

Know Your Rights!

Trans Survivors of Domestic and Sexual Violence

SUMMER 2015

If you have experienced domestic violence, sexual assault, dating violence, or stalking, you are entitled to many free services from an extensive set of federally-funded programs (emergency shelters, rape crisis centers, support groups, legal advocacy, etc.) under the Violence Against Women Act (VAWA). VAWA now explicitly protects transgender and lesbian, gay, and bisexual (LGB) survivors and provides ways to get help if you are discriminated against.

YOU HAVE A RIGHT TO VAWA-FUNDED SERVICES.

Any agency (police, prosecutors, rape crisis centers, domestic violence shelters, legal aid, hotlines, support groups, etc.) that receives VAWA money has to treat transgender people respectfully and provide equal or similar services by law.

■ What does that mean?

Trans, gender non-conforming, and gender non-binary people CANNOT be turned away from or be discriminated against by these agencies because of their sex, gender identity, gender expression or sexual orientation.

■ Here are a few examples of how this new law helps transgender survivors of violence:

- The agency cannot say it only serves women: it must serve people of all sexes and gender identities.
- You have the right to have your gender identity respected. You cannot be asked about your body or medical or surgical history in order to gain access to services.
- Your legal documents don't have to match how you identify. If the name or gender markers on your documents (like your driver's license) don't match with how you identify, that's ok. The agency is NOT allowed to demand that your documents match in order to help you.
- The agency may not demand that trans or gender non-binary individuals produce more identity documents than they require from others.
- Agencies may not isolate or segregate clients based on actual or perceived gender identity or sexual orientation.
- Agencies may not discriminate against you because another client objects to the presence of a trans or LGB person.
- If the agency has separate services for men and women, YOU get to choose which service will be more comfortable and safe for you.

YOU HAVE A RIGHT TO COMPARABLE SERVICES.

Under VAWA's nondiscrimination conditions, agencies can have sex-segregated or sex-specific services only if that segregation is "necessary to the essential operation of a program." If an agency that only provides sex-segregated services cannot serve you in the same way it serves others (for example, you are a trans man and they only have a female-only support group), the agency MUST provide you "comparable services." Simply referring you to another agency that serves people of your sex, gender identity, gender expression, or sexual orientation is NOT enough if they accept VAWA funds.

■ Here is an example of comparable services for trans survivors:

Recent practice has been for domestic violence shelters that admitted only women to give non-trans male and/or trans victims a voucher for a few nights' hotel stay. This is no longer allowed. The services you are entitled to need to be roughly the same quality and duration. For example, if you are housed separately, you must be housed for the same length of time and provided with transportation and access to the same support services provided to those housed in the main shelter. (Note that this should only be an issue for male-identified and non-binary individuals; a trans woman should be served in the same way as other non-trans women, unless she feels it would compromise her health or safety.)

Some agencies have limited capacity and/or wait lists. You can be turned down for services if the agency is not accepting any new clients, but they cannot turn you away because of your sex, gender identity, gender expression, or sexual orientation.



YOU HAVE THE RIGHT TO ACCESS HELP.

Many agencies and individuals are working nationwide to strengthen the trans and LGB non-discrimination provisions in VAWA and help survivors access services. Here are some of the resources you should know about:

The non-discrimination rules VAWA agencies are supposed to be complying with: <http://www.ovw.usdoj.gov/docs/faqs-ngc-vawa.pdf>

Further information on filing complaints with the Department of Justice: http://ojp.gov/about/ocr/faq_ocr.htm

Training webinars (available 24/7, on demand) for service providers on how to respectfully serve transgender survivors of domestic violence, sexual assault, dating violence, and stalking: <http://forge-forward.org/trainings-events/recorded-webinars/>

Publications for service providers on how to respectfully serve transgender survivors of domestic violence, sexual assault, dating violence, and stalking: <http://forge-forward.org/publications-resources/anti-violence-publications/>

Self-help materials for trans survivors of sexual violence: <http://forge-forward.org/anti-violence/for-survivors/guides-for-survivors/>

Trans-specific safety planning tool: <http://forge-forward.org/wp-content/docs/safety-planning-tool.pdf>

National Domestic Violence Hotline (can refer you to nearby services) <http://www.thehotline.org/> 1-800-799-SAFE

Rape, Abuse, and Incest National Network (can refer you to nearby services) <https://www.rainn.org/get-help/national-sexual-assault-hotline> 1-800-656-HOPE

YOU HAVE THE RIGHT TO FILE A COMPLAINT.

If you feel you have experienced discrimination, you can file a complaint (anonymously if you want) against the agency with the Department of Justice (DOJ). You can also file on someone else's behalf. You do not need a lawyer and it is FREE.

■ You can find the complaint form here:

<http://ojp.gov/about/ocr/complaint.htm>

■ Here are some tips to help you file the complaint.

- Write down everything that happened as soon as it occurs so that you can remember as much as possible including dates and times.
- Gather the full names of the people you are reporting, along with the agency's address and phone number.
- File the complaint as soon after the incidents as possible. You must file within one year of the alleged discrimination.
- There are two forms to fill out: the Complaint Verification Form and the Identity Release Statement. The Identity Release Statement does let you tell DOJ to withhold your name from the agency you are reporting, but DOJ warns this may slow or even stop the investigation. Both types of forms are available at <http://ojp.gov/about/ocr/complaint.htm>

■ If you are uncertain if the agency receives VAWA money, file anyway.

You may still file the complaint and the Department of Justice will look into that for you. If the agency does not get VAWA money, there may be other laws in place that protect you.

■ Advice and assistance on filing VAWA discrimination complaints:

The National Coalition of Anti-Violence Programs (NCAVP), available weekdays from 10 a.m. to 6 p.m. EST at: 1-855-AVP-LGBT (1-855-287-5428)

■ Filing a complaint helps all of us.

Currently, the only enforcement mechanism for this non-discrimination law is through the complaint process. In other words, if you experience discrimination at an agency and do NOT report it, the next trans victim to come along will also likely be discriminated against. That's why it's good to file a complaint even if the agency turns out not to be funded by VAWA: complaints help the Department of Justice understand the ways in which trans people may still be experiencing discrimination, despite new laws and improving social attitudes.