



UPHOLD WASHINGTON STATE ANTI-DISCRIMINATION LAW

ISSUE:

In Washington State, transgender people have legally used restrooms consistent with their gender identity for the past ten years. WCSAP has supported this protection since its passage in 2006. HB 2589 and SB 6443 seek to eliminate this protection by falsely claiming it would increase public safety. This misinformed legislation fails to recognize that the existing law already ensures public safety because when people have access to a bathroom consistent with their gender identity, safety is increased for all. Loss of this legal protection would place transgender people at risk of sexual violence, physical violence, and harassment.

FACTS:

Transgender people experience sexual violence at much higher rates than cisgender persons.

Restricting access to public accommodations based on primary sexual characteristics would not prevent sexual assaults in Washington State. In the past ten years since this protection went into effect, the State has not seen an increase in assaults related to transgender people using bathrooms and locker rooms consistent with their gender identity. This is consistent among the seventeen states and 200 cities where similar anti-discrimination laws protect transgender individuals. Since the enactment of such laws, there has been no increase in bathroom sexual violence (Wasafealliance.org).

Repealing these protections would be detrimental, cause harm, and conflict with Title IX law which recognizes the need for this essential protection. Title IX mandates that schools who receive federal funds must provide transgender students access to bathrooms and locker rooms consistent with their gender identity. There has been no indication of increased reports of violence in school bathrooms or locker rooms from schools compliant with Title IX.

Transgender people experience sexual violence at much higher rates than cisgender people. 64% of transgender people are survivors of sexual assault (National Transgender Discrimination Survey). This rate of victimization is nearly double that of non-transgender people. Because this population is at high risk for being targets of abuse, forcing transgender people to use a restroom inconsistent with their gender presentation or identity can increase their risk of experiencing violence.

A look at housing research further informs known risk factors for transgender people and related safety needs. The Department of Housing and Urban Development released a national guidance document for homeless shelters outlining that transgender people should be housed in areas consistent with their gender identity. According to the National Transgender Discrimination Survey, 22% of transgender people who were forced to use shelters inconsistent with their gender identity were sexually assaulted, 25% were physically assaulted and 55% were harassed.

The current law creates the safest environment for all people of all ages.

Though proponents of these bills may believe that continuing to allow transgender people to use the public accommodations consistent with their gender identity will put women or children at risk for sexual violence, this belief is based in a misunderstanding of the dynamics of sexual assault. The vast majority of sexual assaults are perpetrated by someone known to the survivor. For children who have experienced sexual violence, 74% knew their perpetrator (ncjrs.gov). Statistical data for adult survivors of sexual assault also shows that the majority of survivors knew their perpetrators (cdc.org). This information in conjunction with Washington State's ten year history of successfully protecting the rights of transgender individuals with no increase in bathroom or locker room sexual assault provide strong reassurance that allowing transgender people equal rights to bathrooms is the safest decision for our state.

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SOLUTION:

To achieve the highest level of protections for sexual assault survivors and to increase public safety, restroom access rights of transgender individuals should mirror their rights in other areas such as housing, education and employment. The experiences of other states with protections like those Washington currently has, the data from other domains such as schools, and homeless shelters, and the experience of our membership base in Washington State, indicate that passing this bill will increase risk of violence and not prevent it.

- Maintain safety for all Washingtonians, oppose HB 2589 and SB 6443.

RESOURCES:

HUD Guidance Document:

<https://www.hudexchange.info/resources/documents/Notice-CPD-15-02-Appropriate-Placement-for-Transgender-Persons-in-Single-Sex-Emergency-Shelters-and-Other-Facilities.pdf>

The Transgender Discrimination Survey:

http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf

http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf

<https://www.ncjrs.gov/pdffiles1/nij/194972.pdf>
www.wasafealliance.org

Contact: Andrea Piper-Wentland 360 754-7583
policy@wcsap.org