

Transgender Public Accommodations 2018 MA Ballot Question

THIS NOVEMBER,



DEFEND TRANSGENDER
EQUALITY IN MASSACHUSETTS.

FREEDOMMA.ORG

Jane Doe Inc. encourages Massachusetts voters to go to the polls on Election Day, November 6, 2018 and **VOTE YES** to uphold the transgender non-discrimination protections enacted in the 2016 Act Relative to Transgender Anti-Discrimination.

A “YES” vote keeps the current law in place and protects transgender people from discrimination in public accommodations.

A “NO” vote overturns these vital protections, denying our trans community members their right to equal protection under the current law.

Hear direct testimonies from trans people about their experiences with discrimination & how allies are speaking out. freedommassachusetts.org/voices/

Facts and Statistics

to combat common misconceptions about public accommodations, non-discrimination, and the trans community.

History



Effective July 2012, Massachusetts extended non-discrimination protections to transgender people in employment, housing, credit, and education. In 2016, An Act Relative to Transgender Anti-Discrimination closed an important gap, giving trans people the legal right to use any public accommodations consistent with their gender identity. This progress is now at risk of being reversed by the anti-trans question on the November ballot.

Transgender Lifetime Sexual Assault Rates

Broken down by the racial and ethnic categories reported in the CDC's 2015 Transgender Survey

47%

of all trans people (regardless of race/ethnicity)

65%

of American Indian trans people

59%

of multiracial trans people

58%

of Middle Eastern trans people

53%

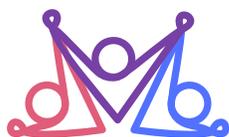
of Black trans people



Intimate Partner Violence Against Trans People

In Massachusetts, over **1 in 3** trans people report threats of violence by an intimate partner compared to 13.6% of cis people.

Perpetrator's relationship to Victim/Survivor:



Of sexual abuse cases reported to law enforcement, 93% knew the perpetrator—only 7% of perpetrators were strangers to the victim. Among U.S. adults, 7 out of 10 rapes are committed by someone known to the victim, and the same is true for the majority of children and teens.



◆ According to the National Center for Transgender Equality, 1 in 4 trans people have faced bias-driven assault. Rates are higher for trans women and trans people of color.

Hate Crimes and Discrimination against Trans People

- ◆ 53% of respondents in the 2016 National Transgender Discrimination Survey report being verbally harassed or disrespected in a place of public accommodation. 44% reported being denied equal treatment or service at least once in the 15 types of public accommodation covered in the study.
- ◆ A 2016 survey conducted by the National Center for Transgender equality found that almost 60% of transgender people have avoided using public restrooms for fear of confrontation, assault, and harassment.

[Unerased: Counting Transgender Lives](http://mic.com/unerased) provides a comprehensive look at transgender murders since 2010. The numbers continue to rise and are undoubtedly higher than we know. This project is found at mic.com/unerased.

Talking Points

for reference when advocating to uphold transgender public accommodations to those who oppose these protections.

If someone thinks this is simply a 'Bathroom Bill':

"Public accommodations" are not just bathrooms, but also everything from stores and restaurants to public transportation and medical offices as well as rape crisis and domestic violence services and all types of shelters. The trans community is at a greater risk of experiencing sexual assault, interpersonal violence and homelessness.

The 2016 National Transgender Discrimination Survey found that 42% of those who accessed shelter reported that they had to alter their gender presentation in order to receive shelter services. We need to continue to improve—not limit—access to public accommodations for trans people.

If someone is concerned about decreased safety as a result of trans non-discrimination laws:

The argument that transgender non-discrimination laws will place people at increased risk of violence is a false scare tactic used by the opposition—not a demonstration of commitment to violence prevention.

Across the country, 200+ towns and 18 states (including MA) have trans discrimination protections in place—in some cases for decades. Based on experiences in these places, school officials, law enforcement, and sexual and domestic violence organizations all agree that there is no reason for increased concern about safety and privacy. Those who exhibit sexually violent behaviors do so without regard for current discrimination laws. Even so, in those rare cases in which a perpetrator disguises themselves to gain access to a restroom and commit violence, they will still be held accountable under existing criminal law.

Current Climate

It is urgent that we uphold transgender non-discrimination protections now because threats to hard earned LGBTQ civil rights are widespread. Some examples include:

- **Actions of the Justice Department:** In October 2016, the U.S Department of Justice (DOJ) filed suit against North Carolina's infamous HB2 trans discrimination law, but the suit was dropped in April 2017. The DOJ also released new guidelines that allow public and private entities that receive federal funds to claim religious freedom as a pretense to allow discrimination.
- **The Department of Housing and Urban Development** abandoned best practices designed to improve accommodation for LGBTQ folks experiencing homelessness, making false claims that these protections compromise the safety of others in shelter.
- The Trump Administration proposed banning transgender individuals from serving in the military.
- Since January 2018, Massachusetts and New Hampshire introduced anti-trans ballot questions, and 21 other anti-trans bills have been introduced across the United States,

If someone does not understand how trans non-discrimination relates to sexual violence prevention:

As advocates and survivors we know that the threat of sexual assault, domestic violence and harassment is real--especially for trans people. We know that safety concerns are justified and should not be dismissed. However, singling out trans people as perpetrators is not only misguided, but harmful to trans communities and anti-sexual violence efforts. Supporting transgender discrimination protections furthers our commitment to ending sexual and domestic violence, which is why we oppose any policies that will put anyone at greater risk of violence.

If someone does not understand why this is important for MA:

The principles of non-discrimination—fairness, equality, and opportunity—are deeply held values in the U.S. and here in the Commonwealth. We strive for all Massachusetts residents to be treated fairly and equitably under the law, and transgender non-discrimination protections further this goal. We must continue our commitment to sexual violence prevention and LGBTQ inclusion in the Commonwealth—as we did in 2004 as the first state to legally recognize same-sex marriage—and ensure an overwhelming 'yes' vote to uphold transgender public accommodation protections.

Additional Resources

- Freedom for all MA offers a helpful "MythBuster" that advocates can use to dispel common--but inaccurate and harmful--myths about transgender public accommodation protections. Find this at bit.ly/2N6sypj
- Freedom for all Americans has compiled [Trans 101: Information for Trans Public Education Campaigns](#), a helpful guide featuring terminology and FAQs for those looking for more information on trans identity and politics. Find this information at bit.ly/2Kt45w0
- The Network/La Red and NSVRC published [Open Minds Open Doors](#), a guide on transforming Domestic Violence programs to include LGBTQ survivors. Find this guide at bit.ly/2Kz0RHu

