



**Proponent testimony submitted to the
Ohio Senate Judiciary Committee
Senate Bill 11: Ohio Fairness Act
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Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and Members of the Senate Judiciary Committee, thank you for the opportunity to provide testimony in support of Senate Bill 11. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

Senate Bill 11 seeks to establish the Ohio Fairness Act, which would prohibit discriminatory practices on the basis of sexual orientation, gender identity, or gender expression. Sixty years ago, the Ohio General Assembly passed the Civil Rights Act of 1959 to "prevent and eliminate the practice of discrimination in employment against persons because of their race, color, religion, national origin, or ancestry." The act also guaranteed fair access to public facilities and private businesses. The General Assembly recognized that it was not right for Ohioans to suffer discrimination based on the color of their skin, and that people of color are human beings. Gay and transgender individuals are also human beings. They lived in Ohio and contributed to society in 1959, and they do so today.

Our state and our nation have a long way to go to achieve true racial equality, but without the backbone of legally prohibited discrimination, we could never dream of achieving it at all. Senate Bill 11 is that foundational step for the protection of LGBTQ Ohioans, and in the year 2019, it is past due.

From the standpoint of sexual violence and our work to support survivors, the Ohio Alliance to End Sexual Violence supports Senate Bill 11 for many reasons. LGBTQ people face extremely high rates of sexual violence,¹ in part because of their increased vulnerability to poverty, stigma, and marginalization. Additionally, they face higher rates of hate-motivated violence, which often takes the

¹ Office of Justice Programs: Office for Victims of Crime, *Responding to Transgender Victims of Sexual Assault* (June 2014), https://www.ovc.gov/pubs/forge/sexual_notes.html#_edn1 (citing FORGE, 2005, *Sexual Violence in the Transgender Community Survey*, unpublished data; G. Kenagy, 2005, *The Health and Social Service Needs of Transgender People in Philadelphia*, *International Journal of Transgenderism* 8(2/3):49–56; G. Kenagy and W. Bostwick, 2005, *Health and Social Service Needs of Transgendered People in Chicago*, *International Journal of Transgenderism* 8(2/3):57–66.).

form of sexual assault.² Within a population already suffering staggering rates of violent crime,³ black transgender women are especially at risk for sexual violence and homicide. While Senate Bill 11 would not automatically correct the deeply-entrenched systemic problems that threaten the lives and well-being of LGBTQ individuals, it would establish a basic foundation for an Ohio that recognizes their worth as human beings and their right to participate freely in society.

We cannot advocate for the prevention of sexual violence if we cannot first acknowledge the humanity of its victims. To that end, OAESV would like to incorporate into our testimony the full *National Consensus Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Full and Equal Access for the Transgender Community*, published last April by the National Task Force to End Sexual and Domestic Violence (“Task Force”). OAESV supports the National Task Force’s position that fear and misunderstanding of the LGBTQ community precipitates further violence and prevents safety and equality. Specifically, OAESV echoes the Task Force’s statement that:

As rape crisis centers, shelters, and other service providers who work each and every day to meet the needs of all survivors and reduce sexual assault and domestic violence throughout society, we speak from experience and expertise when we state that [claims alleging that allowing transgender individuals to access facilities endanger women and children] are false.

As the Task Force explains,

[O]ver 200 municipalities and 18 states have nondiscrimination laws protecting transgender people’s access to facilities consistent with the gender they live every day. In some cases, these protections have been in place for decades. ... **None** of those jurisdictions have seen a rise in sexual violence or other public safety issues due to nondiscrimination laws. ... Those protections have not weakened public safety or criminal laws, nor have they compromised their enforcement.

Further, LGBTQ sexual violence survivors face discrimination when attempting to access the criminal justice system and support services. In a survey administered by the National Coalition of Anti-Violence Programs, 85% of respondents reported working with an LGBTQ survivor who was denied services because of sexual orientation or gender identity.⁴ Such services include domestic violence

² Human Rights Watch, *Sexual Assault and the LGBTQ Community*, <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>.

³ "Death, profound loss, the violence that surrounds us, it's constant. It's a significant part of my transgender experience. ... The LGBTQ community is much more likely to be violently attacked than any other marginalized group in the United States, says the Southern Poverty Law Center, a legal advocacy nonprofit that specializes in civil rights and public interest litigation. The transgender community appears especially vulnerable." Jen Christensen, *Killings of Transgender People in the US Saw Another High Year*, CNN (January 17, 2019), <https://www.cnn.com/2019/01/16/health/transgender-deaths-2018/index.html>.

⁴ *Sexual Assault and the LGBTQ Community*, Human Rights Campaign, <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>.

shelter, housing accommodations, healthcare, health insurance, chemical dependency treatment, and mental health services.

Additionally, employees of criminal justice institutions, mental health service agencies, health care providers, and advocacy service providers do not adequately represent the LGBTQ population. The success of any system or service provider relies in part on the extent to which the staffing and visibility of those systems and organizations reflect their communities. In other words, LGBTQ survivors of sexual assault will continue to suffer in silence, and the crimes they have endured will continue to go unacknowledged if the law does not protect LGBTQ individuals in their right to work in the very agencies that serve survivors.

Last, Senate Bill 11 would support multidisciplinary efforts to prevent sexual violence. Effective crime prevention requires that any potential victim be afforded basic rights and protections under the law. We cannot promote the value of LGBTQ people if we are unwilling to legally acknowledge their right to live, learn, and work free from discrimination.

If enacted, Senate Bill 11 will not change hearts or minds. Senate Bill 11 would recognize that LGBTQ individuals are human beings. They contribute as much value to our society as any other demographic in this state, and it is well past time that we acknowledge their worth as citizens and our shared humanity.

Thank you for the opportunity to submit this testimony. I welcome any questions the committee members may have, and am available to answer any questions by email at tucker-lauderman@oaesv.org.