

# Sylvia Rivera Law Project

NEWSLETTER

Vol. 3 / No. 1 ... February 2005

## *New Guidelines to Enforce NYC Anti-Discrimination Law*

**SRLP is excited to announce that after a 22 month struggle, New York City has finally released Compliance Guidelines for the Gender Identity Anti-Discrimination Law.**

The NYC Human Rights Law was amended to prohibit discrimination on the basis of Gender Identity in April 2002 after years of effort by trans activists. "Int. 3," as the legislation was called, expanded the definition of "gender" to include "actual or perceived sex; gender identity; self-image; appearance; and behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to an individual at birth." This important change made it clear that housing providers, landlords, hospitals, stores, employers, and others can not discriminate against transgender, intersex, or gender non-conforming New Yorkers.

However, changing what the law says is not enough to eliminate the pervasive discrimination that our community faces every day. Local leaders understood that without some clear guidelines explaining what this law means to potential discriminators, many people would not understand the significance of a ban on gender identity discrimination.

The Commission on Human Rights (CHR), the city agency charged with enforcing the Human Rights Law, had come out against the passage of Int. 3, but after its passage created a working group on Compliance Guidelines that included CHR staff as well as several LGBT leaders. Dean Spade represented SRLP in that working group, and SRLP board member Carrie Davis represented the LGBT



*continued on page 3*

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### mission

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



## from the staff

Welcome to the Sylvia Rivera Law Project's fourth newsletter! We are excited to be sharing all of our recent accomplishments and new work. SRLP has just



returned from our second collective retreat this January and are amazed at the rate in which our collective is growing. At the retreat all of the teams reported on the remarkable work they are doing and the collective as a whole approved each teams'

work plans for the next year. In the last six months, we have also approved the by-laws of our board and are very excited to welcome our three newest board members Margarita Guzman, Andrea Dealmagro, and Dueker. All three bring a great wealth of knowledge, skills, and enthusiasm to SRLP.

Our recent work has been extremely significant as you will read inside this issue. We are currently working with the National Gay and Lesbian Task Force on a collaborative publication focusing on how trans activists across the country can engage in activism focused on Medicaid policies that discriminate against trans people. This work is very important as we are getting close to filing a lawsuit with New York Legal Assistance Group and the law firm Skadden, Arps, Slate, Meagher and Flom LLP, focused on New York State's Medicaid discrimination and denial of transgender medical care. We are very eager to see this work replicated in other states and to serve as a model for that work. With the success of this lawsuit in conjunction with our public education strategies, trans communities will have increased access to respectful and affirming health care.

SRLP has also engaged in important public education and trainings for service providers, schools, and community organizations over the last six months. We have just completed our third training in a series at Covenant House, an organization in New York City that provides shelter to homeless youth. We have an

## SRLP Teams Up with the New York City Radical Teachers to Address Gender Diversity in Schools

On February 5, SRLP teamed up with the New York City Radical Teachers for a second successful event focusing on gender diversity in schools. The first event occurred September 18, 2004, at SRLP's offices. Teachers, parents, and activists attended. The beginning of the session focused on brief training about gender identity and expression, conducted by SRLP staff, defining basic terms related to gender, sexuality, and identity and establishing shared analysis about the enforcement of gender norms in culture. Next, the group broke out to discuss manifestations of gender coercion and enforcement of gender norms in schools and classrooms, and what teachers can do to intervene. Finally, the group shared resources for teaching and thinking about these issues.

The event was such a success that the Radical Teachers coordinated a follow-up where over 60 people came together at Columbia Teacher's College for a workshop facilitated by the Radical Teachers and SRLP. Both events produced wonderful resource lists and collaborative brainstorming. Notes from the first event are already available on the SRLP website in the Issues section under Education. Notes from the second event will be posted soon.

upcoming training for the New York City Department of Transportation. These trainings work to ensure safe and respectful services, living situations, and work environments for trans, intersex, and gender non-conforming communities.

It has been a great six months at SRLP because community support has been phenomenal. Check out our new website, [www.srlp.org](http://www.srlp.org) (thanks to our Public Education Team), to find more information about our other recent work!

In Solidarity,  
Z Arkles     Ryder Diaz     Rickke Mananzala  
Sonja Sivesind     Dean Spade

# NEW YORK CITY GUIDELINES RELEASED

*Continued from Page 1*

Community Services Center. The group looked to San Francisco, which had recently updated its Compliance Guidelines, for inspiration in drafting. After several months, in March 2003, the group completed an initial draft.

Unfortunately, the process was seriously stalled there. The working group had grappled with the best way to address the most sensitive issue in the guidelines: gender identity discrimination in sex-segregated facilities. Knowing that NYC's shelters, jails, and most drug treatment facilities, in addition to hospitals and schools, still frequently force trans people to use facilities that do not comport with our gender identities, the group needed to address this rampant and dangerous form of discrimination. The working group wrote into the draft a clear statement that the new law prohibited this kind of



discrimination. After the draft was completed, the group was told that the Commissioner of Human Rights was concerned about this approach, and despite the repeated requests of working group members, the CHR refused to meet with the working group or release guidelines for the next 22 months.

In May 2004, the Equal Employment Practices Commission (EEOC) lit a fire under the CHR by holding a hearing on the issue at which Dean Spade and others testified about not only the vital need for the guidelines to prevent and address rampant discrimination in the City, but also the continued difficulty that trans

complainants have faced at the CHR<sup>1</sup>. Advocates increasingly doubted the CHR's dedication to fulfilling its duty to enforce the City law when it comes to gender identity discrimination. Shortly after the hearing, advocates learned that a new version of the Guidelines was being circulated among City agencies, including those who would be most strongly affected by the issue regarding sex-segregated facilities, such as the Department of Homeless Services which still subjects trans homeless people to a high risk of violent attack by forcing them into gender inappropriate shelters.

The working group was finally reconvened in November of 2005 to discuss the new draft and negotiate changes. In December, almost three years after the passage of the law, the Guidelines were finally released.

No doubt because of the hard work of trans activists and our allies, the new guidelines address the issue of sex-segregated facilities in a way that warns

discriminators that prohibiting trans people from using facilities that comport with our gender identity is a factor suggesting discrimination. SRLP's legal advocates are delighted to have this new tool in our hands when advocating significant majority of our clients who have been discriminated against in shelters, group homes, foster care, drug treatment, hospitals and other facilities that refuse to recognize their gender identity. Making the meaning of this law explicit helps us to push discriminators to change their ways so that our community can access the health care, housing, and employment we need to survive. If you'd like a copy of the new guidelines, visit SRLP's website.

<sup>1</sup> For a transcript of the hearing, or to read news articles about it, visit SRLP's website.

# COMMUNITY ACTION ALERT

## STOP THE DEPORTATION OF JIFFY JAVANELLA!

Donita Ganzon was granted citizenship in 1987, six years after her sex reassignment surgery. In 2001, Jiffy Javanella entered the country as a legal resident as Ganzon's fiancé and applied for permanent residency after marrying later that year. Soon after, Javanella received his green card and work permit. These documents were ultimately taken away by the Department of Homeland Security after they found that Ganzon had undergone sex reassignment surgery.

The case of Ganzon and Javanella is a clear demonstration of discriminatory practice by the Department of Homeland Security (DHS). DHS is wrongfully and purposefully discriminating against Donita Ganzon and Jiffy Javanella in order to stop the couple from being legally recognized by the state and federal government. This case demonstrates the continued attack on communities of color and Filipinos in the United States. EMPAQ (Embracing the Movement of Pinays And Queers) will continue to stand by the couple to fight for their right to stay together and stop DHS from continuing discriminatory actions against people of color, immigrants and all queer and trans people. EMPAQ calls for all sectors in our communities to support all Filipino families facing deportation, stop the racist and heterosexist Department of Homeland Security from disrupting the lives of innocent people and secure our civil liberties.

You can support Jiffy Javanella's fight to obtain his green card once again and petitioning of the discriminatory practices of the Department of Homeland Security. We urge you to support the case of Javanella and Ganzon by influencing our government officials to change the law and implement a new law to protect the rights of queer and trans communities and to stop the scapegoating of immigrant communities! To make a financial contribution to this campaign, support the work



Our documentary video *Toilet Training*, has garnered a great deal of national and even international success since its debut in 2003. *Toilet Training*, made by transgender filmmaker Tara Mateik in collaboration with SRLP, addresses the persistent discrimination, harassment, and violence that people who transgress gender norms face in gender segregated bathrooms. Over one hundred orders for *Toilet Training* have been sent to community organizations, academic libraries, student groups, and service providers across the country. It has been screened at colleges and universities nationally and as being used as a training tool by service providers in places including New York, Connecticut, Missouri, Maine, and Minnesota.

It is also being shown at New York City high schools through the Human Rights Watch International Film Festival High School Program. In addition, *Toilet Training* continues to be screened at conferences and community events, including Queeruption in Amsterdam, Queer Matters Conference in London, Trans Health Conference in Philadelphia, Trans/Giving in Los Angeles, and at Food for Thought in Amherst, Massachusetts.

The video has been accepted into numerous national and international film festivals including the Reel Pride Michigan Film Fest, and Three Rivers Film Festival in Pittsburgh. You can catch this *Toilet Training* this February at the upcoming Mardi Gras Film Fest in Australia and in March and April at the London Lesbian and Gay Film Festival in the UK. For more information about *Toilet Training* please contact Ryder Diaz at ryder@srlp.org.

by distributing petitions and endorsement letter, or to find out more please contact:

FOCUS (Filipino Community Support)  
525 W. Alma Ave.  
San Jose, CA 95125

## SPOTLIGHT ON SRLP'S PUBLIC EDUCATION TEAM

### What is the mission of the public education team?

The public education team has a few different areas of work. We create materials that represent SRLP and help people in learning about and obtaining SRLP's services. We also put together and provide materials that help educate people about the rights of trans, intersex, & gender non-conforming people. It's our hope that through education and sharing of information, we can help foster leadership, activism, and self-determination in our communities, amongst our allies, and the public at large.

### Why is this work important?

We can extend the reach of our collective's ideas—both in getting the word out about what SRLP is and does, and in spreading our principles and the ideals of our struggle for freedom from gender coercion. Media work can be invaluable in sharing resources and disseminating ideas around the country or the world, such as via the internet; to all sorts of different audiences or via broadcast media like our video, *Toilet Training*. Our written materials, especially those related to specific issues and those used in trainings, also provide a great arena for us to analyze how various struggles we engage in are interconnected, and why it's vital that we connect our resistance to interlocking systems of oppression: gender coercion, racism, classism, imperialism—of course, the list goes on.

### What activities has the Public Education Team recently been involved in?

Last October, we launched a new website with a sharp new design, a more comprehensive and friendly site structure, and lots of potential for growing with the organization. Newly translated Spanish-language materials—such as instructions on how to legally change one's name in New York City, and how to obtain legal services from SRLP—are available on the website, as are back issues of the newsletter, information about SRLP's collective structure, and the organization's mission and goals. We're also currently working on transferring the video *Toilet Training* to DVD; building a searchable, online resource for trans safe referrals to

direct services throughout New York City; and supporting the Library Committee in getting their catalog and information about the Terence Trans Library online. Moreover, we do work related to speakers and trainings; two projects we're working on now are writing and editing a "training curriculum" which can be used both by SRLP folks and others in the community, and putting together a "points for speakers" document that collective members and folks representing SRLP can use when speaking about our organization and the work we do.

### What issues or problems has the Public Education team had to face?

The Public Education team only has one member who's able to work full-time on SRLP. The rest of us have day jobs, and there's always a lot of work to do. Our ability to do some areas of work, especially related to working with the press to get more attention for SRLP's work, has been pretty limited by the scarcity of our time. Recently we've been talking about ways to help the team focus more on the process of work rather than on frantically trying to get everything done—we're hoping that taking a little more time to do things right will make the team a more welcoming place for new members, as well.

### What do you find rewarding about this work?

"I really enjoy being able to support the awesome work of other collective members, particularly the direct services team and staff, with resources and material that represent the work they're doing, and help members of our community access our services," says Jamie Stafford-Hill. "It's been really rewarding to help manage the image of the organization, be able to design and produce things like business cards, brochures, and the website, which enhance our external image, and support the work of our fundraising team by solidifying SRLP's growing reputation as a valuable and legitimate organization." "I really do have this idealistic hope that education can change the world, even in small and slight ways," says Naomi Clark. "I'm excited to be helping get our training curriculum out into the world, and excited to help disseminate information that helps people think about gender and the struggle for gender self-determination in new ways."

## WHAT KEEPS US AFLOAT? ...YOUR SUPPORT!

*The Sylvia Rivera Law Project continues to grow in response to the great need facing our community. To finance our efforts, we rely on grassroots support from our community. While much of our funding comes from foundations, a large percentage comes from individual donors and is an essential component of our existence. Our successful fundraising events and activities are made possible by volunteer energy and community support.*

### Fall Direct Mail Appeal

Last November, SRLP sent out our fall appeal letter, asking our community for financial support and sharing how SRLP is tackling the exclusion of transgender health care from Medicaid coverage. We asked for your assistance in supporting this important advocacy on behalf of individual Medicaid eligible clients who are being denied coverage of medically necessary transgender health care. You, our community responded generously, and to date we have raised \$3451 from that appeal. Thanks to all of you who turned out to fold and seal the mailing and to those of you who gave.

### Collective Retreat



The SRLP collective went on our second organizational retreat this January. In the Taconic-Berkshire Mountains of Upstate New York collective members spent a weekend welcoming our new collective members, reviewing and celebrating

the work we have done so far and planning our program work for the next year. It was a great chance for all collective members to build with each other.

### Academic House Party

On a snowy evening on January 19<sup>th</sup>, SRLP held an incredibly successful fundraising wine and cheese reception for people in the academic world. That evening people crowded into the home



of Martin Duberman and Eli Zal and raised a grand amount of \$4,000 to support the work of SRLP. A huge thank you to Martin Duberman and Eli Zal for being so generous with their beautiful home and for their continued support.



Thank you to the rest of the host committee Paisley Currah, Megan Davidson, Michael Hames-Garcia, Lisa Henderson, Amber Hollibaugh, Maria Lugones, Soniya Munshi, Gary Okihiro, Frank Roberts, Schere,



Svati Shah, Amanda Swarr, Kendall Thomas, Emily Thuma, Sel Wahng, Jill Weiss, and Craig Willse who worked so hard to make this event a success.

### *SRLP Wish List*

photocopier  
scanner  
a laminator  
table (approx. 44in. deep, 106in. long, 30in. high)

Newsletter editors, contributors and producers:

Naomi Clark  
Ryder Diaz  
Kat Lewis  
Ellen Schubert  
Sonja Sivesind  
Dean Spade  
Jamie Stafford-Hill

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

Anonymous, Jack Aponte, Jess Auerbach, Tomasz Basiuk, Julie Batz, Leslie Batz, Catherine Bell, Allison Bellink, Dana Beyer, M.D., Madeleine Joan Blaustein, Jean Bleich, Richard Blum, Kaelin Bowers, Joanne Bowman and John Bowman, Ian Brannigan, Jess Braverman, Sheery Breyette and Dahlia Kaufman, Ginger Brooks, Diane Bruessow, Sam Bullington, Jack Cassidy, Debra Dodge and Mikki Chapman, Miabi Chatterji, Max Choi, Lisa Cohen and Vanessa Haney, Erin Collins, Stosh Cotler, Eden Coughlin, Cindi Creager, Kimberly Cunningham, Ryan Dahlstrom, Courtney Dailey, Jerry Dasti, Megan Davidson, Carrie Davis, Jean Del Colliano, Justin Denton, Jigna Desai, Diane R Dolan-Soto and Laura Cruz, Ivan Dominguez, Emily Drabinski, Tex Drew, Martin Duberman, Dulani, Ali Dumeer, Alison Duncan, Phil Duran, Noura Erakat, Lia Fiol-Matta, Sarah Flynn, Sylvia Freed, Lori B. Girshick, Mo Gittemeier, David Gleason, Daniel Gonsalves and Nick Gorton, Asha Greer, Katy Griffin, Vaughn Griffith, Gael Guevara, Eva Hageman, Christina Hanhardt, Lisa Henderson, Darby Hickey, Stephanie Hsu, Yvonne Hung, Sara Jaffe, Sara Johnson, Sara Johnston and Danica Bornstein, D.A. Jones, Erica Kagan, Micki Kaufman, Melanie Kaye Kantrowitz and Leslie Cagan, Anne Keenan, Elizabeth Koke, Marc Krupanski and Claire Hobden, Surabhi Kukke, Alex Lee, Rosa Lee, Colby Lenz, Rebecca Levi, Donna Levinsohn, Nathan Levitt, Emily Lindell, Seth Lorinczi, Susan Lowenstein, Russell Ludeke and Margaret Getman, Tomaso Manca, Gal Mayer, Kate McCullough, C.K. McGowan, Kelly McGowan, Rachel McLean, Danni Michaeli, Tara Montgomery, Rusty Mae Moore, Jacob Mueller, Ananya Mukherjee, Lluvia Mulvaney-Stanak, Soniya Munshi, Michael Murray, Eleanor C. Nealy, Ross Neely, Vickie Neilson, Felise Nguyen, Michelle O'Brien, Jesse Pearlman Karlsberg, Ann Pellegrini, Shannon Perez-Darby, Jessica Pettitt, Joseph Phelan, Susan Pietrzyk, Richard Pleak, Aram Kurkjian Polster, Charles Post and Barbara Zeluck, Max Probst, Ryan Pryor, Kit Rachlin, Claudia Rector, Lucas Redfield, Heidi Reijm, K.R. Roberto, Franklin Romeo, Gabriel Rosenberg, Kathryn Ross, Debra Roth, Sandy Russo, Jenny Ryan and Nicole Kubista, Jeremy Rye, Pella Schafer, Naomi Scheman, Schere, Jennifer Schere, Josina Shields-Stromsness, Killer Sideburns, Vikram Sidhu, Ben Singer, Jhos Singer, Sonja Sivesind, Maxx Sizeler, Riley Snorton, Sharon Stapel, Ahouva Steinhaus, Jonathan Stribling-Uss, Laura Strimpel, Sean Sullivan, Rania and Katrina Spade, Emily Thuma, Susan V. Tipograph, Sarah Tombolesi, Peter Travitsky, Donna Troka and Jes Hand, Corwin Troost, Emily Utz, Urvashi Vaid, Rita Verga, Elizabeth Vituli, Mar Waterbury, Mike Walters, Mary Wehling, Dava Weinstein, Erica Weinstein, Anne Weiss, Jill Weiss, Ben Weston, Craig Willse, KayCee Wimbish, Rachel Wofsy, Alison Wylie, Hirokazu Yoshikawa, Judy Yu.

**and the following foundations North Star Fund, New Voices, Equal Justice Works, Kicking Assets, Peace Development Fund, Paul Rapoport, Open Society Institute, Tides, United Universalist Fund for a Just Society, Child Welfare Fund, Out Fund, Regional Resource Network, Third Wave, and Rainbow Endowment.**

Special gifts:  
in memory of Debra Zwirn  
in honor of Michael Waldman  
in the name of Naomi Clark