



April 19, 2012

Issue Update:

LGBTQ Provisions of S. 1925

Myths v. Facts

VAWA is at the center of a national discussion and will soon move through Congress. In fact, S. 1925, the real VAWA has been filed as a "motion to proceed" in the Senate and is likely to be heard on the Senate floor within days or weeks. While every politician has expressed their support for VAWA, some have not committed to support **S. 1925, the real VAWA**, which has been introduced into the Senate with key provisions that will protect all victims. Some Senate Republicans will be offering their own version of VAWA when the Senate takes up the bill and it guts the bipartisan S. 1925. We have to save S. 1925's important provisions that provide better access to law enforcement for women in Indian country, better access for immigrant women who fear deportation if they report violence, and better access for LGBT victims who are finding doors to shelters and programs closed to them.

So our job, though it seems complicated, is really simple at the grassroots and community level. **Tell your Senators and Representatives: "We won't go back to the tragic days before VAWA passed in 1994. We won't abandon girls and women, boys and men, just because they have special needs and special circumstances that have not been addressed previously. There are no 'bad' victims of sexual assault and domestic violence, only humans who need and deserve our embrace and help. Pass S. 1925."**

You may have heard concerns raised about the VAWA provisions protecting lesbian, gay, bisexual, transgender and queer (LGBTQ) victims and survivors in your meetings and discussions with senators who haven't yet signed on in full support of S. 1925 and perhaps in the media. It is crucial that all advocates understand and fully support these critically important provisions in VAWA. For that reason, the National Coalition of Anti-Violence Programs, a member of the National Task Force, has compiled the following responses to misinformation being circulated about the LGBTQ provisions. **Please incorporate factual information about the LGBTQ provisions in your VAWA advocacy and use and distribute these facts to respond to any concerns raised.**

THE VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION ~ S.1925
THE TRUTH ABOUT LGBTQ PROVISION

Myth: Domestic violence, sexual violence, stalking and dating violence does not affect the LGBTQ community.

Fact: The LGBTQ community experiences these types of violence at the approximate same rate as non-LGBTQ victims – 25-33% of relationships – however, they often face unique barriers to receiving services.

- * LGBT victims are denied services. For example, 45 percent of LGBT victims were turned away when they sought help from a domestic violence shelter, according to a 2010 survey, and nearly 55 percent of those who sought protection orders were denied them.
- * Service providers lack cultural competency. A 2010 study found that many victim services providers lack services specific to the needs of LGBT victims and have not received training in how to assist with the unique needs of these victims. Specialized services are particularly important for this population because reporting rates and prosecution rates are very low.

Myth: Provisions addressing the LGBTQ community in VAWA are expanding services to a whole new population not previously covered and/or mandating LGBTQ specific programs in every state.

Fact: LGBTQ survivors of domestic violence, sexual violence, stalking and dating violence are already receiving services under VAWA. However, LGBTQ survivors face additional barriers when accessing services. The proposed changes help make clear to STOP state administrators and others the LGBTQ individual and programs can be served and funded under VAWA.

- * These provisions reflect a comprehensive needs assessment. Thousands of service providers, law enforcement, court personnel, victims and family of victims were consulted over a two year nationwide assessment of what is working and where improvements are needed in the response to domestic violence, dating violence, sexual assault and stalking. Those efforts consistently revealed the desperate need for more training and targeted services to effectively address the needs of LGBTQ victims.
- * There are no mandated LGBTQ programs. There is nothing in VAWA that mandates that a state fund an LGBTQ specific program. The modest changes to VAWA simply clarify that LGBTQ programs are eligible for funding.

Myth: Including non-discrimination provisions protecting the LGBTQ community will expose service providers to litigation hurting all survivors.

Fact: Enforcement authority for this provision lies with the Department of Justice. If DOJ finds that a service provider receiving federal funding is violating the non-discrimination provision, they must give the provider notice and a chance to stop discriminating. Otherwise the Department is able to stop the funds going to the service provider discriminating against victims.

- * No danger of litigation. There is no private right of action in the VAWA.
- * All victims deserve services. No program being funded by federal VAWA dollars should be allowed to turn away a domestic violence victim because of his or her sexual orientation or gender identity.

Thank you for all your great work!!

www.4vawa.org has nearly 25,000 visits! Check our website for fact sheets, press coverage, support letters and updates: www.4vawa.org.

Our Facebook page has more than 1,000 "likes"! Check out and "like" our Facebook page where you can find a toolkit and other action and information items: http://on.fb.me/NTF_Facebook_page.

Don't forget to tweet about VAWA using the hashtags #ReauthorizeVAWA and #VAWA.

If you aren't on one of the VAWA email lists or want to add members of your staff or state/community leaders to our grassroots alerts e-mailing list, send names and contact information including email to Sean Black, sblack@icasa.org.

Thank you,
NCADV and NTF