

The Need for LGBTQI+-Affirming Gender-Based Violence Services

Authors:

New York City Anti-Violence Project

New York State Office for the Prevention of Domestic Violence

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NYS Commitment to Survivor-Centered Services

New York State is deeply committed to the prevention of and response to domestic and gender-based violence (GBV). As such, New York is the only state in the nation that has a cabinet-level state agency dedicated to this mission. **The New York State Office for the Prevention of Domestic Violence (OPDV)** addresses gender-based violence through public policy, education, and public awareness, and partners with a statewide network of local service providers to ensure survivors receive survivor-centered, trauma-informed, and culturally responsive services throughout New York State.

Additionally, **the Office of Children and Family Services (OCFS)** is responsible for licensing residential programs for victims of domestic violence and works with local department of social service districts on the approval for non-residential domestic violence services. OCFS is committed to ensuring that domestic violence services are provided to all survivors.

OPDV is currently working across many systems, and in close partnership with OCFS and local providers throughout the state, to be more responsive to the needs of all survivors, including for those who may identify as lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual, agender, and more (LGBTQI+). This work includes building and maintaining relationships with culturally responsive and population-specific agencies to inform our work to be survivor-centered, culturally responsive, and trauma-informed.

¹ A note on **Language and terminology**: OPDV recognizes that language is important and ever-evolving, particularly around experiences of violence, as well as around intersectional identities and experiences. To that end, we have linked a glossary of terms utilized in this document.

Need for LGBTQI+-Affirming Services

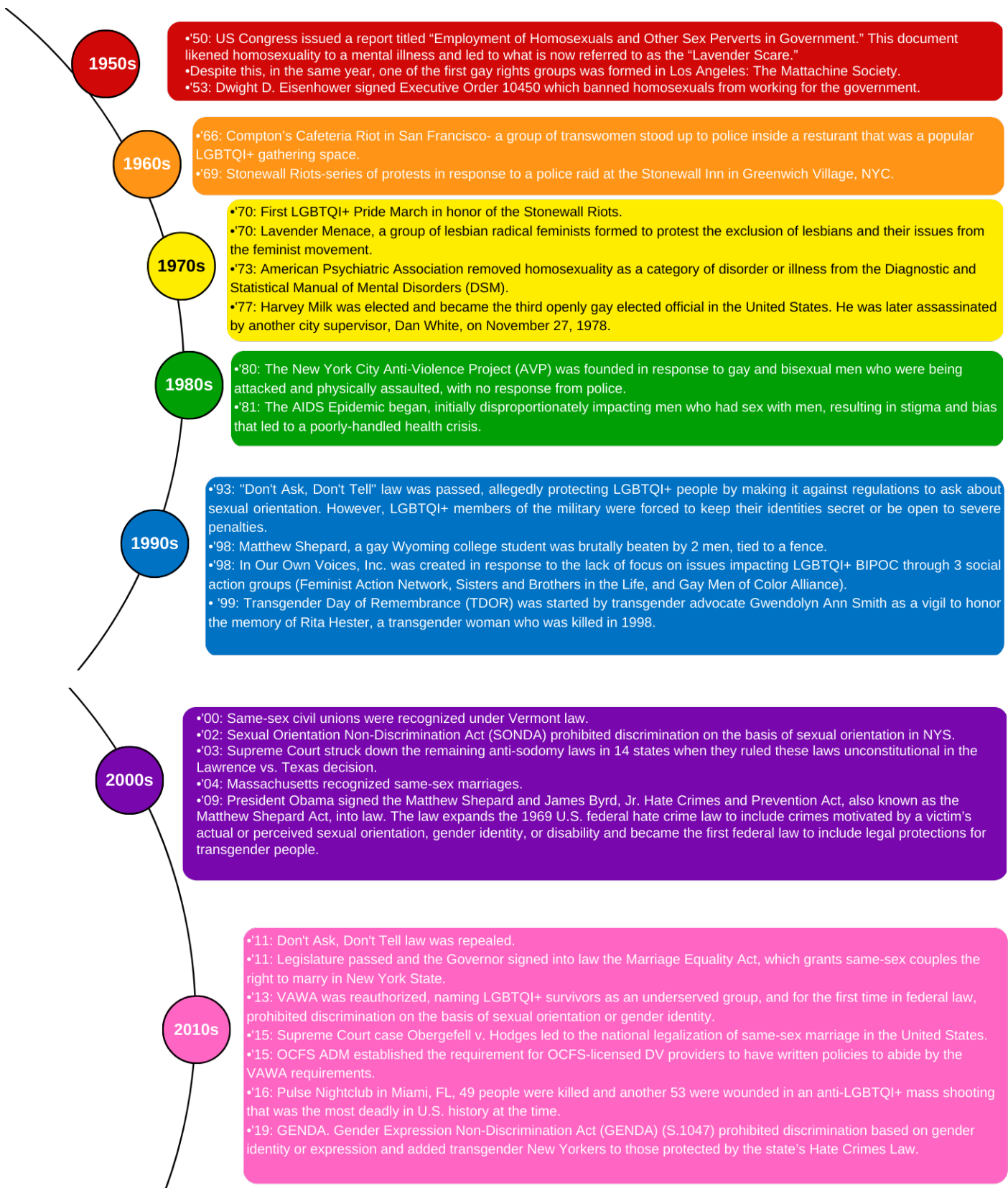
All OCFS licensed and approved programs are mandated to provide services in a non-discriminatory manner. However, there is more to be done beyond complying with non-discrimination provisions to ensure that the field of domestic and gender-based violence services are inclusive and affirming. We must recognize and acknowledge the ways in which the modern anti-violence movements have left out, and even erased, LGBTQI+ experiences and identities, and the harm that has caused, most severely for LGBTQI+ Black, Indigenous, People of Color (BIPOC). Most importantly, we must commit to ongoing learning, demonstrating openness and willingness to learn how to create spaces that welcome and affirm diverse LGBTQI+ people with intersecting identities.

To ensure that LGBTQI+ survivors have access to inclusive and affirming safety, support, and services in NYS, it is critical for domestic violence programs to be knowledgeable about LGBTQI+ communities. This includes building providers' understanding of the disproportionate risk for violence, as well as the bias, discrimination, and added violence LGBTQI+ survivors face when attempting to access remedies and resources.

There is continued need to build a network of domestic violence service provision that is accessible for all survivors. To help meet this need, OPDV is creating the LGBTQI+ Endorsement Program which will assist DV programs to increase their accessibility for inclusive and affirming services for all survivors of gender-based violence across the spectrum of gender identity and sexual orientation. This voluntary initiative further efforts to assure survivors across New York state that they can reach out to and access services from domestic violence providers that are affirming and understanding of their needs by giving domestic violence programs the opportunity to be endorsed as LGBTQI+ affirming and inclusive in their services, policies and practices, and will establish a new commitment to the LGBTQI+ community statewide.

Historical Context

LGBTQI+ identities and relationships date back to ancient civilizations, but more modern history has been rife with anti-LGBTQI+ bias, discrimination, and violence with systemic oppression. This history continues to have negative effects on the physical, emotional, and financial safety, health, and wellness of LGBTQI+ people. Understanding this context is pivotal for providing affirming, effective care for LGBTQI+ survivors of violence. Therefore, on page three, we have provided a timeline illustrating historical moments in the LGBTQI+ movement.



Present Day

More than 50 years after the Stonewall Rebellion,² LGBTQI+ people continue to face pervasive and severe violence in their homes, workplaces, places of worship, on the street, and even in LGBTQI+ “safe” spaces; as well as intimate partner violence (IPV), sexual violence (SV), and stalking, at rates the same or higher than non-LGBTQI+ people.³ The crisis of violence within and against LGBTQI+ communities in the US has reached epidemic proportions, disproportionately impacting those most marginalized, specifically LGBTQI+ BIPOC and transgender, gender non-conforming, and non-binary (TGNCNB) people.⁴ The national FBI Hate Crime Statistics for 2021 report incidents related to sexual orientation and gender identity represented 19.7% of all single-bias incidents reported in 2022.⁵

A national anti-LGBTQI+ backlash continues to gain steam; TGNCNB student protections are being rolled back and violent anti-LGBTQI+ rhetoric rises. Across the country, hundreds of bills are under review across many state governments acting to legalize discrimination. These proposals include legislation:⁶

- Attempting to undermine and weaken nondiscrimination laws allowing for LGBTQI+ people to be turned away or refuse equal treatment
- Banning gender affirming care for trans youth and creating criminal penalties for providers
- Limiting access to educational materials or censoring performances that celebrate the LGBTQI+ community (e.g. drag shows)
- Limiting individuals’ ability to update gender information on identification records; and
- Seeking to prohibit transgender gender non-conforming individuals from using public facilities.

The impact of rhetoric and legislation like these is a climate of hostility and the reinforcement of negative narratives of LGBTQI+ people. This is compounded for LGBTQI+ people who hold multiple intersecting identities that exacerbate their risk of experiencing violence. For instance, BIPOC face disproportionate rates of bias and violence.⁷ The racist mass shooting in Buffalo, NY in May of 2022 brought into stark focus the increasing hate violence⁸ Latinx people and immigrant communities also face rising violence,⁹ especially undocumented LGBTQI+ immigrants.¹⁰

Finally, the disproportionate risk of violence has only been exacerbated by COVID-19:¹¹ research shows that of those who have experienced intimate partner violence since the onset of COVID-19,

² The Stonewall Rebellion is considered the start of the modern LGBTQ rights movement when bar patrons fought back against anti-LGBTQ violence from police. More info:

<https://www.nationalgeographic.com/history/article/stonewall-uprising-ignited-modern-lgbtq-rights-movement>

³ Centers for Diseases Control and Prevention, National Center for Injury Prevention and Control, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* (Jan. 2013). This survey did not include transgender or gender non-conforming people and no national federal study does; AVP runs the National Coalition of Anti-Violence Programs (NCAVP), which publishes annual reports on Intimate Partner Violence and Hate Violence in the United States. Reports available at: www.avp.org/reports;

⁴ <https://williamsinstitute.law.ucla.edu/press/nsvs-lgbt-violence-press-release/>

⁵ <https://www.justice.gov/crs/highlights/2021-hate-crime-statistics>

⁶ <https://www.aclu.org/legislative-attacks-on-lgbtq-rights>

⁷ McCown C.M., Platt L.F. (2021) Violence Against Queer and TGNC People of Color. In: Lund E.M., Burgess C., Johnson A.J. (eds) *Violence Against LGBTQ+ Persons*. Springer, Cham. https://doi.org/10.1007/978-3-030-52612-2_16; and [NCAVP reports](https://www.ncavp.org/reports) consistently demonstrate disproportionate rates of violence faced by LGBTQ POC.

⁸ Burch, A.D.S., Ploeg, L.V. *Buffalo Shooting Highlights Rise of Hate Crimes Against Black Americans* (2022) in *The New York Times*

⁹ Shively, M., et. Al. (2013) *Understanding Trends in Hate Crimes Against Immigrants*, in US DOJ report; and Campbell, B., et al. (2018) *Rising Hate Drives Latinos and Immigrants Into Silence*.

¹⁰ Williams Institute (2021) *LGBTQIA+ Refugees and Asylum Seekers*.

¹¹ <https://www.nsrc.org/sites/default/files/2021-03/Intimate-Partner-Violence-Report-2020.pdf>

68% of the general population sample said the pandemic has increased the duration and frequency of such violence. In contrast, 77% of LGBTQI+ respondents reported an increase, a 9% difference.

Over a million LGBTQI+ immigrants live in the United States, representing 3% of the US immigrant population.¹² Transgender, gender non-conforming, and non-binary people face disproportionate risks of violence that is too-often fatal,¹³ and a decade-long epidemic of deadly violence against Black transwomen has garnered some national attention,¹⁴ but these trends persist. In 2022, at least 38 transgender people were murdered with a majority being Black and Latinx transgender women¹⁵. LGBTQI+ people living with disabilities face rising violence. This bias, discrimination, and violence disproportionately impacts LGBTQI+ BIPOC living with disabilities, whose intersecting identities put them at the nexus of ableism, racism, and anti-LGBTQI+ bias.¹⁶

Gaps in Inclusive and Affirming Services for LGBTQI+ Survivors

Despite pervasive and deadly violence, survivors face additional barriers to services and a lack of understanding around LGBTQI+ relationships, identities, and IPV dynamics.¹⁷ Social stigma, bias, discrimination, lack of safety and support at home, work, or in school, and other risk factors can all elevate the risk of violence LGBTQI+ people face. Few LGBTQI+-specific programs exist, and survivors may assume services are unavailable to them, or feel alienated, or be forced to use mainstream language that prevents them from fully explaining their experience.¹⁸

Potential barriers to LGBTQI+ survivors accessing services may include, but are not limited to:

- Previous negative experiences with providers
- Fear of not being believed or shamed
- Being denied access to services based on gender identity or sexual orientation
- LGBTQI+-specific gender-based violence services may not be available in rural counties
- Systemic responses, often law enforcement, to violence against women of color and LGBTQI+ people of color are informed by racialized notions of gender that dictate who is perceived as a legitimate survivor of domestic violence and how a survivor is supposed to behave¹⁹
- Distrust in the criminal and civil legal system due to layers of victimization experienced²⁰
- Can lead to further isolation from their community or being ostracized
- Fear of revictimization.

¹² Shively, M., et. Al. [Op.Cit.](#); Campbell, B., et al. [Op.Cit.](#)

¹³ PBS News Hour: [2021 is now the deadliest year on record for transgender people](#)

¹⁴ Martinez, G. and Law, T. (2019) Two Recent Murders of Black Trans Women in Texas Reveal a Nationwide Crisis, Advocates Say, in TIME.

¹⁵ <https://www.hrc.org/resources/fatal-violence-against-the-transgender-and-gender-non-conforming-community-in-2022>

¹⁶ Movement Advancement Project (2021) [LGBT People with Disabilities](#).

¹⁷ NCAVP and NCVRC, Op. Cit.; Seelman, K.L., et. al., "Op.Cit.; VAWnet, "Responding to the Needs of Immigrant Survivors of Domestic Violence," ["Barriers to accessing services."](#) Waterman, C.K., Dawson, L.J. & Bologna, M.J., [Sexual Coercion in Gay Male and Lesbian Relationships: Predictors and Implications for Support Services](#), *The Journal of Sex Research*, Vol. 26, No. 1 (Feb. 1989), pp. 118-124; Seelman, K.L., et. al., "Transgender Non-inclusive Healthcare and Delaying Care Because of Fear: Connections to General Health and Mental Health Among Transgender Adults", in *Transgender Health*, V 2.1, 2017 DOI: 10.1089/trgh.2016.0024; VAWnet,

¹⁸ NCAVP and National Crime Victims Resource Center (2010) [Why it Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender Victims of Hate Violence and Intimate Partner Violence](#); McClennen, Joan C., [Domestic Violence Between Same-Gender Partners: Recent Findings and Future Research](#), *Journal of Interpersonal Violence*, 2005, Vol. 20; 149; and Waterman, C.K., Dawson, L.J. & Bologna, M.J., [Sexual Coercion in Gay Male and Lesbian Relationships: Predictors and Implications for Support Services](#), *The Journal of Sex Research*, Vol. 26, No. 1 (Feb., 1989), pp. 118-124

¹⁹ <https://incite-national.org/wp-content/uploads/2018/08/TOOLKIT-FINAL.pdf>

²⁰ <https://www.stalkingawareness.org/wp-content/uploads/2023/01/SPARC-Supporting-LGBTQ-Stalking-Victims.pdf>

Against the backdrop of these barriers, it is particularly important that victim services providers have the tools to help provide comprehensive and inclusive services. Yet, some challenges to do so remain. These include, but are not limited to:

- Utilizing an exclusively sex-segregated model of victims being female and perpetrators being male²¹ in programming and data collection
- Lack of ongoing training and technical assistance for staff at all levels (from frontline to administrative)
- Lack of provider partnerships with LGBTQI+ programs/groups in their serving community
- Lack of understanding of unique barriers LGBTQI+ survivors may encounter in seeking safety (engaging law enforcement, discrimination) which are further complicated by intersection of multiple identities (race, faith, immigration status, living with a disability, etc.)²²
- Lack of understanding of the survivors in their community, including a potential believe that they currently do not have LGBTQI+ survivors.

Further, these barriers have been hard to identify and measure, due to the historical failure to collect data on the LGBTQI+ community across systems (e.g. legal, shelter, public assistance, etc.).

Bridging Gaps in Services for LGBTQI+ Survivors

Creating explicitly LGBTQI+ inclusive and affirming gender-based violence programs and services is essential to mitigate the impact of these risk factors. It is vital to ensure that all survivors of gender-based violence across the spectrum of gender identity and sexual orientation, have access to inclusive and affirming safety, support, and services in New York State. Culturally specific services have been shown to improve outcomes and foster innovation,²³ increasing survivors' self-sufficiency, mental health, and wellbeing as they heal from trauma.²⁴ To truly serve LGBTQI+ survivors, gender-based violence services must not only be inclusive and affirming around gender identity and sexual orientation, but must also be anti-oppressive, addressing issues of language justice, disability justice, and racial justice.

As New York State launches and implements the LGBTQI+ Endorsement program, OPDV is committed to working with our partners to evaluate the impact of the Endorsement and revising them as needed. Additionally, OPDV is committed to continue work to ensure that gender-based violence survivors' access to services, inclusive and affirming across the full spectrum of gender identity, sexual orientation, and other identities.

²¹ <https://www.stalkingawareness.org/wp-content/uploads/2023/01/SPARC-Supporting-LGBTQ-Stalking-Victims.pdf>

²² <https://www.ccasa.org/wp-content/uploads/2015/06/Shades-of-Change-LGBT-Best-Practices-Guide.pdf>

²³ Curry-Stevens, A., Deloney, G., Morton, M. (2019) *Rethinking Services with Communities of Color: Why Culturally Specific Organizations Are the preferred Service Delivery Model*, in *Sociology Mind*, Vol.9 No.3, July 2019.

²⁴ <https://open.mitchehamline.edu/cgi/viewcontent.cgi?article=1010&context=lawraza>