



**New York City Anti-Violence Project**  
240 West 35th Street, Suite 200  
New York, New York 10001  
212.714.1184 voice | 212.714.2627 fax  
212.714.1141 24-hour hotline

**Testimony of Chai Jindasurat**

**New York City Gay and Lesbian Anti-Violence Project**

**Before the New York City Council**

**Committee on Women's Issues**

**Regarding Resolution 1064 Calling Upon the United States Congress to reauthorize the Violence Against Women Act (VAWA)**

**February 27, 2012**

Good afternoon. My name is Chai Jindasurat and I am the Coordinator of the National Coalition of Anti-Violence Programs (NCAVP) at the New York City Gay and Lesbian Anti-Violence Project (AVP). I am here to testify about Resolution 1064 and before I begin I would like to relay the regrets of AVP's Executive Director, Sharon Stapel, who has been out of the country and was unavailable to testify today.

AVP empowers lesbian, gay, bisexual, transgender, queer, and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy. We envision a world in which all lesbian, gay, bisexual, transgender, queer (LGBTQ), and HIV-affected people are safe, respected, and live free from violence. AVP coordinates NCAVP, a national coalition of local member programs and affiliate organizations that works to prevent, respond to, and end all forms of violence against and within lesbian, gay, bisexual, transgender, queer and HIV-affected (LGBTQH) communities.

AVP's Executive Director and NCAVP members have worked extensively on the Violence Against Women Act and specifically to make the re-authorization of VAWA LGBTQ-inclusive to protect all survivors of violence. Recognizing this need, Senators Leahy (D-Vermont) and Crapo (R-Idaho), introduced S. 1925, a bill to re-authorize VAWA that explicitly includes LGBTQ survivors and victims in VAWA protections. The New York City Gay and Lesbian Anti-Violence Project urges the New York City Council to pass a resolution that supports the LGBTQ-inclusive S. 1925 and acknowledges the specific need to have a federal VAWA that is inclusive of the specific needs of LGBTQ victims and survivors of domestic violence, dating violence, sexual assault and stalking.

**I. LGBTQ survivors of domestic violence, dating violence, sexual assault and stalking must be explicitly included in VAWA re-authorization.**

AVP's program, NCAVP, has been advocating with other national stakeholders for the past two years to ensure that the reauthorization of VAWA has explicit protections for LGBTQ survivors.

NCAVP was the first national LGBTQ organization to gain a seat with the National Task Force to End Domestic and Sexual Violence Against Women (NTF), and has been the leading voice of NTF's LGBTQ subcommittee.

LGBTQ survivors of domestic violence, dating violence, sexual assault and stalking must be included in VAWA in the following three provisions of the legislation: first, as explicitly included as "underserved populations" in VAWA's definitions; second, as explicitly included in non-discrimination provisions for VAWA-funded service providers; and third, included as a specific purpose area under VAWA STOP formula funding. Including LGBTQ victims and survivors in these specific protections is critical due to the prevalence of this violence and the lack of services available to LGBTQ survivors.

Domestic violence, dating violence, sexual assault and stalking, the "four crimes" addressed by VAWA, are serious public health problems that threatens the well-being of thousands of individuals and families across the United States every year. Generally, when we think about domestic violence we think about heterosexual relationships in which men are violent toward women. Less universally recognized is the occurrence of domestic violence in LGBTQ relationships. Research indicates that LGBTQ and non-LGBTQ individuals experience domestic violence at comparable rates, in 25-33% of all relationships<sup>i</sup>, and domestic violence, dating violence, sexual assault and stalking against LGBTQ people is severe and pervasive. LGBTQ women make up the majority of domestic violence-related murders in the LGBTQ community<sup>ii</sup> and account for nearly half of all reports of LGBTQ domestic violence.<sup>iii</sup> Since 1994, VAWA has provided billions of dollars of funding for life-saving services for domestic violence, dating violence, sexual violence, and stalking victims across the country. However, these services are not universally accessible for LGBTQ survivors.

## **II. LGBTQ Survivors are Under-Served in the United States**

NCAVP's membership works directly with LGBTQ survivors on a daily basis across the nation. NCAVP also compiles and documents this violence in an annually published report about intimate partner violence in LGBTQ communities in the United States.<sup>iv</sup> In 2010, NCAVP's national report found that 45% of LGBTQ survivors were turned away from domestic violence shelter and only 7% of all LGBTQ survivors called the police after an incident of domestic violence.<sup>v</sup> Additionally, nearly 55% of LGBTQ survivors seeking an order of protection in the United States were denied.<sup>vi</sup> In another 2010 study, 96% of victim services and law enforcement agencies in the United States said that they did not have specific services for LGBTQ victims.<sup>vii</sup>

LGBTQ people must be protected by non-discrimination provisions that prohibit service providers from discriminating against survivors and victims based on sexual orientation or gender identity. S. 1925 does this in the definition section of the legislation,<sup>viii</sup> and we at AVP believe that this is the most effective way to include LGBTQ people as underserved populations.

## **III. LGBTQ Survivors Face Bias and Discrimination When Seeking Support Throughout the United States**

A 2011 survey of NCAVP coalition members and affiliates found that nearly 85% of survey participants responded that they had worked with an LGBTQ client/survivor of domestic and intimate partner violence, dating violence, sexual assault or stalking who reported that they were turned away or denied services (such as shelter, crisis intervention, police or legal response) because of their sexual orientation and/or gender identity. Of those advocates who had worked

with survivors/clients who had been denied services because of their sexual orientation or gender identity:

- **100%** has worked with someone who had been denied shelter
- **91%** has worked with someone who had been denied direct services from a mainstream organization
- **64%** has worked with someone who had been denied services from law enforcement
- **54%** has worked with someone who had been denied services in the form of court response
- **9%** has worked with someone who had been denied services from crime victim compensation.

LGBTQ survivors – and all survivors - must be free from bias and discrimination when seeking support to end domestic violence, dating violence, sexual assault or stalking. S. 1925 does this by including sexual orientation and gender identity in non-discrimination protections in the definition section of the legislation<sup>ix</sup> and AVP and NCAVP believe this is the most effective way to protect LGBTQ survivors and victims from this bias.

#### **IV. LGBTQ Survivors Have Few LGBTQ-Specific Resources in the United States**

Only approximately 1.5% of the 2,500 victim services organizations in the United States are LGBTQ specific<sup>x</sup>. This means that most LGBTQ victims and survivors must seek services at mainstream organizations that may not have the cultural competency to address issues related to sexual orientation and gender identity. STOP funding, which provides funds for each state to address domestic violence, dating violence, sexual assault and stalking, should be explicitly LGBTQ-inclusive so that each state can develop LGBTQ-specific resources for LGBTQ victims and survivors in their state. Some states, such as New York, already provide this STOP pass-through funding; however, the vast majority of states do not. Explicit inclusion of LGBTQ-populations in STOP funding provisions in VAWA, such as that proposed in S. 1925<sup>xi</sup> would address this.

#### **V. The Real Life Impact of Domestic Violence, Dating Violence, Sexual Assault and Stalking on LGBTQ Victims and Survivors**

To give you an idea of what this looks like for LGBTQ survivors, I'd like to tell you the true story of Davis. Davis, a gay man, was in danger because his ex-boyfriend Jason, the abuser he had fled, had just found him. Davis had just received a death threat in the form of a note on his car from Jason. Davis had been with Jason for seven years. During that time his partner was always controlling, he monitored his phone calls, wanted to know where he was at all times and controlled all of their money. One day when Davis came home from work, Jason was already home with his friends. Jason and Davis got into a fight and Jason sexually assaulted Davis. A few days later Davis grabbed a few things, got in his car and just started driving. Davis stayed with a friend that Jason didn't know, and got a job. He was away from Jason for a month before he got the note on his car, which threatened Davis' life. Davis sought help with domestic violence shelters but was told "we don't shelter men." Davis faced a world in which services for LGBTQ people were scarce, few service providers understood his needs as a gay man, and where he had to cross the country to find an LGBTQ-specific service provider to help him. No victim or survivor of violence should have to face this world, especially not while they are also dealing with intimate partner or sexual violence.

Currently, S. 1925, which would reauthorize VAWA, has passed the Senate Judiciary Committee with protections for LGBTQ survivors intact, but continued explicit support for these provisions is necessary to ensure its continued success. I speak today not only on behalf of LGBTQ communities but also on behalf of all survivors in ensuring that everyone, regardless of their identity, has access to safety. The New York City Gay and Lesbian Anti-Violence Project believes that S. 1925, the real VAWA reauthorization legislation, does this and we urge the New York City Council to specifically and explicitly support this legislation.

I thank the City Council for the opportunity to speak with you today and offer this testimony. I also thank you for considering this resolution in support of the passage of the Violence Against Women Act, and I encourage New York City, with a strong history of LGBTQ leadership and the birthplace of the LGBTQ movement, to be a national leader by explicitly including LGBTQ survivors in this resolution. LGBTQ victims of domestic violence, dating violence, sexual assault and stalking can receive the recognition and help they need by being included in the protections of the Violence Against Women Act.

Thank you for your time and for your consideration of this important matter.

Chai Jindasurat  
National Coalition of Anti-Violence Programs Coordinator  
New York City Gay and Lesbian Anti-Violence Project  
212.714.1184 ext. 50  
[cjindasurat@avp.org](mailto:cjindasurat@avp.org)

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<sup>i</sup> Heintz, Adam J., Melendez, Rita M., *Intimate Partner Violence and HIV/STD Risk Among Lesbian, Gay, Bisexual, and Transgender Individuals*, *Journal of Interpersonal Violence*, Feb 2006, Vol. 21 Issue 2, p193-208.

<sup>ii</sup> National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. [http://www.avp.org/documents/IPVReportfull-web\\_000.pdf](http://www.avp.org/documents/IPVReportfull-web_000.pdf)

<sup>iii</sup> National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. [http://www.avp.org/documents/IPVReportfull-web\\_000.pdf](http://www.avp.org/documents/IPVReportfull-web_000.pdf)

<sup>iv</sup> National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. [http://www.avp.org/documents/IPVReportfull-web\\_000.pdf](http://www.avp.org/documents/IPVReportfull-web_000.pdf)

<sup>v</sup> National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. [http://www.avp.org/documents/IPVReportfull-web\\_000.pdf](http://www.avp.org/documents/IPVReportfull-web_000.pdf)

<sup>vi</sup> National Coalition of Anti-Violence Programs, 2011. *Intimate Partner Violence in LGBTQH Communities in 2010*. [http://www.avp.org/documents/IPVReportfull-web\\_000.pdf](http://www.avp.org/documents/IPVReportfull-web_000.pdf)

<sup>vii</sup> National Coalition of Anti-Violence Programs and National Center for Victims of Crime, 2010. *Why It Matters: Rethinking Victim Assistance for Lesbian, Gay, Bisexual, Transgender, and Queer Victims of Hate Violence & Intimate Partner Violence*, retrieved from: <http://www.avp.org/documents/WhyItMatters.pdf>.

<sup>viii</sup> **SEC. 3. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.** “(39) UNDERSERVED POPULATIONS.—The term ‘underserved populations’ means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.”

<sup>ix</sup> **SEC. 3. UNIVERSAL DEFINITIONS AND GRANT CONDITIONS.** “(13) CIVIL RIGHTS.—“(A) NONDISCRIMINATION.—No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United

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States Code), sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (title IX of Public Law 109–162; 119 Stat. 3080), the Violence Against Women Reauthorization Act of 2011, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women. “(B) EXCEPTION.—If sex segregation or sex-specific programming is necessary to the essential operation of a program, nothing in this paragraph shall prevent any such program or activity from consideration of an individual’s sex. In such circumstances, grantees may meet the requirements of this paragraph by providing comparable services to individuals who cannot be provided with the sex-segregated or sex-specific programming.”

<sup>x</sup> 38 programs (see. [www.ncavp.org](http://www.ncavp.org) for the list) out of 2,500 victim services programs nationwide.

<sup>xi</sup> **TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST VICTIMS, Sec. 101: STOP Grants** “(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code;”