tried to search me because of condoms in my bag. I said I have them for my own safety and I need these for my boyfriend so I have to use them. . . . They said evidence is in your bag. I didn’t want them to charge me. . . . I’m sometimes worried. If there is an operation I just throw them away.”

—Transgender sex worker, March 20, 2014

Transgender persons in Singapore are an acutely vulnerable population. They encounter strong pressures to conform to societal norms and can receive little support from their families. They are isolated within the school system, and confront discrimination in the job market. With few other opportunities, many transgender women enter the sex trade. From the pubs and cafes of Geylang to the Orchard Towers shopping complex to the Changi Village and Woodlands parking lots to online message boards, a significant number of sex workers are transgender women. And while the government has chosen to authorize the licensing of certain brothels, it categorically bans pre-operative or non-operative transgender women from this system, therefore subjecting them to the full brunt of the criminal law. This ban has greatly exacerbated the myriad challenges that transgender individuals who engage in sex work face.

This report details abuses faced by transgender sex workers in Singapore and provides recommendations on how the Singaporean government can address such violations. In order to gather this information, a team of students from the Lowenstein International Human Rights Clinic at Yale Law School interviewed twenty-six transgender sex workers in March 2014, as well as twelve individuals with expertise in sex work issues, including lesbian, gay, bisexual, and transgender (LGBT) activists, scholars, NGOs, and workers at health clinics.

Criminalization produces lasting difficulties in the realms of healthcare, employment, safety, and financial security, depriving transgender sex workers of the protections afforded by licensed brothels. Moreover, they are often subject to abuse by the police, such as cursing or taunting, excessive force during arrests, and in at least one documented case, rape. As a persistently marginalized population deemed to be criminals under the law, these women have no recourse to protect themselves against, or seek redress for, such incidents. Criminalization thus facilitates police mistreatment of vulnerable communities, a problem that has reached new heights with the influx of migrant transgender sex workers.

The abuses described in this report violate a number of human rights, which sex workers—like all other persons—are guaranteed under domestic and international law; in particular, state actions contravene the rights to liberty and security of the person, health, education, work, non-discrimination, and human dignity. These rights are widely recognized under international law, and enshrined in multiple international instruments. Singapore's constitution likewise safeguards fundamental rights that are routinely denied to transgender sex workers.

In addition to breaching both international and domestic norms, state targeting of the transgender community runs contrary to the inclusive principles that define Singapore. With significant Malay, Chinese, and Indian populations, Singapore prides itself on diversity. This spirit has recently extended to certain long-marginalized groups, such as the country's gay and disabled populations. In contrast, current laws push transgender sex workers further and further towards the periphery.

To ensure sex workers fully enjoy their human rights, the Ministry of Health, the Ministry of Education, the Ministry of Home Affairs, and various branches of the Singapore Police Force—the entities most directly involved with sex work issues—should develop reforms that best enable transgender sex workers to meaningfully participate in Singaporean society.

Most importantly, Singapore should decriminalize sex work. Decriminalization would remove all current laws that criminalize sex work; instead, the same laws applicable to other forms of employment would govern. By lifting prohibitions on activities such as solicitation, living off the avails of prostitution, or operating a brothel, the state would eliminate key tools that facilitate abuses against sex workers and discourage them from seeking redress.

Decriminalization should be paired with other efforts to reduce transphobia and expand the options available to trans women. By prohibiting discrimination on the basis of gender identity and maximizing the accessibility of education, employment, health care, and housing, the government of Singapore can ensure trans women who do not wish to engage in sex work have viable alternatives available to them. Together, these policy changes would achieve

several objectives referenced above: better compliance with domestic law and human rights instruments; improved health, economic, and security outcomes; and realization of the inclusive ideals to which Singapore aspires.

Singapore currently informally tolerates cisgender sex workers and grants “yellow cards” to post-operative transgender and migrant sex worker applicants. The government should immediately act to allow pre- or non-operative transgender sex workers equal access to the yellow card system. Furthermore, in order to address the problematic ambiguity and pseudo-legality of the current system, Singapore should publicly clarify how it regulates brothels. Providing clear guidelines can help lessen arbitrary abuses and ensure that sex workers are able to seek redress. In combination with a longer process of decriminalization, such interim reforms will help remedy the abuses detailed in this report.

I. Introduction

With significant Malay, Chinese, and Indian populations, Singapore prides itself on inclusivity. In recent years, this spirit has extended to certain long-marginalized groups. Although the government initially opposed LGBT pride events, for example, it has since relaxed these policies. Pink Dot, a massive open-air gathering for LGBT Singaporeans and allies, now takes place annually in Hong Lim Park. Thousands of participants, all dressed in pink, throng together to form a “pink dot,” conveying their solidarity with the gay rights movement. Pink Dot has grown increasingly popular following its inception in 2009.⁶ Meanwhile, the recent LivEnabled campaign raised awareness about the difficulties confronted by persons with disabilities in Singapore, facilitated greater access to healthcare services, and accompanied Singapore’s decision to sign on to the United Nations Convention on the Rights of Persons with Disabilities (CRPD).⁷ This burgeoning atmosphere of inclusivity, however, has yet to encompass transgender individuals, a community that has been left behind.

Transgender persons in Singapore are an acutely vulnerable population. As detailed in the latter sections of this report, such individuals are often neglected or pressured by families, isolated within the school system, and discriminated against in the job market. Existing on the margins of society, many transgender women enter the sex trade. From the pubs and cafes of Geylang to the Orchard Towers shopping complex to the Changi Village and Woodlands parking lots to online portals like Craigslist, a significant number of sex workers are transgender women. And while the government has chosen to authorize the licensing of certain brothels, it categorically bans pre-operative (pre-op) or non-operative (non-op) transgender women from this system and therefore subjects them to the full brunt of the criminal law. This legal and administrative framework has greatly exacerbated the myriad challenges that the transgender community faces.

Criminalization produces lasting difficulties in the realms of healthcare, employment, safety, and financial security, depriving transgender individuals of the protections afforded by licensed brothels. Moreover, as reported during interviews, transgender sex workers are often subject to abuse by the police, such as cursing or taunting, excessive force during arrests, and in at least one documented case, rape. As a persistently marginalized population deemed to be criminals under the law, these women have no recourse to protect themselves against, or seek redress for, such incidents. Criminalization thus facilitates police mistreatment of vulnerable communities, a problem that has reached new heights with the influx of migrant transgender sex workers.

6 Tom Benner, *Gay Culture Gaining Momentum in Singapore*, AL JAZEERA (June 3, 2013), <http://www.aljazeera.com/indepth/features/2013/05/2013528124519968381.html>.

7 Emily Lim et al., *AWARE Applauds State’s Signing of the CRPD*, AWARE.ORG (Dec. 4, 2012), <http://www.aware.org.sg/2012/12/aware-applauds-states-signing-of-the-crpd>.

Though current laws push transgender sex workers to the margins of society, the government has the tools at its disposal to recognize them as full and equal citizens. The targeting of already marginalized groups runs contrary to the principles of diversity and inclusivity that have defined Singapore in recent times. The Ministry of Health, the Ministry of Education, the Ministry of Home Affairs, and various branches of the Singapore Police Force—the entities most directly involved with sex work issues—should develop reforms that best enable transgender sex workers to meaningfully participate in Singaporean society. As the accounts in this report make clear, transgender sex workers need and deserve the protection, not the persecution, of the state.

II. Methodology

This report is based on research conducted in Singapore in March 2014 by a four-member team. In order to gather the information presented in this report, our team interviewed twenty-six sex workers. We interviewed sex workers in all of the main sex industry areas in Singapore, including Geylang, Desker Road or Little India, Changi Village, Woodland Gardens, and Orchard Towers. The majority of our interviewees – twenty-three of the twenty-six – were Singaporean transgender women sex workers. We also interviewed one cisgender Singaporean sex worker and two migrant transgender women sex workers. No sex workers who identified as men were interviewed for this report. Two interviews were conducted in a group setting with two to three interviewees each, and the rest were individual interviews. Interviews lasted twenty to sixty minutes each.

All interviewees were informed that their statements would be confidential, and the names and identifying details of all sex worker interviewees are therefore absent from this report. Interviewees were also told the purpose and goals of the report, and reminded that their participation was voluntary and they could stop the interview at any point in time. All sex worker interviewees provided oral consent to be interviewed and quoted anonymously. In order to maintain anonymity, this report refers to interviewees by numbers assigned to interview notes. The two group interviews cited below—Interview 4 and Interview 8—contain accounts of multiple interviewees.

We interviewed all of the women during working hours, between 8pm and 3am, and compensated them with dinner or a nominal sum for their time. In one instance, we employed a sex worker to serve as a translator for a migrant sex worker who spoke Chinese. A Project X volunteer also translated between Malay and English during one interview. We were connected with our interviewees in numerous ways, primarily through Project X, representatives from other non-governmental organizations, and sex workers who we had interviewed previously. Additionally, we were able to approach sex workers without a direct introduction by explaining our project to them and inviting them to participate.

There may be a self-selection bias in the sample of women we interviewed, in that only those women who chose to share their stories with us are included in this report. It might be the case that women who did not feel comfortable speaking with us, or who were not made aware of our presence by the team or other sex workers, have different experiences and perceptions than those with whom we spoke.

In addition to interviewing twenty-six sex workers, we conducted twelve interviews with LGBT activists, scholars, subject-related NGOs and health clinics to gain specialized background knowledge for the purposes of this report. Some of the experts we interviewed are anonymized in the report to protect their identities. Their interviews are numerically indicated as “NGO Interviews 1-12.”

We also contacted police officers from several police stations, the public affairs department of the police, doctors and administrators of the Department of Sexually Transmitted Infections Control (DSC) Health Clinic, and officials at the Ministry of Home Affairs in person, by phone, and by email. Although we were occasionally encouraged to submit written inquiries—and we did so—we received no response.

III. Laws and Policies on Sex Work in Singapore

Using criminal laws and policies to regulate sex work pushes transgender sex workers further into the margins. The vagueness of Singapore’s criminal prohibitions on sex work increase fear and uncertainty and embolden police officers, clients, and others to abuse or take advantage of sex workers. Although government officials have publicly stated that the sale of sex is not technically illegal in Singapore,⁸ several laws criminalize many of the related activities that sex work involves, such as solicitation, operating a brothel, and living on the earnings of prostitution.⁹ They provide law enforcement officials with a range of provisions to use, often arbitrarily, to detain and punish sex workers and those who support them. While many of Singapore’s laws are laudably aimed at protecting those who do not knowingly or consensually engage in sex work, the laws also criminalize the actions of those who do voluntarily engage in sex work, thereby deterring sex workers from seeking assistance or support from law enforcement. In practice, the scope and vagueness of these laws makes their enforcement extremely unpredictable, and law enforcement personnel thus enjoy broad discretion to selectively target migrants, transgender women, and other vulnerable groups.

A. Laws

A number of laws in Singapore effectively criminalize sex work, either by explicitly banning aspects of sex work or by giving police broad discretion to enforce vague or overbroad laws against sex workers. Under these laws, transgender sex workers may face steep fines or prison sentences, and are vulnerable to even harsher punishments if their legal gender is male or they are migrant workers.

Singaporean law contains a number of prohibitions that pertain specifically to sex work. The Miscellaneous Offenses (Public Order and Nuisance) Act, for example, restricts street-based sex work by prohibiting solicitation in public spaces,¹⁰ and prohibits the operator of a place of public entertainment or public resort from “knowingly permit[ting] prostitutes . . . to assemble or continue in or upon his premises.”¹¹ A separate provision of the Act singles out sex workers and imposes a disorderly conduct law on them alone; it states that “every common prostitute wandering in any public road or place of public resort and behaving in a

8 Ho Peng Kee, Senior Minister of State, Ministry of Home Affairs Committee of Supply Debate: Striking a Balance (Feb. 5, 2009), https://www.mha.gov.sg/news_details.aspx?nid=MTM2OQ%3D%3D-%2Fv%2FKQ2xLxwk%3D (“As members are aware, prostitution is not an offence in Singapore. We recognise that it is not possible to eradicate it and forcing it underground will lead to the greater likelihood of involvement by triads and organised crime, the trafficking of women, and public health risks.”).

9 The Supreme Court of Canada recently struck down Canada’s criminal prohibitions of solicitation, operating a bawdy house, and living on the avails of prostitution. The Court found that these measures violated the fundamental rights of sex workers by increasing the precariousness of their work and placing them at greater risk of bodily harm. *See* Canada v. Bedford, 2013 SCC 72.

10 Singapore Miscellaneous Offenses (Public Order and Nuisance) Act, Sec. 19. The punishment for first offenses is a \$1000 fine, and subsequent offenses are punishable with a \$2000 fine, up to six months in prison, or both.

11 Singapore Miscellaneous Offenses (Public Order and Nuisance) Act, Sec. 24. The punishment is a \$2000 fine or imprisonment for up to three months, and the forfeiture of any license for the premises.

disorderly or indecent manner” faces a fine or even imprisonment.¹²

Restrictions on brothel-based sex work are primarily contained in Singapore’s Women’s Charter, which pertains to offenses against women and girls.¹³ The law prohibits living on or trading in prostitution and operating a place of assignation or a brothel. Any person “who knowingly lives wholly or in part on the earnings of the prostitution of another person” is subject to a fine and imprisonment.¹⁴ Any subsequent offenses are also punishable by caning.¹⁵ The law also prohibits keeping, managing, or assisting in the management of a place of assignation, where people might meet to engage in sex,¹⁶ or a brothel, where sex workers operate on a more permanent basis.¹⁷

Finally, the Women’s Charter broadly prohibits the procurement or purchase of sex.¹⁸ It outlaws “buy[ing] or hir[ing] or otherwise obtain[ing] possession of any woman or girl with intent that she shall be employed or used for the purpose of prostitution” or “procur[ing] any woman or girl to have either within or without Singapore carnal connection except by way of marriage with any male person or for the purpose of prostitution.”¹⁹

Other laws are sufficiently vague or overbroad that police can use them at their discretion to harass and arrest sex workers. The Miscellaneous Offenses (Public Order and Nuisance) Act, for example, prohibits loitering in public spaces, a vague standard that can easily be used to target street-based workers.²⁰ Singapore’s Penal Code also criminalizes a similarly amorphous range of conduct.²¹ For example, the law prohibits “any obscene act in any public place” and the utterance of “any obscene song, ballad or words in or near any public place.”²² Due to its vague, overbroad wording, this provision can be applied as though it were an anti-solicitation law.²³

12 Singapore Miscellaneous Offenses (Public Order and Nuisance) Act, Sec. 26. The punishment is a \$1000 fine or imprisonment or up to one month imprisonment.

13 See *infra* Part XI.

14 Singapore Women’s Charter, Sec. 146(1). The punishment is a \$10,000 fine or imprisonment for up to five years.

15 Singapore Women’s Charter, Sec. 146(2).

16 Singapore Women’s Charter, Sec. 147(1)-(2). Section 147 states that any person “who keeps, manages or assists in the management of a place of assignation” is subject to a \$3000 fine, imprisonment for up to three years, or both, with repeat offenses heightening the punishment to a \$10,000 fine, imprisonment for up to five years, or both. If the place of assignation is a club or place of public resort, the punishment is a \$5000 fine, up to five years in prison, or both, with any subsequent offenses punishable by a \$15,000 fine, up to ten years in prison, or both.

17 Singapore Women’s Charter, Sec. 148. If a person “keeps, manages, or assists in the management of a brothel,” they face a fine of \$3000, three years in prison, or both, with subsequent punishments increasing to a \$10,000 fine, five years in prison, or both.

18 Singapore Women’s Charter, Sec. 140.

19 Singapore Women’s Charter, Sec. 140. These offenses are punished as harshly as detaining, threatening, or intimidating women for the purposes of prostitution, with a fine of up to \$10,000 and up to five years in prison. Any subsequent offenses are also punishable by caning. The law also aims to curb sex trafficking, but does so through provisions that punish equally those who bring women into Singapore to work knowingly and voluntarily in sex work and those who bring women into Singapore involuntarily or under false pretenses. See Singapore Women’s Charter, Sec. 141(1). The law states that anyone “who buys, sells, procures, traffics in, or brings into or takes out of Singapore” any woman is subject to punishment. The punishments apply whether or not the woman knowingly or voluntarily enters the country; they are identical to the punishments for importing women under false pretenses, which is independently prohibited under Section 142.

20 Singapore Miscellaneous Offenses (Public Order and Nuisance) Act, Sec. 19. The punishment for first offenses is a \$1000 fine, and subsequent offenses are punishable with a \$2000 fine, up to six months in prison, or both.

21 Many of the provisions of the Penal Code, see, e.g., Singapore Penal Code Secs. 372, 373, 373A, 376, 376A, 376B, 376C, 376D, 376E, 376F, are designed to protect minors, persons with disabilities, trafficked women, and victims of sexual assault. These are distinct from those provisions that criminalize adult sex workers who engage in sex work of their own volition, which are the focus of this report.

22 Singapore Penal Code, Sec. 294.

23 See *Current Legal Framework: Prostitution in Singapore*, INTERNATIONAL MODELS PROJECT ON WOMEN’S RIGHTS (IMPOWR) (Sept. 14, 2012), <http://www.impowr.org/content/current-legal-framework-prostitution-singapore>. Section 294 is expansive enough that it can be used when proof of other relevant offenses might be lacking. For example, Tan Eng Hong, a man who was

Pre- or non-operative transgender women may also face prosecution under the Penal Code's anti-sodomy provision. Section 377A prohibits "any act of gross indecency with another male person," and individuals who violate Section 377A face up to two years in prison.²⁴ The provision was introduced in 1938 to supplement Section 377, a law inherited from the British Empire that prohibited "carnal intercourse against the order of nature."²⁵ Unlike Section 377, Section 377A did not require a finding that oral or anal sex had actually occurred, and could be applied to a much broader range of intimate conduct. Parliament repealed Section 377 in 2007 but opted to keep Section 377A.²⁶ That provision has thus far survived challenges by gay men seeking to have the law declared unconstitutional.²⁷ This law has acute effects on many transgender sex workers. Singaporean law requires that transgender women undergo sex reassignment surgery to change their sex on their identification cards (ICs) and be recognized as women. Thus, if a pre- or non-op transgender woman is apprehended with a male client, she may be subject to additional punishment. In addition to the S\$1000 (approximately \$750 USD) fine for solicitation that any sex worker might face upon a first arrest, pre- or non-op transgender women face as many as two years in prison for violating Section 377A.

Migrant sex workers may face especially harsh punishment under Singaporean law.²⁸ The Immigration Act prohibits immigration by "any prostitute or any person who is living on or receiving or who, prior to entering Singapore, lived on or received the proceeds of prostitution," legally barring any current or former migrant sex workers from Singapore.²⁹ The standard practice is that, upon arrest in Singapore, foreign sex workers are deported and banned from the country for three years,³⁰ although the text of the law allows the government to refuse them entry indefinitely if they are known by the Singaporean government to be a sex worker.³¹

B. Policies

Although Singaporean law formally prohibits the operation of brothels, the reality on the ground is considerably more complex. Brothels operate in a state of semi-legality, and are in practice regulated by an administrative system about which little is known. One professional familiar with the system noted that:

arrested under Section 377A and brought a constitutional challenge against it, ultimately had his charge shifted to the more generic provisions of Section 294. See Michael Hor, *Enforcement of 377A: Entering the Twilight Zone*, in *QUEER SINGAPORE: ILLIBERAL CITIZENSHIP AND MEDIATED CULTURES* 45, 215 n.9 (Audrey Yue & Jun Zubillaga-Pow eds., 2012). Violation of the provision, which has been interpreted to include solicitation and the advertisement of sexual services in public, is punishable with a fine or up to three months in prison. See Singapore Penal Code, Sec. 294.

24 Singapore Penal Code, Sec. 377A.

25 See Alok Gupta, Human Rights Watch, *This Alien Legacy: The Origins of "Sodomy" Laws in British Colonialism* (2008), http://www.hrw.org/sites/default/files/reports/lgbt1208_web.pdf.

26 Mariko Oi, *Is Singapore's Stance on Homosexuality Changing?*, BBC (Apr. 22, 2013), <http://www.bbc.com/news/world-asia-22088852>.

27 Selina Lum, *Court of Appeal Rules that Section 377A that Criminalises Sex Between Men is Constitutional*, STRAITS TIMES (Oct. 29, 2014), <http://www.straitstimes.com/news/singapore/courts-crime/story/court-appeal-rules-section-377a-criminalises-sex-between-men-const>; Tessa Wong, *High Court Upholds Anti-Gay Sex Law, Dismisses Legal Challenge*, STRAITS TIMES (Apr. 9, 2013), <http://www.straitstimes.com/breaking-news/singapore/story/high-court-upholds-anti-gay-sex-law-dismisses-legal-challenge-20130409&>; NGO Interview 5, Singapore (Mar. 22, 2014); NGO Interview 11, Singapore (Mar. 21, 2014).

28 Part IV of this report discusses migrant sex work issues at greater length.

29 Singapore Immigration Act, Section 8(3)(e). Individuals living with HIV are also barred from the country, see Singapore Immigration Act, Section 8(3)(ba).

30 Interview 7; Interview 8.

31 Singapore Immigration Act, Section 8(3)(e).

Brothels in Singapore are not really legal. It's a very gray area thing. They're not supposed to exist, but they exist because if you don't kind of semi-legalize them, [HIV] rates will go up. But they're under the supervision of the anti-vice unit here, so they can kind of be regulated in that sense, and if there are any problems, police can come in.³²

Yet different sex workers have different access to brothel-based work. Because of 377A's ban on homosexual activity, pre- or non-op transgender women are not allowed to work in licensed brothels, and are only able to engage in street-based sex work. Post-op transgender women and migrant workers must apply for a yellow card in order to work in brothels subject to periodic health examinations. Every month, brothel-based workers must undergo testing for HIV and sexually transmitted infections (STIs).³³ They must pay out of pocket for the examination, which costs approximately S\$50 (approximately \$37 USD).³⁴ If they pass the health examination and are found to be free of HIV and other STIs, brothel-based workers have their yellow card stamped and are able to continue working.

The yellow card system operates in the shadow of the law. The government does not publicly acknowledge it and researchers from Project X and the Lowenstein Clinic have been unable to obtain any official written version of the policy from law enforcement personnel. According to interviewees, however, the system provides some modicum of legality to those migrant workers and post-op transgender women who successfully obtain a yellow card. Sex workers who are unable to do so—for example, because they are pre- or non-op transgender women, are living with HIV, or cannot afford the periodic health examinations—are limited to more precarious options. Such options typically include street-based sex work, Internet-based sex work, and work in massage parlors or karaoke bars, which do not enjoy the limited protection from police harassment, arrest, and punishment that the yellow card system provides.

* * *

The following sections detail some of the human rights violations that transgender sex workers in Singapore face. Laws and policies that criminalize transgender sex workers exacerbate these violations by stigmatizing sex workers; facilitating discrimination, harassment, and violence against them; and deterring them from seeking assistance from law enforcement personnel. Such a system not only violates the rights of sex workers, but also undermines public health strategies, diminishes the rule of law, and disrupts social harmony for all of Singapore's citizens.

32 NGO Interview 13, Singapore (Mar. 18, 2014).

33 HIV tests are required every three months, while STI tests are required monthly. See NGO Interview 13.

34 Interview 15.

IV. Police and Criminal Justice

A. Police Abuse

The uncertain status of sex work in Singapore and the variable enforcement of criminal laws lend themselves to abuse by police and law enforcement officials. With the power of the criminal law behind them, police have been able to engage in harassment, brothel raids, and physical and sexual violence with relative impunity. The transgender sex workers interviewed for this report also reported irregularities in arrest and detention procedures and a lack of responsiveness to their complaints. In many of these accounts, the disrespect that law enforcement personnel showed toward sex workers generally was accompanied by transphobic language, behavior, and targeting.

The women³⁵ interviewed for this report were subject to policing by a variety of law enforcement agencies: the Criminal Investigation Department (CID), anti-vice police, and the Central Narcotics Bureau. The level of enforcement has varied over time, and some agencies police certain areas but are largely absent from others. In Changi Village, for example, transgender women reported that police did not harass them, in part because they had ensured that migrant sex workers did not work in the area. By contrast, in Desker Road, transgender women reported routine harassment from the police, officers gluing shut padlocks that hung on brothel doors, and aggressive brothel raids. As their accounts suggest, the frequency and severity of enforcement that transgender women face depends on a range of factors, including the police officers on the beat, the neighborhood they are in, and the presence of migrant sex workers who might be targeted for arrest and deportation.

1. Harassment

In their patrols and interactions with sex workers, police officers engage in a number of forms of harassment. Much of this is based on sex workers' gender identity. As one post-op transgender woman stressed, even after changing the sex on her IC, police asked when she had her operation and challenged the sex that was listed on the card.³⁶ Interviewees in Woodland Gardens described similar humiliation; women who had not undergone sex-reassignment surgery said police would taunt them, purposely use the male name on their identity card (IC), and call out their male name when there were men around.³⁷ As one young transgender woman recounted: "The ones who don't like you, they throw sarcasm. They'll point to something heavy and say things like, 'I'm sure you're strong enough to put this back yourself.'"³⁸

³⁵ Unless otherwise specified, "women" should be understood to refer specifically to transgender women in the accounts that follow.

³⁶ Interview 7.

³⁷ Interview 4. All three of the participants in the group interview described instances of this behavior.

³⁸ Interview 4.

Transgender sex workers who had worked in Desker Road noted that the police were harsher to transgender sex workers than biologically female sex workers, and used terms like “fuck you” when transgender women were detained.³⁹ One interviewee was highly critical of the anti-vice squads, noting that “they treat us like we’re inhuman,” and “they treat the brothel workers very badly.”⁴⁰ Another said that “the police treat us like shit, and CID treat us also like shit.”⁴¹ She suggested, “I’d ask CID to be more respectful. Don’t call us ‘faggot’ or the male name on our ID. Once we’re in these clothes, we’re women. The CID are very rude. Sometimes they come to the room, they use vulgar words. You’re CID, you’re not a hooligan.”⁴²

Police arbitrarily detain transgender women by profiling them as sex workers, even when they are not working. In the Desker Road neighborhood, interviewees reported that police regularly targeted tables of transgender women in cafes and told them that they did not want to see them around there.⁴³ When police search transgender women in these public venues, in the words of one sex worker, they “make you stand in front of people, making you look like a clown.”⁴⁴ One woman described being in Desker Road at a cafe for breakfast when police officers arrested her and put her in a detention cell for seven hours.⁴⁵

Police on multiple occasions stopped and photographed transgender sex workers, often refusing to tell the workers what the photographs were for.⁴⁶ Many of the interviewees for this report, including both Singaporean and migrant workers, recounted being repeatedly stopped and photographed.⁴⁷ As one woman recalled, “More than ten times, police have stopped me and taken photos. They probably go back to the station and laugh about it. They only do this to transgender girls.”⁴⁸ The practice of photographing transgender women humiliated them in front of others, asserting police control over their bodies and movement even when they were not actively engaged in sex work at the time.

2. Brothel Raids

Transgender sex workers in Desker Road in particular were subject to periodic brothel raids by the CID. Interviewees estimated that police patrol areas on a daily basis and stage formal raids approximately once or twice a year, and that raids happen shortly before police bonuses were issued.⁴⁹ As an Indian Singaporean interviewee recounted:

The last raid was one month back. They didn’t break into my room, they broke into the Malaysian’s room. They broke in, we ran away. [. . .] They broke in and arrested four sisters,⁵⁰ brought them back

39 Interview 8; Interview 18.

40 Interview 8.

41 Interview 14. The CID is a specialized division of the Singapore Police Force.

42 Interview 14.

43 Interview 7; Interview 19.

44 Interview 19.

45 Interview 7.

46 Interview 2; Interview 3; Interview 7; Interview 8; Interview 14; Interview 19.

47 Interview 15.5.

48 Interview 19.

49 Interview 19.

50 The term “sisters” refers to other transgender sex workers, while “girls” refers to cisgender sex workers.

to the station and the others escaped. They banned them for three years. For us, they bring us to the court.⁵¹

A Malaysian interviewee similarly recalled a raid last December:

Six sisters were deported. I was in Malaysia then, but I heard about it. I heard that the cops pretended to be customers. The girls opened the door. They pushed and all marched in, the rest all ran on the roof. They destroyed the furniture, trashed it. Last March, I heard one of the sisters from another place, they were trying to run to the roof—one fell and injured herself. She wasn't caught, but she had some injuries.⁵²

Although some raids were conducted in an orderly fashion, in many of the raids that interviewees described, officers swarmed a building, creating confusion, smashing furniture, shouting, and grabbing women. As the Malaysian interviewee quoted above recalled of the raids she had experienced, “When they come, they're not friendly. During the raids they shout and they're rough—not too rough—and at the station, they look nice again.”⁵³ The destruction of property was a common theme in interviews; as one transgender woman recalled, “every time they raid a brothel, they break the rooms, the air con, the cabinets, the toilets.”⁵⁴ She estimated that this happens three to four times a year.⁵⁵

When sex workers see CID approaching, they typically lock the door to the brothel to prevent raids from occurring. Recently, CID personnel have begun the dangerous practice of gluing the padlocks shut, trapping the women inside and forcing them to climb out through windows or rooftops.⁵⁶ Women cannot always get out of locked brothels; one interviewee recounted being locked into a room for twelve hours as a result of the practice.⁵⁷ Another estimated that the padlock on her brothel had been glued shut four times that she was present for in the past year alone, and more when she was not there.⁵⁸

As a result of police raids and regular intimidation, being indoors in an unlicensed brothel does not protect women from the charges that are typically brought against street-based sex workers. One Indian Singaporean sex worker recounted CID “breaking in the rooms, and when we're with customers, they take us to the station and say we're doing soliciting.”⁵⁹ Whether or not women are working on the street, they face raids, detention, and sentencing under the laws against sex work that remain in place in Singapore.

3. Violence

When being stopped, raided, or detained, transgender sex workers were subject to physical and sexual violence from police officers. As one recalled, “they pulled my hair and made

51 Interview 14.

52 Interview 15.5.

53 Interview 15.5.

54 Interview 8.

55 Interview 8.

56 Interview 8; Interview 10; Interview 17.

57 Interview 10.

58 Interview 8.

59 Interview 14.

me fall down because I was trying to run.”⁶⁰ Pulling hair was a common tactic when raiding brothels, but various interviewees also reported being hit, kicked to the ground, and struck in the back with handcuffs and bleeding, among other incidents.⁶¹ Physical force was used or intimidated during arrests as well. As one interviewee recounted: “The first time they [the police] had a bamboo stick. They threatened me, pulled my hair, telling me, ‘How much is the price? Tell us the price.’ Of course, with a bamboo stick, pulling my hair, I had to tell them the price.”⁶²

In addition to physical violence, police occasionally demanded sex from transgender sex workers; a transgender sex worker in Changi Village recounted a raid in Desker Road where her friend was apprehended: “The police made her suck, otherwise they would bring her back to the police station.”⁶³ A second woman in Desker Road recalled a similar incident in which a police officer brought her back to the police station, showed off his handcuffs, and reminded her that she had a record before driving her to a construction site and pressuring her for sex.⁶⁴ Another interviewee described a particularly graphic incident ten years ago, in which a police officer pulled his gun on her and her friend, sodomizing one and vaginally penetrating the other with the weapon.⁶⁵ This egregious instance of police abuse was the only one that any interviewee reported being addressed by police to their satisfaction; in this case, one of the women reported it and the officer was demoted.⁶⁶ The interviewees for this project often suggested that abuses were even worse ten years ago, when police violence was especially severe. Recollections of past violence continue to color transgender sex workers’ willingness to trust and rely on police for basic protection. These incidents, both in the past and in the present day, demonstrate the ease with which police officers can take advantage of transgender women who face criminal charges for engaging in sex work, and the relative impunity they enjoy when they do so.

4. Arrest and Detention

The fear of arrest was especially acute for migrant transgender sex workers, who interviewees agreed were more likely to face arrest and more severe penalties if arrested. Singaporean interviewees noted that if they saw CID coming, they would simply turn and walk away, while migrant sex workers voiced concerns about arrest by anti-vice and CID.

Even though Singaporean sex workers are less likely to be arrested than their migrant counterparts, routine search and detention procedures affect many types of sex workers in Singapore, as well as larger public health strategies.⁶⁷ Additionally, pre- or non-op sex workers

60 Interview 18.

61 Interview 8.

62 Interview 6.

63 Interview 3.

64 Interview 19.

65 Interview 17.

66 Interview 17.

67 The World Health Organization’s latest Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations – which include trans people and sex workers—recommend that states decriminalize sex work, ensure that trans people have access to gender affirming healthcare, and eliminate condoms-as-evidence policies. As the WHO notes, these steps are necessary to ensure the well-being of key populations and maximize public health outcomes. CONSOLIDATED GUIDELINES ON HIV PREVENTION, DIAGNOSIS, TREATMENT AND CARE FOR KEY POPULATIONS, WHO (2014), http://apps.who.int/iris/bitstream/10665/128048/1/9789241507431_eng.pdf?ua=1&ua=1

face threats of arrest under Section 377A, which can be applied against them for serving male clients even if they do not fall under other sex-work-related provisions.⁶⁸

The police have told service providers that they do not take condoms as evidence,⁶⁹ a practice that has been condemned as a violation of human rights and counterproductive for public health outreach.⁷⁰ Yet many transgender sex workers have been led to believe or are directly told by individual officers that condoms *do* constitute evidence, and think this to be true. Some believe that as few as one condom is enough to charge a woman with solicitation.⁷¹ Others believe that more than three condoms constitute proof of prostitution, but are careful to conceal them just in case.⁷² One transgender woman, who had been arrested multiple times, recalled:

They tried to search me because of condoms in my bag. I said I have them for my own safety and I need these for my boyfriend so I have to use them. They said the evidence was in my bag. I didn't want them to charge me. I'm sometimes worried—if there's an operation I just throw them away.⁷³

As one cisgender sex worker asserted, “foreign women, we can't carry any condoms. We cannot keep the condoms or the KY [lubricant]. They will sue us as a prostitute, for illegal prostitution.”⁷⁴ Police have seized condoms and lubricant as evidence during brothel raids; as one sex worker on Desker Road attested: “They just said, ‘Sit down. We don't need any more proof. The condoms are there. Go sit in the van.’”⁷⁵ Even when they do not seize condoms as evidence, police interrogate women about why they are carrying condoms, and in Changi Village, have seized condoms and stepped on them in the dirt, leaving transgender women unprotected or unable to work until morning.⁷⁶

Drug use among some sex workers also provided opportunities for entrapment and evidentiary tampering; one interviewee recounted how a Central Narcotics Bureau officer tried to get her to sell him drugs, and alleged that officers placed drugs on sex workers in order to justify their arrest.⁷⁷ With the stark power imbalance between transgender sex workers, who are both stigmatized and criminalized, and police officers, who are charged with enforcing Singapore's laws, questions of proof and allegations of wrongdoing are difficult for sex workers to effectively contest.

When arrested, transgender women often face additional humiliation. Pre- or non-op women face particularly harsh humiliation because their IC still identifies them as male; in one

68 One interviewee recounted an incident approximately two years ago where a Malaysian transgender sex worker was caught in a brothel and charged under Section 377A. The case was ultimately dropped because it was the wrong charge – she had undergone an operation and was a woman in the eyes of Singaporean law, meaning that she had not committed the underlying offense. It took two weeks of daily visits to the police, however, to clear her of the charge. Interview 7.

69 NGO Interview 8, Singapore (Mar. 20, 2014).

70 See *Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities*, Human Rights Watch (2012), http://www.hrw.org/sites/default/files/reports/us0712ForUpload_1.pdf.

71 Interview 7.

72 Interview 19.

73 Interview 18.

74 Interview 13.

75 Interview 6.

76 Interview 9.

77 Interview 13.

incident, a woman was put in handcuffs and leg chains before being made to march through the streets to the police station.⁷⁸ As a sex worker in Desker Road recounted, the police “use harsh words to intimidate, use handcuffs or cable ties and make you parade in public. Everyone looks and is in front of coffee shops on the way to the police station.”⁷⁹ Although police use patrol cars to bring most suspects to the police station, sex workers are made to go on foot with the police officer to demonstrate to the public that the police are cracking down.⁸⁰

Upon reaching the detention facility, transgender sex workers reported being ordered to strip in front of law enforcement. As one interviewee recalled, “the changing when they bring us up to court, it’s shameful.”⁸¹ One transgender sex worker from Desker Road described being ordered to strip naked for a male prison officer for a body check, in front of all the men in the prison.⁸² Another had her hair cut when she went to prison for a week—a normal procedure for inmates, but one that she thought they insisted upon just to upset her.⁸³ During one stint in prison, the woman was not allowed to take hormones or shave.⁸⁴ The prison officials can be physically rough when sex workers are detained as well. A sex worker in Desker Road described the body checks as aggressive, observing that “they pinch the nipples and twist the nipples.”⁸⁵

Finally, prison administrators placed transgender sex workers in a separate cell from other prisoners, who are segregated by gender.⁸⁶ As one recalled about her imprisonment in 2008, “they put me in the male prison, but I was not combined with the guys. Only with people like me.”⁸⁷ Another sex worker recalled being put in a cell marked “Catamite Cell,”⁸⁸ with *catamite*, a term for a receptive, pubescent boy in ancient Rome, being used as an antiquated and insulting term for transgender women. The safety of transgender women in prison should of course be paramount, but placing transgender women in gender-discordant prisons or labeling their cells with derogatory terms does not advance any legitimate goal. To the extent that detention takes place, it should be conducted in a gender-affirming and rights-respecting way.

5. Responsiveness and Redress

When transgender sex workers experienced violations by police officers, they reported feeling unable or unwilling to formally report them and seek redress. Often, violations were a product of police procedure—for example, stopping and photographing transgender sex workers, gluing padlocks, or raiding brothels. Even when individual officers, clients, or brothel owners committed abuses, however, sex workers were reluctant to seek help from

78 Interview 7.

79 Interview 19.

80 Interview 7.

81 Interview 14.

82 Interview 8.

83 Interview 17.

84 Interview 17.

85 Interview 8.

86 Interview 5; Interview 16; Interview 18.

87 Interview 3.

88 Interview 17.

police. The women interviewed for this report described a range of instances where reports were met with indifference or, worse, threats or retaliation against the complainant herself.

The police reactions to the complaints of transgender sex workers show insensitivity to attacks and harassment by clients. One woman bore a scar on her temple from an incident in 2005, when she rejected a client in Geylang who struck her with a pipe. When she reported the incident to the police, they blamed her, asking her why she'd been standing out on the street, telling her that she knew better, and warning her that they would administer a polygraph test if she insisted on pursuing the charge.⁸⁹ As one sex worker remarked:

I don't complain to the police because there's a lot of problems. The police will look for the brothel owner or another boss, and our boss is not supportive. [. . .] If customers beat me, then I can report to the police, but if other things—if a drunk man comes and molests me—I can't. The problem is with my boss. The boss doesn't allow it, doesn't want any trouble. Unless the customer beats us, we are not allowed to tell.

Although indifference to the claims of sex workers often made police intervention seem futile, transgender women also faced very real risks as a result of going to the authorities. One interviewee suggested that most people do not report abuse to the police for fear that they will be punished instead. She offered the example of a sex worker who complained about her client to the police and found herself charged with solicitation and put in prison for three months.⁹⁰ The refusal of police to show their badge numbers to sex workers allows this type of behavior to happen with impunity.⁹¹ However, even with a particular officer or incident to complain about, interviewees suggested that they were reluctant to lodge complaints because they expected that other officers or other divisions of the law enforcement apparatus would crack down in response.⁹² When sex workers did report incidents of physical or sexual assault to police, they were reluctant to fully explain what had happened for fear that their complaints would be dismissed or that they would face repercussions. Instead of explaining that a client had abused them, they would say, "I met this guy, and he was really violent."⁹³ Between police skepticism toward the claims that transgender sex workers brought to their attention and sex workers' fear that they themselves might be prosecuted instead of the perpetrators who physically or sexually assaulted them, the system regulating sex work greatly hampered the deterrence, investigation, and punishment of crimes committed against transgender sex workers.

When transgender women feel unable to report abuses to the police, it creates a climate where clients, brothel owners, and others can violate the rights of sex workers with impunity. The criminalization of sex work in Singapore and the stigma associated with the profession not only facilitate dehumanization and violation, but keep it from being reported and remedied. As long as police are inaccessible and unresponsive, abuse by clients, brothel owners, and others can continue unimpeded.

89 Interview 7.

90 Interview 7.

91 Interview 7.

92 Interview 8.

93 Interview 6.

B. Client Abuse

The stigma and criminalization that sex workers face exacerbates their vulnerability at the hands of clients.⁹⁴ A number of sex workers reported that conditions were especially bad approximately ten years ago, when abuse, beatings, and robbery were rampant.⁹⁵

Yet many abuses continue in the present day, particularly physical and sexual violence, pressure to have sex without a condom, and extortion for money or sex accompanied by threats to report women to the police.⁹⁶ Interviewees described clients who would “slap you,”⁹⁷ “press your breasts really hard,”⁹⁸ or “strangle, pin you down, and threaten you.”⁹⁹ One woman recalled that she had faced five or six incidents of very aggressive physical assault, including one where a man attempted to choke her to death and steal her bag.¹⁰⁰ Another, who worked in Changi Village, explained that “some guys, they drink, they’re really unstable, and then they cause trouble. Like they drink, they have abusive behavior, they don’t listen to what I say. . . . I just do what they say, make them cool down. I just agree to what they want.”¹⁰¹

In addition to physical abuse, transgender women also stressed the risk of sexual violence, with clients attempting rape and forcing sex.¹⁰² One young transgender woman recalled an incident she attempted to report to the authorities: “He was a man in a car, I got in, we drove off, and he said he was police. He said he’d charge me for soliciting. I said, ‘if you’re police, why are you alone?’ He said if I sucked him off, he’d let me go.”¹⁰³ The man took a wrench and threatened her, forcing her to engage in oral sex before robbing and leaving her. When she attempted to report the incident to the police with his license plate number—without divulging that he was a client—they said it was his story against hers, and that she was responsible for willingly getting in his car. As she recalls, “I was so scared that the client would twist and turn the story, and accuse me of soliciting, that I’d have to pay a fine.”¹⁰⁴ As a result, she dropped the claim.

Another recalled a customer who wanted oral sex without a condom; when she refused, “he was not happy and got aggressive, threatened me with gangsters and threw tissue paper on my face.”¹⁰⁵ She recounted that even in licensed brothels, where clients are supposed to use protection, customers sometimes take off their condoms without the women knowing, exposing them to STIs and HIV.¹⁰⁶ In Changi Village, another transgender sex worker described rape at the hands of a client who smothered her face with a pillow and slapped

94 In one high-profile case that an interviewee recounted, a pregnant sex worker was murdered by her client after asking him for more money. In September 2008, Thayagarajah Radika Devi, a twenty-one year old sex worker from Sri Lanka, was suffocated to death, and her body was found under a mattress in a hotel room. See Zaihan Mohamed Yusof, *Pregnancy, Violence are Just “Job Hazards,”* NEW PAPER (Singapore), Jan. 19, 2010, <http://news.asiaone.com/News/The+New+Paper/Story/A1Story20100118-192694.html>.

95 Interview 13.

96 Interview 13.

97 Interview 8.

98 Interview 8.

99 Interview 5.

100 Interview 5.

101 Interview 3.

102 Interview 6.

103 Interview 4.

104 Interview 4.

105 Interview 19.

106 Interview 19.

her. She concluded that in these situations, it was easier to let go and acquiesce to the client's demands than to fight.¹⁰⁷

When faced with violence from clients, interviewees recognized the danger they were in. Many of them stated that they would try to calm clients down and would encourage clients to take back their money as a way of ensuring their safety.¹⁰⁸ Although this was particularly true of street-based sex workers who did not have support personnel to turn to, it was also true of brothel-based sex workers, who faced unique challenges of their own.

C. Brothel Abuse

In certain areas of Singapore, like Woodland Gardens, Changi Village, or Orchard Towers, sex work is primarily street based.¹⁰⁹ Other areas, like Geylang and Desker Road, feature a mix of street-based and brothel-based work. Those pre-op and non-op women who do not qualify for yellow cards typically work in unlicensed brothels that are subject to police raids, discussed below. Post-op women can work in licensed brothels under the yellow card system.

A number of transgender sex workers voiced a desire for the option to work in a licensed brothel, believing this would eliminate some of the uncertainty and insecurity of street-based work. Others, particularly those who had worked or were working in brothels, highlighted the difficulties that transgender women often face even within brothels.

First, the brothels where interviewees worked operate on a regulated schedule and fee system, which limits sex workers' independence, takes a portion of their earnings, and circumscribes their ability to work or not work when they desire. The brothels described by interviewees charged for their rooms, with fees ranging from S\$5 to S\$8 (approximately \$4 to \$6 USD) per customer. The brothel workers were also expected to pay for their own lubricant, condoms, tissues, and other supplies.¹¹⁰ In one brothel, workers only got four days a month off from work, and if employees took more time than that, they had to pay fines for the additional days – the fines began at S\$60 (approximately \$45 USD) per day, then escalated to S\$70 (approximately \$52 USD).¹¹¹ For migrant workers who want to visit their families, these regulations can be prohibitive.¹¹² As one brothel-based worker noted, licensed brothels offer some protection from police, but women are charged on a per time basis, lose a cut of their earnings to the brothel owner, have no medical benefits, pay for their yellow card checkups, and work long hours. As she described it, “We work like machines.”¹¹³

Second, brothel employees are not always able to seek help and assistance from the other women they work with. One brothel-based sex worker described some of the difficult internal

107 Interview 12.

108 Interview 5; Interview 6; Interview 14.

109 Orchard Towers is something of a hybrid space; although many sex workers meet clients in the clubs and operate inside the mall, transgender sex workers primarily work on the street outside Orchard Towers and accompany clients to nearby hotels.

110 Interviewees listed their supplies to illustrate that the costs include more than merely condoms, which sex workers might get for free from various public health NGOs. Lubricant in particular is something that many trans sex workers globally need and that is often not provided by governments. Thus, it is often more expensive and difficult to obtain than condoms.

111 Interview 7.

112 Interview 8.

113 Interview 7.

dynamics of the licensed brothel where she worked. When confronted with abuse from clients:

The brothel owner doesn't really care. It's a case of, "you take your own bad customer. I don't want any problems." We have to fend for ourselves. Sometimes the boss requests the money back. If I don't give them the money they threaten to take it to the police. Some customers never fully discharge . . . and they ask for their money back. They threaten to tell the brothel owner or the police. In such cases I give the money anyway because I'm afraid of repercussions from the brothel or police.¹¹⁴

One woman in Desker Road recounted a story from her friend, a transgender sex worker whose vagina was injured by a violent client. When she complained to the brothel owner, that owner said she didn't even think transgender women *could* be injured vaginally, and said that their vaginas were made of plastic.¹¹⁵ Although licensed brothels in particular were often cited as safer working spaces by interviewees,¹¹⁶ many also cited examples like these to illustrate that the owners and employees of the brothel were not always helpful or responsive to the difficult conditions they faced.¹¹⁷

Third, some interviewees suggested that obtaining a yellow card is difficult.¹¹⁸ One migrant sex worker who did not have a yellow card described the process as "impossible" for non-Singaporeans, recounting how her friends had applied, faced a barrage of questions from the anti-vice unit of the police, and been rejected.¹¹⁹ For migrants and transgender sex workers, the interview and process of obtaining a yellow card was not always possible, even when they preferred to shift to brothel-based work.

Finally, street-based work could at times be safer than working in unlicensed brothels. As one woman who had formerly worked in an unlicensed brothel noted, "outside, there is nothing—outside is safer than inside the room."¹²⁰ Working in unlicensed brothels meant that women were subject to police raids, and unable to foresee danger or escape as easily as they might on the street. As described above, unlicensed brothels are often targets for police raids that inflict verbal, physical, and sexual violence on the women working within them.

Under these conditions, not all women saw brothels, and especially unlicensed brothels, as an attractive option. Many preferred to remain in street-based work because of the relative flexibility and community it offered,¹²¹ or because of their perception that the street was safer than the confines of an unlicensed brothel.¹²² A number of the street-based workers interviewed for this report also stressed that they valued their freedom, and did not want to be pressured to comply with the arbitrary rules, schedules, and demands of the brothel owner

114 Interview 15.

115 Interview 7.

116 Interview 1; Interview 8; Interview 16; Interview 20; Interview 21.

117 Interview 7; Interview 15; Interview 19.

118 Interview 8; Interview 15.5.

119 Interview 15.5.

120 Interview 16.

121 Interview 8; Interview 16; Interview 17; Interview 19.

122 Interview 16.

or their customers.¹²³ This was perhaps particularly true for pre- or non-op transgender women who are not able to work in licensed brothels; in unlicensed brothels, the lack of oversight and a strong hierarchical system means that owners are free to set arbitrary rules and fine and punish employees as they see fit.

D. Migrant Sex Workers

Migrant sex workers face particular challenges in Singapore. On a broader scale, migrants across the professions encounter societal resentment because of the perception that they are stealing jobs from locals.¹²⁴ Exacerbating this inhospitable environment, the Singaporean government offers migrant workers little protection. Individuals who file compensatory claims, for example, are often subject to forced repatriation. Upon hearing about a pending complaint, employers have unilateral discretion to blacklist workers, revoke their work permits, and send them home, actions that would be impermissible in the case of a wronged Singaporean employee.¹²⁵ This unequal treatment and vulnerability to exploitation likewise manifests itself in the sex work context, with the police targeting unlicensed migrant sex workers more frequently than their Singaporean counterparts.

Singaporean sex worker interviewees consistently noted that over the past ten years, police have gradually stopped enforcing sex work laws against unlicensed locals. One sex worker in her late thirties, for example, stated, “the situation has gotten better because they let Singaporeans go. They never charge in Changi, Geylang, Orchard, never charge a Singaporean—they know they’d complain if they started to do that.”¹²⁶ Another longtime sex worker said, “Singaporeans are not the main target . . . they usually don’t come after Singaporeans in comparison to Malaysians . . .” One woman who works in Geylang reported that recently, instead of arresting her for unlicensed prostitution, police requested information about the location of Malaysian and Thai sex workers.¹²⁷ A former sex worker similarly observed that Singaporean women in Changi Village drive out migrants because “foreigners” will attract police attention.¹²⁸ As a result, Changi Village now operates virtually free from police harassment. Inequitable police enforcement only heightens the vulnerability of the migrant worker population; as individuals already struggling with an unfamiliar landscape and lacking a strong support system, they have “less power or standing” to negotiate the difficult terrain of sex work.¹²⁹ Furthermore, as the focal point of police activity, the migrant sex worker population is subject to higher levels of abuse, both verbal and physical.

123 Interview 16; Interview 17.

124 See NGO Interview 6, Singapore (Mar. 19, 2014).

125 Interview 4.

126 Interview 8.

127 Interview 13.

128 NGO Interview 2, Singapore (Mar 22, 2014).

129 Interview 19.

1. Background

According to one public health expert, migrant sex workers in Singapore generally hail from Malaysia, Thailand, the Philippines, and Vietnam.¹³⁰ A significant Eastern European population works in Orchard Towers and caters to wealthier clientele.¹³¹ As stated by multiple interviewees, most of these individuals arrive on short-term social visit passes, which prohibit them from any type of work.¹³² After exhausting their extensions, they then either overstay or return to their home countries to get new passes.¹³³ The police generally charge migrant sex workers with an administrative violation—for overstaying or engaging in work—and not for the criminal offense of unlicensed prostitution.¹³⁴ Migrants can also apply to work in a licensed brothel through the yellow card system. Foreign pre-op and non-op transgender individuals, however, are excluded from this system and thereby face prosecution under both immigration and criminal law.

Migrant sex workers face an environment of prejudice and ignorance. Interviewees consistently reported that the police treat migrant sex workers with less respect than Singaporeans. One woman who works in Geylang, for example, stated, “the local and foreign girls are very different . . . They are quite polite to us . . . their tone is different when they talk to us or them.”¹³⁵ Police commonly reprimanded interviewees, for example, to return to their home countries and leave Singapore.¹³⁶ The Geylang interviewee also noted that police were willing to uncuff Singaporean arrestees before driving them to the station but kept their migrant counterparts shackled the entire time.¹³⁷ Once at the station and under interrogation, disrespect often continues to color the interaction. One Vietnamese woman arrested in March 2014 commented, “I am a foreigner, not a local, so maybe the police are not as friendly to me as to Singaporeans. When I went to the police station, the police treated me like a joke, like a clown, with no respect. I didn’t feel happy.”¹³⁸

2. Stops and Spot Checks in the Street

Migrant and Singaporean interviewees alike stated that foreign sex workers were more frequently subjected to street questioning and searches. As one Singaporean sex worker commented, police “rarely spot check Singaporeans.”¹³⁹ A Malaysian transgender sex worker reported being stopped and interrogated by police twice while in public despite the absence of evidence that she was a sex worker.¹⁴⁰ The policeman asked “where she was from” before proceeding with other questions.¹⁴¹ Police stops are more common in certain areas. In a

130 NGO Interview 13.

131 See NGO Interview 13.

132 See Interview 21; NGO Interview 4, telephone interview (Mar. 31, 2014); NGO Interview 13.

133 See Interview 1; Interview 15.5; NGO Interview 4.

134 See NGO Interview 4.

135 Interview 13.

136 See Interview 8.

137 Interview 13

138 Interview 22.

139 Interview 8.

140 Interview 15.5.

141 Interview 15.5.

group interview, Singaporean transgender sex workers observed that in Geylang and Desker Road, for example, Malaysian workers are "treated much worse," whereas in Orchard Towers spot checks are rare.¹⁴² Because of these selective enforcement practices, migrant sex workers sometimes feel especially unsafe carrying condoms and KY lubricant in their bags.¹⁴³ As described above, interviewees worried that police would either throw the condoms away or use them as evidence in later prosecutions, which placed migrant interviewees at the added risk of deportation.¹⁴⁴ The random street stops of migrant sex workers thus also create health risks, deterring migrant sex workers from adhering to safer-sex practices.

3. Raids

In addition to spot checks, migrant and Singaporean interviewees reported that foreign sex workers were at greater risk for police raids and concurrent abuse. As characterized by a Malaysian sex worker, "Singaporeans don't face it too bad – the police don't care about Singaporeans."¹⁴⁵ While most Singaporean interviewees had not experienced police raids within the past several years, many reported hearing about or witnessing firsthand fairly regular brothel raids targeting migrant workers during the same period.

Interviews with migrant workers affirmed this assessment. One young Malaysian sex worker, for example, was involved in a 2012 raid of a Malaysian brothel.¹⁴⁶ In her words, the CID officer "held my throat to say don't shout."¹⁴⁷ According to this interviewee, such physical abuse is common during raids, as police "usually hold many places, on arm, head or hair."¹⁴⁸ She has been arrested in raids six times since coming to Singapore in 2009: four times by anti-vice and twice by CID.¹⁴⁹ Most recently, she had heard about the raid occurring in December of 2013, described above.¹⁵⁰ Though she was in Malaysia at the time, word of the raid spread because the cops smashed all of the furniture and destroyed the room.¹⁵¹ Another Malaysian sex worker reported similar police misbehavior in a 2014 raid on a migrant brothel. The CID officers involved "smashed" the rooms.¹⁵² In addition to the above incidents, this interviewee has encountered physical abuse during raids. In one incident ten years previous, a police officer swung handcuffs and struck her in the back, causing her to bleed.¹⁵³ Workers are also particularly vulnerable to injury during raids; as the account of the December 2013 raid illustrates, they often fall while attempting to escape through back windows or run away on the rooftops. One of the first Malaysian interviewee's friends was hurt in just this scenario.¹⁵⁴

142 Interview 8.

143 See Interview 13.

144 See Interview 13; Interview 8.

145 Interview 8.

146 Interview 15.5.

147 Interview 15.5.

148 Interview 15.5.

149 Interview 15.5.

150 Interview 15.5; see *supra* note 47.

151 Interview 15.5.

152 Interview 8.

153 Interview 8.

154 Interview 15.5; see *supra* note 47.

4. Deportation

Migrant workers face severe consequences for engaging in sex work. Unlicensed Singaporean sex workers pay fines the first several times they are arrested. Penalties for solicitation, for example, start at 1000 dollars.¹⁵⁵ Migrant workers, on the other hand, are banned for three years after just one arrest; foreign arrestees are sent to police headquarters and then to immigration, where their passports are stamped.¹⁵⁶ While this ban formerly lasted for one year, CID recently lengthened the prohibition.¹⁵⁷ As one Indian Singaporean sex worker emphasized, because the offense is on the individual's record, it can functionally serve as a life ban.¹⁵⁸

The anti-vice unit arrested a Vietnamese interviewee in March 2014.¹⁵⁹ Though she never offered the police a price, as required for a valid solicitation arrest, the officers threatened that they would “force” her back to Vietnam or imprison her as a prostitute.¹⁶⁰ While under interrogation at the police station, she maintained that she had not committed a crime.¹⁶¹ The officers, however, would not listen to her and told her that denials would “do no good.”¹⁶² She eventually “couldn't take it,” signed the requisite immigration papers, and received a three to five year ban.¹⁶³ She was scheduled to be deported the morning after our interview.

Current deportation practices give rise to abuse. Police officers, for example, force migrant workers who are deported to buy their own plane tickets home.¹⁶⁴ This system facilitates sex work, as the police permit a delayed departure so that arrestees can raise the necessary funds to buy a ticket. Perhaps predictably, they do this by returning to the street, where they are more likely to make decisions they otherwise would not make—regarding clients, locations, and safer sex practices, for example—in order to quickly raise funds.¹⁶⁵ Furthermore, because of the severity of multi-year immigration bans, migrant workers are often frightened to report instances of abuse by clients, brothel owners, and others to the police.¹⁶⁶ Such misconduct thus thrives, unchecked.

5. Public Health Hazards

As the result of discriminatory police enforcement and daunting punishments, unlicensed migrant workers are often reluctant to get tested for HIV and other STIs. Most clinics are not anonymous and will ask for the individual's IC or passport number.¹⁶⁷ One public health scholar stated, “you cannot say you're working for sex, because you could go to jail, so they're

155 Singapore Miscellaneous Offenses (Public Order and Nuisance) Act, Sec. 19.

156 See Interview 7; Interview 8; Interview 22.

157 Interview 8.

158 Interview 8.

159 Interview 22.

160 Interview 22.

161 Interview 22.

162 Interview 22.

163 Interview 22.

164 See Interview 22; NGO Interview 4.

165 NGO Interview 5, Singapore (Mar. 22, 2014).

166 See NGO Interview 4.

167 See NGO Interview 8.

afraid to go where a number [IC] is required.”¹⁶⁸ Even in the case of clinics that claim to be anonymous or confidential, migrant workers are likely to forgo testing altogether to avoid deportation.¹⁶⁹ These issues are exacerbated by the fact that migrant workers are not as knowledgeable as Singaporeans about the various testing site options, particularly because of language barriers.¹⁷⁰ One health service provider stated that migrant workers’ desperation to make money during the short time period afforded by the social visit pass also leads them to ignore health issues, rendering testing a “secondary” concern.¹⁷¹ According to him, these individuals preferred to wait to get tested upon returning to their home countries.¹⁷² The temporal pressures of tourist visas may also drive foreign sex workers to provide sex without a condom, as clients will pay more for such services. Immigration laws, in conjunction with police targeting of migrant workers, thus increase the risk of exposure to STIs for both workers and their clients.

6. Trafficking

According to Shelley Thio, who works on trafficking issues at Transient Workers Count Too,¹⁷³ migrant workers—primarily Filipina, PRC (People’s Republic of China), Thai, and Bangladeshi cisgender women—are particularly vulnerable to sex trafficking.¹⁷⁴ In most cases, trafficking victims enter the country on tourist visas, with a promise of a work pass (usually a two-year domestic workers’ work pass) which permits them to work in Singapore for a term of two years.¹⁷⁵ Some are aware that sex work is a possibility, while others believe that they will be working as waitresses or karaoke hostesses and are then forced into prostitution.¹⁷⁶ Many Thais are channeled into “jungle brothels,” which consist of women who arrive via land and know they will be doing sex work.¹⁷⁷ According to Thio, though these individuals think they will be located in rooms, with only a few customers per day, they are coerced to perform services in bushes outside worker dormitories: in completely “different conditions servicing low-wage migrant workers.”¹⁷⁸ Still others arrive on social visit visas and, due to mounting debts, have little choice but to enter the sex industry.¹⁷⁹ One Filipina migrant, for example, crossed into Singapore on a tourist visa. She had been offered a job as a waitress and was waiting for a work permit.¹⁸⁰ Though her agents initially promised her that they would cover her expenses, they later refused to do so and she grew overwhelmed by debt.¹⁸¹ The agents then threatened her and forced her to engage in sex work.¹⁸² As Thio states, although this woman was very ashamed, she was serving clients to survive.¹⁸³

168 NGO Interview 13.

169 NGO Interview 8.

170 NGO Interview 8.

171 NGO Interview 8.

172 NGO Interview 8.

173 Transient Workers Count Too, or TWC2, is an organization that provides direct services to low-wage migrant workers.

174 Shelley Thio, Executive Committee Member, Transient Workers Count Too (TWC2).

175 *Id.*

176 *Id.*

177 *Id.*

178 *Id.*

179 *Id.*

180 *Id.*

181 *Id.*

182 *Id.*

183 *Id.*

While stories like this are not uncommon, Singapore courts require substantial evidence to prove coercion. As Thio puts it, unless “there is proof that she is bound or tied up and brought in by force, they will not believe you . . . they believe she should have put up her hands and said ‘help’ when she was coming through immigration.”¹⁸⁴ The burden of proof is on the victim, and societal prejudice against both migrants and sex workers creates distrust as to the veracity of trafficking victims’ statements; “there is this idea that the women may be lying.”¹⁸⁵ Women who come forward to report trafficking experiences or other abuse are vulnerable to charges of immigration violations. An embassy official who had sheltered three trafficked victims, for example, told Thio that he is unwilling to give the police access to residents; the likelihood is that they themselves will be arrested and their perpetrators will go free.¹⁸⁶ Singaporean law does not explicitly lay out the above evidentiary standards, making it particularly difficult for trafficked migrant workers to navigate the system.¹⁸⁷

184 *Id.*

185 *Id.*

186 *Id.*

187 *Id.*

V. Health

Transgender women and sex workers are at a heightened risk of contracting HIV and other sexually transmitted illnesses (STIs).¹⁸⁸ As such, transgender sex workers fall within two vulnerable populations and should be a particular focus for national public health interventions. While some preventative health measures advanced to protect transgender sex workers have been successful, such as promoting condom use, other initiatives, such as sexual education emphasizing safer-sex practices, require greater governmental resources, societal support, and advertising.¹⁸⁹

A. STI Screening

Regular STI screening is crucial for sex workers so that STIs can be detected quickly and treatment administered to prevent or mitigate permanent health complications. Sex workers can be infected by their clients or unintentionally infect their clients with STIs, enabling transmission to continue with future partners if left untreated.

Sex workers who work in licensed brothels have mandatory monthly STI screenings.¹⁹⁰ Yellow card holders must get tested and have their cards marked that they are free of STIs.¹⁹¹ One sex worker in a massage parlor also recounted that she had to be tested twice a year, as required by her employer.¹⁹²

However, some health care service providers pointed out that factors such as cost, discouragement by employers, and job insecurity may dissuade sex workers from seeking testing. A health clinic representative noted that some establishments that employ sex workers, such as clubs, pubs, and karaoke bars, do not encourage employees to get tested because they fear the government will interpret it as an indication that the women are involved in sex work, and then will punish the establishments' management.¹⁹³

Some sex workers stated that they pay high prices to be screened for STIs—even when it is mandatory for their employment. One woman paid S\$200 (approximately \$160 USD) to get tested at a regular family clinic.¹⁹⁴ The interviewee who worked in the massage parlor had to

188 HIV Among Transgender People in the United States. CENT. FOR DISEASE CONTROL AND PREVENTION (Nov. 2013), http://www.cdc.gov/hiv/pdf/risk_transgender.pdf; Singapore: MSM Country Snapshots—Country Specific Information on HIV, Men Who Have Sex with Men (MSM) and Transgender People (TG), UNAIDS 2 (2010), http://www.aidsdatahub.org/sites/default/files/documents/MSM_Country_Snapshots_-_Singapore_online.pdf; K. Clements-Nolle et al., HIV Prevalence, Risk Behaviors, Health Care Use and Mental Health Status of Transgender Persons: Implications for Public Health Intervention, 91 AM. J. PUB. HEALTH 915 (2001); Paul A. Simon et al., HIV Prevalence and Incidence among Male-to-Female Transsexuals Receiving HIV Prevention Services in LA County, 14 AIDS 2953 (2000).

189 Interviews with sex workers indicated that all understood the importance of condom use for STI prevention and used them every time or most times they had sex with clients. Interview 1; Interview 8.

190 Interview 1; Interview 7; Interview 8; Interview 15.

191 Interview 7; Interview 17.

192 Interview 11.

193 NGO Interview 8.

194 Interview 12.

pay for her mandatory biyearly screening at S\$130 (approximately \$105 USD) per checkup.¹⁹⁵

Singapore has only ten clinics that provide screening services for STIs, including HIV.¹⁹⁶ Singapore's Infectious Diseases Act requires that all HIV cases be reported to the government.¹⁹⁷ For anonymous testing, which is done using rapid tests, providers submit summary reports to the government rather than collecting the details of the individual being tested. Individuals who want to have a more accurate test, confirm results, or have a full diagnostic test, however, must go to a non-anonymous clinic where their details will be reported to the government. Although it is reasonable from an epidemiological standpoint for the government to mandate the anonymous reporting of HIV cases, the requirement has the unintended consequence of deterring people from getting tested. As described above, Singapore's immigration law also restricts entry for people with HIV.¹⁹⁸ The immigration ban dissuades migrant sex workers from getting tested, as they face the possibility of deportation and denial of re-entry for a positive HIV test result.

Of the ten clinics that offer STI screening, only seven provide semi-anonymous testing, taking only a patient number unconnected to any identifiable information for the first round of HIV tests. However, for the second round of testing, in which the clinics confirm positive test results to ensure that they were not a false positive, clinics require identification. Only one of these clinics, run by an NGO, offers anonymous testing for both rounds of HIV testing.

Action for AIDS (AFA) has a mobile van clinic, which it uses to conduct outreach in red light districts. The STI testing they provide through the clinic is completely free and the organization tries to de-stigmatize the testing process through sexual education onsite. In some areas, according to AFA, some residents have asked them to leave out of disagreement with their work and the congregation of sex workers near the van.

Sex workers stated that they did not want to be seen getting tested by friends and family in the community, because they felt testing in itself was stigmatizing.¹⁹⁹ Several sex workers noted that if a patient stayed longer at the clinic, others waiting knew that she had a positive result because those with negative results would leave quickly. A representative from one of the health clinics said that some Singaporeans prefer to go to Malaysia and Thailand to get tested and to get treatment for STIs to avoid running into people they know at Singaporean clinics. The stigma of getting tested in Singapore prevents some sex workers from getting tested regularly or at all.

Some sex workers stated that they are afraid to get tested because they are nervous about getting a positive result. One young transgender sex worker said, "I'm not mentally prepared. I'm so scared." She then wondered aloud what might change if she knew she had an illness: "I have a boyfriend. If I go for a test and I have it, then what?"²⁰⁰ This fear has been exacerbated

195 Interview 11.

196 *Anonymous HIV Testing*, HEALTH PROMOTION BOARD, <http://www.hpb.gov.sg/HOPPortal/health-article/6368> (last visited Aug. 18, 2014).

197 Infectious Diseases Act, Section 6. The World Health Organization and UNAIDS support confidential HIV testing and believe that any testing should be voluntary, with the patient's informed consent. See *UNAIDS/WHO Policy Statement on HIV Testing*, UNAIDS & WHO (2004), http://www.who.int/rpc/research_ethics/hivtestingpolicy_en_pdf.pdf.

198 Singapore Immigration Act, Section 8(3)(ba).

199 Interview 17.

200 Interview 4b.

by the actions of some clinic physicians. For example, AFA said that one man called their office because he had tested positive for HIV at a different clinic and was told by the doctor there that his only option was to “wait to die.”²⁰¹

Some sex workers expressed mistaken beliefs about STIs. For example, one young transgender woman stated “I don’t have symptoms, so I don’t go [to the clinic].”²⁰² Another reassured her that, “If you have a strong immune system, you’ll be fine.”²⁰³ Health service providers stated that many sex workers were not aware that one could be asymptomatic and still have a serious STI.²⁰⁴

B. Sex Education

Sex education is a crucial component of comprehensive efforts to prevent STI transmission. Unfortunately, this prong of an intervention strategy is currently lacking, as some people in Singapore still think HIV is airborne, or that you can be infected by shaking hands with or hugging an infected person.²⁰⁵ The majority of the sex workers we interviewed understood that HIV was transmitted through bodily fluids (particularly through blood and semen),²⁰⁶ but educating the entire population remains a critical goal.

Singapore’s sexual education program focuses on abstinence only. Sex is not commonly discussed in the media or within the family, so there are few resources where children can learn about STIs.²⁰⁷ In Singapore, only vendors approved by the Ministry of Education provide sexual education,²⁰⁸ and some of these do so along overtly religious or ideological lines.²⁰⁹

Migrant sex workers present unique concerns with regard to sex education. One health clinic worker explained that migrant sex workers had especially poor sex education. She stated that, for example, migrant girls would come in and ask for a spray to use for their vaginas that would prevent AIDS, or expressed the belief that they could be vaccinated against HIV.²¹⁰

C. Condom Usage

One area of sex education that has taken hold is the importance of condom use. The vast majority of sex workers interviewed said that they had condoms and used them most or all of the time. According to one interviewee, however, some sex workers had sex without condoms if they were paid extra or if they were having sex with a regular client.²¹¹ Sex workers reported

201 NGO Interview 9, Singapore (Mar. 22, 2014).

202 Interview 4a.

203 Interview 4c.

204 NGO Interview 9, NGO Interview 13.

205 NGO Interview 9.

206 See Interview 17; Interview 19; Interview 21.

207 NGO Interview 15, Singapore (Mar. 20, 2014).

208 NGO Interview 9.

209 NGO Interview 5.

210 Interview 1.

211 Interview 1.

receiving condoms from health clinics, NGOs, and commercial vendors where they bought them for themselves.²¹²

Despite the general awareness of the importance of condoms among the transgender sex worker population, sex workers reported limiting the number of condoms they carry on them or keeping all of their condoms in their brothel rooms. As described above, there was considerable uncertainty about the legal status of condoms as evidence of sex work. Sex workers reported that when police searched them, they treated condoms and lubricants as evidence of sex work.²¹³ Carrying condoms not only invited police harassment, abuse, and arrest, but deterred women from insisting upon safer sex practices. One sex worker, identifying the health risks involved in this police policy, noted, “They discourage us to use condoms. Stupid, right?”²¹⁴

D. HIV Treatment

The government provides antiretroviral drugs (ARVs) for HIV.²¹⁵ However, individual patients still have to pay for these drugs out of pocket. People with pensions can use their Medifund to pay for these drugs.²¹⁶ However, as one health service provider states, these drugs are still very expensive, and because ARVs need to be taken continuously, some individuals run out of money in their Medifund.²¹⁷ Moreover, sex workers do not have a Medifund because their occupation is not legally recognized by the government. As a result, they are often unable to pay for the drugs unless they can obtain subsidized medication from certain health clinics and NGOs.²¹⁸

E. Drug Use

During interviews, several women stated that they take or used to take drugs. One sex worker commented:

Many sisters take drugs because they are easily available in this line of work. There are always offers to take drugs. There is peer pressure, competition, the feeling of being upset with life. All these make people want to take drugs. When others make remarks and you don't want to deal with it or pay attention, drugs dull the feelings. People feel happier and are more hardworking and don't care about what other people say.²¹⁹

Another sex worker agreed and said she used to take drugs “to be able to sleep with older, unattractive men,” and because she never got enough sleep.²²⁰ Seven sex workers interviewed reported feeling low self-esteem due to their engagement in sex work and societal stigma

212 Interview 6; Interview 7; Interview 8.

213 Interview 1; Interview 6; Interview 17; Interview 21.

214 Interview 17.

215 NGO Interview 9; NGO Interview 8.

216 See *infra* Subsection IV.A.2 for more information on the Singaporean insurance scheme.

217 NGO Interview 9.

218 Interview 1; NGO Interview 9.

219 Interview 19.

220 Interview 17.

surrounding their identities;²²¹ drugs could provide a mechanism for coping with these feelings. In addition to impairing judgment and causing physical and mental health problems, drugs exacerbate sex workers' vulnerability by facilitating risky behavior and increasing the risk of contracting and transmitting HIV.

²²¹ Interview 1; Interview 4; Interview 7; Interview 9; Interview 17; Interview 18; Interview 19; NGO Interview 1, (Mar. 18, 2014).

VI. Discrimination

The discrimination that transgender sex workers encounter produces myriad difficulties, constraining their ability to pursue educational and career aspirations, maintain financial security and independence, and afford physical and mental health care.

A. Governmental Discrimination

The policy frameworks and practices of the Singaporean government, even when facially neutral, have a disparate impact on transgender sex workers. Part of the reasoning behind this phenomenon is that the law defines gender by genitalia and not a more inclusive metric. This is why only post-operative transgender persons are allowed to change their gender on their ICs.²²² The government's housing policies effectively prevent transgender sex workers from obtaining affordable housing until they turn thirty-five years old, thus restricting their financial freedom. Moreover, the Singaporean pension system, which includes health insurance funds, is inaccessible to sex workers, as the plan does not recognize their career path or register their earnings. This impacts not only transgender sex workers' financial security, but also their health care outcomes.

1. Housing

Housing in Singapore is extraordinarily expensive. The average rent price for a one-bedroom apartment in the downtown area is S\$3294 (approximately \$2630 USD), which is roughly the same as the average rent for a one-bedroom apartment in New York City.²²³ To ameliorate costs, the government provides subsidized housing that is more affordable. However, this housing is accessible only to married heterosexual couples or single persons over the age of thirty-five. Many young, single Singaporeans are unable to afford rent. Because same-sex marriage is not recognized in Singapore, transgender sex workers who have not undergone sex reassignment surgery and have partners who are the same legal sex are not allowed to apply for subsidized government housing for couples, as their union is not recognized by the government.²²⁴ The government's criteria for subsidized housing thus demonstrate a subtle valuation of certain individuals based on their gender identity, sexual orientation, and family structure, one which tends to exclude transgender sex workers.

As a result of this system, sex workers are forced to pay higher amounts for their housing. Sex workers often pay rent by the day.²²⁵ Daily rates for housing are more expensive because

222 Singapore Women's Charter, Ch 353, Part III, §12(3)(b).

223 *Cost of Living in Singapore*, NUMBEO, http://www.numbeo.com/cost-of-living/country_result.jsp?country=Singapore (reporting estimated cost of living calculation as of Apr. 15, 2014).

224 See Interview 6 (regarding inability of interviewee to live with a same-sex partner).

225 NGO Interview 17, Singapore (Mar. 18, 2014).

housing on the open market is not subsidized by the state, and the landlord lacks the security of knowing that a tenant will stay in the unit and provide a stable revenue over a longer period of time. In effect, this means that some sex workers are forced to pay more money for temporary housing than others pay monthly for luxury apartment units.

Several sex workers noted that you could become “stuck in this life” in order to pay rent.²²⁶ One noted:

Some [transgender women] I see get kicked out of the house. And if you're kicked out, you can't buy a house until you're thirty-five. And if you're not thirty-five, you have to get married first. It makes us start in this life. You get stuck in this life—you need to pay your rent. How are you going to pay your rent? You're stuck in this life.²²⁷

Another noted the time pressures associated with paying rent for temporary housing, stating “if you go to a normal job, every day you need money. I have to pay for [my] room . . . after three days that's it.”²²⁸

Due to the housing policies of the government, sex workers have difficulty accumulating savings, with their earnings going towards paying higher daily rents. Not only does this lead to further financial inequality within Singapore, and within the transgender population, but it also pressures women to remain in sex work just to make ends meet.

2. Pensions

The Singaporean government automatically sets aside part of each citizen's income to be used as their pension. This statutory mechanism is called the Central Provident Fund (CPF). CPF can be accessed only for social security needs, including retirement, housing, insurance, and healthcare purposes. Individuals can also use their CPF for educational purposes, provided they refund the money with interest.²²⁹ Both employers and individuals make a monthly contribution to the employee's pension.²³⁰

Some Singaporeans underreport their CPF contributions in order to have greater accessibility to their funds. However, because their work is not officially recognized by the government, even sex workers who may voluntarily contribute to their CPF account will not get a monthly employers' contribution.

This leads to many social and health problems for sex workers. First, sex workers cannot use their pension to pay for their own apartment or home. Second, should a sex worker or their dependents be in need of urgent medical care, they cannot fall back on the money in their pensions as payment. Lastly, sex workers face problems supporting themselves as they age

226 Interview 4; Interview 14.

227 Interview 4.

228 Interview 14.

229 For information on education payments under the CPF, see *CPF Education Scheme*, Cent. Provident Fund Bd., http://mycpf.cpf.gov.sg/Members/Gen-Info/Features/CPFEdn_Scheme.htm (last visited May 4, 2014); *Singapore Pensions*, OECD, <http://www.oecd.org/finance/private-pensions/46260911.pdf>.

230 *Pensions at a Glance, Special Edition: Asia/Pacific*, OECD, <http://www.oecd.org/els/public-pensions/41966940.pdf> (last visited Jun. 8, 2014).

and face difficulty saving money because of the higher rent prices they pay for temporary housing. Sex workers, like others with jobs not recognized by the government, have less financial security as a result of their inability to maintain a CPF account.

3. Insurance

Singapore subsidizes healthcare services and pharmaceuticals in order to make it easier for citizens to access health services. Along with these regulations, every health service has a co-pay that the individual must pay as an incentive for consumers not to over-utilize the healthcare system. Singaporeans with pensions pay for their catastrophic coverage and any hospitalizations with their CPF funds. There are three levels of coverage that individuals can choose for the healthcare portion of their CPF funds, or Medisave. The government also pays for healthcare for the ten percent of the population that cannot afford it after government subsidies.

Most Singaporeans use private health care providers for primary care and the public healthcare system for hospitalizations and more serious, longer-term medical conditions.²³¹ The private health care system is more expensive and can only be accessed by individuals with enough money to pay for care out of pocket or with private health insurance. The government has only eighteen primary care facilities, called “polyclinics,” where subsidized primary care is offered. Private clinics provide eighty percent of the primary care in Singapore, meaning that most Singaporeans pay higher prices for their normal and preventative health care.²³² Moreover, the majority of low-income Singaporeans use private clinics for primary health care.²³³ Transgender sex workers have an unstable income source, which likely means that they do not have the discretionary funds to pay for primary healthcare needs in such private clinics, especially given their higher housing costs and lack of pensions.

Although their work is more formalized than sex workers based on the street or in unlicensed brothels, sex workers in licensed brothels also do not get health insurance from their employers and must pay for their own mandatory STI screenings. If sex workers attempt to get private insurance, they often lie about their gender identity to avoid higher rates on their plans.²³⁴ One woman said that her health insurance fees increased after her sex reassignment surgery because the insurer thought that transsexuals had a higher risk of STIs and need hormonal therapy. After her conversation with the insurance agency, she understood them to believe transgender women are “weaker” than other individuals and more costly to cover.²³⁵ Private insurers also do not always cover procedures associated with transitioning, such as breast implants.²³⁶ Moreover, government insurance agencies can easily determine that an applicant used to have a different legal sex by doing a simple search, which may lead them to charge higher costs for coverage. The administrative difficulties and increased prices that

231 *Primary Care Services*, MINISTRY OF HEALTH, http://www.moh.gov.sg/content/moh_web/home/our_healthcare_system/Healthcare_Services/Primary_Care.html (last visited Apr. 15, 2014).

232 *Id.*

233 *Primary Care Survey 2010: Profile of Primary Care Patients*, MINISTRY OF HEALTH, <http://sg-caregiver.com/wp-content/uploads/2012/05/PrimaryCareSurvey2010-ProfileOfPrimaryCarePatients.pdf> (last visited Apr. 15, 2014).

234 Interview 7; NGO Interview 17.

235 Interview 20.

236 Interview 7.

transgender sex workers face in attempting to acquire health insurance can lead to additional financial burdens or an inability to access affordable health care.

B. Social Discrimination

In addition to governmental discrimination, transgender sex workers also face discrimination from larger society and potential employers. As a result of stigma, transphobia, and other negative attitudes, transgender sex workers face challenges within their families, their schools, and their searches for employment outside of the sex industry.

1. Family

Transgender individuals often face discrimination from their own families. As a transgender community leader stated, family acceptance is crucial for a young person because “they are always the first people that see your change and the first people you have to go through.”²³⁷ In many cases, a family’s rejection of a transgender child paves the path towards a life in the sex industry, instigating what one former sex worker labels a “vicious cycle”:

They have no family support, then leave school early because they cannot conform in the school system because they are transgender. Then they have to earn living and it will end up being a low wage job. Eventually they cannot support themselves. Then they all enter the sex trade because there is no other way.²³⁸

Interviewees consistently traced their decision to engage in sex work back to the experience of being expelled from the familial home at a young age. A sex worker at Orchard Towers, for example, commented, “I always wanted to be a woman, but my family members were against it, so I had to run away from home. And to survive, I heard about this place Geylang. And that’s when I started my transition.”²³⁹ A second woman at Orchard Towers likewise noted that her parents beat and abused her because of her transgender identity.²⁴⁰ After she ran away from home at the age of seventeen, she started sex work to support herself.

Others reported the costs of surgery as dispositive in their decision to engage in sex work; operating without familial support, engaging in sex work was the fastest way to make the requisite thousands of dollars needed to pay for travel, medical, and recovery expenses.²⁴¹ Young transgender children may face distinctive pressures as a result of their particular religious and familial background. Malay Muslim youth, for example, may face additional concerns about whether and how their gender identity might fit with Islamic principles.²⁴² When families find it difficult to reconcile the two, children may be thrown out of their homes and “end up plying the streets.”²⁴³ Religious concerns may likewise counsel against sex reassignment surgery. A young Malay Muslim sex worker in Woodland Gardens, for

237 NGO Interview 2.

238 Interview 1.

239 Interview 5.

240 Interview 18.

241 See Interview 15.

242 NGO Interview 15.

243 NGO Interview 15.

example, stated that she did not want an operation because of her belief that in the afterlife, she would still be considered male.²⁴⁴

Interviewees, however, reported some improvements over the last decade. The latest incarnation of the Pink Dot campaign, for example, included the story of a Chinese mother attempting to accept her transgender child.²⁴⁵ The advertisement made an emotional appeal to the wider society in Singapore, foregrounding the human element of transgender issues. As social attitudes toward sex and sexuality have begun to shift, according to one transgender woman who works on Desker Road, younger generations have experienced lower levels of familial resistance.²⁴⁶ A transgender sex worker in her early twenties, for example, stated that she was “okay” with her mother, though it wasn’t comfortable.²⁴⁷ Another likewise commented that her mother was accepting and hung up her female outfits, though her father was still unaware of her identity.²⁴⁸ As one LGBT activist observed, “more often, parents can’t bear to kick you out but aren’t accepting – you get a job, get stable, and then move out when you can.”²⁴⁹ In certain rare cases, parents help their children pay for sex reassignment surgery.²⁵⁰ Despite this progress, however, transgender youth suffer from high rates of depression and are more prone to commit suicide than other populations.²⁵¹

2. Education

As transgender individuals start living as their true gender – and even medically transitioning – during their school years, the educational system is an important factor in their development. One young transgender sex worker noted that “it’s normal to get discriminated against in school. You don’t start off as a girl, you start off as gay.”²⁵² Another woman said that in school, kids made fun of her when she started taking hormones and growing breasts. Other students bullied and sexually harassed her, and she eventually dropped out of school.²⁵³ In addition to student bullying, one activist noted that teachers sometimes also engaged in bullying.²⁵⁴

Health and LGBT activists in Singapore agreed with these statements and cited the gendered structure of the educational system as part of the problem. One of the most influential structural issues is gendered bathrooms. Schools often force transgender students to use the bathroom that corresponds to the biological sex listed on their ICs. Some activists have started advocating for the institution of gender-neutral bathrooms to avoid this problem.²⁵⁵ A second structural issue is school uniforms or clothing requirements in school. Regulating dress along gendered lines often disallows transgender students from dressing in a way that makes them feel comfortable, preventing them from fully embracing their gender.²⁵⁶

244 Interview 4.

245 NGO Interview 15.

246 Interview 7.

247 Interview 4.

248 Interview 4.

249 NGO Interview 15.

250 NGO Interview 16, Singapore (Mar. 22, 2014).

251 NGO Interview 16.

252 Interview 4.

253 Interview 9.

254 NGO Interview 15.

255 NGO Interview 16.

256 NGO Interview 16.

The difficulties transgender students face not only contribute to the “vicious cycle” of familial rejection and limited employment prospects, which are described below. They also have real and immediate consequences for the health and well-being of transgender youth. In addition to dropping out of school early, some students have been depressed due to the constrictions their peers and schools place on them and have even committed suicide.²⁵⁷

3. Employment

Discrimination in education is related to discrimination against transgender individuals in the job market. Legal remedies for employment discrimination in Singapore are limited. Last year, the acting Manpower Minister, Tan Chuan-Jin, publicly expressed his preference that the government persuade private employers to enact their own anti-discrimination policies rather than passing anti-discrimination employment legislation.²⁵⁸

Many interviewees indicated that transgender women can only do sex work, as job discrimination and stigma prevent them from succeeding in alternate forms of employment.²⁵⁹ One sex worker stated, for example, “my parents didn’t try to stop me because they know ‘what else can a transgender person do in Singapore?’”²⁶⁰ During a group interview, the women also spoke about a lack of employment options. One noted, “the media see transgender as prostitutes—that’s it. You don’t see ladyboys being an engineer.”²⁶¹ Another agreed, “we’re only good at fashion—we can go on that line, but we can’t go in other lines. What if you want to do a diploma in engineering, or what?” A third concurred, “if you’re a ladyboy, you can’t be a teacher. You can’t work for the government.”²⁶² Another mentioned that “even [transgender] people with [non-sex-industry] jobs are former sex workers.”²⁶³

As suggested in the previous subsection, adult transgender sex workers linked their difficulty finding alternative employment to their educational opportunities. As one woman reflected, “We don’t choose this life. I don’t have qualifications, my highest is PSLE—primary school. No company would accept me It’s hard for me to get a job. I worked before as a cashier in 7/11, hotel lines—but not like this, [as a sex worker].”²⁶⁴ Another woman explained that being a sex worker was the only job she could get that would enable her to meet all of her financial responsibilities. She stated, “I need money for taxi cabs. I’m not staying with my family. I have to support my auntie and my mom.”²⁶⁵

Many transgender sex workers recounted personal or friends’ stories of being denied employment or being fired due to their gender identity.²⁶⁶ A group of friends, for example, noted that a transgender woman they knew was fired from a retail job after parents complained that she was scaring their children.²⁶⁷ Another sex worker explained that she

257 NGO Interview 15.

258 Toh Yong Chuan, *Govt is Open to Anti-Discrimination Labour Laws: Chuan-Jin*, STRAITS TIMES (May 23, 2013), <http://news.asiaone.com/News/Latest%2BNews/Singapore/Story/A1Story20130521-424347.html>.

259 Interview 1; Interview 4; Interview 6; Interview 14; Interview 20.

260 Interview 1.

261 Interview 4.

262 Interview 4.

263 Interview 4.

264 Interview 6.

265 Interview 14. Taking public transportation opened trans sex workers up to additional harassment and humiliation.

266 Interview 1; Interview 4; Interview 5; Interview 7; Interview 9; Interview 14; Interview 16; NGO Interview 16.

267 Interview 4.

could not even get a retail job: “I used to want a day job as a salesperson, but during that time, I tried to go for interviews—I tried calling them, but I told them I’m transgender, and they said, ‘Oh sorry, we don’t accept transgenders.’”²⁶⁸ She was rejected in phone interviews four or five times in this manner.²⁶⁹

In-person interviewees often fared no better. As one woman warned, “Once you go for an interview, they can tell [that you’re transgender]. They can see on your ID.”²⁷⁰ Even when a person has had their sex changed on their IC, employers can often determine whether someone is transgender and deny them a job by questioning whether they served in the military. Military service is compulsory for males in Singapore, unless one receives an exemption. One exemption is providing evidence of being a transgender woman.²⁷¹ Employers sometimes ask applicants whether they have served in the military or not—if an applicant is a transgender female, with a female IC, yet discloses that she has been in the military, the employer may suspect that she is transgender.²⁷²

The difficulties transgender women faced did not end when they were hired. Although one woman we spoke to was able to successfully get a job, her supervisor on her first day only addressed his instructions to another new coworker, a straight man. The supervisor did not even introduce himself to her and generally treated her like she was “invisible.” After she asked to be placed in another location and was told that she was too sensitive, she left the job in the middle of her first day. When she complained, they offered to have her back, but she told them that she had already paid for a cab there, a cab back, and was not going to pay for a cab there again so that she could be treated badly. “Sometimes, being truthful hurts.” She noted that lying about one’s identity to secure a job could later backfire, making the employee’s position precarious.²⁷³

One interviewee believed that being post-op makes job interviews easier. One of her friends, a transgender woman who was pre-op and had a dissonant IC, received lower pay than her colleagues. After she had sex reassignment surgery, she noticed that her pay increased.²⁷⁴

Many interviewees stated that they would not engage in sex work if they had opportunities for other types of work.²⁷⁵ One transgender woman who was formerly a sex worker, for example, said she was able to use money to get a flat and travel by engaging in sex work, but once she did not have to do it, she left it because she felt devalued.²⁷⁶ She recalled that “sex work eroded my self-worth and self-esteem. This is why a lot of sex workers take drugs – not because they like to take drugs but because they feel empty. No matter how much money you get for it, even one transaction, you don’t feel good. It’s a call for help.” In her opinion, all sex workers would happily give up the work for a more mainstream job.²⁷⁷

268 Interview 5.

269 Interview 5.

270 Interview 5.

271 Discharge on this basis requires physician affidavits that an individual has been transitioning with hormones for at least two years. If their parents do not approve of their transition, younger transgender women will often start transitioning using black market hormones without a doctor’s supervision. This makes it hard for them to be excused from national service. Interview 4.

272 NGO Interview 16; Interview 4.

273 Interview 7.

274 Interview 7

275 Interview 1; Interview 4; Interview 7; Interview 9; Interview 17; Interview 18; NGO Interview 13.

276 Interview 1.

277 Interview 1.

Many sex workers do not want people to see them working—strangers, friends, and family alike.²⁷⁸ They noted feeling humiliated and ridiculed by passersby. One sex worker commented, “I’m not proud. I’m not shy but I’m not proud [of being a sex worker].”²⁷⁹ Another described a similar feeling, stressing that “money is the driving force behind this work—I pretend to be happy and enjoy it but I do not. . . . I don’t want to work in a licensed brothel because I will then be a confirmed prostitute—I don’t hide it, but don’t want to make a proud declaration.”²⁸⁰

Whether transgender sex workers desire alternative careers or not, they should be able to meaningfully pursue a full range of employment options without facing discriminatory barriers. From speaking with transgender sex workers and representatives from activist organizations, it is clear that discrimination severely limits job opportunities for transgender persons. When transgender individuals do have the opportunity to seek other forms of employment, they are constrained within certain fields like retail and cosmetics, or are unable to perform their jobs effectively due to discrimination by employers and customers. The government should create and enforce anti-discrimination laws that offer transgender women and other workers an avenue for recourse against biased employers, and should work with the transgender population to ensure that they have equal opportunities to pursue their life goals and passions.²⁸¹

278 Interview 1; Interview 9; Interview 17; Interview 18.

279 Interview 17.

280 Interview 18.

281 *Tripartite Guidelines on Fair Employment Practices*, TRIPARTITE ALLIANCE FOR FAIR EMPLOYMENT PRACTICES (2014), [http://www.tafep.sg/assets/files/Publications/Publications%20-%20Tripartite%20Guidelines%20on%20Fair%20Employment%20Practices%20\(English\)%20as%20of%20March%202014.pdf](http://www.tafep.sg/assets/files/Publications/Publications%20-%20Tripartite%20Guidelines%20on%20Fair%20Employment%20Practices%20(English)%20as%20of%20March%202014.pdf).

VII. Protections Under Singaporean and International Law

The laws, policies, and practices regulating sex work in Singapore violate a number of human rights which sex workers, like all other persons, are guaranteed under domestic and international law. As the preceding sections describe in detail, transgender sex workers face arbitrary arrest and detention; violations of the rights to liberty and security of the person, health, education, work, and non-discrimination; and infringements on human dignity. These rights are widely recognized under international law, and enshrined in multiple international instruments.

Singapore's constitution protects a number of fundamental rights that are routinely denied to transgender sex workers. All Singaporeans are entitled to the protection of their personal liberty; in the event of their arrest, this includes rights to information about the grounds for their arrest, to be defended by a lawyer of their choice, and to a speedy trial.²⁸² Singaporeans are also guaranteed the equal protection of the laws, a right that is violated when transgender sex workers are singled out for harassment, physical and sexual violence, or selective arrest and prosecution by police.²⁸³ The constitution also protects the freedom of movement and rights to speech, assembly, and association, which are hampered by vague laws prohibiting solicitation and by police harassment for being in certain areas at certain times, congregating on the street or other public spaces, or simply appearing to be a sex worker.²⁸⁴

These rights, among others, are firmly grounded in international law. Yet despite persistent appeals from advocates and UN bodies, Singapore is only party to a small number of human rights agreements.²⁸⁵ Singapore has acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²⁸⁶ and the Convention on the Rights of the Child (CRC),²⁸⁷ and recently signed and ratified the Convention on the Rights of Persons with Disabilities (CRPD).²⁸⁸ Members of the Human Rights Council have strongly urged Singapore to sign and ratify other widely-ratified human rights instruments,²⁸⁹ but the

282 SING. CONST. art. IX.

283 SING. CONST. art. XII.

284 SING. CONST. arts. XIII-XIV.

285 *World Report 2012: Singapore*, HUMAN RIGHTS WATCH (2012), <http://www.hrw.org/world-report-2012/world-report-2012-singapore>.

286 Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.

287 Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990.

288 Convention on the Rights of Persons with Disabilities, G.A. Res. 61/106, Annex I, U.N. GAOR, 61st Sess., Supp. No. 49, at 65, U.N. Doc. A/61/49 (2006), entered into force May 3, 2008.

289 See U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review, U.N. Doc. A/HRC/18/11, paras. 96.1-96.20 (July 11, 2011). Singapore has not yet signed, for example, the International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976; International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force Jan. 3, 1976; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197,

government has thus far declined to do so.

The Singapore government has explained it does not want to ratify international conventions hastily, and would rather work toward amending local laws to align with international laws before ratification. As part of this preparatory approach, Singapore should take steps to better protect the basic human rights of sex workers. In addition to Singapore's own constitutional guarantees, the Universal Declaration of Human Rights (UDHR), which sets the minimum baseline for human rights protections, articulates a number of fundamental rights that restrictions on sex work can infringe.²⁹⁰ Among these are non-discrimination; the right to life, liberty, and security of the person; freedom from torture or cruel, inhuman, or degrading treatment or punishment; recognition and equal treatment before the law; freedom from arbitrary arrest and detention; the presumption of innocence; privacy; freedoms of assembly and association; the right to work; the right to an adequate standard of living; and the right to education.²⁹¹ Provisions of CEDAW, the CRC, and the CRPD reaffirm the importance of these rights.

U.N. Doc. A/39/51 (1984)], entered into force June 26, 1987; International Convention on the Elimination of All Forms of Racial Discrimination, G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force Jan. 4, 1969; Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention of 1926), 60 L.N.T.S. 253, entered into force Mar. 9, 1927; or International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force 1 July 2003.

290 Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948).

291 *Id.*

VIII. Conclusion and Recommendations

A. Decriminalization and Regulation

As discussed throughout this report, transgender sex workers are an extremely vulnerable population, subsisting on the fringes of society. Criminalization and systematic marginalization only drives them further towards the periphery. To correct the conditions that foster human rights abuses against transgender sex workers, Singapore should decriminalize sex work. Decriminalization would remove all current laws that criminalize sex work; instead, the same laws applicable to other forms of employment would govern.²⁹² By lifting prohibitions on activities such as solicitation, living off the avails of prostitution, or operating a brothel, the state would eliminate key tools that facilitate abuses against sex workers and prevent them from seeking redress. This policy change, in conjunction with other reforms, would achieve a number of different objectives; better compliance with domestic law and human rights instruments such as the UDHR and CEDAW; improved health, economic, and security outcomes; and realization of the inclusive ideals to which Singapore aspires.

In the shorter term, Singapore should expand and formalize its current regulatory regime. Regulation refers to a system in which the government controls the sex industry and “and can declare certain kinds of sex work to be legal, under strict conditions.”²⁹³ While Singapore’s current tolerance of cisgender brothels constitutes an informal form of regulation, the government should immediately act to allow pre- or non-op transgender sex workers equal access to the yellow card system. Furthermore, in order to address the problematic ambiguity and pseudo-legality of the current system, Singapore should officially incorporate regulation into its legal framework. Finally, the government should collaborate with NGOs and create a task force to thoroughly consider the above short-term and long-term alternatives to criminalization.

B. Health Care

Decriminalization would produce lasting benefits in the healthcare realm. As documented in this report, many transgender sex workers do not undergo STI tests for fear that the police will be notified. Pimps in unlicensed brothels have been known to discourage testing for similar reasons. These practices, the result of criminalization, create significant health hazards. The widespread belief that police officers use condoms as evidence only exacerbates sexual risk-taking. In particular, migrants—under extreme financial and temporal pressures—are likely to forgo health-protective measures to avoid arrest. Removing the threat

²⁹² *Sex Work and the Law: The Case for Decriminalization*, WORLD AIDS CAMPAIGN (2010), <http://www.nswp.org/sites/nswp.org/files/Sex%20Work%20&%20the%20Law.pdf>.

²⁹³ *Id.*

of criminal sanctions would encourage transgender sex workers to make responsible health care choices, whether using a condom with clients or getting regular STI tests. Furthermore, if the government allowed pre or non-op transgender women access to the yellow-card system, they would be subject to mandatory, monthly check-ups.

In conjunction with the above legal reforms, the government should allocate resources to establishing more clinics which provide completely anonymous STI testing, with corresponding counseling programs and increased cultural competency training for health clinicians. As discussed throughout the report, sex workers are often reluctant to get tested because of the accompanying stigma. Additionally, even decriminalization or regulation might fail to entirely assuage fears regarding the possible consequences of being known or recognized as a sex worker. Clinics which provide completely anonymous STI testing would address these issues. Lastly, the government should subsidize the monthly yellow-card STI tests. As it stands, the costs of such tests are considerable and may require transgender sex workers to choose between participation in the regime and other, more immediate necessities. The government's financial contribution would not be great; decriminalization would permit transgender sex workers to have pensions, which would mitigate healthcare costs and more fully integrate all Singaporeans into the healthcare system.

C. Abuse

Decriminalization would likewise lessen police misconduct. As it stands, criminalization facilitates police abuse of vulnerable populations, whether through verbal harassment, arbitrary enforcement, physical or sexual violence, or destruction of property. Transgender sex workers, frightened of inviting solicitation charges, do not feel comfortable submitting complaints to the police; officers thus know that they can continue to operate with impunity. Women who have undergone client violence likewise remain silent, as they are loath to risk criminal prosecution. Even *trafficking victims* are scared to ask the police for help. This entrenched dynamic of abuse and fear is anathema to the stated aims of the Singaporean government. Decriminalization would not only curtail police misconduct by removing a tool of stigma and social control, but in the event of client violence and other forms of exploitation, would also facilitate access to the police department and meaningful redress.

D. Employment

Decriminalization would enable transgender sex workers to pursue other forms of employment. Criminalization makes it exceedingly difficult for transgender sex workers to leave the sex trade and secure new jobs. Employers often require applicants to disclose arrests and/or criminal charges, information that may immediately disqualify unlicensed sex workers from the position in question. Furthermore, transgender sex workers who have been arrested and/or fined are often desperate to recoup lost funds and, as a result, forgo substantive job searches in favor of what they know is fast money: sex work.

In addition to decriminalization, the government should help fund skills training programs. Many transgender sex workers, as detailed in this report, dropped out of the school system at a young age and thereby do not have the degrees required for certain professions. Others

expressed a concern that certain industries were effectively closed to transgender women, whose only real opportunities were in industries like fashion, cosmetics, and retail. Skills training programs could ameliorate these educational and social disadvantages. Such programs would act as a more sound and sustainable investment than aggressive policing, raids, and unemployment.

In the absence of government action, employers should make independent efforts to hire transgender women in the private sector. The passage of non-discrimination policies that are inclusive of gender identity is one way to signal this commitment to potential applicants. NGOs involved in LGBT issues could likewise contribute to employment reforms, and to do so in a way that empowers transgender women to speak for themselves in advocacy and policymaking. Interviewees consistently stated that such organizations did not hire transgender individuals. Given that members of the transgender community are uniquely positioned to advocate for transgender rights and understand transgender experiences, NGOs should make a conscious effort to employ these individuals, including former sex workers.

E. Education and Awareness Initiatives

In conjunction with legal reforms, the government should launch initiatives to educate various sectors of society about transgender people and the issues they face. As discussed in this report, transgender Singaporeans face challenges from a young age, beginning what one interviewee labeled a “vicious cycle.” Many stages of this “cycle” stem from prejudice, including family rejection, bullying by students and teachers in schools, and discrimination by employers. Raising public awareness is an essential first step towards tackling societal biases and the havoc they wreak in an individual’s formative years.

In respect to difficult family dynamics, the government should promote parental acceptance through Pink Dot-esque public education campaigns and should facilitate counseling groups, which do not currently exist, for the families of transgender youth. In the education realm, schools desperately need training programs for teachers, who often do not know how to engage their transgender students. Anti-bullying campaigns, fact-based sex education, and the creation of gender-neutral bathrooms and dress codes would all greatly facilitate acceptance and comfort for transgender students. In the job domain, public education campaigns could include stories of successful trans professionals and employers who made the wise choice to hire them. Parliament should pass, and courts and administrative agencies should enforce, more robust anti-discrimination legislation in employment that protects sex, sexual orientation, and gender identity.

Lastly, police departments should implement officer training programs focused on the sex worker community, with special attention to transgender sex workers. Given the history of abuse and impunity described in this report, police should be doing their utmost to restore trust and ensure that future interactions between officers and sex workers are as lawful and respectful as possible.

F. Repeal of 377A

Lastly, the decriminalization or regulation of sex work would hold little weight without the repeal of Section 377A. Even if the government lifted prohibitions on the sex trade, 377A's criminalization of homosexual activity would still permit police to target pre or non-op trans women for providing sexual services to male clients; issues such as police abuse, irregular STI testing, and sex workers' fear of submitting complaints would continue to exist, regardless of the state of the sex work laws. Consequently, in order to meaningfully address the marginalization and victimization of trans sex workers, 377A must be repealed.

* * *

In conclusion, decriminalization would better comply with domestic and international law, help fulfill the inclusive ideals to which Singapore aspires, and produce benefits in the realms of healthcare, security, and the economy. In the short-term, formalized regulation would be an important first step towards achieving the above objectives. A task force composed of government officials and NGO members could evaluate alternatives to decriminalization, laying the groundwork for the potential policy changes detailed throughout this report.

Appendix



Yale Law School

ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC

James J. Silk, *Clinical Professor of Law*

April 29, 2014

New Phoenix Park
28 Irrawaddy Road
Singapore 329560

Dear Deputy Director Tan,

We write as a team of students from the Lowenstein Clinic at Yale Law School. The clinic is a law school course that gives students firsthand experience in research and advocacy under the supervision of faculty. We are currently working on a report on sex workers in Singapore and the difficulties they face. We hope that you might answer some questions about law enforcement.

Our team visited Singapore earlier this spring to conduct research for the report. We made an effort to meet with police while in the country, and they suggested that we write to you for answers to our questions. We seek responses to ensure accuracy in our work and to reflect your views in our report. If you are able to provide some insights into police practices, we would be happy to share some of the findings from our research prior to publication. Your response to the following questions would be greatly appreciated:

- 1) Is sex work legal in Singapore? Which aspects of transactional sex are prohibited and which, if any, are allowed? Are transgender sex workers subject to any different regulations than biologically female sex workers?
- 2) Who enforces violations of the laws regarding sex work? Do the Anti-Vice Squad, Criminal Investigation Department, the Central Narcotics Bureau, and/or other agencies divide up enforcement, and if so, how?
- 3) Do some areas require more rigorous police enforcement – for example, more arrests or more raids – than others? If so, why? Are transgender women or migrants concentrated in any particular areas, and are these policed differently or more often?
- 4) What is the protocol for searching someone suspected of a prostitution-related offense? Are they photographed? Do condoms constitute evidence of prostitution in Singapore?
- 5) What is the protocol for detaining someone suspected of a prostitution-related offense? Are they charged, and what kind of appeal mechanism is available to them? When detained, are transgender sex workers held in men's cells, women's cells, or special cells apart from the rest of the detainees?
- 6) What are the punishments for prostitution, and how often are different punishments given out? Please provide us with data on how many people in the past year have been arrested, and of these how many have been convicted, received fines, been detained in jail, been sentenced to time in prison, or been deported. How many of these women are transgender? How many are migrants?

P.O. BOX 208215, NEW HAVEN, CT 06520-8215 • TELEPHONE 203 432-7480 • FAX 203 432-8260
COURIER ADDRESS 127 WALL STREET, NEW HAVEN, CT 06511 • EMAIL SCHELL.LAW@YALE.EDU

7) Our team has heard accounts of the yellow card system in which sex workers are allowed to work as long as they meet certain regulatory standards. What are the rules for obtaining a yellow card? What are the requirements for cardholders to retain their card? What does the card allow you to do that non-cardholders cannot? Are transgender sex workers able to participate in this system? If so, what are the requirements they must meet in order to do so? Do the police make efforts to search or close unlicensed brothels? If so, what are the protocols in place for them to follow in doing so?

8) If an instance of police misconduct were to arise – for example, the use of excessive force – what is the protocol for dealing with those infractions?

9) If a migrant sex worker is arrested and faces deportation, who pays for the worker's return? Are there specific protocols for repatriation, and if so, what are they?

We greatly appreciate your cooperation and look forward to any answers you are able to provide. We look forward to receiving your response by May 15, 2014 so that we can include your perspective in our work. Please email any response to ryan.thoreson@clinics.yale.edu or via fax at: +1-203-432-8260.

All the best,

Kyle Delbyck
Veronica Jordan-Davis
Soo-Ryun Kwon
Ryan Thoreson

Yale Law School



Yale Law School

ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC

James J. Silk, *Clinical Professor of Law*

June 1, 2014

Department of STI Control Clinic
31 Kelantan Lane
Singapore 200031

Dear Ms. Soon & Mr. Han Tan,

We write as a team of students from the Lowenstein Clinic at Yale Law School. The clinic is a law school course that gives students firsthand experience in research and advocacy under the supervision of faculty. We are currently working on a report on sex workers in Singapore and the difficulties they face. We hope that you might answer some questions about the Department of STI Control (DSC).

Our team visited Singapore earlier this spring to conduct research for the report. We made an effort to meet with the administration of the DSC Clinic while in the country, but they suggested that we write to you for answers to our questions. We seek responses to ensure accuracy in our work and to reflect your views in our report. If you are able to provide some insights into health practices within this population, we would be happy to share some of the findings from our research prior to publication. Your response to the following questions would be greatly appreciated:

- 1) What types of services do you provide to sex workers for sexually-transmitted illnesses (STIs)? How many sex workers do you treat per year?
- 2) What procedures regarding confidentiality does the DSC follow regarding STI screening? Who receives information about patients' STI and HIV/AIDS test results?
- 3) Do you report confirmed HIV/AIDS cases to the government? Why or why not?
- 4) Do you treat migrant sex workers at the clinic? If so, how many per year?
- 5) Do you provide any special services and/or outreach to sex workers? Do you provide any special services or outreach to migrant sex workers?

We greatly appreciate your cooperation and look forward to any answers you are able to provide. We look forward to receiving your response by June 15, 2014 so that we can include your perspective in our work. Please email any response to veronica.jordan-davis@clinics.yale.edu.

All the best,

Kyle Delbyck
Veronica Jordan-Davis
Soo-Ryun Kwon
Ryan Thoreson

Yale Law School

Acknowledgments

This report was researched and written by a team from the Allard K. Lowenstein International Human Rights Clinic at Yale Law School, including Kyle Delbyck, Veronica Jordan-Davis, and Ryan Thoreson. Cover-Lowenstein Fellow Soo-Ryun Kwon took part in the research and edited drafts of the report. Vanessa Ho of Project X offered substantial input and guidance throughout the stages of arranging the project, conducting documentation, and producing the report.

The authors would like to thank the individuals in Singapore who agreed to be interviewed, as well as all those who arranged interviews, translated testimony, and offered their perspectives on the issues discussed in the report. They are especially thankful to Rose and SgButterfly for their assistance.



Artwork by Singaporean sex workers depicting the way they would like the public to see them.

On the front cover: Painting by Dhivithra