

Sylvia Rivera Law Project

NEWSLETTER

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mission

The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine our gender identity and expression, regardless of income, and without facing harassment, discrimination or violence.

FIERCE! and SRLP Team Up: Safe Hormone Access for Teens!

Who decides what drugs teens can access on their own? How old does a person have to be to be able to determine their own sexual health or gender identity? Why are many teens given access to hormone therapies for birth control purposes, but denied the right to use hormones to feminize or masculinize their bodies to better express their gender? Currently in NYC and most of the country, transgender teens are routinely denied access to hormones strictly based on age.



FIERCE! is an organizing project for Trans and Queer youth of color which through political education and anti-police brutality organizing specifically in the West Village of NYC, advocate for gender self-determination for all, regardless of age, gender identity, or financial resources. SRLP and FIERCE! are now collaborating on a project to increase health care access for trans youth and gender self-determination for all people.

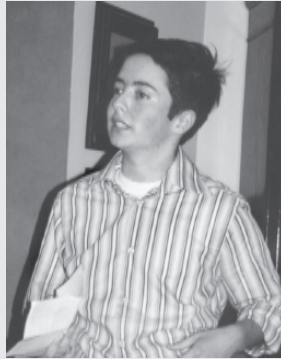
Denying teens safe, affordable hormone access is bad health care, and is causing a severe health crisis in our communities. Teens that can't access hormones in safe environments often turn to buying them on the street and self-administering them in dangerous conditions, without mental or physical health monitoring from experienced providers. It is important for hormone therapy to be monitored, as improper dosage of hormones can result in stroke and liver damage, and unsanitary intake conditions put transgender teens at the risk of contracting HIV and Hepatitis. When teens are turned away from their medical providers for hormone access, it is unlikely that they will return to medical establishments to seek health care for HIV testing, sexual health, or general medical concerns. Therefore, transgender youth may be at a greater risk for additional medical issues.

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from the founder

Welcome to SRLP's second newsletter! We have had a busy and eventful six months! On October 24, 2003 we won a major victory in the case of *Matter of Guido*. In this case (the fine work of Z Arkles, intern extraordinaire), we challenged a name change denial for a transgender woman who had been told that she could not change her name until she obtained genital surgery and divorced her wife. Because of SRLP's work, the decision was reversed, and the name change granted. When I was last in Civil Court, Judge Samuels informed me that this decision is now being used to train new judges. For years trans people have faced an unfair heightened evidentiary standard when trying to get our names changed in New York, having to go to great lengths to prove that we are not perpetrating fraud. We are excited that this decision will help educate judges to allow trans people equal access to name change in New York!



In other news, SRLP is in the final planning stages for our big move. This spring, we'll be moving into a new space and becoming a legally independent organization. The Urban Justice Center was a great place to cultivate our work, and now we are excited to be taking the next big step toward independence! As part of this, we're establishing a collective governance structure for SRLP that will maximize community involvement and create structures to develop and support new transgender leaders. We have received guidance from the Community Resource Exchange and from collective organizations across the country who have generously shared their advice and experiences

CHALLENGING POLICY: LEGAL UPDATES

In New York, and around the country, our rights to self-determine our genders and live free from violence and discrimination are still far from secure. SRLP is actively involved in the struggle for access health care, education, employment, and public accommodations.

Access to Medical Care: Medicaid Equality Initiative

In most states, Medicaid still does not cover any health care expenses related to gender transition. In New York, for over 5 years Medicaid has explicitly excluded trans-related ("sex assignment related") medical care from coverage. However, for years, because these hormones are often prescribed to non-transgender people for a variety of health concerns, many trans people have gotten hormone prescriptions covered through Medicaid under the radar. In fall of 2003, Medicaid updated their computer system and placed a block on coverage of injectable estrogens for people who were designated as "male" on their Medicaid records. Suddenly, people who had been receiving hormones through Medicaid for years were arriving at the pharmacy and being told they would not be covered. This is causing a health crisis in our community, with people losing access to vitally needed medication and facing serious physical and mental health consequences

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with us.

Many thanks to the volunteers, interns, and supporters who continue to fuel our work. It is a pleasure to be part of an organization that I hope will continue to be a valuable resource to our communities as we struggle for real justice!

In Solidarity,
Dean

JENNIFER RODRIGUEZ BATTLES OPPRESSIVE INSTITUTIONS

Jennifer Rodriguez is a 17-year-old transgender woman who, like many of our clients, has faced severe discrimination while in residential centers operated by social service providers.

Earlier this year Jennifer was diagnosed with Gender Identity Disorder (GID), a diagnosis which is a stepping-off point for transgender people who wish to physically transition. Jennifer was prescribed “feminizing hormones” by her doctor, who also filed an affidavit to support Jennifer’s access to hormone therapy. When Jennifer entered the Red Hook Residential Center in Red Hook, New York, which is operated by the Office of Children and Family Services (OCFS), she was immediately refused access to hormones. This denial heavily interfered with Jennifer’s transition, which she has been pursuing for the past five years. In an interview with Gay City News, Jennifer said, “I spoke with the medical director and he said I hadn’t received a sufficient amount of therapy...he said it was not in my best interest. The agency was just being ignorant.”

Jennifer is housed in the all-male part of the facility and forced to wear their uniforms. In this facility Jennifer is denied anything that is associated with the female gender, including make-up and press-on nails. Upon ceasing her hormone intake, Jennifer said, “I have seen changes in my sleep patterns, hot flashes, anxiety, the voice, everything...I have been getting pains in my chest area...it feels like they are trying to make me conform. It’s not me.” It is clear that the facility’s decision to deny Jennifer her hormone therapy has interfered with the process of her safe and healthy transition. SRLP believes that Jennifer, despite her age or in whose custody she resides, has the right to gender self-determination, and a voice in the path her own body takes. Jennifer’s rights to gender self-determination are being pursued through legal means as Jennifer is

now suing the OCFS for discrimination. In this case, Jennifer’s GID diagnosis will serve as one of the primary reasons that facilities, like the one in Red Hook, cannot deny her treatment.

SRLP director Dean Spade said of Jennifer’s case, “The main legal issue is that when the state has someone in custody they are obligated to provide medical treatment to that person... In this instance, they are refusing to provide Jennifer with medical treatment which has been prescribed by a



doctor.” What further problematizes the OCFS’s position is that they are allowing Jennifer to take a testosterone-blocking drug, which signifies their awareness of the medical treatment Jennifer both needs and deserves, while at the same time denying Jennifer the rest of her prescribed hormones. On August 11th, Jennifer was released from the facility but will remain in OCFS custody until she turns 18 next year. The discrimination Jennifer faced in the Red Hook Residential Center has far-reaching implications for her health and well being. Such discrimination happens repeatedly in institutional settings all over the country and calls for a serious reevaluation of the policies that allow it to continue so recklessly.

LEGAL UPDATES (CONTINUED FROM PAGE 2)

Community members and advocates have been scrambling to assist people who have lost their medications, and are also fearing further “improvements” in the Medicaid computer system which could block coverage for oral estrogens and injectable testosterone for trans people.

As part of SRLP’s Medicaid Equality Initiative, SRLP is currently developing a law suit to challenge New York’s exclusion of Medicaid coverage for all care related to “sex reassignment” and working to secure safe and accessible care for our communities. We are also assisting those who have been cut off in navigating the complex Medicaid bureaucracy to get benefits restored where possible. We are hopeful that our strategies in New York can be replicated around the country to create a fairer Medicaid system that provides health insurance to all eligible people, regardless of gender identity or diagnosis.

Access to Education

In NYC, as elsewhere, trans youth face severe harassment, discrimination and violence in schools. SRLP clients report being denied access to a gender appropriate bathroom or locker room, being targeted for punishment by teachers and administrators, and being ignored with regard to complaints about student harassment. Most concerning though, is that several clients have reported being expelled from school or suspended based on gender identity or expression, or rejected by a school they were trying to transfer to. SRLP is developing a class action lawsuit with the Center for Constitutional Rights on behalf of trans students in the New York City Public School System, which seeks to secure their right to an education in a respectful and safe environment.

Making Anti-Discrimination Laws Work

In the Spring of 2002, trans communities achieved an amazing victory with the passage of Local Law 3 which made discrimination on the basis of gender

identity explicitly illegal in New York City. Shortly thereafter, a committee was appointed to draft compliance guidelines, which would spell out for businesses, schools, hospitals, employers, and everyone exactly what that law, means and what it means to discriminate on the basis of gender identity. That committee comprised of community activists (including SRLP’s founder Dean Spade) and Commission on Human Rights (CHR) staff finished its draft of the guidelines in March of 2003. The guidelines define relevant terms, such as “gender identity,” and make clear what kinds of actions are discriminatory. These guidelines are essential for hashing out the details of what the law requires, and informing potential discriminators of what their duties are under the law. After the guidelines had been completed, the drafting committee was informed by CHR that the Commissioner, Patricia Gatling, was not comfortable with the idea of explicitly including protection from harassment for trans people in bathrooms and locker rooms. Since that time (10 months ago) the guidelines have been stalled and the Commissioner has refused to meet with committee members. Further, as SRLP has referred clients to the Commission to report discrimination, we have seen trans people mistreated at the Commission by staff members who clearly have received no sensitivity training. SRLP has loudly and consistently complained to the Commission regarding these issues, and is currently planning a campaign, with other activists and organizers in NYC, that will demand accountability from CHR and enforcement of a law trans folks and our allies have fought hard for. Please stay tuned for information on how to get involved in making the promise of this important law a reality for all people who experience gender identity discrimination.



FIERCE! AND SRLP (CONTINUED FROM PAGE 1)

Another serious danger that arises from the inaccessibility of safe, medically supervised hormone therapy is that transgender youth may become entangled in criminalized activity to pay for the hormones they purchase on the street. This involvement puts teens at increased vulnerability to health risks such as sexually transmitted diseases and police violence. It also leads to the overrepresentation of trans youth in juvenile justice facilities, where they face severe discrimination and abuse. Over 80% of SRLP's clients under 18 who are currently taking hormone therapy report turning to criminalized work (usually sex work) in order to pay for their treatments. Many of these young people face arrest, police violence and incarceration due to their involvement in criminalized work.



Medical providers must recognize that the harms of denying transgender youth access to hormone therapy are multifaceted. When teens are denied recognition of their gender identities by health care providers, and the ability to manifest their gender externally, they face severe physical and mental health consequences. The results of puberty without hormones are irreversible. The Harry Benjamin International Gender Dysphoria Association (HBIGDA), a professional organization for the treatment of gender identity disorders describes the advantages of teen access to hormones. HBIGDA explains that puberty-delaying hormones allow transgender youth some more time to further explore gender identity and developmental issues in therapy.

When administered in a supportive environment in combination with a wholistic approach to the person's entire health, hormone therapy is effective and healthy. Denying transgender youth medical care, and forcing them to access it illegally on the street, is simply bad medicine. Denial of hormones will not stop youth from being transgender, from seeking to express their gender or modify their appearances, it will only put them at further risk of infection and incarceration.

SRLP and FIERCE! want to eliminate arbitrary age-based policies in medical establishments. We want to have our gender identities respected by medical providers. We're currently developing a campaign to educate medical providers and our community about why denying people access to hormones on the basis of age is dangerous for our youth. This work goes hand-in-hand with individual advocacy that SRLP is doing on behalf of trans youth in juvenile justice and foster care to get access to gender-related medical care that they are routinely denied, and the work that FIERCE's has been doing to stop police harassment of queer and trans youth that has spiked since Mayor Giuliani's "Quality of Life" campaign began in the late 1990's. SRLP and FIERCE! see denial of medical care, police harassment and lack of housing, educational and employment opportunities driving more and more of our youth into the juvenile justice system. It's time to start allocating resources toward supporting young people, and away from imprisoning them.

FIERCE! and SRLP want more medical establishments to create safe and affordable programs for transgender teens to access gender-related care, including hormone therapy. This medical attention is integral for the future well being of transgender youth. Furthermore, transgender youth have the right to make decisions about our bodies.

WHAT KEEPS US AFLOAT?

...YOUR SUPPORT!

In November, SRLP held a successful fundraising house party at the home of Tey Meadow and Ella Brians. Thank you to our fabulous and first ever host committee of Paisley Currah, Cynthia Kern, Samuel Lurie, Tey Meadow, Thomas Shanahan and Dana Turner for

creating such a beautiful and well-attended event. If you would like to serve on an SRLP host



committee for a future house party or have a space to donate for a benefit event, we would love to work with you. Please call Sonja at (646) 602-5639, e-mail sonja@srlp.org or send mail to Sylvia Rivera Law Project 666 Broadway, 5th floor New York, NY 10012.



Clockwise from Left: SRLP's August 20th event, "Opening Gender," draws wide community support; Participants share conversation and create networks; Filmmaker, Tara Mateik discusses Toilet Training.



A huge thank you to all who have sent in financial support since August:

Kim Anderson, Penelope Andrews, Edward Augustine, Alice Avigal, Richard Blum, Allyn Bowers, Ginger Brooks, Lia Brooks, Carol Buell, Donna Cartwright, Jack Cassidy, Catherine Chanse and Lisa Kwock, David Cohen, Elizabeth Cooper, Sadie Crabtree, Paisley Currah, Courtney Dailey, Brooke Davis, Carrie Davis, Gina de Vries, Jean Del Colliano, Carolyn Dinshaw and Marget Long, Irina Dragulev, Sarah Finken, Mark Glickman, Albert Goldschmidt, Nick Gorton, Asha Greer, Lisa Henderson, Sarah Jaffe, Charles King, Cid Isbell, Cynthia Kern, David Kirsch, Marilyn Kleinberg Neimark and Alisa Solomon, R. Kunzel, Eric Leach, Janey Lee, Amy Linton, Judith Lorber, Seth Lorinczi, Samuel Lurie, Jennifer McGouran, Josh MacPhee, Tey Meadow and family, Linda Dagher Meadow, Patricia Melzer, Michelle Miles, Katrina Mogielnicki and Rania Sutton Elber, Julia Parshall, Dawn and Janice Payne, Kit Rachlin, David Rafsky and Rhonda Mason, Linda Rahm and Barbara Cruikshank, Erin Raskin, Elizabeth and Karolyn Reddy, Susan Richards, Vikram Sadhu, Heidi Schmid, Deb Schwartz, Tom Shanahan, David Serlin, Sarah Siegel, Ahouva Steinhaus, Leah Strock, Carolyn Thompson, Dylan Vade, Urvashi Vaid, Chris Vargo, Sel Wahng, Mike Waldman, Jaelyn Ward, Riki Wilchins, Abby Weintraub, Jill and Wayne Wenstrom, Kristin Wenstrom, Reid Williams, Alison Yager and Andrew Elmore, Robin Young and Sandy Russo. And a special thank you to Leslie DeLoach who created our new client database!

TOILET TRAINING

a film by tara mateik
and the sylvia rivera law project

August 20th marked the premiere of Toilet Training, SRLP's first educational video documenting the experiences of trans people across the country attempting to use public bathrooms and making the case for all-gender facilities. The event was sponsored by the Open Society Institute and featured trans performers, activists' testimonies and the video screening. A huge outpouring of community support created a wonderful evening and a full to the brim venue. Since August, Toilet Training has been shown across the country at schools, community centers, trainings, and activist spaces in cities such as Philadelphia, San Francisco, Boulder, Brooklyn and Manhattan. **To order a copy of Toilet Training** for yourself, an organization or institution, please contact Sonja at (646) 602-5639 or e-mail sonja@srlp.org.

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SUPPORT SRLP

In order to fully participate politically and make our voices heard, transgender and gender variant people need access to housing, employment, education, and health care, and to sensitive and respectful service provision. We believe that ending gender identity discrimination will enrich the ability of all people to live with dignity and self-determination.

Yes! I would like to support SRLP with a tax-deductible donation of: ___ \$200 ___ \$100 ___ \$50 ___ \$25 ___ \$15 ___ other

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