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**LOCAL ACTION WITH INTERNATIONAL COOPERATION TO IMPROVE AND  
SUSTAIN WATER, SANITATION AND HYGIENE SERVICES**

**LGBTI and sanitation: what we know and what the gaps are**

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*Discussions on gender and WASH typically ignore non-normative gender identities. To address this, we reviewed the existing literature on the interrelation of LGBTI and sanitation. The evidence is scanty, and mostly focused on developed countries, although there is a growing body of evidence looking at South and South-East Asia. Most of the publications focus on the challenges transgender people face when accessing public toilets or other communal facilities, which include verbal abuse, physical and sexual assault, denial of access, arrest and expulsion. Almost nothing was found on LGBTI people (not including transgender). Solutions range from ‘gender-neutral’ public toilets, to ‘third gender’ ones, as well as ensuring transgender people can access toilets matching their gender identity. But there is no clear consensus. Overwhelmingly, the review reinforced how little is known about the challenges LGBTI face in relation to sanitation, a gap academics and practitioners alike could help address.*

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## **Introduction**

It could be said that within the water, sanitation and hygiene (WASH) sector there is a good understanding of the interrelation of gender and WASH. Focusing on sanitation, there is a lot of evidence about the disproportionate impact of lack of access to toilets on women and adolescent girls, as well as about the differences between men and women when it comes to sanitation preference, decisions and behaviours (WSP 2010). Although practice is lagging behind evidence, there are several handbooks on integrating menstrual hygiene management into WASH programmes (House et al. 2012; Winkler & Roaf 2015) or about how to address the risk and vulnerability to violence women face when trying to access WASH services (House et al. 2014). Although practice lags behind theory, there are some signs of sector organisations and governments starting to integrate these into their work. The UN’s Sustainable Development Goal (SDG) 6 calls for clean water and sanitation for all by 2030 and SDG 5 aims for gender equality and the empowerment of women and girls by 2030. The ‘critical’ connection between these two goals has been well documented and SDG 6.2 specifies we must pay ‘special attention to the needs of women and girls and those in vulnerable situations’ (Grant et al. 2016; UN 2016).

However, the understanding of gender in the sector is predominantly binary: male vs female. As such, it misses out on the how WASH affects people with non-normative gender identities, which we conflate here under ‘LGBTI’ (Lesbian, Gay, Bisexual, Transgender and Intersex). One example of the relevance of this relationship is the problems transgender people may have accessing public toilets, a topic that was recently discussed publicly in the Sanitation Action Summit in India (WSSCC n.d.), but that remains a drop in the ocean of a sector that seems to be neglecting those realities.

This paper aims to address part of this gap by reviewing the existing evidence on the interrelationship between LGBTI and sanitation. The review started with a thorough literature search, from academic publications, to institutional documents and websites. Internet search engines were used, combined with following the references from some seminal documents that had been suggested by a group of WASH experts from WaterAid. The literature accessed was then reviewed to identify and synthesise the content relating to LGBTI and sanitation linkages. The findings have been separated according to where it relates to –developed vs developing countries– and then structured in three sub-sections: challenges, solutions and other findings.

## **Developed countries**

While the main focus of the review was on developing countries, a small sample of the much more abundant literature from developed countries was included, to provide a broader range of insights and points of comparison.

### **Challenges facing LGBTI people regarding access to sanitation**

There is a lot of literature –focused primarily on transgender people– and debate on who should have access to which toilets where there is sex-segregation, particularly in the US. A comprehensive survey in the US (James et al. 2016) details harassment, verbal and physical, and denial of access of transgender people in public toilets. Also mentioned is the health challenges caused by avoiding public toilets. Various bills have been proposed in different US states (Wikipedia n.d.) that would make it illegal for transgendered individuals to use their toilet of choice. To date one such bill has been approved in North Carolina (Wikipedia n.d.).

### **Solutions**

There is a lot of literature (including academic) and recent debate surrounding benefits or disadvantages of gender-neutral toilets. Where ‘gender-neutral’ means ‘all gender’; everyone and anyone can use the designated toilet. This discussion is particularly prevalent in the US but also exists elsewhere, e.g. UK (Duffy 2016), China (All China Women’s Federation n.d.). General opinion (though by no means unanimous) from the LGBTI community is that the ideal solution to the discrimination faced by LGBTI people in sex-segregated toilets would be gender-neutral toilets. Conservative critics disagree, thinking this unsafe for women and children (Sanders & Stryker 2016). Brighton and Hove in the UK (Brighton & Hove City Council n.d.) and Vancouver in Canada (Nickerson 2000) have introduced gender-neutral toilets in public places. California has passed a bill that all single stall public toilets be gender-neutral, to come into effect March 2017 (Steinmetz 2016). There is a growing trend on university campuses to have gender-neutral toilets (Bellware 2014). It often isn’t distinguished what is a ‘gender-neutral’ block of toilets and what is merely an extra ‘gender-neutral’ single occupancy toilet existing alongside male and female toilet blocks. The latter is similar to many disabled toilets, and in some cases a ‘gender-neutral’ sign is simply added to the disabled toilet. Some authors (Sanders & Stryker 2016) do distinguish between the two approaches and see this as an important difference, arguing that an extra single toilet ‘spatially isolates and excludes’.

In other settings such as schools, where gender-neutral toilets are seen as problematic, activists tend to advocate for ensuring students can access the toilets that match their gender identity. A federal law recognising this right in the US was recently rescinded (Smith & Redden 2017).

### **Other findings**

There are lots of resources on public toilets as a place where men have sexual relations with men. This has been discussed as a negative thing to be avoided by British councils, referred to as ‘cottaging’ (British Toilet Association 2010). However the use of public toilets as a place of sexual relations has also been discussed as a positive thing by some academics (Jeyasingham 2016).

## **Developing countries**

### **Challenges facing LGBTI people regarding access to sanitation**

The existing literature is limited to the interrelationship of transgender persons and public toilets, with examples from India, Nepal and Bangladesh –countries which all recognise a ‘third gender.’ Problems identified include: being harassed and abused in men’s toilets, feared and ridiculed in women’s toilets, suspected of sex work when using public toilets or denied access to public toilets altogether. This is compounded by the fact that sex-reassignment surgery results in many cases in a need for frequent urination. The most recent and extensive publication (WSSCC & FANSA 2016) about the topic was produced after the Sanitation Action Summit in India, organised by WSSCC, and the first time –as far as we have found– transgender people (trans women) were part of a public consultation to discuss the challenges they face regarding sanitation. In the report, transgender women shared that due to the problems listed above, they tend to cover their faces with a dupatta (scarf worn on the head and shoulders) when they enter a women’s toilet or they delay going to the toilet till they can find a more private place.

Other sources report cases where transgender people have even been arrested or expelled for using the toilets of their choice: in Zimbabwe a transwoman was arrested for using the women's public toilets (Human Rights for LGBTIQ People Everywhere 2014), while in Belize a teenager was expelled for a list of 'effeminate' behaviours, including using the woman's toilets (Human Rights for LGBTIQ People Everywhere 2009).

In a particularly pertinent case, prominent Indian trans rights activist Akkai Padmashali was subject to verbal harassment by a member of staff in the women's toilets of a government building, the same government which had honoured her for her activism (Mallikarjunan 2016), demonstrating the broad nature of the discrimination transgender individuals face when accessing toilets.

Another relevant mention of these issues appears in the report on Stigma and WASH by the special rapporteur on the human right to water and sanitation: "the use of public bathrooms, which are often sex-segregated, has been associated with exclusion, denial of access, verbal harassment, physical abuse and sometimes even the arrest of transgender and intersex individuals. More broadly, they are at risk of exposure, violence and harassment in seeking access to services such as water and sanitation when those are in common areas, or where privacy is unavailable or compromised" (de Albuquerque 2012, p.10).

There are many gaps on this topic, especially going beyond transgender people (or even transwomen). The following interrelationships of LGBTI and sanitation were hypothesised by the authors, but no published evidence has been found in the review. First, given that male public toilets rarely have hardware for menstrual hygiene management, it seems likely that transmen would face practical difficulties using male toilets. It seems also likely that intersex people face many similar problems to transgender individuals in regard to public toilets. Lesbian and bisexual women might experience greater vulnerability to gender-based violence and sexual violence than heterosexual women, because of their actual or perceived sexual orientation, and also be at greater risk of being rejected by their families for the same reasons (Human Dignity Trust 2016). These two elements might have links to sanitation, where family rejection could affect access to private facilities. Public toilets could also act as sites of increased vulnerability, where being female intersects with being lesbian or bisexual to increase risks of gender-based violence.

### **Solutions**

There are different solutions in different developing countries, and there is no consensus even at the local level on which solutions work best. In Malaysia, some universities are starting to have gender-neutral toilets (Health Policy Project et al. 2015), while in Thailand a secondary school introduced a third gender of toilets (alongside male and female ones), for exclusive use of transgender students (this is different from 'gender-neutral' toilets, which are for use by all genders), to avoid them 'being watched, laughed at or groped' in the male and female toilets (Siddique 2008). Similarly, third gender toilets seem to be increasingly preferred to male/female and gender-neutral toilets in Nepal (Knight 2012) and India (WSSCC & FANSA 2016), primarily for safety reasons. In a Reuters article, an Indian transgender activist discussed their preference of third gender toilets over gender-neutral toilets, because the exclusion of men increases safety (Roy 2016). Padmashali, referring to the incident in the government women's toilets, stated that "it is because of such discrimination that we demand separate toilets for us in public places" (Mallikarjunan 2016). In any case, some see this as a short-term solution: as a transwoman highlighted in the Indian Sanitation Action Summit, if women were not scared of them, they could use the women's toilets without any problem (Curry 2016), hence highlighting that in the long term stigma should be addressed and transgender individuals should be able to access the toilet matching their gender identify. Nepal has already introduced some 'third gender' public toilets, while the promise of roll-out across India is yet to be fulfilled, albeit exception such as Mysuru (Gopalakrishnan 2016).

### **Other findings**

Minimal research was found on the topic of toilets as places for sexual relationships in developing countries, in contrast to what was reported for developed countries. The exception is a study from Nigeria noting that when homosexuality is taboo and criminalised there are no gay venues, so 'even toilets' may become informal meeting places (Allman et al. 2007).

There are several reports on LGBTI people being excluded from disaster relief efforts, as aid tends to be given to families through the female head of household. This makes same sex couples and LGBTI people who might have been disowned by their families unable to access aid. In the aftermath of the 2004 tsunami in Tamil Nadu, this was reported to have led to discrimination of aravanis (feminine, male-bodied, gender-variant people) in access to toilets (Knight & Sollom 2012).

## Conclusions

There are a number of articles and reports on problems transgender people face using public toilets, both in developed countries (primarily the US), and in developing countries (India, Nepal, Bangladesh). However, there is far more information available from developed countries, and hardly anything from Africa or Latin America, demonstrating large gaps in knowledge on the topic. The problems captured in these publications range from transgender individuals being subject of verbal abuse, physical and sexual assault to denial of access, arrest and expulsion.

When it comes to solutions (within the sanitation realm), evidence is scanty and sometimes points in different directions. In developed countries, activists often favour ‘gender-neutral’ public toilets –either a block or an extra single occupancy cubicle–, but also the recognition of the right of transgender people to use the toilet that matches their gender identity. In developing countries, activists seem to favour ‘third gender’ public toilets (the crucial difference between the extra single occupancy and the third gender is that in the former case all genders may use the cubicle and in the latter only those who are transgender can). But there is live debate in both settings.

Going beyond transgender people, a few sources report intersex individuals facing similar problems as transgender people. There is even less evidence on the challenges lesbian, gay and bisexual people may face in regard to sanitation. While this might point to the fact that they generally don’t face any major issues linked to sanitation, it could also be that these problems have not been reported so far.

Overall, the little amount of evidence on the links between sanitation and LGBTI, and the lack of consensus on how to ensure public toilets (and other sanitation services) cater to their needs, is an area of concern. Not just from a human rights lens, but also from the perspective of the SDGs, which aim for universal access to sanitation and gender equality, while calling for reducing inequalities. WASH sector organisations, and especially academics working on WASH, could contribute to filling these knowledge gaps and start developing guidance on specific elements such as how to make public toilets LGBTI inclusive.

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